

**THE FORGOTTEN POOR: PROBLEMATIZING POLICIES OF CHILDREN'S  
WORK AND SCHOOLING IN KENYA**

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In this study, I problematize child labor policies in Kenya through narratives of children's work and schooling. I draw from the problematics implications for educational policy and practice. In December 2002, a new government was elected in Kenya. The National Rainbow Coalition Party (NARC) promised Free Primary Education to all Kenyan children if it were elected. It fulfilled its promise and FPE came into force in January 2003.

I carried out this study after the introduction of Free Primary Education in Kenya (2005) among working children in coffee farms in Nyeri, Kenya. I looked at child labor through the lens of Free Primary Education during a time when children are generally considered to have the ability to go to school. The Children's Bill of 2002, aligned with the Convention on the Rights of the Child, prohibits the exploitation of children, including children being involved in work that will prevent them from schooling or be detrimental to their health. In this study, I look at the impact of policies on the lives of working children in Kenya.

In the narratives of children's work and schooling, it is evident that there are tensions among different groups of people in the way they view child labor and schooling, and in the way they perceive children being served by the policy of Free Primary Education and/or the concerns of the Children's Bill. It is the interplay

between policies and the reality expressed in narratives of children's work and schooling that give rise to the problematics.

I take the child labor phenomenon as a challenge that invites the people involved (policy makers, teachers, and education officers) to look at the situations and work towards transforming them. Through giving the context of child labor internationally and nationally and presenting details of the experiences surrounding it, I show the disconnect that exists between child labor policies and the reality of working children in Kenya and other third world countries. I hope that readers will envision multiple perspectives to deal with the complexities of child labor, which will in turn lead them to new paths of action.

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## **DEDICATION**

Mama, this is for you. For all the struggles and hardships you went through, that education may not be to me an illusion but a reality. Thank you Mama.

### **For Mama**

From somewhere in the yonder land  
You read this even though you are not here  
You feel this even though you don't touch it  
You see this even though you are not looking  
You rejoice for this even though you do not laugh out loud  
With the audible ringing sounds of yesteryears  
You look back at the years of toil and moil  
You smile for dreams come true

I know you do

I know

Mama

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## **1.0 SETTING THE STUDY CONTEXT**

### **1.1 PROLOGUE: SITUATING MYSELF IN THE STUDY**

In the little rural town in Kenya where I grew up, I worked on the farm, at home, and at the nearby open air market vending produce and nuts. I sometimes worked alone; sometimes I worked with my mother. I grew up knowing that this was part of helping out in the family, and that if I did not do it, my siblings and I ran the risk of sleeping hungry. I knew it was my obligation to perform the duties assigned to me, and there was no argument as to whether I could manage a certain task or not. Many other children were doing the same, and I did not perceive myself as the “odd one out.” With boldness, I approached adults and other children to buy my goods, and I entered buses on transit to sell eggs to travelers.

I believed in the power of my hard work to take me through school. With whatever income I helped generate, my mother could send me to school every year. With every hour I spent in the rented gardens tilling the land, we could get food to eat, which could in turn save the money that would have gone into purchasing it. Every year, the dream was turning to reality as I went from one step of schooling to another. My

mother's hope was that one day I would be the one to "educate"<sup>1</sup> the rest of her children after getting my own education.

As I continued with my education, I realized just how hard it was to get money to go to school. Secondary school was particularly hard to get through, and I could almost always spend the first two weeks at home. Still, I could not get enough money for the whole school term and had to be sent home for the rest of the money in the middle of the term at times. Despite the entire struggle, I was able to complete my high school education and continue with university education.

Years later, when I began to study child labor policies, I got to know that children's work was a matter of concern internationally. I was relating to it in different ways. I was sure that these children, especially in bonded child labor in India and other parts of the world, were undergoing hardships related to work that I had neither seen nor experienced. Some of the other children in Kenya were also working long hours for money in the plantations. What was it like to do this? If this were a matter of concern in the world, why was child labor still persistent? These and other questions were unresolved in my mind as I continued to find out more about the situation of working children around the world.

I found myself disagreeing with some of the national and international policies that were being implemented by different countries and international organizations; about the appropriate age children should start working, what constitutes proper working conditions, combining work and school, etc. It was then that I got interested in carrying out a study on the experiences of children's work and schooling. The study

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<sup>1</sup> In vernacular or Swahili, the word "educate" is used to mean "pay fees for" or take care of someone's educational needs monetarily.

would help me to understand the phenomenon as it is now, especially the face of Free Primary Education. I thought that the experiences of working children under the auspices of Free Primary Education would be better because they would not have to pay fees for their elementary education. Maybe their burden could be less, and the hope that Free Primary Education brings with it could ameliorate some of the struggles they were going through.

I therefore write this study as a witness; someone who has lived the story of child labor, and someone who has listened to, talked to and interacted with the people directly involved with the working children, and the working children themselves. My stance in this study is that of a person who sees what child labor policies have done or not done to make the world of the working child better than it is. I speak as a witness of educational policies that I thought could make changes to the working child but have not. Therefore, I speak to the illusion of child labor and schooling in Kenya. As a teacher, my voice is that of an educator who knows that educational policies for working children will impact them even into the future. As a witness, I speak for the hope of what Denzin (1996) calls “a moral witness to radical societal change” (p.32). I call it a “hope” because I have always hoped that things could be different for working children, and I am still hoping that changes can be made to address societal disparities that ail the society that creates poor working children. I therefore become “an instrument that engages the situation and makes sense of it.” (Eisner, 1998:34). Thus, I am present in this study, shunning the idea of estranging myself from the study, as Richardson candidly puts it:

Academics are given the “story line” that the “I” should be suppressed in their writing, that they should accept homogenization and adopt the all-knowing, all-powerful voice of the academy. But contemporary

philosophical thought raises problems that exceed and undermine the academic story line. We are always present in our texts, no matter how we try to suppress ourselves (p.2).

## **1.2 BACKGROUND TO THE STUDY**

Reflecting back on my own experience, I wanted to illuminate the situation of working children in Kenya. For educators, at the center of working children's experiences is the question of how their schooling is impacted by their world of work. Questions as to whether children should go to school and not work, or vice versa, have become policy dilemmas for child labor policy. The centrality of Free Primary Education to the process of eradicating child labor has been reified to a large scale by some writers (Fyfe, 1989; Weiner, 1991). I wanted to listen and understand more of the situations surrounding the child labor phenomenon in the context of Free Primary Education (FPE). I wanted to study this topic from the vantage point of having experienced the world of work as a child.

Yet I knew that I was not interested in studying the phenomenon with a view to providing direct answers to the problems riddling working children and their schooling. I wanted to come out of the situation with a deeper understanding of the phenomenon. Presented by the choice of having to go to school and not work at all, or working and not go to school, I would not have had the luxury of a direct yes/no answer. The issue is more complex than just having to be dichotomized, as a World Bank report indicates:

Child labor in sub-Saharan Africa is a complex issue intertwined with a society's culture and economy. The exact nature of these linkages differs significantly between countries. A clearer understanding of child labor is essential for designing appropriate interventions (World Bank, 1996: 1).

This report was taking Africa holistically. Kenya and certain communities within the country as such, would be experiencing this phenomenon in varied ways. The daily struggles of working children and schooling goes beyond the myopic lens of simple dichotomization. This is the reason why bringing out the complexities with a view to create deeper knowledge is important to this study.

This quest led me to the present interpretive study that would hopefully move me and others to deeper understandings about children's work and schooling in Kenya. In the context of Free Primary Education, there are certain complexities in this phenomenon that needed to be uncovered if the situation would be understood better, from the people who were directly involved: the children, their parents and other practitioners involved with children's work and schooling. I wanted to listen to their stories about their work, and the societal and other complexities involved in this phenomenon. These complexities call for problematization<sup>2</sup> of children's work and schooling in Kenya.

I chose the town of Nyeri as my research site because it represents a rural-urban setting with a very good agricultural base and therefore good income for many. However, in the midst of this somewhat thriving economy, there seems to be a forgotten poor population of working children who live near commercial coffee farms, and make a

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<sup>2</sup> This word and what it entails is discussed in the subtitle "Why problematize?"

living by working in those farms. They seem to be forgotten because due to their presence in an area that is considered relatively thriving, they do not get the aid they should be getting, unlike parts of the Kenyan country situated in the Northern or Eastern provinces; these areas generally receive less rain and experience severe drought. The areas in the North are generally considered arid or semi-arid, and rely heavily on relief assistance available both from international organizations and the government.

### **1.3 INTENT OF STUDY AND GUIDING RESEARCH QUESTIONS**

The intent of this study is to problematize child labor policies in Kenya through narratives of children's work and schooling and to draw from these problematics implications for educational policy and practice.

The following guiding research questions provide the conceptual structure and organization for the study.

1. What is the rationale for studying the educational implications of child labor policies in Kenya?
2. What international perspectives and policies inform and influence children's work and schooling in Kenya?
3. What is the rationale for studying children's work and schooling through narrative?
4. What are the narratives regarding children's work and schooling?
5. What problematics are embedded in or exemplified in the narratives and what are the implications of these problematics for educational policy and practice?

## 1.4 WHY PROBLEMATIZE?

When I first thought of writing my dissertation on child labor, I was intrigued by the debate between the abolitionists—the group that believes child labor should be completely abolished; and the realists—the group that believes that child labor cannot be completely eradicated, and that there are circumstances where child labor could be acceptable. I wanted to take a stance in this dichotomy and “choose” a side. At first, it looked like something very easy to do: I would look at their work and see which arguments were more convincing. The main tenet of the abolitionist argument was that child labor is detrimental to children and therefore children should not be sent to work under any circumstance. Children should enjoy their childhood and play, and parents should take care of them. Poverty is not a good enough reason to send children to work. The realists argue that sometimes children need to work, although they should be protected from the worst forms of child labor<sup>3</sup>.

The abolitionists and the realists adopt the “problem-solving” approaches whereby they were looking for absolute solutions to the child labor “problem”. If there are solutions to the issue of child labor, its persistence over the years is a testimony to the fact that the solutions, which come in form of policy documents and decrees, are either not working or are not viable. Thus, in this document, I take the path of problematizing child labor and schooling, hoping to illuminate the issues that surround Free Primary Education policy and children’s work in Kenya.

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<sup>3</sup> The “worst forms of child labor” are discussed in chapter two, under the “definitions of child labor”.

In December 2002, a new government was elected in Kenya. As is the mainstay of any elections, the National Rainbow Coalition Party (NARC) had promised Free Primary Education to all Kenyan children if it were elected. Indeed, it fulfilled its promise and FPE came into force in January 2003. I carried out this study after the introduction of Free Primary Education (FPE) in Kenya. I am therefore looking at child labor through the lens of Free Primary Education during a time when children are generally considered to have the “ability” to go to school since the assumption is that with free schooling, there is no excuse to be at home. Coupled with the declaration for free education, there was also the Children’s Bill of 2002 that, aligned with the Convention on the Rights of the Child, prohibits the exploitation of children, including children being involved in work that will prevent them from schooling or be detrimental to their health. What is the impact of these two policies on the lives of working children in Kenya? Have these policies been successful in eradicating/eliminating child labor or have they regulated it in any way?

By collecting the narratives of different players in the field of child labor, I illuminate issues surrounding this phenomenon and explicate the fact that this is an issue that does not merely beg for an easily perceived “resolution.” That is why I find the notion of problematizing very suitable for this study. I have described above my struggles of trying to encapsulate child labor issues into certain categories of either/or dichotomies. In this study, I find that this is not readily possible due to the multiple perspectives inherent in the views of parents, teachers, working children, education officials and labor officials. For example, a labor officer said, “Sometimes I look the other way, and say, let the children work.” Another one said, “It is the responsibility of the society to take care of the children. We are failing if we let them work.” The teachers

also, among themselves, had varying opinions and ideas about the child labor phenomenon.

In the narratives of children's work and schooling, it is evident that there are tensions among different groups of people in the way they view child labor and schooling, and in the way they perceive children being served by the policy of Free Primary Education and/or the concerns of the Children's Bill. Who will be listened to by the international policy makers when they make policies that affect child labor? Who will listen to the mothers when they say, "How do you take my child to primary and not secondary school, and expect him to work hard in primary school while his brother is still at home working in the farm?" These are puzzling and troubling situations that call for problematizing rather than the proposition of complete solutions.

Stabile (1999), in her dissertation on problematizing educational inclusion, captures the notion of problematizing in this way:

The term problematize implies an act of "making problematic". Rather than to alleviate problems through solution, the act of problematizing implies the construction of problems from the materials of problematic situations which are puzzling, troubling, and uncertain. The notion of problematizing acknowledges and illuminates rather than alleviates ambiguity and complexity. Problematizing suggests a way to interpret realities of practice (p.24).

I picture the issues of child labor policies and children's work and schooling to be "puzzling, troubling and uncertain". In this study, I attempt to "acknowledge and illuminate" the ambiguity and complexity that riddles child labor issues in Kenya through presenting the "illusions" embedded in child labor and schooling.

In defining “problematize”, Friere (1976) cited in Crotty (1998), states that: To problematize a term, text, opinion, ideology, identity, or person is to consider the concrete or existential elements of those involved as challenges (problems) that invite the people involved to transform those situations. What may make problematization different from other forms of criticism is its target, the context and details, rather than the pro or con of an argument. More importantly, this criticism does not take place within the original context or argument, but draws back from it, re-evaluates it, leading to action which changes the situation. Rather than accepting the situation, one emerges from it, abandoning a focalized viewpoint (p.155-156).

In the context of the above definition, I take the child labor phenomenon as a challenge that invites the people involved (policy makers, teachers, and education officers) to look at the situations and work towards transforming them. Through giving the context of child labor internationally and nationally and presenting details of the experiences surrounding it, I show the disconnect that exists between child labor policies and the reality of working children in Kenya and other third world countries. I hope that readers will envision multiple perspectives to deal with the complexities of child labor, which will in turn lead them to new paths of action.

In problematizing children’s work and schooling, I go beyond “discussion” of the phenomenon. I take it that when discussing child labor issues, I would talk or look within certain boundaries of what is assumed to be true of child labor. I instead look at the boundaries themselves to unearth the embedded problematics in the multidimensional concept of child labor. In doing this, I make the assumption that child

labor contains facets that need to be teased or questioned further. Picturing the issue of child labor as an illusion, I attempt to tease and question this phenomenon, hoping that I will emerge from this process with a deeper understanding of it.

In this study, I do not seek to “advocate” for children’s work, or look at the “rights’ or “wrongs” inherent in the same. Rather, I portray children’s work and schooling as a lived experience, with every day struggles for survival and seeking for balance within the world of work and school, living with the illusion of free schooling and a world of work that yields very little to live on. Through the narratives of children, teachers and parents, I bring out issues of their hardships, and ways of dealing with the phenomenon of child labor as they try to make sense of the phenomenon of child labor and schooling. Through the national and international policies, I bring out concerns about the disconnect between policy and reality. Glauser (1997), points out that:

...it is even less acceptable that international organizations, policy makers, social institutions and individuals who feel entitled to intervene in the lives of children with problems, do so on the basis of obviously unclear and arbitrary knowledge about the reality of these children’s lives (p. 150).

## **1.5 EXPLICATING THE ILLUSION: TOWARDS PROBLEMATIZING CHILD LABOR POLICIES**

The Merriam-Webster Dictionary (1997) defines *illusion* as an “action of mocking”. It continues to say that illusion is 1) a mistaken idea or 2) a misleading visual image.

The illusion of children's work and schooling arises from the educational and child labor policies that are proposed with the aim of "protecting" the working child and giving the working child a better future. Brown (1991) defines policy as "a social agreement that has been expressed through formal public pronouncements, laws, and the rules and regulations that interpret and apply them" (p. 217). He further asserts that policy rationalizes what is possible by defining problems and posing solutions. This function of policy—which in effect, shapes consciousness—is one of its the most subtle yet powerful characteristics (p. 229).

When the function of policy to define problems and pose solutions fails, the policy becomes problematic. It ends up not serving the purpose with which it was intended. It therefore ends up creating an "illusion". The created "illusion" causes tension among the people that the policies are meant to serve. It is this interplay between the illusion and the created tension that create the problematics of a policy. It is through this lens that I problematize the policies of children's work and schooling in this study.

Through Free Primary Education, the hope is that child labor can end completely, and that children will benefit from the system of schooling. Through child labor legislation, the hope has always been that schooling will provide children with an anchor for a better future with at least jobs to support them. With secondary education being so expensive in Kenya and unemployment being so rampant, schooling, the secure future and hope for employment all become an illusion. They become "an action of mocking" and "a mistaken idea". They are "a misleading visual image" of not only the future that awaits working children but also the past and present that are full of more questions than answers about not only their work and schooling, but also their life in

general. In chapter five, I will present the “misleading visual image” of childhood and how it has influenced policy.

## **1.6 ORGANIZATION OF THE STUDY**

In the present chapter, *chapter one* I have discussed the rationale for the study of children’s work and schooling in Kenya. In the prologue, I have situated myself in the study. The chapter also includes the background to the study, intent of the study, research questions and the rationale for problematizing children’s work and schooling in Kenya.

In *chapter two*, I present the discourses on international and national policies on child labor. I start by giving an overview of child labor issues in the developed and developing worlds. I then present the policy documents that impact child labor policy such as the Convention on the rights of the child (CRC), Education for All (EFA) and Millennium Development Goals (MDGs). I then conclude with problematizing the national legislation on children’s work and schooling in Kenya.

In *chapter three*, I discuss the rationale for studying children’s work and schooling through narrative. I explain why I was inclined toward a narrative interpretive study. I then describe the procedures and setting of the study. Of particular importance is the context within which I gathered stories for this study.

In *chapter four*, I present the narratives of children’s work and schooling. Thematically, I problematize the issues by showing the kinds of tensions present in the community due to poverty. Lack of land, food scarcity and lack of basic needs create

tensions between the church and the community, members and non-members of the church and among family members. In problematizing children's work and schooling, I present stories on the illusion of free primary schooling, continuation to secondary school and unemployment. In the last section, I problematize the definition of children's work and child labor through the narratives of children's work and schooling.

In the final chapter, *chapter five*, I extend the discussion of problematizing children's work and schooling by explicating different images of childhood inherent in the narratives and policies of children's work and schooling. I also discuss the implications of this study for researchers, educators and policy makers. The chapter ends with an epilogue that presents how my understanding of children's work and schooling has been affected by this study.

## **2.0 FROM OTHER LANDS: DISCOURSES ON INTERNATIONAL AND NATIONAL CHILD LABOR POLICIES**

In the previous chapter, I offered an introduction to the study which included the background to the study, why I came to this study, the intent of the study and why this study problematizes child labor policy and schooling in Kenya.

The world of international policies is full of twists and turns that exude illusory images. To many in the developing nations, these policies are unknown, and seldom are they associated with the happenings and the hardships of these lands. They are the policies from other lands, and while I review them in this chapter as they relate to child labor, I feel like I am groping in an abyss of the unknown. As I present the different policies, my voice is that of interrogating the credibility of these forces that in turn immensely influence people's experiences around the world. Through studying and writing about these policies, I witness their inability to address issues of child labor in 3<sup>rd</sup> world countries in general and Kenya in particular.

In this chapter, therefore, I review selected relevant discourses on international policies that impact child labor. First, I attempt to define child labor. It is an 'attempt' because the term is quite ambiguous and defined differently by different groups or people. I then review documents relating to child labor policies internationally. Through this exercise, I intend to identify gaps between policy and narrative that give

rise to the problematics. Thus, it is the interplay between the policies and the narratives that make the problematics apparent.

## **2.1 TOWARDS DEFINING CHILD LABOR AND CHILDREN'S WORK**

Most scholars, practitioners and policy makers agree that the concept of child labor is problematic and thus very difficult to define. While there is general agreement about what constitutes harmful child labor, there is no agreement on what is acceptable as children's work. Basu (1999) states that:

Governments and international organizations usually treat a person as economically active or "gainfully employed" if the person does work on a regular basis for which he or she is remunerated or that results in output destined for the market (p. 1085).

This definition, however, presents its own problems by excluding children who work in family farms or in the informal sector and not for pay. When children work in the same conditions in their parents' coffee farms and do not get paid for it, there is every reason for this to be possibly considered as child labor also.

Myers (2001) writes that there are many varying definitions of child labor by several sources. He continues to state that:

The lack of a common concept of 'child labour'<sup>4</sup> has provoked so much chaos and misunderstanding in current international debates about child

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<sup>4</sup> Both "labor" and "labour" are present in this study, since most work on child labor has the latter spelling.

labour that some have gone so far as to suggest the term should be avoided as much as possible, using instead the more value-neutral term 'work', adding an appropriate modifier when a judgment about the work is wanted --e.g., hazardous work, socializing work, exploitative work, etc (p.2).

This chaos and misunderstanding extends to the practice of child labor whereby children, welfare officials, teachers and families are also caught in the web of confusion as to what really constitutes child labor and/or child work. This makes the concept problematic in itself.

UNICEF's distinction of child labor and child work extends to the definition of what the worst forms of child labor are. UNICEF defines these three as follows:

***Child work:*** Children's participation in economic activity that does not negatively affect their health and development or interfere with their education. Work that does not interfere with education (light work) is permitted from the age of 12 years under the International Labor Organization (ILO) Convention 138.

***Child Labor:*** This is more narrowly defined. This means all children below 12 years of age working in any economic activities, those aged 12-14 years engaged in harmful work, and all children engaged in the worst forms of child labor.

***Worst forms of child labor:*** These involve children being enslaved, forcibly recruited, prostituted, trafficked, forced into illegal activities and exposed to hazardous work (UNICEF, 2005).

It is possible that the definition of child labor in itself is also a social construct depending on the reality that is faced by children in different parts of the world. Most significant is the minimum age that children are allowed to work. While UNICEF stipulates clearly that this age should be above 12 for the work that is not harmful, there are some children who may not be afforded this luxury, and would have to work from as early as 5 years of age. This is not surprising in sub-Saharan Africa, and, indeed, Kenya.

The Children's Act (Republic of Kenya, 2001), defines child labor as a situation where a child provides labor in exchange for payment and includes

- a) any situation where a child provides labour as an assistant to another person and his labor is deemed to be the labour of that other person for the purposes of payment;
- b) any situation where a child's labour is used for gain by any individual or institution whether or not the child benefits directly or indirectly; and
- c) any situation where there is in existence a contract for services where the party providing the services is a child whether the person using the services does so directly or by agent (p.508-509)

In light of the fluid nature of distinguishing child labor from child work, I adopted a definition for the purpose of the present study. In this study, I will use the term child labor to refer to the umbrella of activities that children engage in for economic purposes to supplement family income or out of their own choice (help voluntarily or earn pocket money). Since child labor policies sometimes use child labor and children's work interchangeably, I am using this term in the same way for the sake of policy documents and the general definition given to children's activities.

I use children's work for the purpose of my study to refer to the work done in the coffee farms by the children that I studied. I take this option because children work on these farms during after-school hours, weekends or holidays. With Free Primary Education, I assume that this might not interfere with their schooling. The UNICEF definition fits into mine if we consider the fact of work not interfering with children's schooling. The question, however, is whether this work truly does not interfere with schooling in general or it just does not interfere with *attendance*. Also, knowing that commercial agriculture involves the use of chemicals that may be dangerous, this kind of labor could in some cases be categorized as a worst form of child labor. The Children's Act's definition includes that of children working in coffee farms for payment. However, my definition, though not absolute, is based on the assumption of the need for the children to work as a means of survival in this case. In this study, I include different perspectives from teachers, education officers and labor officers on what the definition of child labor should be, or how they define it.

## **2.2 INTERNATIONAL CHILD LABOR POLICIES**

Basu (1999), classifies efforts to combat child labor into three major categories; intra-national, supranational and extra-national categories. The intra-national efforts are those made by individual countries to curb child labor. The supranational efforts are those formed by international bodies such as the UNICEF and ILO. The extra-national interventions are those adopted by individual countries to curb child labor in developing countries, i.e. sanctions (pp. 1091-2).

In this section, I discuss the supra-national conventions and declarations that impact child labor policies internationally. I will later look at how these policies have influenced Kenyan policies regarding child labor.

### **2.2.1 ILO Convention on Minimum Age, 1973: (C138)**

The ILO convention on Minimum Age of 1979, (C138), states in its article 1 that members shall “raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons. Article 2 states that members who ratify the convention shall specify, in a declaration appended to its ratification, a minimum age for admission to employment or work within its territory and that no one under that age shall be admitted to employment or work in any occupation. Article 2 further states that the minimum age specified shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years. It, however, recognizes that some member countries whose economy and educational facilities are insufficiently developed may, after consultation with the organizations of employers and workers concerned, where such exist, initially specify a minimum age of 14 years<sup>5</sup>.

This convention, however, allows for children twelve and above to engage in ‘light work’, that is, work that is not detrimental to children. The concept of ‘light work’ is very fluid. What may constitute light work in one country or culture may not be so in another. Also, there are many countries where children younger than twelve years have to work. One parent in this study stated that she had to go with her eight year old

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<sup>5</sup> The convention’s articles are available at <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C138>

daughter to work in the coffee farm 'because she also eats'. For this parent, it was problematic to exempt an eight year old from work just because she was too young. The parent also added, however, that she goes with her because she needed to watch over her.

Myers (2001) observes that the ILO minimum age convention was born with the European countries in mind at a time when children worked long hours in factories. However, when other countries joined the ILO, the convention was not adjusted to suit these countries and instead, the countries were required to fit in. He continues to argue that:

This industrial conception and legalistic approach are anachronistic in most of today's developing countries, where child employment is overwhelmingly agricultural, where social welfare laws have relatively little impact on everyday life of the poor, where labor inspection services tend to be precarious and corrupt, and where national governments have extreme difficulty extending full primary education coverage to rural and urban periphery areas where most working children live (p.46).

Convention 138 also assumes that there is generally an almost uniform age for primary school completion. Delays in schooling are not uncommon in countries where primary schooling is not free. While conducting this study, I met children who were fifteen and sixteen years of age and still in standard five or six (fifth or sixth grade). For these children, even though they may not have completed their primary schooling by age eighteen, they already are at an age where they can legally work.

ILO minimum age convention is concerned about the removal of children from any economic activity. However, this is ambiguous because child care and housekeeping

are not considered economic. Family farms where children work for household consumption are also excluded. This gives license to parents and relatives who may want to exploit children in these domains.

Boockman (2004), in his study of countries that had ratified the ILO minimum wage conventions, concluded that by the year 1990, countries under an international legal obligation to enforce minimum age laws had no better performance in enforcing it than countries not bound by this obligation.

Kenya has ratified this convention and has specified its minimum age as sixteen years. By extension, therefore, Kenya did not consider itself as one of the countries needing special consideration, although at that time the country did not even have a system in place for free and compulsory education.

### **2.2.2 ILO Convention on the Worst Forms of Child Labor, 1999 (C182)**

The United Nations and other international organizations, in realizing that child labor cannot be dealt with as a blanket concern without proper categorization, came up with the convention on the worst forms of child labor in 1999. Even with the Convention on the Rights of the Child, and the minimum age convention, child labor still had its mainstay in the world. The ILO figured out that there was need to move faster by focusing on the “worst forms of child labor” that adversely harm children, and save the children who were being held in slavery, sold as prostitutes and being forced to engage in illicit activities.

The ILO convention on the worst forms of child labor is clear on what constitutes worst forms of child labor. However, countries are left to decide what constitutes the

“health, morals and safety” of children. Article 3 states that “the term *the worst forms of child labour* comprises:

- (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children”<sup>6</sup>.

The convention further states that the types of work referred to under Article 3(d) shall be determined by national laws or regulations.

While ratification of the Convention has been one of the fastest of any international convention in history, evidence has shown that legal ratification of conventions does not ensure that relevant action is taken. Although the convention was found to be very urgent and necessary, critics still claim that the ban of the worst forms of child labor would still be problematic in poor countries (Boockman, 2004).

This study, however, does not concern itself with the worst forms of child labor mentioned in article 3 (a-c). In problematizing policy issues in child labor, I sought to

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<sup>6</sup> The convention is available at <http://www.ilocarib.org.tt/childlabour/c182.htm>

find out the different views held by my respondents about the type of work they do in the coffee farm that would have a bearing on article 3 (d). The main problem associated with working in coffee farms was not the harm it had on a child's health but the fatigue and the work being so time consuming. Thus, the issue of chemicals being harmful was not considered important by the working children in Nyeri. In fact, one mother said that "It could be harmful but drinking milk helps a lot. You don't get sick. You only get sick when you don't eat at all due to lack of money. It is better to work."

ILO categorizes the forms of child labor that it would want to see abolished as follows:

1. Labor performed by a child who is *under a minimum age* specified in national legislation for that kind of work
2. Labor that jeopardizes the physical, mental, or well-being of a child, known as *hazardous work*
3. The *unconditional worst forms of child labor*, which are internationally defined as slavery, trafficking, debt bondage and other forms of forced labor, forced recruitment for use in armed conflict, prostitution and pornography, and illicit activities (ILO, 2002:x).

While there is almost unanimous agreement on the third category that is covered by the 1999 convention, the concepts of minimum age and hazardous work are still a subject of contention. Working in coffee farms is viewed as hazardous for children due to the agricultural chemicals that are used in the farms and the long hours of work that children are exposed to. As discussed above, minimum age has been left for individual

countries to decide. In chapter four of this study, I will present views about these two forms and what parents and officials think about them.

### **2.2.3 The United Nations Convention on the Rights of the Child (CRC)**

The United Nations Convention on the Rights of the Child (CRC) is perhaps the most influential document in child labor policy. Adopted in 1989 into international law, the Convention spells out the rights of the child, reinforces fundamental human dignity, highlights and defends the family's role in children's lives, and also seeks respect and protection for children (UNICEF, 2005). The CRC has been ratified by all countries except the United States and Somalia. This means that for these two countries, the CRC is not binding as part of international law. The Convention, being a Right, has been elevated to a higher status of being respected and "obeyed". As Alston (1987) puts it:

It is now widely accepted that the characterization of a specific goal as a human right elevates it above the rank and file of competing societal goals, gives it a degree of immunity from challenge, and generally endows it with an aura of timelessness, absoluteness and universal validity (p.2)

Article 1 is also important for its definition of the child for the purpose of determining the age of children working in the worst forms of child labor as "every human being below the age of eighteen years". I mainly highlight Articles 28 and 32, which have direct bearing on children's work and schooling. Article 28 provides children with the right to education, and urges states to make primary schooling compulsory. Article 32 recognizes the need to protect children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's

education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development. It further states that in order to achieve this, State Parties should do the following:

- a) provide for a minimum age or minimum ages for admission to employment;
- b) provide for appropriate regulation of the hours and conditions of employment;
- (c) provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article (UNHRC, 1989).

Due to the clause that targets only the hazardous forms of child labor, the Convention on the Rights of the Child has been hailed for taking into consideration children living with economic hardships by giving them a chance to work at least within family farms, and at the same time protecting them from exploitation (Myers, 2001:49). The Convention has also enjoyed a status that many other conventions have not.

It is gradually expanding beyond its original status as primarily an international legal instrument for reorienting national child welfare and protection codes to become a cultural force rooted perhaps more solidly in civil society than in government (Myers, 2001:50).

Thus, countries have aligned their child welfare laws with the CRC. In Kenya, the Children's Bill is the national legal instrument closely aligned to the CRC. The relevance of the Children's Bill to this study is discussed in a later section.

#### **2.2.4 Education for All (EFA)**

The international community's efforts to achieve Education for All (EFA) and the progressive elimination of child labor are inextricably linked. On the one hand,

education—and in particular, free compulsory education of good quality up to minimum age for entering into employment is a key element in preventing children from working in dangerous or hazardous conditions. On the other hand, child labor is one of the main obstacles to EFA and poverty alleviation (New Delhi Declaration, 2003).

Perhaps nothing explains the link between EFA and child labor as vividly as the opening statement for the New Delhi Declaration. The “Education for All” (EFA) campaign aims at mobilizing countries all over the world to provide primary education to all its children. The achievement of Universal Primary Education is at the center of EFA. Universal Primary Education cannot be achieved unless it is free. Many countries in the world are still not able to meet the goal of providing Free Primary Education to all their children. Meeting this goal would require mobilization towards eliminating poverty and support in making the richer countries and organizations to realize the need to assist poor nations achieve this dream.

EFA, however, goes beyond access to primary education. EFA looks at quality as a valuable tenet in the provision of education, the argument being that education will be useful to a child if it is of good quality:

Education is a set of processes and outcomes that are *defined* qualitatively.

The *quantity* of children who participate is by definition a secondary consideration: merely filling spaces called ‘schools’ with children would not address even quantitative objectives if no real education occurred (UNESCO, 2005:28-29).

Thus, EFA stipulates the need for not only universal but also quality education. This was greatly emphasized in the Jomtien conference in 1990<sup>7</sup> and the Dakar Framework for Action in 2000<sup>8</sup>. Despite this, many countries in the developing world are barely able to provide universal education to its children, let alone guarantee quality. UNESCO's statement on "quantity" vs. "quality" presents a paradox in that, embedded in "Education for All" is the intrinsic value of numbers; the number of children that ultimately go through elementary education. The challenge of quality, on the other hand, lies heavily on individual countries' ability to finance their programs. Article 10 of EFA is concerned with international solidarity. In part, it states that:

Substantial and long-term increases in resources for basic education will be needed. The world community, including intergovernmental agencies and institutions, has an urgent responsibility to alleviate the constraints that *prevent some countries* [emphasis mine] from achieving the goal of education for all. It will mean the adoption of measures that augment the national budgets of the poorest countries or serve to relieve heavy debt burdens. Creditors and debtors must seek innovative and equitable formulae to resolve these burdens, since the capacity of many developing countries to respond effectively to education and other basic needs will be greatly helped by finding solutions to the debt problem (UNESCO, 1990).

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<sup>7</sup>The UN World Declaration on Education for All conference took place in Jomtien, Thailand in 1990. Although access to education was a major concern, emphasis was also placed on assuring an increase in children's cognitive development by improving their quality of education (UNICEF, 2005:29).

<sup>8</sup> A similar conference took place in Dakar, Senegal a decade later. Known as the Dakar Framework for Action, it declared that access to quality education was the right to every child. It affirmed that quality was 'a fundamental determinant of enrolment, retention and achievement' (UNICEF, 2005:29).

This plea was made in 1990, and by the mid-90s, Kenya was bearing the brunt of Structural Adjustment Programs (SAPs) that adversely affected its educational sector. For the first time, fees were introduced in universities, and subsidies for primary and secondary education decreased tremendously. Poor parents struggled more because they had to subsidize both health care and education for their children.

The government reintroduced Free Primary Education in Kenya in January 2003. Before this, the sector had adversely suffered from soaring educational costs. The country, although receiving help from international organizations (IMF, World Bank, etc.), still found itself struggling for the most part with the expensive implementation process<sup>9</sup>.

The goals directly related to this study are goals number 2 and 6. EFA goal number 2 aims at “ensuring that by 2015 all children, particularly girls, children in difficult circumstances and those belonging to ethnic minorities, have access to and complete free and compulsory primary education of good quality”. EFA goal number 6 aims at “Improving all aspects of the quality of education and ensuring excellence of all so that recognized and measurable learning outcomes are achieved by all, especially in literacy, numeracy and essential life skills”.

In its Article number 4 section 4, EFA targets working children by calling on nations to remove educational disparities, and states that underserved groups such as working children, rural and remote populations should not suffer any discrimination in access to learning opportunities. The free education provided in Kenya, especially in rural areas, is still wanting, and worse still, the hopes for children going on to secondary

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<sup>9</sup> The situation of Free Primary Education in Kenya is discussed in section 2.3- The Kenyan Scenario.

education are marred by the cost of secondary schooling. Thus, EFA's hopes are still not met, even with free primary schooling.

The purpose of EFA still eludes many in the world of education. Its follow-up in Dakar, Senegal after ten years was described as "an event without expectations" (Torres, 2000). She describes the triviality of issues presented in this conference, saying that educational issues are normally pre-decided and brought to the table just for the sake of "cleaning" out documents:

Frequently, battles and victories revolve around "including" sentences or paragraphs that every person or group considers relevant from their own points of view or field of interest. This results in documents which are cover-alls, including everyone but neither representing nor satisfying anyone in particular (p. 3).

With this kind of leadership, EFA goals are unlikely to be met even by the deadline years that have been given in the document.

### **2.2.5 Millennium Development Goals**

The Millennium Development Goals (MDGs) have a great bearing on child labor internationally. They were adopted in the year 2000 so that nations around the world could give themselves an "ultimatum" in solving the problems that are perceived to mostly affect the development of nations and its people. Of the eight pledges made in the MDGs, the first two are most crucial for this study. The first MDG goal is to "eradicate extreme poverty and hunger," and the second goal is to "achieve universal primary education". The year 2015 is the deadline that the United Nations gave for

achieving all the eight millennium goals. As the United Nations Development Program stated, the hope was that all actors would “work together and do their part”.

The UNDP summarizes it thus:

The MDGs represent a global partnership that has grown from the commitments and targets established at the world summits of the 1990s. Responding to the world's main development challenges and to the calls of civil society, the MDGs promote poverty reduction, education, maternal health, gender equality, and aim at combating child mortality, AIDS and other diseases. Set for the year 2015, the MDGs are an agreed set of goals that can be achieved *if all actors work together and do their part* (emphasis mine). Poor countries have pledged to govern better, and invest in their people through health care and education. Rich countries have pledged to support them, through aid, debt relief, and fairer trade (UNDP homepage).

With the pledges that follow my emphasis above, it is hard to believe that with the ultimatum that has been provided, the poor countries will be anywhere near achieving the MDG goals. Pledging to do things right without the ability and the willpower to do them does not serve the MDGs right. Five years after the MDGs were declared, the poorest countries have made very little progress towards achieving the goal of eradicating poverty and hunger, and also achieving Universal Primary Education (UPE). The MDGs , therefore, have often been viewed as:

...wholly unrealistic in terms of international experience to date but are positively counter-productive in the sense of giving rise to false hopes and expectations which will inevitably be dashed (Alston, 2005) .

These false hopes are part of the “illusion” that calls for problematizing international declarations like this.

The Millennium Development Goals 2005 Report shows that, five years after the declaration of the goals, poor countries are excruciatingly struggling towards halving their hungry and their poor, and also making sure that all children attend elementary school. The report indicates that countries are battling with their meager resources to meet these goals by the “prescribed” time.

Sub-Saharan Africa, for example, has barely moved toward halving the number of its hungry and poor, as stipulated by the MDGs between 1990 and 2001. While there were 46.4% people living in less than a dollar a day in 1990, more than a decade later in 2001, this number had reduced only to a mere 44.6%. The report added that the number of poor people in Africa was rising, and the very poor were getting poorer. By 2002, only 62% of sub-Saharan Africa had achieved Universal Primary Education (United Nations, 2005).

United Nations’ Secretary General Kofi Annan, while commenting on the best strategies of achieving the MDGs, saw the challenge ahead:

We cannot win overnight. Success will require sustained action across the entire decade between now and the deadline. It takes time to train the teachers, nurses and engineers; to build the roads, schools and hospitals; to grow the small and large businesses able to create the jobs and income needed. So we must start now. And we must more than double global

development assistance over the next few years. Nothing less will help to achieve the Goals.<sup>10</sup>

While the challenges of implementing the MDGs are still staring at the world unperturbed, the strong belief in the possibility of achieving these goals by the year 2015 is still being romantically entertained by the international community. Perhaps the only people who know the truth of what will be happening by that year are the many poor who have lived in the same condition for generations. They are the people I met during this study, and others like them. They are still wallowing in poverty and hunger, and having their children go to school but without a guarantee of a better future that will be free of hunger and poverty. These are the working children in rural Kenya who struggle every day, with their families, to keep up with school work while waiting for a chance to earn some money through working and feeding their siblings and/or children. They are the populace that does not know what MDGs are, or even understand the language of MDGs. To them, the MDGs do not even exist, yet their numbers are part of the statistic of the unrealistic nature of these goals. MDGs would truly be welcome in their lives in order to solve their problems, but they still remain a dream in the horizon, yet to be fulfilled, if ever.

The anxiety already going on of poor countries “rushing” towards meeting this goal is one indicator of things to come. Suffice it to say that this is not mainly about pessimism, but about looking deeply into issues and giving poorer nations more chances to be able to fulfill development, and in turn educational goals without the pressure of a set time frame that they feel strongly bound to. The world might find itself locked in

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<sup>10</sup> This quote is published on the MDG website at <http://www.un.org/millenniumgoals/> . Retrieved on 3.9.2006.

constant “achieve by” dates if realistic goals are not set so that poor countries may also benefit without being left behind.

## **2.3 THE KENYAN SCENARIO**

### **2.3.1 Poverty and child labor**

Sub-Saharan Africa in general, is a region that is battling with not only poverty but also child labor issues. Child labor in sub-Saharan Africa is a complex issue. Separating children’s world of work with cultural values that send the children to work is a difficult task. The number of working children in sub-Saharan Africa is alarming. In absolute terms, child labor is most prominent in Asia. However, in relative terms child labor is more widespread in Africa. Even though Africa accounts for only one third of the working children in the developing world, labor force participation rates exceed thirty percent of the population in many areas (Canagarajah and Nielsen, 2001)

The high incidence of child labor in sub-Saharan Africa is closely linked to poverty and struggling economies. Easterly and Levine, (1997), lament the situation of the African economy and call it a “Growth Tragedy”. The poor economies of sub-Saharan Africa, which are typical of the developing economies, force children to be “net contributors to the household, a phenomenon that is not found in industrialized economies (Blunch and Verner, 2000:2). ILO echoes this view (1998), showing the extent of poverty in Africa:

Poverty is still the overwhelming characteristic and common denominator of most African economies. Roughly every second African lives below the poverty line. While the percentage of the population in poverty has remained relatively stable over the last decade or so, the absolute number of poor has increased tremendously from 184 million in 1985 to 216 million in 1990; by the year 2000, more than 300 million Africans are expected to live below the poverty line (p. 7).

This is the harsh reality of sub-Saharan Africa, with a prediction several years ago that still holds six years later.

Burra (1999) believes that not only does child labor cause poverty but it also perpetuates it for generations. She is against children's needs being used as an excuse for the presence of child labor, while it is harming children. She looks at it as the exploitation of children which must not be tolerated, and adds that if children were not working, adult wages could be better, thus making child labor unnecessary (p. 3).

Basu (1999) refutes Burra's argument. She argues that a total ban of child labor ought not to be implemented since there are "worse things that can happen to children than having to work." Children may in turn be exposed to acute hunger and starvation. She adds that "indeed, when child labor occurs as a mass phenomenon, it is likely that the alternative to work is very harsh, because even poor parents do not in general like to send their children to work if they can help it." (p. 1115).

Case studies carried out in different parts of sub-Saharan Africa (Kenya, Malawi, South Africa, Tanzania and Zimbabwe) found that children work primarily for economic reasons, to supplement low family income (ILO 1997:6-7). Many children work in

household related economies such as farming, other household related activities, and also working for relatives.

Kenya is one of the sub-Saharan countries situated in the Eastern part of Africa. It is a country that relies on its agriculture for both local and foreign income. Kenya's greatest agricultural exports are coffee and tea. Unlike other African countries, it does not have a lot of minerals. Most of the working children, therefore, are likely to work in the agricultural sector (Manda et al, 2003: 10). Kenya has a worrisome trend in the increase of child labor (CBS 2001, Ngunjiri, 1997). In 1998/99, the Kenyan Central Bureau of Statistics estimated that 17.4 percent of all children ages 5 to 17 years were working. According to the survey, children made up 14.4 percent of the total workforce in Kenya. More children living in rural areas worked compared to children living in urban areas. The commercial or subsistence agriculture and fishing sectors employ the largest number of working children followed by the domestic service sector (Republic of Kenya, 2001:33-37).

Like other sub-Saharan countries, Kenya has a high incidence of poverty. The poverty in Kenya is mainly caused by lack of equitable distribution of resources. It is also accompanied by poor distribution of the material resources necessary to meet basic needs. The country ranks as one of the top ten low income economies with a high concentration of income amongst its highest earners, with the top 10 per cent of the population controlling 35 per cent of the nation's income. In Kenya, two-thirds of the poor live in high-and medium-potential agricultural areas in the central and western regions of the country. Poor households are characterized by insufficient food, perpetual hunger and heavy reliance on handouts (Kimalu et.al., 2002).

The poverty situation was further exacerbated by the Structural Adjustment Programs (SAPs)<sup>11</sup> which were introduced in the early 80s. The Kenyan parents had to subsidize their children's education. This put the poor people at a greater disadvantage and acted as a catalyst for conditions of very poor countries to deteriorate further.

The World Bank and the IMF require that countries publish their strategies for poverty reduction every three years known as Poverty Reduction Papers. The situation of poverty in Kenya is summarized in the Interim Poverty Reduction Paper (GoK 2002) which states that over half of Kenya's population lives in poverty. The government confirmed its plan to reduce poverty and sustain economic growth in this paper. Over the past few years Kenya's economy has declined in per capita terms. As a result, the standard of living for the vast majority of the population has suffered and the level of poverty has risen alarmingly. Therefore, the Government's immediate priority is to restore and sustain rapid economic growth in order to generate the wealth and economic expansion necessary to reduce the incidence of poverty (GoK 2000:2). Education is at the center of this vision.

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<sup>11</sup> Between 1991 and 1993, Kenya was at an impasse with the IMF, the World Bank and major bilateral donors for its poor implementation of structural adjustment policies (conditions attached to the financial aid). It is also from the SAPs that cost sharing was born (see section 2.4). The IMF policies of adjustment have resulted in a heavier burden on the poor. IMF policies have also favored cash crops over food crops, which have resulted especially in malnutrition among children. Given that the poor spend 41% of their income on food, there is barely anything left for school fees, especially in secondary schools (Kivuva, 2001).

### 2.3.2 Schooling and child labor

John Sweeney, Chief Executive Officer of the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), testifying before the U.S. senate's foreign relations committee, argues strongly for schooling and rejects the fact that poverty should be an excuse for children to work:

“We believe that economic development is based in education; that school is the best place for all children, regardless of their personal social standing or their nation's economic vitality” (October 21,1999. Quoted in Post, 2001:xiv).

Sweeney takes it that these countries *can* only achieve economic progress through education, and thus having children not go to school *for any reason whatsoever* only exacerbates the situation of lack of economic growth and is, therefore, inexcusable. The word “regardless” as he uses it, shows that these countries should not make an excuse for children not attending school, whether these excuses involve “personal social standing” or “their nation's economic vitality”.

Bruce Harris, Executive Director for Latin America Casa Alianza, supports this view. He blames lack of children's schooling to lack of priorities by countries.<sup>12</sup>

While debt payments soar, Sub-Saharan Africa pays \$40 million in debt each day. Educational opportunities are few. 40 percent of Sub-Saharan African children receive

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<sup>12</sup> Bruce Harris contends that “It makes true economic sense to invest in the human capital of children. Kids will produce a lot in their lifetime. It would cost about 8 billion dollars a year to put all the children in primary school who are not in primary school. We spend 40 billion dollars every year on golf. So where are our priorities?” To Bruce Harris, poor spending by the richer countries, and the policies they impose on poor countries, are largely to blame for child labor. From the documentary film “Stolen Childhoods” (Morris & Romano, 2004).

no education and getting fewer. In the 1990's, the number of children entering primary schools fell in 17 African countries.<sup>13</sup> This grim scenario for sub-Saharan Africa is definitely a matter of concern. With this kind of deficient education over the continent, more work and dedication is needed in the education sector, which will in turn enable working children to enjoy schooling.

While Kenya has started the long walk towards universal primary education, it has not yet dealt with the problem of sustained economic growth. Attempts to improve the educational system have been structural, with any efforts towards achievement of universal primary schooling failing several times due to the general economic situation of the country and corruption of leaders.

Since achieving its independence in 1963, Kenya has strived to make its education system better to serve the needs of its population. At the wake of independence, the first President of Kenya, Mzee Jomo Kenyatta, declared that the country had to fight poverty, disease and illiteracy. The main tool for this fight was education. To achieve economic growth in the face of self-rule from the colonial government, education was seen as being at the center of this achievement. The education system has undergone several reforms since then, to be able to stimulate national growth.

The structural education system before the present one consisted of seven years of primary school, four years of secondary school, two years of high school and three years of university/tertiary education (7-4-2-3). In 1984, the country underwent a major structural change of the educational system to reflect the need for it to be more relevant

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<sup>13</sup> [http://www.continuetolearn.uiowa.edu/laborctr/child\\_labor/about/causes.html](http://www.continuetolearn.uiowa.edu/laborctr/child_labor/about/causes.html)

to the needs of Kenyans by being able to provide both an academic and a practical curriculum<sup>14</sup>. The new system was modeled to reflect the North American system of eight years of primary school, four years of secondary school and four years of tertiary education. This system is commonly known as the 8-4-4 system.

In January 2003, the Government of Kenya implemented Free Primary Education. As a result, the number of children in primary school significantly increased in 2003, but not without placing a strain on schools. To aid in the provision of primary education to all children by 2015, the World Bank pledged to provide USD 50 million to this effort (World Bank, 2003:2). Most of this money was aimed at providing materials, especially text books.

On education, the Interim Poverty Reduction Paper (IPRP) shows that many Kenyans, especially those in the rural areas, have not received adequate education, both primary and secondary. Dropout rates have risen, as have disparities in access, due to geographic location, gender and income. The main reason for not attending school is the high cost of education. Children are also required to help at home (GoK 2002:6). Even with the introduction of free primary education, there are still other costs that parents are required to meet like costs for uniform, text books and lunch, which are still out of reach for some families, especially in the rural areas.

The Government of Kenya, however, recently reiterated its commitment towards improving the education sector and achieving the goals set by EFA and MDG. In the Sessional Paper No. 1 (Republic of Kenya, 2005), the government emphasizes its goal to meet the challenges of education in the 21<sup>st</sup> century and “commits itself to develop

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<sup>14</sup> For more in-depth information on the 8-4-4 system in Kenya, refer to Kivuva, L (2001), “Secondary Education Reform in Kenya: The quest for Equity, Relevance and Quality” published by the USAID and available at <http://www.ginie.org/cstudies/africa/cs-africa.htm>

sector policies and implementation strategies that will ensure the provision of relevant and quality education and training to Kenyans. In the “Kenya Education Sector Support Programme: Delivering quality education and training to all Kenyans (Republic of Kenya, 2005), it states that:

Kenya Education Sector Support Programme<sup>15</sup> is based on the rationale of the overall policy goal of achieving Education for All (EFA) and the Government’s commitment to the attainment of Millennium Development Goals (MDG). The broad objective is to give every Kenyan the right to quality education and training no matter his/her socio-economic status. This will be achieved through the provision of an all-inclusive quality education that is accessible and relevant to all Kenyans. Our vision is guided by the understanding that quality education and training contribute significantly to economic growth and expansion of employment opportunities (p.ii).

In the same way that EFA and MDG have “achieve by dates”, the Government of Kenya, in the same paper, affirms its commitment of achieving EFA by 2015 and constructing/renovating school buildings in disadvantaged areas by 2008 (p.iii).

These policy statements bring a new hope to the poor and disadvantaged groups who are still struggling to go through albeit elementary school, even though it is free. It will be a great achievement if these policies do not turn out to be empty promises that elude the people who need these policies to work.

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<sup>15</sup> This is the British spelling of “program” and is found in some parts of this study. Also, the word “labor” is spelled as “labour” at times throughout this work depending on where the quotation comes from.

## **2.4 LEGISLATIVE POLICY ON CHILD LABOR AND SCHOOLING IN KENYA**

Manda et.al. (2003), state that:

The Kenya government is committed and focused on the elimination of child labor, and this is evident from the various government policy documents, national legislations, international conventions protecting children, and the UN charter on the rights of children which was adopted by the UN assembly in 1989 and to which Kenya is a signatory. Despite these commitments, child labor still persists and is prevalent in the country (p. 5).

The government lays out this commitment in the draft Sessional Paper on Child Labour in Kenya (GoK 2000). The paper addresses various aspects of child labor and reiterates the government's role in eliminating child labor. It gives policy objectives and strategies of mainstreaming child labor issues in national development. Among the policy statements is the need for the government to review and harmonize child labor laws.

The 1998/99 Child Labour Report (Republic of Kenya, 2001), summarizes the Kenyan laws that impact on child labor. Among the various laws that govern children's work in Kenya are the Employment Act that was revised in 1984, and the employment of Women, Young Persons and Children's Act (Cap 227). The Employment Act defines a child as an individual, male or female, who has not attained the age of sixteen years. The act prohibits the employment of a child, whether gainfully or otherwise, in an industrial undertaking. However, children may be employed in family businesses and in

agriculture. The employment of Women, Young Persons and Children's Act provides for the enforcement officers to ensure the protection of children while they are in employment, and sets the minimum age for employment. The Regulation of Wages and Conditions of Employment Act (Cap 229), sets the minimum wages payable to children lower than those of adults. The Workmen's Compensation Act (Cap 236) covers working children in case of injury during work. The Education Act (Cap 211) implies that children ages six to thirteen should be in school.

Kenya has always had numerous bills concerning child labor. However, these were put together into one Bill that was made into law in 2002. Now known as The Children's Act (Republic of Kenya, 2001), it draws heavily on the Convention on the Rights of the child. The government commits itself to the realization of the rights of the child in this document, and states that it "shall take steps to the maximum of its available resources with a view to achieving progressively the full realization of the rights of the child." (p.505). It defines the child as a boy or girl under the age of eighteen. The Act, just like the convention, emphasizes the "best interests of the child" by stating that:

In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration (p.505).

In section 7, The Act states the entitlement of the child to education thus:

- 1) Every child shall be entitled to education the provision of which shall be the responsibility of the government and the parents.

2) Every child shall be entitled to free basic education which shall be compulsory in accordance with Article 28 of the United Nations Convention on the Rights of the Child (p. 507)

On child labor, The Act states in section 10 part 1 that:

Every child shall be protected from economic exploitation and any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health, physical, mental, spiritual, moral or social development (p.508).

As a result of its commitment through The Children's Act, the Government of Kenya gave a decree for Free Primary Education (FPE).

Provision of Free Primary Education (FPE) has a long history in Kenya. Perhaps the most significant politically-influenced change in the education system was the abolition of school fees. A presidential decree in 1971 led to the abolition of school fees up to the 4<sup>th</sup> year of primary school (standard 4) in the arid and semi-arid lands (ASALs). Then, in 1973, the same presidential decision was extended to most of the country up to the 6<sup>th</sup> year of primary school (standard 6). This measure had been recommended by UNESCO as a move towards Universal Primary education (Kivuva, 2001).

The Gachathi report of 1976 also emphasized the provision of free primary education. It noted that there was a need to integrate secondary education with the non-formal sector in order to take care of school dropouts (Kivuva, *ibid*). President Moi also tried free primary education in 1981, but due to economic problems in the country, it was not sustained. Thus, for years, Kenyans were eluded by the possibility of having a lasting free primary schooling decree. In the 1980's, this move could not have been

sustained due to the Structural Adjustment Programs (SAPs), introduced by the World Bank and the IMF.

The SAPs called for cost sharing between parents and the government in education. As a result of cost-sharing, parents have had to bear the brunt of the education of their children, especially in secondary school. It was formalized in 1988, according to Bedi et al (2002), who see it as a continuation of something that was already existing informally:

Although cost sharing as a formal policy was introduced in 1988, informal cost sharing already existed. Parents were already paying for school uniforms, textbooks and school maintenance. The real change was the re-introduction of the school levies to meet the cost of school materials and instructional equipment, which had been abolished the previous years (p. 9)

Even with Free Primary education, secondary education remains inaccessible, as is noted by Njeru and Orodho (2003):

The cost sharing strategy has had a negative impact on the poor and vulnerable households. The latter either do not enroll their children in secondary schools or fail to sustain a continuous participation of those enrolled due to their inability to meet cost requirements. This results to inadequate provision of learning facilities to the enrolled, poor quality education, and high drop-out rates (p.7)

FPE is in line with the EFA goals of achieving Universal Primary Education (UPE) by the year 2015. Kenya, however, has economic problems that might hinder it from achieving this goal. Teaching materials are scarce, uniforms and feeding programs

are still not factored in and families have to meet these costs for their children (Vos, et. al, 2004) Free Primary Education does not solve for them myriad other problems and issues that arise from schooling and work.

The laws regulating child labor in Kenya (cited above) are not clear about the prohibition of children from working. It is ambiguous, then, to talk of total elimination when the previous laws that seem to advocate children's work, at least by implication, still coexist with the Children's Act that is more categorical about children's work and schooling. The Act also does not define what it constitutes as labor that is "harmful for children" and leaves it a matter of judgment.

The differences in perspectives as to whether children should work or not despite and in spite of the regulations that regulate child labor are reasons for bringing struggles and tension among different players involved in children's work and schooling. These struggles and the tensions caused by them are the subject of the narratives in chapter four. In chapter three, I present my rationale for choosing to conduct a narrative inquiry.

### **3.0 IN SEARCH OF A NARRATIVE: RATIONALE FOR CONDUCTING A NARRATIVE INQUIRY**

In this chapter, I lay out the rationale for conducting a narrative inquiry. I start by explaining the origin of my interest in a narrative study. I explicate the interpretive tradition and the place of narrative and story in the study. I then explain the procedures that I used to gather the texts, including the research preparation, conversations with participants and the process of recording, transcribing and interpreting the texts.

#### **3.1 THE STARTING POINT: FROM ORAL STORY-TELLING TRADITION TO NARRATIVE INQUIRY**

“We must lay in waiting for ourselves.

Throughout our lives.

Abandoning the pretense that we know.”

William F. Pinar, epigraph to “Introduction” (From Pinar and Grumet, *Toward a Poor Curriculum*).

I was drawn to the narrative style of writing by my background of growing up in an oral culture. My mother drew from our people’s oral culture to teach me through narratives

that she had listened to while growing up. While some mothers read stories to their children, my mother told stories to me. She also drew from them in our daily conversations as a way of learning and knowing. She would cite the stories, proverbs and songs as her source of knowledge for the daily lessons I had to learn while growing up. These stories were woven into the conversation, and sometimes if she cited a line from one that I had not heard before, that would become my chance of hearing a new story.

Having grown up in an oral culture, I learned the same skills and took keen interest in oral literature, a course that was being offered as an integral part of English literature in Kenyan high schools at the time I went to high school. This course was particularly intriguing to me since we were taught the tenets of our oral tradition, and the genres of oral literature. These included songs, proverbs, riddles and narratives. In the narrative genre we not only learned about the different sub-genres of the narrative (human narratives, legends, ogre stories, etc), but we also learned the role of the oral artist in telling the narratives, how s/he engaged the audience, and how to tell whether the audience was still engaged in the story. The oral artist was the teacher in the society, and therefore, s/he had to engage the learners to be able to keep their attention. The audience not only listened but also had chances to participate in the story by singing, dancing and/or asking questions.

It was very intriguing for me to get what I had grown up learning at home being taught in school. I drew the parallels of the oral artist I was learning about to my own mother. Having grown up with an oral artist, and having learned more about the oral artist in high school (especially more about oral artists in other communities in Kenya), I was compelled to become one. As an “oral literature” teacher in high school, I sought

to make narratives interesting by telling them. Even though I read some of them, I encouraged my students to tell their stories by retelling mine, or the ones they had read from oral literature. I enacted the stories and participated in dramatizing them in the classroom. I saw myself as an oral artist.

My quest for the narrative continued as I realized that it was a viable method for research in education and other fields. “Narrative” the way I knew it from my oral literature classes was perhaps going to help me carry out the research on experiences of children in work and schooling. Just like there are listeners in oral narratives, I would listen to the stories about children’s work and schooling and participate in the experience as a “listener”. In oral narratives, the listener is an active participant who takes part by asking questions, singing songs, and taking other parts as the artist leads. It was also possible for me to be the “Oral Artist” by taking the lead through asking questions and keeping my respondents on task. All the same, it was going to be a learning experience about narrative as I know it and narrative as I could present in my dissertation. I, therefore, had to “lay in wait for myself and abandon the pretense that I knew” how I would conduct a narrative inquiry.

It was going to be a learning experience for me, and I had to choose to claim my authority as an oral artist/listener, and blend this part of my worldview in my study. Being congruent with my culture, it is inherent in me. Thus, I use it to visualize this study since it is part of my worldview, as Graff (1979) candidly puts it:

Our view of the world and our knowledge of it are inevitably based on our interests, values, dispositions, and so on. Because idealism says that reality is to one degree or another mind dependent, we cannot “get outside ourselves and conduct investigations divorced from our own particular

world. Investigating the social and historical world is a process that is socially and historically bounded; that is, our values and interests will shape how we study and discuss reality (p. 10).

I had a strong feeling that there had to be parallels between what I knew in my world of oral narratives and what I was setting to do as an educational researcher. As an oral listener, I would listen to the stories that my respondents told me about children's work and schooling. I would participate by listening carefully and recording their stories, and asking them questions. As an oral artist, I would "express the anxieties, the wishes and the hopes" of my respondents about children's work and schooling. I would "express these in the form of images". It is through these images that I would "reflect and transmit the feelings" of the people I studied (Kabira and Mutahi, 1988:42). In this study, I use illusion as an image to express the feeling of working children about their phenomenon. The expressions of my respondents about work and schooling come out as tensions that in turn create illusions for a life that is constantly uncertain, for an education system that constantly fails them, and for a future that is nothing but a "false picture", an illusion in and by itself.

With this prior knowledge about oral narratives, I stepped into the world of narrative discourse to look for parallels in my world of oral narratives and how I would carry out a narrative inquiry. In discussing the authorial voice, Garman (2006) quotes Polkinghorne (1997) who suggests that when the author assumes the role of a story teller, there are no longer *subjects*, but rather *participants* who become actors in a research narrative. While using narrative texts in writing, "the author enters the text not simply to move the action along as a narrator, but also to present a human side to the discourse." Thus, the author offers three different identities: narrator, interviewer

and participant (Tierney, 1997; quoted in Garman, 2006:3). I saw my views of being an oral artist/listener as closely relating to carrying out a narrative study.

### **3.2 TOWARD AN INTERPRETIVE NARRATIVE STUDY OF CHILDREN'S WORK AND SCHOOLING**

Although I was always compelled to the narrative mode of inquiry through a past of being immersed in a culture of oral narratives, I renewed the commitment to carry out a narrative study of children's work and schooling for two reasons. First, I read Lynn Richard's dissertation (Richards, 1996) on the incorporation of creative dramatics as pedagogy in the elementary content areas. It was very compelling and interesting. In it, I saw the reason why anyone would choose to carry out a narrative study. I felt strongly that this was the path I wanted to take. Second, I analyzed two documentary films on child labor for my comprehensive examination. In *A Kind of Childhood: Growing Up in Dhaka City* (Masud & Masud, 2001), and *Stolen Childhoods* (Morris & Romano, 2003) the producers relied on stories told by children to understand the situation of Child Labor in different countries. *A Kind of Childhood* followed a group of working children in Bangladesh for six years while in *Stolen Childhoods*, working children's experiences in different countries all over the world was narrated. I felt drawn closer to the children and found myself empathizing with them. I was convinced that if I could talk to more working children and practitioners in Kenya, I could get their perspectives and gain deeper understanding of the phenomenon in Kenya.

Qualitative narrative studies can be used to gain deeper understandings of people's experiences, sometimes beyond what statistics may offer. The vivid descriptive nature of these studies goes a long way in informing readers the depth of the issues at hand. One such study is the "Voices of the Poor", carried out by the World Bank. In "Voices of the Poor", the poor people of the world are interviewed on what it is like to be poor. They use rich language and imagery to express their feelings about poverty. For example, one woman says: "Poverty is like pain. It feels like a disease. It attacks a person not only materially but also morally. It eats away one's dignity and drives one into total despair."<sup>16</sup> Commenting on the study and the need to take action against poverty, the World Bank President, James D. Wolfensohn, while presenting the study findings during the 1999 Annual meeting, said:

These are strong voices, voices of dignity... There needs to be a passionate rededication to each other as we enter the next century. All of us have to assume a responsibility for global equity which is the only assurance of peace (Wolfensohn, 1999:3)

Thus, qualitative research is not simply learning about a topic, but also learning about what is important to those being studied (Rubin&Rubin, 2005:15).

Clandinin and Connelly (2000) note that narrative ways of thinking are important for understanding experience. They also note that the contribution of narrative inquiry is the creation of a new sense of meaning and significance. In the narratives of children's work and schooling, although I knew that I had not only heard the stories of poverty and hardships in schooling, they had a new sense of meaning to

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<sup>16</sup> This quote is one of the many that was collected in the study "Voices of the Poor". Available <http://www1.worldbank.org/prem/poverty/voices/listen-findings.htm#1>

me, looking at them in the lens of free primary education and the international policies. Problematizing these narratives and moving another step in extending the texts to portray the role of different images of childhood, was in itself revealing. Tananis (2006) explains that interpretivists “*extend and expand text through interpretation, to draw from it conceptual meaning*” (p.142). The narrative odyssey also moved me, as I explain later, to the point of not only characterizing my own image of childhood as a working child, but also to the appreciation of my own childhood that may have seemed tough and hard at the time.

The narrative journey offered a space for me as an interpretivist, to search for deeper understandings:

A basic tenet of interpretivism includes the notion that as reflective human beings, we construct our realities, for the most part, in discourse communities. Our work grows out of a hermeneutic orientation based on notions of interpretation and the search for deeper understandings (Garman, 2006:2).

In this dissertation, my distinction between narrative and story is a subtle one: story is what my respondents shared with me about their experiences with children’s work and schooling. Narrative is my way of putting their information together to come up with an original, creative, and informative study (Padgett, 1998:119). However, this distinction, subtle as it may be, is still not a solid line; embedded in the narrative is my story, and embedded in my respondents’ stories is their narrative; thus both cross into each other’s spaces to form and inform the whole study.

### **3.3 RESEARCH PROCEDURES AND SETTING OF THE STUDY**

I first began my research by exploring the discourses on children's work and schooling. I looked at the discourses on the international and national policies on children's work and schooling. I described how international policies influence national policies, and the problematics inherent in forming policies that are not workable in certain settings. These discourses are presented in the second chapter of this study. I also wanted to hear how different groups of people view the experience of children's work and schooling. The narratives on these experiences were collected in Nyeri, Kenya. They form the second part of the study, and are presented in chapter four. Below, I describe the research preparation I underwent, my respondents and the actual conversation sessions.

#### **3.3.1 Research Preparation**

I sought the approval of the University of Pittsburgh's IRB to conduct this study in Kenya (Appendix A). I also obtained permission from the Nyeri District Education Office to conduct research in their schools. I reported to the local office when I arrived in Nyeri. The Assistant Education Officer wrote a letter to the principals stating that I was allowed to conduct research in the schools (Appendix B). She also requested the principals to give me all the necessary support in my study. The letter was a crucial part of my research. When I showed it to the principals, I was not required at any one time to book an appointment unless I wanted to return on a different day. I always chose how to use the time during and after school. This enabled me to spend long hours with the teachers and the students, without being overly restricted by time.

### **3.3.2 Nyeri Town**

I carried out this study in Nyeri, a rural town in Central Kenya. In this town, I gathered the experiential texts related to children's work and schooling. This community has faced many changes since the colonial times. They were among the first to receive both the early settlers and early missionaries in Kenya. Nyeri stands out as a town that has thrived economically over the years due to its agriculturally rich lands. This notwithstanding, there is still a population of working children in this small town. Nyeri is an enviable town academically.

Due to its early colonial and missionary influences, it boasts very successful academic institutions that have always taken the lead in National examinations in Kenya. Among these schools are Bishop Gatimu Ngandu Girls High School, Nyeri High School, Tumutumu Girls' High School, just to name a few. These are schools that have performed extremely well over the years. Nyeri is also now the home of famous private high cost primary schools, both day and boarding; Mount Kenya Academy, St. Theresa's primary school and St. Benedict's primary school, all of which perform extremely well in the Kenya Certificate of Primary Education examination. In the same environment as these great schools are the three schools where I carried out my research on children's work and schooling. The stark differences between these institutions in terms of facilities cannot go unmentioned. I describe the situation of the research schools below.

### **3.3.3 Schools**

I selected three schools for this study. My selection of these three schools depended on their location in relation to the availability of working children in the schools. All these schools were near and/or located on coffee farms; factors that were ideal and necessary for this study. The schools served as a base where I could meet parents and their children for interview purposes. Being an institution, a school offered the credibility of my purpose in a rural Kenyan community. Parents were able to come to the schools and so I did not have to go to the homes except on one instance.

These schools survive on the bare minimal facilities. Other than students' desks, there is hardly anything else in the classrooms. Teachers complained of the lack of textbooks. Through free primary education funding, children should be given free texts books and exercise books. Teachers, principals and children all said that textbooks were extremely few and children had to share them. Sometimes only the teacher had a textbook and s/he had to write notes on the board for the children. This was also difficult because sometimes there was no chalk and/or exercise books. The disparities in Nyeri town itself in the education sector are evident through the kinds of institutions in the town. The ones described earlier are thriving, while the ones I conducted my research in are in a dire condition.

### 3.3.4 Participants in the study

The following participants informed the study:

- a) *Teachers and principals*: I benefited from their expertise in knowing how working children coped and performed in school, and also from their knowledge of policies that govern child labor. A total of eight teachers and principals are in this study from the three primary schools I visited. They were very welcoming and were ready to change or adjust their schedules to accommodate me.
- b) *District Education Officers*: For their views as players in the process of forming policies that govern children's work and schooling, I was able to converse with four officers. I was also able to converse with the Provincial Labor Officer and the District Labor Officer after being directed to them by the school officials in the education office. They were of the opinion that these two officers executed laws on child labor more directly; it would be informative to talk to them.
- c) *Parents*: I had conversations with eight parents about their children's daily working and schooling experiences, and for their views on policies that govern/regulate children's work and schooling. Through the school principals, I was able to request the parents to come to school. Parents were eager to talk to me about theirs and their children's problems at home and at school. Most of the parents lived by looking for daily jobs (*vibarua*). They cancelled their jobs on that day and so I compensated them an amount equal to the wages they would have earned on that day, even though I had not indicated to them that I would. This was my way of empathizing with their situation.

*d) Children:* This study would not be complete without the views of working children themselves towards work and schooling. I was able to converse with a total of fifteen children. They were between ages 13 and 17 (standard 7 and 8; equivalent of 7<sup>th</sup> and 8<sup>th</sup> grade in the United States). Some 15, 16 and 17 year olds were still in primary schools. This was attributed to the years when school fees were still being paid; therefore some of them had to drop out of school for extended periods of time. When free primary education was introduced, they came back to school again but they were several years behind (conventionally). I chose to interview this age group because I assumed they were more likely to speak about their experiences than would much younger children. Parents and other siblings admitted that some of their children and siblings as young as 8 or 9 years old also worked on the farm. Although I had presumed that this age group would be eloquent and capable of sharing an array of experiences than would younger children, some of their responses were quite abbreviated. However, some children were able to share their stories about work and schooling in great detail, just like the adults. I chose the school environment due to its familiarity, and the ease with which I would identify the working children through their teachers.

### **3.4 CONVERSATIONS WITH PARTICIPANTS**

I remember when we were little children and had to go back to our rural home from time to time. The most “dreaded” moments for us were the times we had to introduce

ourselves to people who came to 'greet' us. We had to say our names, and our uncles and aunts, or other relatives from the village could quip, "And do you know me?" We always shook our heads in negation, and more often than not, they were "disappointed" that we did not know them, "You keep these children living 'out there'<sup>17</sup> too long", they said to our parents. "They need to come more often and get to know us". Knowing them meant knowing their names and their relation to us.

In "Romeo and Juliet" one of my favorite lines from Shakespeare is, "What's in a name?" Everything's in a name—for both my community—the Luo, and the Kikuyu community where I was carrying out my research. I knew that by first telling them my name and where I came from, I was creating a rapport that was beyond that of a research relationship. I knew that I wanted to "talk" to them, and this made a difference of how I approached them. I wanted this to be an "extension of ordinary conversation". (Rubin and Rubin, 2005: 13). Although Rubin and Rubin further give a suggestion for an interview to begin with a casual chat on topic, I used my cultural knowledge of the people to do it the way I knew would be more acceptable.

The opening sessions went beyond just the mention of our names to details of where we came from. After this introduction, I could then present the letter permitting me to do research. More often than not, we could go back to the "introduction" again, prompted by the fact that my middle name and my last name were from different ethnic groups, and I had to tell the story of "why" this was the case. I explained that I was from the Luo tribe, married to a Kamba, and I could speak Kikuyu, which was the first language of most of the participants. These facts were intriguing to them, and made

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<sup>17</sup> By 'out there', they meant the urban town where we lived. Typically, many Kenyans have a "rural home" which is their origin. People live and work in the city but "go back home" from time to time.

them comfortable to “begin” their stories. Thus, for me, the more “traditional” way of introduction was the most appropriate “conversation starter” (Rubin and Rubin, 2005: 30). I was now ready to move to the topic after they “placed” me in their context as someone whose name they knew, belonging to one of the ethnic groups they knew, and speaking their own language. Thus, I was one of them, and living “far away” in America, did not diminish that fact.

I gave my conversation partners the chance as much as possible to give me details of their perceptions of child labor, and/or their experiences as parents, practitioners and children involved with issues on child labor. I “gently guided the conversational partners in an extended discussion” (Rubin and Rubin, 2005:4). I did not have a fixed set of questions but depending on the direction of the conversation, I was able to guide it accordingly. Seidman (1998), states that there is no recipe for an effective question. He adds that the truly effective question flows from an interviewer’s concentrated listening, engaged interest in what is being said, and purpose in moving forward.” (pp. 77-78). Thus, guiding the conversations enabled me to keep the participants on the topic, but also demanded of me to be a keen and engaged listener. The interviews with the adults took between one and two hours. Interviews with children took less time, between 20 minutes and half an hour.

### **3.4.1 Recording the conversations**

I recorded all the interviews using a mini tape recorder. Before the conversations, I explained that I would use a tape recorder. I did not find any resistance with its use, except on one instance where an official felt that she needed to study and bring notes to

the interview before she could be taped. I explained that I did not need her to read about it or quote other people she was not remembering at the time, but I just needed her to tell me her perceptions as they were at the moment. She got comfortable and actually ended up giving me two hours of her time for our conversation.

Once I recorded the conversations, I took time in the evening to write in my journal. I mainly wrote what went on in my mind about the topics that a certain respondent had discussed, and the environment surrounding the interview. It was not easy at first to write in the journal. Being from an oral culture that depends so much on memory and spontaneity instead of writing things down, I struggled with journaling and at times it was easier for me to record things in it after a few days than the same day. When memories of the day freshly lingered in my mind, they were better off cherished as memories. That way, I felt ownership. After some time, though, I got used to it as I saw the need and understood the importance of keeping one.

### **3.4.2 From transcription of tapes to interpretation**

I transcribed all the tapes. Some tapes were in English, and others were in the local language of Kikuyu. Although Kikuyu is not my native language, I am fluent in it. Parents and some students chose to speak in Kikuyu. I translated all the conversations verbatim as I listened and typed them as I went along.

During transcription, I first used the participants' real names. All the participants did not mind giving me their real names. This helped me to vividly remember the participants. I later changed the names to pseudonyms and then divided the transcripts into groups according to the place that I had gone to do the research. This was one

strategy I used to manage the large amount of texts that I was going to deal with. I used the place names as headers. Then I used the line numbering tool. This helped me to easily locate statements or certain themes of narration when I needed to go back to it for any reason. After categorizing according to place, I started reading through the texts. The first reading was to familiarize myself with it once more since during transcription the main concern was to write everything down. The second time I read through, I set out to identify recurrent themes within and across different groups of people, that is, among teachers, education office administrators, labor officials, parents and children. The themes then became the reference point for more readings and framing of problematics.

Under every theme, I identified texts that clearly reflected ideas about that particular theme (to me as the researcher). In discussing the meaning and the role of text, Garman (2006), explains that:

...text is primarily a written form with inherent meaning in it for the researcher—a chunk of related words or images that reflect an idea or ideas. Text may take the form of vignettes, profiles, stories...The concern here is that these crafted texts are capable of hermeneutic interpretations, and are not generally used for reductive purposes. In this way the researcher continues to create a repertoire of preliminary texts, and, in so doing, deepens her understanding of the study, even if it hasn't come onto full conceptual focus yet (p.5).

The texts in this study come in the form of stories that were woven from conversations with children, parents and practitioners in education and child labor. At the background and articulated in some parts of the study are stories of my own

experiences as a working child. I used them as a backdrop to relate to the stories of children's work and schooling, and used this relationship to craft my narrative of children's work and schooling. The stories of children's work and schooling, and the narratives of my own experiences became what Garman (2005) calls the experiential texts.

### **3.4.3 From themes to problematizing**

The process of identifying themes helped towards pointing to the problematics by assisting me in identifying areas of concern for working children and their families. Rubin and Rubin (2005) state that:

Interpretivists are usually not interested in averages but in syntheses of understandings that come about by combining different individuals' detailed reports of a particular event or cultural issue (p.29).

Thus, within the themes, I identified issues that were creating tension in the community due to the fact that they were remaining unresolved. For example, as many children hardly went to secondary school, families were finding free primary education incomplete and not serving the purpose for poor working children. If they did not go to secondary school, they would still continue working in the farms, and the elementary education they got would not be of much help to them in that context. This fact creates tension when teachers have to tell children to work hard in school and they cannot because they do not see the reason why. It creates tension when families have to lose opportunities for secondary schooling with children who have done well in primary school but cannot go on due to lack of school fees. By identifying themes first, it was

possible for me to focus on issues that needed attention and/or missed the attention due to policies that did not address them or simply did not work. This became my basis of problematizing issues and policies surrounding children's work and schooling in Nyeri, Kenya. I pointed out and expounded on these problematics as I wrote on each theme. It is the interplay between people's stories and the policies that create the problematics. These themes and the inherent problematics are the basis of chapter four.

Finally in the last chapter (five), I put together the discursive texts on children's work and schooling, the narratives and the problematics and synthesize them into the images of childhood that run through the study. These images represent the idealized vision that surrounds working children both internationally and nationally. It is these images that are at the center of problematizing children's work and schooling, and they are the ones that I use as a conceptual lens to "extend" the discourse of children's work and schooling as I make meaning of it.

## **4.0 PROBLEMATIZING CHILDREN'S WORK AND SCHOOLING IN KENYA**

In this chapter, I present the narratives of children's work and schooling in Nyeri. I take the stance of a witness attesting to the fact that the same things that happened while I was growing up are the same ones going on, several years later. I attest to the fact that little has been done locally, nationally and internationally to be able to assist the working children beyond free primary education. Through these narrative vignettes, I bring out the tensions caused by poverty, child labor and schooling. I also speak to the illusion of free primary schooling, especially the inability of children to continue with secondary education due to the expenses attached to it.

### **4.1 TENSIONS ARISING FROM POVERTY**

When I first thought of Nyeri as a place to do research in child labor, I wanted to find out the reasons why children in Nyeri would have wanted to work, and yet this was a place perceived to be quite prosperous by local people as well as by the government. I did not think poverty would be the main reason. This theme, however, stood out strongly as a great influence to the presence of child labor in this area. In this section, I present the views and tensions concerning poverty as a cause of child labor. I have

divided this theme into two interrelated sections. In the first section, I present and discuss narratives concerning scarcity of land and land ownership, and in the second section I present and discuss hunger/food scarcity and lack of basic needs.

#### **4.1.1 To own or not to own: Tensions in land ownership**

Land plays an important role in the lives of the rural populations in Kenya. It is not only a means of a livelihood, but it is also the primary source of food for them. If one does not have land in the rural areas, s/he would have to have a business or another way of earning their income.

Most of the children who work in the commercial coffee farms live with their parents as squatters (landless people) on land that does not belong to them or in rental houses. Most of the coffee plantations are owned by the Catholic Church. Just before I carried out this research, the squatters had organized themselves to go on strike, demanding for their land from the church, stating that it is their ancestral land and that they have a right to own it. The church, however, has “proof” of ownership of the land since they have the title deed, and as one nun, Sara, said, “The church won the lawsuit”. Thoughts about who has the right over this land differ depending on the person’s allegiance to the church. The nature of this case gains importance for this study in the light of the strides that might be made in the future to alleviate the poverty in this community.

There is evidently some tension between church members and non-members about land ownership. Different views emerged as to who owns the large parcels of land where the coffee is grown. With the squatters demanding their rights as the owners of

the land, it is not surprising that this issue would gain so much importance to the point of obvious differences in opinion among certain groups.

The first person to give me deep insights into this issue was Sara, a catholic nun who I met at the mission where she serves as an administrator for her congregation. Sara and her family moved to the mission during the years of the state of emergency in Kenya (1952-1959). This is an important time historically because the Mau Mau rebellion was taking place against the British rule<sup>18</sup>. Sara contends that many Kenyan Africans found the mission a safe haven for them because the mission lands were not being attacked:

We had moved from Mukurweini to this place. When the emergency was over, we did not go back there. Our land is in Mukurweini. People were moving to the mission lands during this time because there was peace here. This is why they were moving from their place to this place, to get peace. When they were here, they would continue learning and having children. The church then divided for them small pieces of land where they could build their houses. If I want land, I should go to my father; the church is not my father. How can it be their fathers' land when they were not even born at the time when the missionaries were coming? And even if you go to them and ask them, they know that they do not come from one place. They have come from different places. (Sister Sara, nun)

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<sup>18</sup> The Mau Mau are the freedom fighters who fought for Kenya's independence from British rule. According to Sister Sara, the Mau Mau used to make fellow Africans take an oath to support them. Taking an oath automatically meant denouncing Christianity. Like many others, Sister Sara's mother ran away from her farm to seek a safe haven in the mission.

Sara is surprised that anyone can claim the land that “rightfully” belongs to the church. She sees this as an abuse to the church that has been so kind to the point of “saving” their lives during the time of emergency and giving them small pieces of land to live in. Sister Sara’s loyalty to the church blinds her from seeing the needs of the squatters and their right to share or own land with the church.

Huuni, a teacher, disagrees with Sara’s sentiments. Considering the fact that a lot of land is lying idle while the squatters are looking for land, he says:

I think it is their right because this land was theirs from the beginning. It belongs to their forefathers. When the missionaries came, our forefathers just gave the land to them. The land was leased for ninety nine years and that time has now expired. So when the owner of the land says “I want my land back”, it should be given to him. The small *shambas*<sup>19</sup> given to them by the church are not enough, yet there is a lot of land that is not utilized. It is just lying idle. This makes them angry because the church will not even allow them to take their animals to unutilized land (Huuni, teacher).

He further added that there was a problem with the small pieces of land that the squatters were given because they were “small, hilly and therefore the production cannot be much”.

Ana, a school teacher, thinks of the land issue as being beyond an issue of poverty but also an issue of security and sense of belonging. She feels that if the squatters are given land, they would be more contented and would even work harder:

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<sup>19</sup> Shamba means farm or garden

Lack of land affects the whole family, even the children because they know they own nothing. In fact by now the squatters should own everything. When they have land, they will have that sense of belonging, yes, sense of belonging. They would feel that people care and think about them. And when you have that feeling that someone somewhere is thinking about you, you are satisfied. For example when you came here and no one talked to you, you could not have that sense of confidence, sense of belonging and whatever...so there is a feeling that a person feels and that one is extended from the parents and then to the children. If they have land, they will have confidence, even when they are going to the farms to work, their brains will be sober because they have a home to go back to. (Ana, teacher)

Mr. Wahome, a resident of the area and one of the people with the small pieces of land, is grateful for what he has and wishes others could utilize their pieces of land “without a lot of infighting. He thinks it is fine the way things are and believes that fighting the church is ‘political’:

Fighting the church is a political affair. Actually I have stayed here for more than fifty years. And as far as I know, no one, not any of us, had land around here at the beginning. They were all employees of the mission. And because of population growth, they are claiming that this land was theirs. Many of them have come from different parts of the province. I don’t know if they will ever win the battle against the church, but I think the land belongs to the church. (Mr. Wahome, former government official).

McEvoy (2005) captures an interesting historical fact about land tenure and land ownership. He begins by discussing how land used to be a communal entity and how it

changed into being privatized. He outlines the role of the Catholic Church in this endeavor, from a historical point of view:

In January of 1455, Pope Nicholas V, citing divine right, issued the *Romanus Pontifex*, an edict directing Portugal's King Alfonso V to "...claim, conquer, seize and exploit—by right of discovery—any lands to the West." Thus, the doctrine of discovery is a product of a Catholic Church that also looked upon non-Christians as "saracens, pagans, infidels and enemies of Christ". Both the *right of discovery* doctrine and the status of non-Christians would figure prominently in the expropriation of lands from indigenous people, and in the chain of authority that is the foundation of private real property rights in the United States (p. 12).

Although McEvoy refers to the land in the United States, it would not be farfetched to think that the same doctrine that the church cited was used all over the world. This does not only apply to the Catholic Church but also missionaries from other churches who own large pieces of land in Kenya to date. Not only is it historically evident that this thought process was used by the missionaries to own the land, but it is also clear that the history of land ownership in Kenya moved from communal ownership to private ownership during the colonial times. The Kenyans living in the "White Highlands", the favorable highlands for farming and cool climate that was the main choice of colonizers bore the brunt of losing their ancestral land. The squatters in this study are part of that group, as explained by Sister Sara earlier on. It is also easy to speculate that members of the church, feeling so strongly about the ownership of the land by the church, have been seasoned into this "indoctrination". This is evident from

the words of one teacher who is a member of the church. He accepts there is a problem, but the church is not to blame.

They think it is their right. They would like the title deeds for the little pieces of land that they have. Without the title deeds they cannot do anything definite with the land. Most people do not accept certain boundaries given to them. The person whose land neighbors the school has a boundary dispute with the school. If only they had title deeds, there would be no problem. I feel that they are pushing the church unnecessarily. They came to the church's home. They are the strangers. You don't come to somebody's home and then do what you want. How sure are they that their ancestors owned this land? Where did the church get it from? What can they produce as evidence? The church has the title deed to the land.

The lack of land causes discontentment, tension and a sense of hopelessness for those affected. Odhiambo and Nyangito (2002), in discussing land laws and land use in Kenya, state that:

Land is the foundation of shelter, food, work and indeed nationhood. As such, rights of land ownership and land use not only involve emotions but also provide important ways through which political influence is practiced (p. 5).

The importance of land as an economic asset lies in its use as a collateral in advancing credit largely because land is immobile, its depreciation over time is small and its value is not eroded by inflation (Biswanger and Roserizweig, 1986). It would almost certainly follow that ownership of land, or lack of it thereof, would influence the

economic status of those who solely depend on it for survival, like the rural dwellers. The squatters end up “leasing” other people’s land to grow food, which costs them part of their hard-earned income, and they send their children to work so as to supplement their income.

#### **4.1.2 Tensions arising from food scarcity and lack of basic needs**

Closely related to the land issue is the scarcity of food. Lack of food stands out as a major reason why children work. Since parents do not have enough land to cultivate, they have to buy the food they eat. Parents talked of the need to prioritize food before needs like school uniform, shoes or books due to its centrality to survival. Even with that, food scarcity is a matter of concern and sometimes children have to go without food:

I talk to my children whenever they have to go to school without food because I would like them to understand that it is not my wish for them to stay hungry for the whole day. I know that without lunch they might not be able to concentrate well, but I pray to God to help them so that they can be able to study on that day. Then another day God helps me and I am able to get something for them to eat (Wanjira, mother of a working child).

This parent looks for ways of easing the tension in the family by making sure her children get food to eat, including having them accompany her to the coffee plantations to pick coffee. She also talks to them so that they can understand the situation. Sometimes she reaches the end of the road, and has to contend with having her children sleep hungry. However, they do not necessarily sit back with the attitude that help will

come from some unknown destination. They are resourceful and possess a sense of agency and resilience. They know that whatever little they can find counts towards the family's welfare. When things are beyond their control, they face it by looking for alternatives to survive. One parent says:

...they are able to pick coffee because whatever little they pick, we put it together and it becomes a good amount. I live by priorities. I will not think of the shoes before I think of the food. Sometimes we sleep without food. Other times I go to the shops and get food for credit. When I get money, I pay the shopkeeper. The children know because sometimes we even pick up the food from the shopkeeper and then we do not get jobs. So we cannot go back and tell them to give us more before we pay our debt. That is why we sometimes sleep hungry (Wanjira, mother of a working child).

Mari is also a grandmother who takes care of two of her grandchildren. She is at times unable to go to work because she is ill herself and just goes when she is not sick. She wonders if, with the situation she is in, she can afford even to think of buying a shoe for her grandchild who comes to school without shoes:

I have to go and look for jobs so that I get something to eat with my grandchildren. If I do not go, I will be in deep trouble. I even have another boy who is ill, and he had been admitted to the hospital for some days. My thoughts have to travel from side to side. Will I think about the shoe, or clothing, or should I think of the child getting full in the stomach? Wouldn't I only think of the child getting full in the stomach? Now tell me how I can get help because I don't have anybody to help me. I don't have anything, please tell me. (Mari, grandmother of a working child).

The children also confirmed that a lot of times they went to school without carrying lunch because there was no food at home. Lack of food is also accompanied with insecurities associated with shelter:

One time I had gone with my daughter to hospital. I had to stay with her there and take care of her. When I came back I found that my house had already been locked because I had not paid rent. I could not believe it! My eldest daughter, the mother of these children, stays far and she does not come at all. So I have brought them up by myself since they were very young, because my youngest daughter is ill. (Mari, grandmother of working children).

It was not uncommon to find that the working children were being taken care of by their grandmothers, who were weak and sometimes ailing. It was therefore a matter of necessity for children to help fend for themselves and their grandmothers. Sara, the Catholic nun, tells about one grandmother:

We have one grandmother here who has three grandchildren. It is now about seven years since the parents of the children left. They have never come back. They do not even write letters. That grandmother comes here daily. We give her food for those children. The children come here every Saturday. They work and then we give them food. We do not want to show them that we can give them things freely without them working for it. If we do that, they will always want free things (Sister Sara, nun)

Mrs. Wahome also offers an explanation about grandparents with no means but still care for their grandchildren:

A lot of children are being brought up by their grandparents, who do not even have means of supporting these children, let alone themselves. Most of the children are very young but still have to help their grandparents because the grandparents are not strong enough to take care of the grandchildren. One grandmother was left with nine grandchildren. One of the grandchildren was only a few months old. She sought help from a children's home and was told that the very youngest one could not be taken in until s/he was potty-trained. The grandma did not have a job, and it was really difficult for her (Mrs. Wahome, retired teacher; parent).

The AIDS pandemic has also affected families. Orphaned children are finding themselves heading their families. Those who are lucky go to the mission to find help:

I have three children who are AIDS orphans. Their mother told me to take care of them when she was dying. I had to look for ways to help them because if they do not have a place to go and live during the school holidays, feed well and stay well, they will not study well. They are very smart children. My brother is helping me with one. He is in form two. His sister comes to this convent during the holidays and the little one is also in high school. I try to look for a home they can go to during the holidays. They normally work here and they get pocket money to go back to school. They need to know that at least they should contribute to their own welfare. They study in the morning and during the afternoon they work (Sister Sara, nun).

Some parents, however, complained that the Catholic Church was not generous with these donations to non-members. Thus, their struggle with their children would

just continue because even when they ask for help, they cannot get it. Mrs. Wahome, herself a Catholic, confirms this:

It's hard for the church to help non-members. But when the church receives any food from the relief agencies, it always makes sure that all needy people get the food, irrespective of their church affiliation. Recently there was maize that came through the relief aid. All needy people got some. Generally, if you decide to go to another church for help, you will also feel that they might tell you to be one of them. So a lot of non-members don't go for help from a different church (Mrs. Wahome, retired teacher).

Kiama, a teacher, thinks that most of these problems have been caused by the fact that most families are large and they cannot meet the needs of all the children unless these children help their families out:

Sometimes you find that a mother even has between ten and fourteen children. In standard one when a parent brings a child, we ask for a birth certificate. So when I asked for the notification, I saw that this child was the 14<sup>th</sup> born. I was shocked because I had asked the child's mother if that was her granddaughter. I feel that because of large families and small acreage of farms, it is very difficult for families to survive. It is not that easy to feed all those mouths. So if they all go to the coffee farm together with you, you find that it is easier for you to bring them up (Kiama, teacher).

The abject poverty that causes the children to work is described in the following story by one of the children.

We work due to lack of something to eat. We live with my grandmother and she is sick; so she does not go anywhere to work. Many times she just stays at home. On Saturdays, I go to look for money. I am the eldest child in my family. My mother is not here. She went away, and we don't know where she is. I am the only person who lives with my grandma. My mother went away when I was in standard four and now I am in standard eight. I have not seen her for four years. When I pick coffee, I come with money; I buy things like salt and rice. After coming from work, I go to our own *shamba* to dig. We have potatoes and beans there, to supplement our needs. One of my cousins comes to take care of my grandmother sometimes. She has not come for several months now. She has not been here for some time now. She was last here in April and now it is October. When grandma is feeling better, she goes to our little coffee farm and digs a little, and then goes back to the house. The neighbors help me to take care of her sometimes.

The above narratives have shown that working children in Nyeri are struggling every day to meet their basic needs. It is disturbing for me to know that over the years since the time I was working and going to school, there are still children doing the same, with all the activity going on to "save the working child."

One of the Millennium Development Goals is to cut the number of the hungry and poor people by half by the year 2015. However, the situation still seems bleak in Africa because:

Widespread and abject poverty and hunger are getting worse in Africa.

Nearly half the population of sub-Saharan Africa lives below the

international poverty line, a higher percentage than in any other region.

(Clover, 2003:4).

With this kind of scenario, it is difficult to believe that the Millennium Development Goal to eradicate hunger will be met when the poorest people in sub-Saharan Africa and other parts of the world have not been fully targeted. It only remains an illusion for now.

## **4.2 PROBLEMATIZING WORK AND SCHOOLING**

The lack of land and scarcity of food described above also manifests itself in schooling. Working children, even in the face of Free Primary Education, still struggle with schooling. They also see a bleak future with their schooling due to unemployment and lack of continuation to secondary school. In problematizing child labor and schooling, I discuss issues pertaining to school lunch, continuation to secondary school and unemployment.

### **4.2.1 School lunch**

Closely related to problems of hunger at home is the issue of school lunch. Children in Nyeri do not get school lunch. They suffer a lot and wish that something could be done to meet their need. The importance of school feeding programs for places with food insecurity cannot be underestimated. A study done in Bangladesh among children included in school feeding programs indicated that, among other things:

- Enrolment had been raised and the probability of dropping out had been reduced
- Children's diets had been improved
- An extremely high percentage of mothers reported that their children had interest in attending school and their study habits had improved
- The children's nutritional status had improved
- Children's academic performance had improved (Ahmed, 2004: iv-v).

School feeding programs are also rampant in Kenya but mostly in the arid and semi arid areas, a classification that Nyeri, with its high agricultural productivity, is not part of. One of the working children in Nyeri laments the scarcity, and sometimes, total lack of food:

Sometimes we do not have food. Some neighbors sometimes bring food for us. Other times we stay without. In school we are not given lunch. I hear that some schools get food. I would like our school to get lunch also. A lot of times we go without lunch. Like today I do not have food for lunch. Sometimes some boys call me. Other times I stay and struggle through the afternoon.

Teachers understand the children's situation, although they cannot help much. Even though it is one of the school rules that children should bring lunch, this is very rare for some children:

Most children do not come with packed lunch. They do not concentrate well if they do not eat lunch. Lunch can improve their performance. We sometimes ask for lunch but we cannot be tough on them because there is nothing we can do. At least we have clean water and so they can just drink the water. I don't see this situation ending soon (Grace, teacher).

I interviewed Emma from the World Food Program (WFP), and she was fully in support of the School Feeding Programs, and she saw the need for families to get the support:

In families that are food insecure, people need the income. One of the things the government, along with the United Nations has done is to support school feeding programs because it increases enrolment. When you give a family free food, you transfer income to that family. That helps a lot. World Food Program has a long standing support of School Feeding Programs in Kenya, more than twenty years actually (Emma, World Food Program official).

Yet during all these years, there is a population that is in need of food but is not targeted by these programs. I asked why children in Nyeri were not fed through their programs and she said that they worked with numbers. According to their statistics, Nyeri was not highly affected by food insecurity like the parts of North Eastern Kenya that were dry and received much less rainfall:

We go to places where food insecurity is highest. Nyeri is not one of them. Of course even in places with prosperity, you find poor families. Generally, we have to go to places where hunger is quite widespread. Nyeri only has pockets, but Marsabit has wide areas with no food. We target Marsabit more than Nyeri. We also look at enrolment, and where hunger might be featured as an impediment to enrolment. In places where hunger is the issue, enrolment goes high when food is given to schools. Places with no food insecurity will not show a marked difference in enrolment.

The parents of working children feel that they have been excluded due to a generalization that the area is not poverty ridden. They wonder why anyone would make such a generalization and yet people cannot always be the same:

It may be said that Nyeri is rich but we are like trees in the forest. They are not the same size. So they might say that Nyeri is rich, yet I am in Nyeri and I have nothing. Since I am in that very forest, am I not also one of the trees? Will I grow tall overnight and become like the other tree, yet I have already grown to my height? So they may say that Nyeri is rich, but it is not always the case for everyone. Yes, there is wealth for those with cows and goats and of course their own farm. But I don't have any of those things even though I live in the same place. Why should I be forgotten?

With this kind of situation, it is hard for the parents and their children to survive if they are forgotten by people who make the statistics of their situation "different". Mutua, an official at the education office, calls them "pockets of poverty", and continues to say that they are not really visible but "they are there and cannot be ignored". They are ignored all the same and he is in agreement that more should be done to help this population.

#### **4.2.2 The elusive nature of Free Primary Education, continuation to secondary school and unemployment**

Free Primary education was welcomed with very warm hearts in Kenya at the beginning of 2003. However, the reality soon struck when most working children had to face the fact that even with free education at the elementary level, secondary education was far

from being guaranteed. Their only hope for continuation to secondary school was the government bursary scheme which, as it turned out, most parents did not even know existed. While free education is hailed by parents, children and teachers alike, the bleak future with the uncertainty of whether or not children will join secondary schools constantly hovers in the minds of all. One student says:

The free education is good because when we were paying, I could stay home for about two weeks. I came back to school when it was made free. I say “thank you” to our government and I hope they will continue helping us. I will only go to secondary school if I find somebody to pay for me. If I do not get some assistance I will continue plucking coffee so that I can help my grandmother.

This child is not sure whether she will continue with secondary education or working in the coffee farm. Her desperate call for help is heard among many of the working children whose parents are already struggling through every day life and who already see their parents struggling and their siblings staying at home after elementary education. One parent says that she and her son are preparing for this eventuality:

My son is saying early enough that he wants to be a mechanic. He sees how the situation is and he knows very well he will not go to secondary school. He also sees through his own wisdom that he has only one parent and that the situation is hard. We always sit down with our children and share things with them, and make them understand the situation.

Even with the positive image of free primary education, some teachers are very anxious about what happens to their students after primary school; they are willing to help but they can only do so much:

I wish the government could do something about secondary school. These children may finish primary school, but when it comes to secondary school, the parents are not able to keep them in school. In fact there was a very bright boy who passed and we even contributed some money so that the parents could buy a few things for him, at least we made sure that we reinforced his going to secondary school. But he never made it. We later learned that he was at home. He had dropped out of school. The parents were not able to keep him in school, but we learned very late. If we could have learned early, we could have mobilized a fundraiser for him to continue with school. All his efforts are wasted and that is a discouragement even to many other children (Grace, teacher).

Prevalent lack of continuation to secondary school has discouraged many students from working hard in school, according to one teacher.

The fact that they do not go to secondary school also encourages them not to work hard. They know that they will end up continuing with child labor. They are also seeing that their brothers, sisters, and relatives don't go anywhere when they finish school. They are working instead of going to secondary school, and when the school goes see this they prefer to get jobs that will help them to assist their families (Huuni, teacher).

Other teachers think the students' complacency is attributed to the knowledge that, most obviously, they will not go to secondary school.

Their performance is also affected. If a child is so smart and he knows at home his brothers and sisters are unemployed, he may not put forth a lot of effort. When you ask him or her why, s/he says, "but I know I will not go

to secondary school, so and so did not go.” So I always have to encourage them. And if they do not go to secondary school, what do they do? They have to go back to the coffee again since they need something to eat. So the problem will continue (Kiama, teacher).

Wanja, a government official, feels that after the government provides for primary education, they should not be obliged to provide for secondary education. She even believes that the government is very kind to have bursaries for the students:

There are bursaries for poor students to go to secondary schools. At least children who have done well are followed by the government for free education. The money is channeled through the Ministry of Education. However, the government cannot meet all the expenses for all needy children because the policy for free education targets primary schools. So the government does not have to provide for secondary school (Wanja, government official).

Unemployment in Kenya is rampant, despite the expansion of education over the years since independence. The human capital theory views education as an investment that is useful to an individual and the whole country. The common ground that more education offers a ticket to earning better wages, has driven the Kenyan government to always spend a large amount of its budget on education. Universal Primary education may be important but if free education is not expanded to the secondary level, it may not benefit poor people much. One respondent confirms this:

I don't know how we can convince people that education is valuable for its own sake if there is no quality of life, if the quality of life is poor. There are still benefits in the sense that research shows that just by having a primary

education, a woman's chances of bettering the quality of life for her children increases. Convincing people that it is good to reach standard six instead of three is not easy. They will both beg for food. For me, education for its own sake is a dilemma. At least basic education makes the quality of life good. It helps you to have a basic understanding of issues around you. The issue at hand is trying to convince the unemployed graduates that it is important.

The unemployment rate in Kenya is even affecting people with university degrees, according to one respondent:

Because of high rate of unemployment, the benefit of going to school is so small. You go to school and finish the university and still work as a watchman, the same as a person who never went to school at all. That is what's making the children drop out of school. We have been told that education is not an end in itself. It is a means to a better quality life. But now the link is not clear.

Still, the importance attached to available education is strong due to the argument that it provides literacy and also, some children stand a chance of going on with education through bursaries and contributions from family members:

Education is still giving us a hope. The good thing about education is that it gives you the knowledge to survive. Not necessarily that you will get a better job after you complete. But you will have skills of survival. You cannot be like somebody who is illiterate. With education, there is hope because, as we have seen, in places with illiteracy, the people are not advanced, and they cannot develop. But where there is good education,

even the population develops. You can even see some pupils from here that have excelled in their careers. We have somebody who is a pilot, doctor, numerous are teachers like us, and we can see some effort and some fruits of education (Grace, teacher).

### **4.3 PROBLEMATIZING THE DEFINITION OF CHILD LABOR AND CHILD WORK**

Definitions impact the way that people look at certain words or concepts, and even how they feel about them. Child labor and child work have been defined in different ways by different groups, people and organizations. Children's work is generally accepted as part of growing up and training. Child labor is generally considered as harmful to children.

UNICEF (2004), defines child work as children's participation in economic activity that does not negatively affect their health and development or interfere with their education, and child labor as all children below twelve years of age working in any economic activities, those aged twelve to fourteen years engaged in harmful work, and all children engaged in the worst forms of child labor. I asked teachers, education officers and labor officers what they thought of these definitions and if these definitions fit the situation of working children in this study. In this section, I present their responses to the issue of definition.

Kiama, a primary school teacher, came to the defense of the children, citing the reasons why they work and the fact that they do not miss school when they go to work during the holidays and over the weekends. He explained it thus:

I think child labor and child work can both apply to this situation. The parents in this area do not have enough pieces of land. They can't depend on that land. So on Saturdays they need the children's manpower so that they can increase the income. It is a necessity in some way. But if it goes to the extent of having the child out of school, then I think that is child labor. Saturdays and holidays, I feel its okay for them to work. If they are not removing the child from class, I think its okay because the children need it (Kiama, teacher).

To him, therefore, children work because they need to increase the family income. He believes that work that does not interfere with the schooling of the child should be permissible. This point is reiterated by another teacher, Ndeto, who feels that it is more beneficial for these children to work instead of staying at home doing nothing, as long as they will always come to school:

These people have no income. When they go with all the children, they are sure to pick enough coffee to give them some income. Again if they do not go to the coffee plantation, surely they would do nothing much at home, nothing beneficial to them, since they have no land. I don't find any problem if the schools are closed. They do it in their homes anyway. Even in our times we used to work. I would not consider it as child labor. Maybe I would consider it child work because it is necessary for them to survive. If the children and parents are dedicated to their education, their performance will not be affected (Ndeto, teacher)

Ndeto was looking both at the fact that children need an income, and how they also need to be kept busy by going to work so that they are able to stay out of trouble.

She also mentioned the important factor of these children not having a land of their own to cultivate like other children and so they must work in commercial farms.

Mwangi the labor officer shared these same sentiments. He was concerned about the intensity of labor for squatters' children, but later on, in retrospect, thought of its economic importance to the children and their parents:

If it is during the coffee harvesting season, let the mother be accompanied by the child. Let the child help. I will not be mad even if you are working for pay, as long as you are devoting the five days of the week to school work (Mwangi, labor officer).

If the opinion of the highest labor official in Nyeri is that there is need for the children to accompany their parents to the coffee farms, then it would be difficult for any other official to find fault with parents and their children. Mwangi added that "If I find the parent consented for the child to work for reasons which as a human being they are touching for me, the law takes a back seat." He went on to conclude that, for sure, in such a situation, he would "look the other way and say, "let the child work". His assistant, Wanja, also felt that if the children were not being taken away from school, then it was all right for the children to work:

If after all it is not going to cost them the education, there is nothing wrong with that. But if it is going to compromise their schooling, then that one should be counted as child labor. If they will work during school time, then it is child labor. But if they will do it when they are away from school, they are helping their parents to make the target so that they earn more for a better life. I have no problem with that (Wanja, assistant labor officer).

Another teacher, Grace, felt that child labor and child work could be differentiated by the amount of work that the children performed:

Sometimes I look at it and think how hard it is for a mother to feed all these children alone. Is it really possible? They need food yet she is a bit weak. She would therefore like to be accompanied by her children. I have noticed that children also like working. It's so interesting. Tell them to come to school with *jembes*<sup>20</sup> and *pangas*<sup>21</sup> and they will be so glad...Somehow, to some it may be labor, but I think to most of them it is normal work. In case they are overworked, I would then call it child labor (Grace, teacher).

Emma, who works with an international organization, was aware of the problem of certain households needing child labor for their survival, but felt that there was no need of changing the definitions of children's work and schooling:

If you redefine these two to suit working children and their families, you have shifted the boundaries. You have then to consider that child labor for that household is actually necessary for their survival. But we can't redefine it because we can't lower the standards for protecting children.

Emma is an example of someone in dilemma between her job and what she sees really happening.

Daudi, one of the high ranking children's officials, was in no kind of dilemma. He was obviously cautious in agreeing with the fact that children needed to work. Although

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<sup>20</sup> Jembes means a hoe, an implement used for digging

<sup>21</sup> Panga means a machete

he said that it would be fine for children to work, he maintained that it was necessary for children to be protected because they were vulnerable and could be easily exploited:

Society has a responsibility to ensure that every child is provided for. It is not doing it very well with that responsibility. In the short term I think the best solution would be not to give these children a very blank check. It should not be said that since a child did not go to work the whole week due to schooling, he should work himself to death, no! If these people, both the employers and the families, are given a blank check, the children will suffer! People will be taking advantage of them. So we have to be responsible. That is where labor law comes in; for the children who work and study, regulation is very, very important (Daudi, Children's Officer).

Daudi continued to explain his "blank check" statement by saying that children should be paid fairly and be given the limit of the times worked so as to give them time for leisure and time to be children. The "blank check" would encourage employers to highly exploit them because the children were most likely not to:

...refuse when they were sent anywhere, they can be paid anything, they can be threatened and they will work during the times stipulated for them, they can be bribed with small tokens, and they don't have the willpower to fight for their rights. Such children need the protection of the law (Daudi, children's officer)

The reasons children work was perceived by the respondents above as a strong reason for the (re)definition of child labor and child work. However, some respondents felt differently about the phenomenon of child work and thought more could be done about people's expectations and thoughts about work instead. Poor children and parents

were supposed to realize that working hard was a virtue and that it was because some of them did not work hard enough that they were in the state of poverty. The fact that some parents were expecting too much from the church was in itself to blame:

Expecting handouts has already contributed to poverty here. You can see somebody who is strong enough, but he expects to be helped. I ask myself why one should be helped and he is able to go anywhere and be employed as a laborer and get his daily bread. That has even contributed to laziness (Mr. Wahome, retired government official).

Mr. Wahome, a retired worker with the Nyeri provincial administration, said that children needed to work more if they had the need because it was the right thing to do instead of expecting “handouts” from the church and other benevolent groups. This point was reiterated by Mrs. Wahome who felt strongly that both children and their parents needed to work hard in order to alleviate the problem of poverty. She reprimanded the parents who complained more about the little pieces of land they had instead of using those pieces positively for their own benefit:

Some parents do not even have little pieces of land. At least here if you utilize what you have, you can get something out of it. I know some people are being helped by Catholic nuns. Those who are helped still have unutilized portions of land but most of them have just become very lazy because they are waiting for help from the church. People got so used to that idea of being given, because the missionaries used to give them little things. Most of them do not want to work. Even their children just sit around since their parents do not guide them to work. So they do not

cultivate even the little piece of land they have been given by the church.

That's a problem. (Mrs. Wahome, retired teacher).

Mrs. Wahome would rather have the children who work for pay and put food on the table than the ones who sit around and wait for “manna from heaven” in form of help from the nuns. Sara, a nun in one of the missions, also felt that people were expecting too much from them at a time when they had stopped getting donations from other churches abroad like they used to “a long time ago”. During that time, they could gladly call people, give them the necessary help and have them go without having to work. Things have changed now, and they themselves rely on the local church in Kenya for their funding. A lot of times, they have to be productive themselves in order to be able to sustain themselves:

Now we are left by ourselves. No *wazungus*<sup>22</sup>. People still want us to do what the *wazungus* did. And we cannot. Even if I have to help, I have to show him or her to do something with his/her own hands. If they are given things without working, they grow up thinking of free things. Every time they come we have to show them the need to do something (Sister Sara, nun).

Sara is in praise of the people who work hard when they come to the mission because when they work, they are able to appreciate any help they are given. The lack of donations for the church is further confirmed by Mrs. Wahome who feels that with the dawn of the Kenyan church having to support itself, people should be more

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<sup>22</sup> Wazungu means Foreigners, white people

understanding and even more hardworking. People have to change their mindset and know that “free things” are not flowing any more:

When the white fathers went back to their countries, life became more difficult. People had to start fending for themselves. It became hard to get the transition while we had lived a life full of receiving and not giving. It is now our turn to give back by working hard. Sadly, that legacy of being given is still there because the church still gives money to the poor at the end of every month. They are also given food. If the church was to stop doing this completely, I don't know where some people could actually begin. They are completely lost in being given (Mrs. Wahome, retired teacher).

Wahu, a secretary at a church office, confirms the scenario of the “disappearing funds” and calls for more activity among poor families. She does not feel that children should be kept out of the work place because she feels that if they are poor, they would need a form of a livelihood, and the church is not equipped enough to help since the donations have pretty much disappeared over the years. According to her, there should be no “mentality that the church is to give. Now it is our turn to give. You can't keep giving forever.”

The gauge with which to measure the difference between child labor and child work generates questions in mind because it is possible for the two to be used interchangeably. The examples from my respondents already show that it is possible to entertain thoughts about redefining child labor and child work according to the situation which the child and/or parents find themselves. In the case of coffee picking, it is even harder to draw the line because children of coffee farmers pick coffee, even

though their parents may have other workers. What makes it different for the children who do it commercially for pay? An argument can be made that they are likely to be underpaid and overworked, but, as one child worker said, “I do it at home anyway, and I am not paid. So I thought it would be beneficial for me to go out and be paid so that I could use the money to buy the things I needed”.

In considering the definition of child labor and child work, the UNICEF definition perceives child work as that which is beneficial to children and does not interfere with their schooling. Most of the respondents’ sentiments, therefore, were that since children are not allowed to miss school and school is free, they would still attend school anyway, so this then would justify their working during the weekend and school holidays. Working at home is just as much a disadvantage if the children would be overworked without being paid at all.

The narratives in this chapter show that there is a disconnect between what policy stipulates and the lived experience of working children. There is an image of childhood being portrayed by the policy documents, different from what the children actually live. These competing images are presented in chapter five.

## **5.0 ILLUSIONS OF “CHILDHOOD”: PROBLEMATIZING CHILD LABOR POLICIES**

In the previous chapter, I presented the narratives of children’s work and schooling that show the disconnect between the lived experiences of children and what policy stipulates or hopes to achieve. In this concluding chapter, I present the illusion of the concept of childhood, showing that this concept is problematic due to the different pictures presented by different policy decrees internationally. It is due to these competing images of childhood that there is tension as to what children should or should not do. This affects the policies of children’s work and schooling, and leaves the affected society struggling to find itself in the quagmire of policy disarray.

### **5.1 IMAGES OF CHILDHOOD AND WORK**

Growing up, I remember always being engaged in both household chores and other duties outside the home. Being a first-born, I was also charged with the care of my siblings at an early age of six or seven years. I was part and parcel of the economic activities of the family; tilling the land, raising poultry and selling eggs and vegetables. I did not feel out of place because I was not the only one doing it. Children in other families were also busy with certain types of work. Still, I was not absent in the world of

play or school. All these happened simultaneously, and by no means was I a disgruntled or an unhappy child. To me, therefore, this was a time to contribute to the survival of the family.

While children in Kenya and other parts of Africa could be engaging in activities like the ones I have named above, the same would be unacceptable in another community. As Boyden (1997) contends:

The different competencies and incapacities perceived to be associated with childhood in different societies are numerous and often imply contradictory conceptions of the child. For example, while in many countries children are seen as dependent until well into their teens, in many others they are expected to be fully independent from an early age (p203).

Rwezaura (1998) defines the term 'image of childhood' as "the manner in which a given society perceives its children at a particular historical juncture and how such children are expected to relate to the adult world (p.254). The phrase "historical juncture" in this definition shows that any given image of childhood can change "over time". The change may occur due to several factors including social interaction with other groups or pressure from certain stronger groups. In this case, images of childhood may be negotiated according to international policy pressure.

Like in other sub-Saharan countries, the traditional image of childhood in Kenya is now widely contested and yet no concrete alternative perception has fully emerged (Rwezaura 1998:255). The contestation occurs when other images are at play, some of which may be imposed on existing images. Working children, for example, may work to supplement family income. They may see this need themselves even without being

coerced. However, one who has an image of the working child as a victim of adult exploitation may be totally blinded to this fact.

## **5.2 IMAGES OF CHILDHOOD WITHIN POLICIES OF CHILDREN'S WORK AND SCHOOLING**

### **5.2.1 Childhood as a work-free time**

Should childhood be a work-free time? Nieuwenhuys (1996) decries the general assumption that children's place in modern society must perforce be one of dependency and passivity which leads to the denial of their capacity to legitimately act upon their environment by undertaking valuable work (p.238). The international policy documents that were discussed in chapter two take the position of the "modern society" described above. She further states that:

The dissociation of childhood from the performance of valued work has been increasingly considered a yardstick of modernity. International agencies and highly industrialized countries now turn this yardstick into a tool to condemn as backward and undemocratic those countries with a high incidence of child labor. The problem with this way of defining the ideal of childhood, however, is that it denies children's agency in the creation and negotiation of value." (p. 246)

The "denial of children's agency" in child labor policy is evident in the narratives of children's work and schooling when parents and teachers state that children

sometimes want to work so that they may feel worthwhile, and not have to ask for things from their parents. At times they believe it is their duty to take care of their parents and grandparents, and at times they feel that they should contribute to the family's welfare and economic well-being.

The image of childhood as a work free time is presented in the conventions on child labor (discussed in chapter two). Convention 138 (Minimum Age convention), for example, has met resistance in societies whose child-raising values include introducing children to work at an early age rather than excluding them from it (Myers, 2001:47). As I described earlier, I was introduced to work at an early age and so are many children, not only in Kenya, but in many African countries. Engaging children in different chores is part of good parenting, and children who do not work are a disgrace to the community. Parents in this study said that their children as young as seven or eight years old accompany them to pick up coffee "because they too, eat".

The Convention on the Rights of the Child is perceived as less rigid than the Minimum Age convention because it views children as having a right to speak for themselves (Article 12), and it also speaks generally to "the best interest of children". Thus, this convention has been hailed as being more child-centered. This shows that to some extent countries are able to define what is culturally appropriate to their children. In reality, it is questionable whether it happens this way. Still, in many instances, what is defined by international organizations mainly organized from the West as best for children is what is expected to be followed by other countries in the Third World.

In general, therefore, it can be argued that the CRC is more for regulation of children's work. However, it is still in force together with the Minimum Age convention and the Worst Forms Convention. In determining the best interest of the child, all the

three conventions are taken into consideration. ILO's International Programme on the Elimination of Child Labor (IPEC)<sup>23</sup>, for example, is geared towards the total elimination of child labor.

The picking of coffee in commercial farms is considered to be harmful for children's health due to the chemicals used in growing coffee. This categorization is problematic to a place like Nyeri that depends on coffee and tea as their main agricultural crops. Parents and children all agreed that picking coffee cannot be convincingly harmful like working in a quarry hauling stones and shaping them. Thus, the degree of the harm to the health of children is what they (the children and the society around them) look at. While the international policies offer the blanket generalization of "commercial agriculture" as part of "hazardous child labor", the community looks at it as an agricultural activity that they have always engaged in. Children are allowed to work in their own family farms that use the same kind of chemicals. Therefore, the question is "What's the difference?" or "Where is the harm?"

### **5.2.2 Childhood as a time for schooling**

The Convention on the Rights of the Child states clearly that children have the right to education, and that education should be made compulsory. The decree for Education for All (EFA) and the Millennium Development Goals, all emphasize the need for children's right to education. As discussed earlier, school is seen as the best place for children to be, and not the working places like coffee farms, or at home running chores.

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<sup>23</sup> ILO's International Programme for the Elimination of Child Labor is active all over the world in its mission to eradicate child labor. For more information on this wing of ILO, visit [www.ilo.org/ipec](http://www.ilo.org/ipec)

The childhood image that is being lifted up here is that of a child learning, getting an education to secure a better future.

Sub-Saharan Africa is already a poor continent that relies heavily on loans and aid to survive. This scenario affects education greatly since implementing educational programs that work requires capital. It is no wonder then that the above analysis could be reached. The fact that very few children in sub-Saharan Africa receive education is as a result of lack of Universal Primary Education. When parents have to pay for their children's education in as early as elementary schools, they more often than not are unable to send them due to lack of funds.

For poor parents whose children are already working to supplement the family income, sending their children to school becomes a luxury in the far-off horizon. A study was carried out by Canagarajah and Couloumbe in three different countries in sub-Saharan Africa on the determinants of child labor and schooling. The countries studied were Cote d'Ivoire, Ghana, and Zambia. Their findings include the fact that poverty is a determinant of child labor. Poverty hinders good provision of education, thus keeping children away from school.

In the ILO 1999 convention no. 182, the preamble states, "Child labour is to a great extent caused by poverty and that the long-term solution lies in sustained economic growth leading to social progress, in particular poverty alleviation and universal education" (quoted in Post 2001:59). In their quest for achieving Universal Primary Education, countries in sub-Saharan Africa have had to deal with poor quality schools, shortage of teachers and teaching materials, and lack of enough schools for the growing demand due to population growth. This has led to many children staying away from the schools and continuing to work.

Thus, for the children of Nyeri, childhood has meaning beyond school. They have to negotiate their identities both as children and as providers at home. Some live with weak grandparents, others have not seen their parents for many days, yet others want their own space as children who can be able to define themselves through work. They feel the pinch of having to spend time in school where hunger bites with no school lunch, and materials for learning are equally scarce. They peer blankly into a future that is very much similar to that of their siblings and neighbors and ask the same question years on end; where is the goodness that schooling brings with it? Although they work and go to school at the same time, the reality is that most of them end up working after they fail to go to secondary school.

### **5.3 WORKING CHILDREN: HELPLESS VICTIMS OR CAPABLE AGENTS?**

International and national legislation strongly adheres to protecting children from any harm. The view of children being victims of adult cruelty has historically brought about this stance. Images of children working in factories in England and other parts of the world, bonded child labor in India and other Asian countries, prolonged working hours in garment and soccer ball factories, just to name a few, keep alarming the world. That is the reason Convention 182 on the Worst Forms of Child Labor, was welcomed around the world. No nation can actually argue for the worst forms of child labor as those mentioned above and their adverse effect on children's health. This is what leads the treaties to guard children from working and keep them in school instead.

Closely related to the view of children as victims of adult cruelty is the view that they are victims of the uneven development of societies both nationally and internationally. This uneven development is viewed as the major cause of poverty. People are not poor because there are not enough resources but because these resources are not shared equally among people in communities and among countries. Families that do not have enough income tend to send their children to work so as to supplement the income they have. These children, by extension, become victims of a society that cannot provide for them. The narratives in this study bore witness to this fact.

Children are, however, not always poor victims of adult cruelty, or victims of the cruelty of the systems of the world. Other than wanting to go to school, they also want to work to benefit themselves and their families. By virtue of their being human, they want to be useful and to be of benefit to the society. Post (2001) writes:

Working children express their humanity, creativity and ingenuity as they struggle not only to survive but to surmount life's obstacles. Like their parents, children confront the universal problem of scarcity. Their resolution of this problem, at best, develops children's dignity and furthers their capacity for personal and social action (p.46).

The children in this study indicated that sometimes they want to work so that they can buy things that they like or want. Sometimes their agency is built upon the fact that they see the hardships at home and act accordingly. They are rational beings who are able to make judgments for themselves. Denying children's agency would be tantamount to denying their reality in the society they live in. In her conclusion after her study of working children in Mexico City, Galeana (1997; quoted in Post, 2001), writes that part of the child's existence is:

...negated when their history outside of school is sanctioned or ignored by those who view as disqualifying all that is not related to the school uniform and to uniformity. It is not so much a question of whether working knowledge is better or worse than school knowledge. Rather, it is a question of institutional legitimacy and the implicitly ethnocentric attitude that is imposed on other forms of reasoning, behavior and living that are beyond the parameters of the educational institution (p.125).

This observation is important in the face of the educational problems riddling Kenya today. With lack of continuity to secondary education and high levels of unemployment, it leaves the children with few alternatives other than combining work and schooling.

The Children's Act (Republic of Kenya 2002), states that the duties and responsibilities of children include to:

- a) Work for the cohesion of the family and
- b) Respect parents, superiors and elders at all times and assist them in case of need (p.511).

These responsibilities, the Act states, should be given due regard in any matters before a court of law concerning any child. This places not only the child but also the labor officers in a dilemma. If a child sees the need of helping his/her parents in case of need through their work, the responsibilities quoted above means that they could act to save the situation. The Act, therefore, acknowledges the fact that children are not passive victims who do not see the needs around them. They are active agents who can take part in helping the family in case of

need. This further complicates the situation of child labor and the laws that govern it in Kenya.

#### **5.4 PROBLEMATIZING POLICY**

As the policy discussions and the narratives in this study demonstrated, the images of children as either victims or agents are prevalent. Different policies address these two issues differently. Once this is done, policy becomes even more problematic because it is geared towards addressing a certain issue and ignoring another. This is what gives rise to the tension in policies of children's work and schooling, giving rise to the opposite sides; promise and threat, as Franzak (2006) writes:

“Policy” is a slippery word...Regardless of the context, one characteristic of policy is that it conveys an implied contract: You do X so that Y will or will not happen. In that sense, policy carries both promise and threat to those it addresses, and this highlights a salient point regarding policy: Policy is created by some individuals with the intent of imposing it on others. Yet once a policy has been given life through codification, it becomes an entity that will necessarily be shaped by other players (p. 229).

Franzak's outlook of policy points to its problematic nature. In policies of children's work and schooling, children are prevented from working so that they may go to school. They are given Free Primary Education so that they may not only have basic education but also have a better future with economic security. This is the promise of free schooling. The threat lies in lack of fulfilling the promise by schooling

not reaching its intended goal or outcome. The promise of free schooling then becomes an illusion. The bright future is not reached due to lack of secondary schooling and subsequent unemployment. Thus, the free primary education policy becomes problematic because it serves not as a promise but a broken promise. If it cannot be taken to the end to make true and lasting changes to the working children, then it eludes the population it is meant to serve. In the process, denying children's agency while promoting a view of them as victims becomes rhetoric.

In the narratives of children's work and schooling presented in chapter four of this study, it is evident that working children and their families still do not see much change in their situation due to free primary schooling. In any case, policies prohibiting work during school days help them to go to school but the ambiguity of not benefiting from this education by having to stop at primary school level is discouraging. Poverty levels still continue and hopes for this situation changing in the near future are still dim. A review of poverty in Kenya in 1997 foresaw that:

“It is unrealistic to expect substantial reduction of poverty in the country in the decade ahead. This is because of the current partial implementation of structural adjustment policies and the anticipated stagnation or declining trends of growth, capital formation and flows, debt servicing, and the government's expenditure on social services and grossly inadequate financial commitments for the protection of the poor and the vulnerable during the period of the implementation of structural adjustment programmes (sic). All told, it is projected that the poverty situation in the country will, at the very best, stagnate at current levels.

(Ayako and Katumanga, 1997:3)

Indeed, almost a decade later, the poverty situation of the people in this study tell it all. This calls for the problematization of policies governing children's work and schooling. How well is any policy serving the people it was designed for? In chapter two, I introduced some of these policies that affect child labor policies in Kenya. Looking at the respondents' narratives, it is obvious that the policies set to serve the poor people are not serving them as expected. The narrative space is the place where deeper insights not covered by the realms of policy are self-revealing. The policies are problematic because:

- They have not dealt with the underlying concerns being expressed by individuals in this study. For example, even though free education is hailed for creating a literate citizenry, poverty is still there
- Global economic exploitation of people in Kenya and other third world countries are not addressed but rather exacerbated by policies like the Structural Adjustment Programs and the Poverty Reduction Strategy Papers
- Labor policies like the Minimum Age are intended to alleviate the exploitation of children. Instead, they only increases the poverty of the family. Working children and their parents find it hard to adhere to such policies, given the reality of their situation
- The Convention on the Rights of the Child contradicts itself when it boasts of being "adaptable" while in reality it imposes social expectations and restrictions that are contrary to the cultural norms of what the society expects of a child, or how the society defines a child

- Policies that restrict children from working do not account for children's agency and their choice to work. Sometimes they may choose to, and they would like to own things that they have personally bought with their own money.

Perhaps looking at both these images of working children might help policy makers to understand the situation of working children more. Policies that view children as victims generally protect them from the worst forms of child labor and encourage schooling. Policies that view children as agents generally allow them to work while making the working place a more acceptable place for children. Merging these views to form policies that will include both views could go a long way in raising the standards of working children while they go to school.

## **5.5 IMPLICATIONS FOR EDUCATORS, RESEARCHERS AND POLICY MAKERS**

### **5.5.1 Implications for policy**

Basu (2004) gives advice concerning child labor policy thus:

...when we try to eliminate child labor, we must be careful so as not to achieve this by driving these children to these worse alternatives. Policy-makers and even academics at times make the mistake of being so single-minded in their aim to control child labor that they do not mind if this is achieved by reducing the welfare of the children (p.3).

In this study, I have problematized policies of children's work and schooling. At the international level, policies are made and then adopted at the national level. This study shows that policies meant to serve working children are not doing so, and this creates an illusion of their purpose. Policies are always revised and new ones come up. Free primary education in Kenya, for example, has not been feasible in the past due to the country's economic difficulties. Due to this policy, a lot of children have been able to get primary education up to standard eight (8<sup>th</sup> grade). It is questionable, however, whether this policy will be sustained for long, or if the pitfalls that befell it in the past will catch up with it again. Regardless, any policy that will serve working children will need to get to the roots of the factors causing it. In the case of this study, most of the children that work are squatters' children who do not have land. Land policies ought to be addressed. Also, policies that support poverty reduction "must not only be sustained but also intensified" (Ayako and Katumanga1997:3).

It is only when poverty is addressed and land policies are addressed, that a marked improvement in the situation of working children might be realized. The policy of Free Primary Education (FPE) also needs to be accompanied by other policies like free lunch and a uniform policy for aid in secondary schools. The bursary policy for poor children that is available now is very limited and does not serve many poor children. Parents are also not aware of these programs and they do not know where to go for help. There needs to be better ways of educating parents to create awareness in them of the available programs to assist them educate their children.

The national educational policies regarding vocational training and other industrial trades need to be revisited, intensified and made affordable.. Children leaving elementary schools and are unable to afford secondary education, mostly end up going

back to working in the coffee farms. If they would get an apprenticeship or a trade school to join at an affordable rate, this could enhance their chances of getting an income in future. However, if these institutions end up being as expensive as the secondary schools, they would not be accessible to many working children.

Most importantly, the government should have more clear tools of addressing the “pockets of poverty” that are in places like Nyeri that seem to be having lesser poverty problems like the Arid and Semi-Arid Lands (ASALs). The problems resulting from poverty that face the “forgotten poor” represented in this study need to be addressed more vigilantly through policies that target them. As mentioned by participants in this study, the poor people in Nyeri should not be lost in numbers and statistics that tend to show that the area does not require support commensurate to that received by the ASALs.

Internationally, bodies like the United Nations and its various arms should look into ways of reaching the “pockets of poverty” at the grassroots level. There is potential of leadership among the rural poor, and they have the ability of assisting in designing programs that can be useful to them in alleviating their poverty. Sometimes looking for such channels and funding them straight away could yield more fruits than going through governments that are ridden with corruption. More programs that give textbooks, lunch and other items directly to the schools should be encouraged. Giving material things that are needed instead of money is a viable alternative.

### **5.5.2 Implications for educators**

When teachers know the situation of the children and the hardships they undergo, they can be able to assist them in their own small and different ways. Some teachers in this study took the initiative of helping children even with fees for secondary education. Others took the responsibility of buying the children things that they needed for school. If more awareness is created among teachers through teacher education and community training, teachers would be more able to handle the tough situations of these children. They would perhaps devise ways of encouraging children to learn in the face of the problems that they face. Teachers reported that children got discouraged at upper grades after realizing how bleak their future would be. This information could be important for teacher educators to include elements in teacher training that could assist in motivating these children. Teachers could also be instrumental in devising methods for income-generating activities that may assist students to earn income that could be used for purchasing lunch or going towards future education.

### **5.5.3 Implications for research**

Research in poverty, child labor and schooling is overwhelmingly quantitative. In this study, I have used narratives of children's work and schooling to illustrate the depth of problems that working children face in their daily journey for survival between work and

school. The World Bank study on effects of poverty, “Voices of the Poor”<sup>24</sup>, shows that qualitative studies are rich and informative. They give detailed accounts of what people go through in certain situations. Interpretive narrative research in particular and qualitative methodologies in general, should be utilized more in researching children’s work and schooling. Further research may focus on particular groups, for example, children or parents. Children in other forms of working environments like quarries, domestic labor and market places in both rural and urban areas may be researched. Further research may also be carried out specifically focusing on the church’s role in children’s work and schooling.

## **5.6 CONCLUSION**

In this chapter, I have presented different images of childhood in the lens of child labor policies discussed in chapter two. I have given examples of what emerged from the narratives of work and schooling. The different images of childhood become problematic during policy formulation when these images compete. Perhaps this is the reason why it becomes difficult to come up with solutions for working children. So long as these different images compete rather than be used as complementary, the situation of children’s work and schooling will continue being an illusion.

Recommendations have been made over and over, policies revised over and over, but as it seems, poverty persists, the number of the hungry is still growing and children

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<sup>24</sup> “Voices of the Poor” is a World Bank study detailing accounts of the adverse effect of poverty to the poor around the world. It includes descriptions from poor people as to how it is like to be poor. It is available at <http://www1.worldbank.org/prem/poverty/voices/>

are still working to help out in the situation. The policies of poverty amelioration are definitely not reaching the core of the problem. In this study, I have chosen to look deeper into the issues with the hope of shedding more light to the situation. In this venture, therefore, rather than “pretend” to have all the answers for the situation faced by the working children in the urban town of Nyeri, I travel their journey with them, and reach this place of empathetic understanding.

### **5.7 EPILOGUE: EMPATHETIC UNDERSTANDING**

I remember the days, some short, and some long that I had spent in the fields tilling the land that would bring forth produce and grains for our daily consumption. I knew when the rains began, when they were not sufficient for the crops to grow to the point of harvesting them, and when the harvest was not going to be good. I knew the signs of bad harvest long before it came. It was embedded in the emaciated leaves of the maize plant or the drooping flowers of the plant before the maize cobs were ready for harvest. Every year, I danced to the rhythm of the seasons, and awaited the coming and going of others.

Yet I went to school. I went to school every day and no kind of excuse would have made me miss school. My mother could not have accepted any excuse that would keep me away from school for a day. If I wanted to spend the rest of my life tilling the land and waiting for the harvest, then I could miss school, she always said emphatically. If I wanted a better kind of life devoid of the present hardships of digging in the *shamba*, then my best hope was in going to school every day, working hard and going on to

secondary school. I continued going to school and moved on from one level to another. Thus, for me, schooling became a reality.

Now, years later, as I walked down memory lane, this time in a different capacity, conversing with the children that were working like I used to, their parents, teachers and other community or government leaders that worked with them, I realized that only distant memories were left of me and the working child that I once was. I was an educator/researcher looking back to the connections of the yesteryears. The children's stories were similar to mine only to the extent that I worked like them as a child. Even though I remembered going to school without lunch many times, I always ate in the evening. However simple the clothing and shoes might have been, I had them. Life is much harder for these children, and schooling remains an illusion, a mirage that moves further and further away as they approach it.

Interacting with people and looking back into the past may have profound effects on us. Beyer and Apple (1988) write that:

The interpretive process demands an oscillation between the poles of past and present, and cannot proceed without awareness of the distinction between current activity and a cumulative mass of previous experiences. And it is not only the presently experienced phenomena that are candidates for interpretation; the mosaic of remembrances is also rearranged in the process. Memories themselves are altered. In time, *through* time [emphasis theirs], with each new hermeneutical act, new insights are achieved, meanings of past events are shifted, and our sense of our selves is revised (p.139).

This study has moved me to another space; a space where I see my experiences as of lesser intensity as far as the definition of poverty is concerned, than the working children in Nyeri, and their families. It has moved me to a place where, as an educator, I feel that many of the world's children are still underserved educationally; they are still struggling to reach the hopes of basic education. It has also moved me to a place of questioning just how much the world is changing over time, at least as far as addressing questions on poverty is concerned. This study has caused me, as a witness, to gain a deeper understanding of the illusion of policy measures like free primary schooling that end up leaving children with unfulfilled educational dreams at the end of primary education.

Most importantly, I have moved to a place where I empathize with the families and what they have to go through. I empathize with their waiting for answers that never come, with their taking of options that are at times not "right" in the eyes of those that do not walk in the same shoes. I empathize with the fact that they are subjected to "policy analysis" where they are reduced to "statistical numerals" behind curtains of what is considered "prosperity" in their own neighborhood of Nyeri; a prosperity that they do not know, neither do they identify with. In the words of Beyer and Apple, I empathize because I "participate vicariously in the story of another life", with the understanding that "the object of attention and care is a fellow human being; that there is a shared reality in which all of us participate because we are persons" (p.142).

**APPENDIX A**

**IRB APPROVAL**



**University of Pittsburgh**  
***Institutional Review Board***

3500 Fifth Avenue  
Ground Level  
Pittsburgh, PA 15213  
(412) 383-1480  
(412) 383-1508 (fax)

**MEMORANDUM**

**TO:** Leonora Anyango Kivuva  
**FROM:** Christopher Ryan, PhD, Vice Chair  
**DATE:** July 29, 2005  
**SUBJECT:** IRB #0507077: Child Labor Policies and the Reality of Children's Work and Schooling in Kenya

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The above-referenced proposal has received expedited review and approval from the Institutional Review Board under 45 CFR 46.110 (7).

If applicable, please include the following information in the upper right-hand corner of all pages of the consent form:

Approval Date: July 29, 2005  
Renewal Date: July 29, 2006  
University of Pittsburgh  
Institutional Review Board  
IRB #0507077

Adverse events, which occur during the course of the research study, must be reported to the IRB Office. Please call the IRB Adverse Event Coordinator at 412-383-1504 for the current policy and forms.

The protocol and consent forms, along with a brief progress report must be resubmitted at least one month prior to the expiration date noted above for annual renewal as required by FWA00006790 (University of Pittsburgh), FWA00006735 (University of Pittsburgh Medical Center) and FWA00000600 (Children's Hospital of Pittsburgh).

Please be advised that your research study may be audited periodically by the University of Pittsburgh Research Conduct and Compliance Office.

CR:ky

**APPENDIX B**

**LETTER OF PERMISSION TO CONDUCT RESEARCH IN NYERI, KENYA**

**MINISTRY OF EDUCATION, SCIENCE AND TECHNOLOGY**

Telegrams: "Schooling", Nyeri  
Telephone: (061) 2030518, 2030540  
When replying please quote



District Education Office  
P O Box 208  
NYERI

REF: GEN/RES/42/65

Date: 5<sup>th</sup> October, 2005

**TO WHOM IT MAY CONCERN**

**RE: RESEARCH AUTHORISATION**  
**LEONORA ANYANG KIVUYA**

The above named is a student at the University of Pittsburgh USA and is carrying our research on child labour policies and the reality of children's work and schooling in Kenya.

She has been granted permission to visit any of our schools and interview pupils, teachers and parents. Please accord her the necessary assistance.

*[Handwritten signature]*  
DISTRICT EDUCATION OFFICER  
C. K. WAMBUGU  
For: DISTRICT EDUCATION OFFICER  
**NYERI DISTRICT**

## **APPENDIX C**

### **LIST OF ABBREVIATIONS**

AIDS	Acquired Immune Deficiency Syndrome
EFA	Education For All
ILO	International Labor Organization
IMF	International Monetary Fund
MDGs	Millennium Development Goals
NARC	National Rainbow Coalition
IPEC	International Programme for the Elimination of Child Labor
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UPE/FPE	Universal Primary Education/Free Primary Education

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