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Socio-Cultural and Socio-Economic Challenges Faced by Children Born Outside Marriage in Tana River County

Nandongwa Ivy Laura & Dr. Daniel Muia

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^{1*}Nandongwa Ivy Laura & ²Dr. Daniel Muia

¹Postgraduate student, Community Development, Kenyatta University

²Lecturer, Department of Sociology, Kenyatta University

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Abstract

Children born outside marriage face substantial challenges compared to counterparts born within marital unions, with incidents rising globally. This study examined socio-cultural and socio-economic challenges experienced by children born outside marriage in Tana River County, Kenya. The study objective was to establish the socio-cultural and socio-economic challenges faced by children born outside marriage in Tana River County. A descriptive survey design using mixed methods was adopted, with five villages randomly sampled and 690 households included in the cross-sectional survey. Key informant interviews (n=3) with community elders, in-depth interviews (n=5) with mothers, and two focus group discussions involving 8 male and 8 female community members were conducted. Data were analyzed using MS Excel for quantitative data and thematic framework methods for qualitative data. Key findings revealed severe educational exclusion, with 87% of children not attending school due to unaffordable fees, bullying, and maternal poverty, while enrolled children attended irregularly and demonstrated predominantly poor academic performance. Systematic discrimination affected 83% of children through physical punishment, verbal abuse referencing birth status, and exclusion from opportunities including bursaries and school activities. Economic disadvantage was pervasive, with only 36.8% of mothers able to support school fees, 60% of children denied land inheritance rights, and majority of mothers either unemployed or in casual employment. Maternal vulnerability was evident, with 40.3% of women becoming pregnant during adolescence, 22.8% unemployed, and 41.2% conceiving through transactional sex while 24% experienced rape or incest. The study concludes that children born outside marriage face challenges stemming from cultural stigma perceiving them as illegitimate, patriarchal inheritance systems excluding children without recognized paternal lineage, maternal economic vulnerability, and weak enforcement of legal protections. These disadvantages perpetuate intergenerational poverty, compromise health and education, cause psychological trauma, and threaten future societal development if unaddressed. The study recommends that the Directorate of Children Services should enhance comprehensive sexuality education to empower girls and women in sexual health choices, the Ministry of Education and State Department of Social Protection should ensure educational access through 100% transition policy with fee waivers and anti-discrimination measures, and county stakeholders should implement awareness campaigns about stigma's adverse effects while expanding bursary programs targeting children born outside marriage.

Keywords: *Socio-Cultural, Socio-Economic Challenges, Children, Outside Marriage, Tana River County*

1.0 Background of the Study

Births out of wedlock are rising Worldwide (Chamie 2017). In 2016, 15% of the 140 million births worldwide, occurred out of wedlock. Estimates of births outside of marriage vary across countries and regions. A comparison between 25 countries in Asia and Northern Africa, showed that the proportion of births out of wedlock was lower than 1 percent. This situation is associated with punitive societal sanctions ranging from social disapproval, penalties and punishments to parents of the children and stigmatization of the children themselves. Some other 25 countries majority in Latin America recorded births out of wedlock at 60% and above. The rising incidences of birth outside marriage point to a global transition, that is characterized by growing independence among women, therefore rendering marriage unnecessary for women's financial needs, social interaction, and overall welfare (Chamie 2017). Such occurrences suggest a shift in societal values and the acceptance that children need not be born exclusively within the institution of marriage.

Thornton and Philipov (2007) argue that in the 1990s births out of wedlock arose in Central Europe, following social, political economic, and cultural changes in the region. For example, following increased freedoms and equalities in human rights, weakening of government support e.g. for child support as well as religious norms about family values and childbearing (Thornton and Filipov, 2007). Emina argues that a higher prevalence of out-of-wedlock childbearing is associated with modernization, particularly among educated women and those living in urban areas (Emina 2009). Some traditional values also seem to influence begetting children out of wedlock- in the Great Lakes Regions encompassing the DRC and Cameroon, women were sometimes celebrated when they bore children out of wedlock because this suggested fertility (Emina 2009). However, unintended pregnancies are a significant problem the world over, despite a relatively high level of contraceptive use. For example, in 2014, 40% of pregnancies were unintended 38% of these pregnancies ended in unplanned births (Sedgh, Singh et al. 2014).

The largest increases in single parenthood occurred in industrialized countries like the USA, Japan, the United Kingdom, France and France, between 1980 and 2005 (Chamie 2017). The 2011 census in the UK revealed that the percentage of couples in the UK who are married is less than half, 3.9% points from the 2001 figures (Ramesh 2012). Research in the United States of America shows that whereas the overall trend of single parenthood is rising, the trend is highest among blacks (Pew Research Centre, 2016). Non-marital births are more than twice as common among black mothers as white mothers, and black children are almost three times as likely as white children to be living with a single parent (Pew Research Centre 2016). In 2014, 54 per cent of black children were born to single parents compared with 19% of white children (Pew Research Centre 2016).

Children born out of wedlock experience many challenges. Data from Demographic and Health Surveys in Cameroon, Democratic Republic of Congo (DRC), and Nigeria estimated stunting and mortality among children under 5 years old, born out of wedlock. The surveys covered 48,847 children, born to single, but not widowed mothers aged 15-49 years old. Children of single mothers had a 79% chance of being stunted in Cameroon ($p < 0.01$); similarly, such children had a 69% more risk of stunting ($p < 0.01$) in the DRC. The risk of under-five mortality was higher in all three countries. These outcomes were associated with parental care, health behavior, and economic resources (Ntoimo and Odimegwu 2014). Other health outcomes are associated with social exclusion. This is strongly associated with the stigma of sex and childbearing before marriage (Emina 2009). In some societies, unmarried mothers may be punished by society

through expulsion from their families as well as social networks. Such women may not claim resources, and support of their families. The women may also find it difficult to access essential healthcare services such as prenatal care because of shame. Studies associate high infant mortality to stigma (Johnson-Hanks 2005).

Children born out of wedlock suffer various forms of discrimination. For example, in South Africa, such children may not inherit property unless their fathers explicitly state this in a will. Similarly, fathers were restricted from making contact with such children (Emina 2009). Accumulating research also shows that these children experience varying cognitive, social and emotional problems into their adulthood. For example, they may have less education, income levels, and occupational status (Amato, 2010). Other outcomes for such children include higher chances of getting in trouble with the law, having drug problems, and be sexually and physically violent (Johnston 2018). The Kenyan government has designed laws aimed at protecting children who are born out of wedlock. These include provisions requiring the identity of the child's father to be documented on birth certificate (Capital 2016).

The Children Act, 2001 is an Act of Parliament to make provision for parental responsibility, fostering, adoption, custody, maintenance, guardianship, care and protection of children among others (Republic of Kenya 2022). It defines a child as any human being under the age of eighteen years. Under section 4, the Act explains the survival and best interests of the child. It provides that;

(1) Every child shall have an inherent right to life and it shall be the responsibility of the Government and the family to ensure the survival and development of the child.

(2) 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.

these Kenyan laws align with the African Charter on the rights of children, whose clauses are relevant for the wellbeing of children born out of wedlock. Article 3 of the charter provides for non-discrimination, and identifies 'birth' as one of the attributes that children must not be discriminated against; that the best children of children shall be given primacy (art 4); provides for 'education' of the child (art 11); protection against child abuse and torture- this includes, protection from torture, degrading treatment, injury, abuse, neglect or maltreatment, while in the care of parents/ guardians, or school authorities. Article 19 provides that every child has the right to stay with their 'parents'; implying that the absence of a parent in the child's life already infringes on these basic rights (African Union, 1999).

This study sought to explore the challenges of children born out of wedlock in Tana River County, Kenya. The Coastal region of Kenya has received increased attention following numerous reports of unintended pregnancies, including among adolescents. This suggests a higher likelihood of births outside wedlock. A clear understanding of the challenges that these children face will contribute to the development of effective policies and actions by all stakeholders who are interested in supporting children's welfare.

1.1 Statement of the Problem

Kenyan children face a range of challenges relating to their socio-economic development, for example, malnutrition, access to education, and child parenting. Considerable research has been done in Kenya focusing on priority issues of children, but there is very little or scant information

on the challenges confronting children who have been born out of wedlock. The 2019 census reported an increase in non-marital fertility and births of children from single-parent families (Kenya National Bureau of Statistics 2019). This study investigated the challenges confronting children who are born outside wedlock in Tana River County, in Kenya.

1.2 Objective of the Study

The objective of the study was to establish the socio-cultural and socio-economic challenges faced by children born outside marriage in Tana River County.

2.0 Literature Review

The literature review was done in sections.

2.1 Empirical Literature Review

Children born outside marriage experience severe educational disadvantages manifesting through reduced school enrollment, irregular attendance, and poor academic performance. Brown (2010) examined educational outcomes among single-parent households, establishing that children in these settings achieved lower academic results due to constrained household income limiting purchase of textbooks and learning materials, reduced parental time for homework assistance due to mothers' employment obligations, and lower maternal educational attainment restricting capacity to support schoolwork. Hungi and Thuku (2010) analyzed primary school completion rates in Kenya, documenting that children from female-headed households experienced substantially lower completion rates even after controlling for household wealth, attributing disparities to social dynamics including limited access to male role models, reduced community support networks, and discrimination from educational authorities creating hostile school environments.

Children born outside marriage face systematic discrimination across family, community, and institutional settings through verbal abuse, social exclusion, and differential treatment based on birth status. Possa-Mogoera (2023) examined naming practices among Basotho communities in Lesotho and South Africa, revealing linguistic stigmatization through names translating to whose child?, surprises, and we are shocked, with interview accounts documenting open discrimination from grandmothers, ridicule from community members, and persistent humiliation reinforcing inferior social status. Obladen (2022) provided historical evidence from Europe where children born outside marriage were excluded from professional training programs and experienced infant mortality rates 40% higher than children born within marital unions, demonstrating how discrimination translated into survival disadvantages through reduced healthcare access and social support.

Economic disadvantage operates as both cause and consequence of births outside marriage, with poverty creating conditions facilitating non-marital childbearing while such births perpetuate economic insecurity across generations. Amato and Maynard (2007) examined teenage childbearing and poverty trajectories, demonstrating how structural poverty makes early childbearing more probable while limiting economic advancement pathways, with early childbearing disrupting educational trajectories and reducing employment competitiveness, establishing cyclical poverty affecting subsequent generations. Carlson (2006) documented that children in single-parent households experienced significantly elevated poverty rates, reduced access to adequate nutrition and healthcare, and greater economic instability characterized by housing insecurity, with economic disadvantage mediating relationships between family structure

and adverse outcomes including compromised health, educational underachievement, and behavioral problems.

Children born outside marriage face substantial healthcare access barriers during pregnancy, delivery, and childhood that contribute to elevated morbidity and mortality through reduced preventive and curative service utilization. Gage (1998) investigated maternity care utilization in Kenya and Namibia, establishing that women bearing children outside marriage accessed substantially lower levels of antenatal care, skilled birth attendance, and postnatal services due to shame and stigma deterring healthcare seeking, insufficient financial resources, and healthcare provider discrimination, producing poorer birth outcomes including higher rates of low birth weight and prematurity. Guilbert and Marazyan (2013) examined infant mortality among children born outside marriage in Senegal, documenting significantly elevated mortality attributed to lack of paternal financial contributions, maternal youth and economic vulnerability, and limited social support from paternal families refusing involvement with unrecognized children.

Children born outside marriage demonstrate elevated risks of mental health problems, conduct difficulties, and social adjustment challenges. Cunningham and Thornton (2006) investigated paternal involvement effects, documenting that children with actively involved fathers exhibited lower depression, anxiety, and conduct problems compared to peers with absent fathers, with fathers providing distinctive developmental contributions including discipline, male role modeling, and emotional security. Han, Miller, and Waldfogel (2010) found that children sharing family meals with parents at least five days weekly demonstrated significantly lower substance abuse rates and delayed sexual debut compared to peers with limited parent-child interaction, with regular parent-child contact associating strongly with emotional wellbeing and superior self-regulation.

Property inheritance constitutes critical economic security in agrarian African societies where land represents the primary productive asset, yet children born outside marriage face systematic exclusion from inheritance rights despite legal protections. Bonvillain (2020) established that marriage legitimizes children by defining inheritance rights to family property, with children born outside marriage lacking clear social positioning within kinship structures and facing exclusion from land inheritance. Persistent implementation gaps exist between formal legal frameworks guaranteeing inheritance rights and actual practices where customary norms systematically exclude children born outside marriage, particularly in patrilineal systems where male children traditionally inherit land from fathers but face exclusion when paternity remains unacknowledged.

Women bearing children outside marriage face profound economic and social vulnerabilities directly constraining capacity to provide adequate support for children. Calvès (1999) documented that women bearing children before marriage encountered substantially reduced prospects for subsequent marriage, particularly to economically secure partners, with prospective partners viewing them as less desirable due to diminished bride value and concerns about raising another man's child, perpetuating economic vulnerability by limiting marriage as a pathway to economic security. Research on transactional sex documents how structural poverty drives sexual decisions resulting in non-marital births, with young women engaging in sexual relationships primarily to access money for basic necessities, with these relationships rarely including contraceptive use, frequently resulting in pregnancies men subsequently deny responsibility for.

Cultural values and religious teachings fundamentally shape societal responses to children born outside marriage, influencing discrimination patterns and community attitudes. Possa-Mogoera

(2023) documented that childbearing outside marriage was historically perceived as disgraceful within African traditions where sex outside marriage constituted taboo behavior, with children openly discriminated against by grandmothers viewing them as sources of family shame and systematically humiliated through naming practices reinforcing inferior status. Pauli (2012) documented that Christian teachings in Northwest Namibia progressively framed children born outside marriage as sin children representing parental immorality, with Christian women in economically advantaged marriages actively promoting stigmatizing religious narratives to protect family resources from potential claims by their husbands' outside children, demonstrating how religious frameworks combined with economic interests to justify exclusion.

2.2 Theoretical Framework

The study adopted Robert K. Merton's structural-functionalism theory (1996) as its analytical framework. The theory views society as a complex system of interdependent components that cooperate to maintain social solidarity and stability through stable behavioral patterns. Social institutions including family, kinship systems, education, religion, and legal frameworks constitute society's fundamental building blocks, each performing specific functions contributing to societal equilibrium through shared norms and cultural practices regulating individual interactions, defining social roles, and establishing behavioral boundaries. For children born outside marriage, the theory explains how deviation from normative family formation patterns disrupts expected social arrangements, triggering institutional responses including discrimination, exclusion, and stigmatization aimed at maintaining social order.

Merton's framework acknowledges that institutional arrangements may produce dysfunctional consequences for certain populations while serving broader societal functions. Marriage institutions regulate reproduction, establish paternity, and organize property transmission, yet simultaneously produce systematic disadvantages for children born outside these arrangements. In Tana River County, institutional responses manifest through educational discrimination denying opportunities to children lacking recognized paternal lineage, exclusion from inheritance systems, cultural stigmatization through naming conventions, and religious teachings framing such births as sinful requiring social censure. This framework guided examination of how family structure, kinship norms, educational institutions, inheritance systems, and cultural values interact to shape experiences of children born outside marriage, providing analytical tools for understanding observed discrimination patterns as institutionally embedded responses to normative deviation rather than isolated incidents.

2.3 Conceptual framework

This study adopts the conceptual framework depicted in figure 1 below, to show how the key variables and factors of interest relate, to the outcome of interest, i.e., experiences of children born out of wedlock.

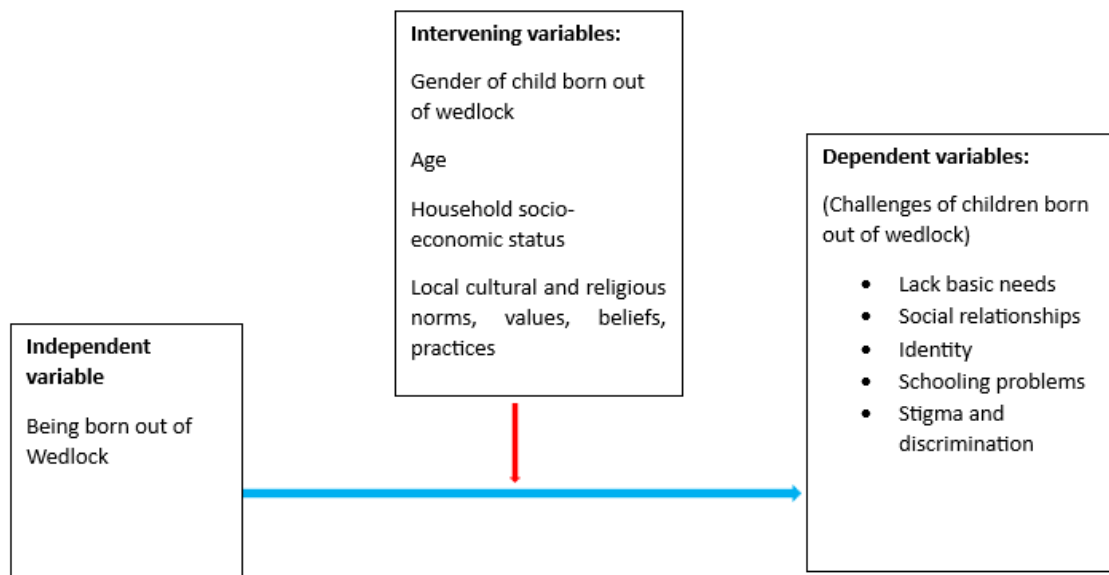


Figure 1: Conceptual Framework

3.0 Research methodology

This study employed a descriptive survey research design using mixed methods combining qualitative techniques and cross-sectional household surveys to examine challenges faced by children born outside marriage in Tana River County. The descriptive approach provided a snapshot of outcomes and associated variables at a specific point in time without researcher intervention (Levin, 2006; Creswell, 1994). Mixed methods enabled measurement of phenomena through numerical values while exploring underlying reasons for observed patterns (Kerlinger, 2000). The study was conducted in Mwina Location, Tana River County, spanning 38,446 square kilometers with three main ethnic groups—Wardey, Orma, and Pokomo. The target population consisted of households with children born out of wedlock, drawn from 262,684 county residents (50% female), with Kenya National Bureau of Statistics estimates indicating 2% of females bear children outside wedlock.

Multistage sampling employed simple random and clustered techniques, with Garsen subcounty purposively selected for accessibility, followed by random selection of Mwina location and five villages—Bubesa, Mikameni, Peponi, Lazima, and Sailoni—from 20 villages using Microsoft Excel RAND() formula. Household mapping identified 708 households, with 690 consenting to participate (97.5% response rate). Purposive sampling selected three village elders above 60 years as key informants, five mothers for in-depth interviews based on child age and gender (two boys, three girls), and 16 participants for two focus group discussions (8 males, 8 females aged 25-35 years). Structured questionnaires were administered by the researcher and two trained field assistants, with pilot testing in Kitui County on March 5, 2019, involving 20 mothers. Construct validity was established through instrument review by Kenyatta University professors and research specialists at APHRC and KEMRI, while reliability was assessed using test-retest methods.

Data collection involved engaging community leaders for consent, with research teams paired with local elders to build household trust. Household heads and eligible women provided informed consent, with teams scheduling separate interviews when women were unavailable and dropping households after three unsuccessful attempts. Key informant interviews and in-depth interviews occurred at homesteads in private locations, while focus group discussions were conducted in a community hall with same-sex composition. Digital voice recorders captured discussions exploring maternal experiences, community perceptions, socio-cultural challenges, and potential solutions. Quantitative data analysis employed descriptive statistics through MS Excel, calculating frequencies, percentages, and means displayed through charts and tables. Qualitative data followed thematic framework methods, with recordings transcribed verbatim into MS Word, then coded in Excel with themes as columns and participants as rows. Ethical approval was obtained from Kenyatta University and the National Commission for Science, Technology, and Innovation (permit NACOSTI/P/20/6070), with all participants providing informed consent, assured of confidentiality, and data secured on password-protected laptops.

4.0 Findings

The results of the study on the difficulties faced by children born outside of marriage in Tana River County, Kenya, are presented and discussed in this chapter. The quantitative results are presented first, followed by qualitative information pertinent to the findings that was gleaned from focus groups, in-depth interviews, and key informant interviews. A brief discussion of the findings' implications and related literature is then given.

4.1 Socio-demographic Characteristics of Respondents

Table 1 summarizes the key socio-demographic characteristics of the respondents.

Table 1: Sociodemographic characteristics of the women respondents

Variable	n	%
Age		
15-20	27	3.9
21-25	104	15.1
26-30	157	22.7
31-35	313	45.4
36-40	89	12.9
Age of when pregnancy associated with child out of wedlock occurred		
15-20	278	40.3
21-25	187	27.1
26-30	132	9.2
31-35	57	8.2
36-40	36	5.2
Marital status		
Single	261	37.8
Married	129	18.7
Divorced	136	19.7

widowed	164	23.8
Live with child		
Yes	276	40
No	414	60
Relationship with the household head		
Child	263	38.1
Wife	104	15.1
Head of household	283	41
Other-including relatives, adopted children, refugees	40	5.8
Occupation		
Farmer	148	21.4
Business	218	31.6
Government/ NGO	62	9
unemployed	157	22.8
Students	105	15.2
Employment status		
Casual	350	50.7
Regular	78	11.3
Other -students &Unemployed	262	38
Religion		
Christian	407	59
Muslim	217	31.5
Others	66	9.5
Ethnicity		
Wardey	76	11
Orgaden	110	15.9
Pokomo	116	16.8
Orma	126	18.3
Dogadie	262	38
Average monthly income in Kenya shillings	3057.5	
Whether in School		
Yes	51	7.4
No	639	92.6

Education level attained		
No formal education	71	10.3
Primary School	244	35.4
Secondary School	223	32.3
Diploma	138	20
Degree	14	2

The mean age of the women participants was 30.4 years. The majority of the women were in the age bracket of 31-35 years (45.4%). The age group 15-20 was the smallest, accounting for 3.9% of the women. The majority of these women, however, got pregnant at between 15-20 years age (40.3%). This is a significant finding, suggesting that a significant proportion of children born out of wedlock are born to children. The majority of these women, 37.8% were single, followed by widowed (23.8%). It is however noted that 19.7% of women were divorced, suggesting household conflicts. The majority of these women -38.1 % were offspring/ children of the household heads, 15.1% were married to the household heads. This suggests that extramarital affairs were common in the study area. The study showed that only 9% of the respondents were employed either in government or local non-governmental organizations (NGOs). 53% of the participants were either in business or were farmers. The share of unemployed women was however significant (22.8%). Casual employees accounted for 50.7% of all participants while regular employees accounted for 11.3% of employees only. Kenya has a high informal sector and high unemployment rates. These two conditions both suggest vulnerability on the side of women in terms of meeting their daily needs. The average income of the participants was 3057.5 Kenya shillings.

Ethnic distribution of the women showed that the Dogadie tribe was the majority, at 38%; while the Wardey were the smallest group, at 11%. Christians were the dominant group- 59%, while Muslims consisted of 31.5% of the population. About 10% of the population subscribes to other religions including those who hold traditionalist religious views. Although 15.2% of the respondents indicated that they were students, only 7.4% said they were currently in school, suggesting some disruption to education for about half of the student population among participants. The majority of the women- 35.3 % had attained primary school education, while 32.3% had accessed secondary school education, only 2% of the participants had degree education. It is however noted that at least 10% of the women did not have any formal education exposure.

The in-depth interviews and focus group discussions provided more contextual insights on socio-demographic characteristics. Focus group discussions showed that it is common for women in Tana River to have multiple sexual partners.

Some of the women here may have more than two other men that they are sleeping with. Even in homes some of the men may be raising children that are not truly theirs, that is what I can say, although we have also seen cases where a man marries a young woman who already had a baby with another man when they met (FGD_men_09)

Teenage pregnancies were also reported to be on the rise in the area. Some of the reasons given in the in-depth discussions and focus group discussions include peer pressure, lack of proper guidance to teenagers and lack of access to contraceptives.

Especially during school holidays- nowadays young girls don't want to stay in the home to help their parents- it is just hanging out with friends, going to these local video shows... then there is this thing

called disco matanga... they have become so popular among teenagers especially during school holidays- by the time schools open, several girls are already pregnant (Woman_IDI_001)

For most of these girls, when they become pregnant, they are unable to continue with their education. In-depth interview discussions and focus group discussions show that the pregnant girls face many struggles for basic survival for example difficulty in getting good clothes, constant conflicts with parents and in some instances, some have been chased away from home.

You know some families in this area are extremely poor- so imagine a parent has struggled to take you to school, sometimes having to work hard manual jobs, going to borrow money from people, selling property- people have sold land, and animals- then you come home pregnant! In some cases, these parents have stopped paying school fees and even sent the pregnant girls away (Woman_FGD_002)

In some situations, local school heads were reported that they did not allow either a pregnant girl or one who had already delivered a baby to go back to school. These school heads perceive the girls to be a bad influence on others, and therefore think that by isolating them from school, they may somehow minimize incidents of other girls in the school getting pregnant.

Literature review shows that cases of teenage pregnancies at the coastal region particularly Kwale and Kilifi counties that border Tana River county, are on the rise, and thousands of girls drop out of school due to these pregnancies (Nation Team 2021). The Kenya Demographic and Health Survey (KDHS) report, 2022 shows that 15% of Kenyan teenagers 15-19 years have ever been pregnant- In comparison, Tana River accounted for 17.6%, higher than the national average, and neighboring Kilifi county (12.5%) and Lamu (13.7%) (Republic of Kenya 2022). These statistics however show that the problem of teenage pregnancy in Kenya is high. That 10% of the women did not have any formal exposure is important because educating girls has been proven to be an effective way of empowering them, including on issues of sexuality and making choices about their fertility (Bbaale and Mpuga 2011, McCrary and Royer 2011).

The KDHS 2022 for example shows that approximately 4 in 10 women (40%) aged 15–19 who have no education have ever been pregnant, as compared with only 5% of women who have more than secondary education (Republic of Kenya 2022). Additionally, teenagers in the poorest households are most likely to have experienced a pregnancy, compared to those from wealthier households- 21% vs 8%. Low education, and experiencing a pregnancy out of wedlock would enhance vulnerability of the young women, particularly those who are wholly dependent on their parents' support. The majority of the women are either unemployed or are students (37%). Additionally, the majority of those employed are casual employees. This suggests overall dependence for many of these women for basic survival and sustenance. This finding therefore suggests some difficulty among these women in caring for their children. These are explored in the following section.

4.2 Challenges related to school attendance and support for school fees and performance of children in school

The majority of the women, 87.7% reported that their children were not in school. The main reasons for not attending school included unaffordable school fees (45%); refusal by children to attend school because of bullying (22.8%); health problems e.g. anxiety (15.2%), preference by older children to do work, to earn a living (17%). Of the 171 women who reported that their children were in school, only 33% of these children were female. The majority of the children attended school irregularly (77.6%). 36.8% of the women paid school fees for their children, while 33.3% depended on bursaries, 25.1% depended on friends and relatives' goodwill, and only about 5% of the women reported receiving support from the fathers of their children. In terms of school performance, 58.4% of the 171 mothers whose

children attended school, reported their children's performance as poor, 23.3% reported average performance, while 18.3% of parents reported good performance in school.

I do not have a stable job, the little money I get from washing people's clothes is not enough for so for me, I struggle a lot with school fees. Sometimes I have to borrow some money from friends, but this is not very easy. Woman_3_parent

Perceived discipline, ill treatment and mothers' response to children ill treatment

On the children's discipline, the majority of the mothers- 64.7% perceived their children as either indisciplined or very indisciplined, while 35.3% perceived the children as disciplined/ very disciplined.

This study, however, also established that the majority of the children (83%) are perceived to experience ill treatment. When asked about ill treatment, 38.4% of the mothers reported physical punishments such as beatings, pinching, scratching, slapping, denial of food, and being forced to do hard tasks; 36.4% of the mothers reported discrimination as the main form of ill treatment, for example denial of opportunities such as bursaries, exclusion from school sports, drama, debate, and other teams, perceptions of more severe treatment for similar mistakes, for example in school, children born out of wedlock may be asked to slash school field for coming late, while others get away with verbal warnings, getting picked on in class whenever taboo topics e.g. on sexual assault are discussed in class. 15.1% of the mothers reported verbal abuse as the main form of ill-treatment. In many instances, the verbal abuses contained references to the status of the child as being born out of wedlock. 10.1% of the parents reported abandonment, especially of young children <5 years, by those who are left in their care, as the main form of ill-treatment.

In-depth interviews showed that the situation of children born out of wedlock was sometimes worse, for women who were still dependent on their fathers/ relatives for basic subsistence. participants explained that sometimes these children were denied food, punished e.g., beaten severely for minor mistakes e.g. forgetting to close the door or wash utensils. In some instances, they may be locked out of the house at night, particularly in instances where their mothers are not present.

According to some mothers, children born out of wedlock are also discriminated against, for example, they may be excluded from social activities like play. The study also identified discrimination against other social benefits like school bursaries, as an important challenge for children born out of wedlock.

I went to the chief five times. Each time I was turned away, I was told that there are no forms for me to fill in bursary. What surprised me, was that three people who tuned up after me were issued the forms. Later I learnt that I was denied the bursary because my child was not born out of wedlock. Woman_1_parent.

Within school and community activities, the children born out of wedlock also endured verbal abuse from their peers, and sometimes other community members. According to the mothers' accounts, these experiences made it difficult for their children to associate with others; and some parents perceived these situations to be closely associated to their children's low performance in school work. In some instances, these children were reported to avoid going to school.

Some parents also reported bearing a heavy burden, of trying to explain to their children about their fathers' identity. In some situations, children, particularly boys of teenage, were reported to be rebellious, e.g. refusing to do household chores like cleaning the house, going to the farm or placing conditions for doing such chores- in exchange they demand to be told who their father is.

To tell you the truth, I have had it rough with my boy. Of late, he likes exchanging words with me, whenever I ask him to do anything. simple things like mopping the house, which he used to do, he now refuses. At one time he said he will not do any work in this home until I show him his father (Woman 3 _parent)

The majority of the mothers responded to their children's ill-treatment through verbal means e.g. abusing the perpetrators, threats, reprimands; 25.3% resorted to physical confrontation e.g. fights; 13.1% reported to authorities e.g. school administrators, village administrators, local political representatives, religious leaders, or even parents of known perpetrators, in cases involving other children. However, a third of the parents reported that they did nothing about their children's mistreatment. Additionally, only 36% of the parent reported that they had quality time to have conversations with their children.

Entitlement to Land for Children Born Out of Wedlock

Lastly, on the issue of land inheritance, 40% of the mothers (n=276) reported that their children are entitled to inherit land; majority of them, 67%, identified the father of the child as the source of land, while 33% of the 276 women suggested that they were the ones who will Beque the their children land.

Key informant interviews showed that, children born out of wedlock are usually not acknowledged in the family circles. The key informants indicated that according to customary expectations, traditional rites such as circumcising a male child, are supposed to be conducted by the family of the child's father. Furthermore, male children are expected to inherit land and other property from their fathers. Consequently, the children born out of wedlock were viewed as 'competition' in the maternal grandparents' households- i.e., that they represent competition for resources.

You know, according to our culture, a male child is supposed to be circumcised by his grandfather-the father's side. Also, where will he get land to build his house? He cannot expect to build his home at his grandfathers' side. Village elder 2

Key informants also explained however, that although some fathers did not want to be publicly associated with a child born out of wedlock during their childhood, majority of the men still recognized these children as their own, and somehow allocated them land, though in most instances, the land may be a different parcel from the family ancestral land.

Some fathers may deny those children when they are still young, but in some instances, these fathers make a connection especially with the boys when they are much older, and some even allocate them land. It is just the way blood is strong. Village elder_ 3

Literature on child development highlight the important role of paternal involvement in their child's growth. Fathers provide material and emotional security, are role models upon which their children look, and also provide their partners and children a social identity(Rane and McBride 2000). Culturally, in patriarchal societies such as Tana River, a male child in a home, symbolizes continuity of the family line. A child whose father is unknown is however considered to be an imposter, and in some cultural societies, they represent people who have come to 'grab' blessings from a family. In Namibia for example, although historically children were celebrated regardless of whether they were born within union of marriage or not, the situation seems to change. According to Pauli, children born out of wedlock are increasingly referred to as 'sin children', a narrative driven particularly by women married to wealthy men (Pauli 2012).

These narratives are associated to fears that these children will lay claim to the wealth. Similarly, such children are perceived to be a result of immoral, shameful sexual activities- the presence of such children serves as a constant reminder to people about the actions of the woman. Harmful

cultural norms such as discriminating against children have been identified as having adverse implications on wellbeing of children and are explicitly condemned in the UN charter on the rights of children.

The recognition of serious social disadvantages faced by children born out of wedlock have been documented from as early as 1920's. In extreme scenarios, in the USA these children were at risk of infanticide because of outright societal rejection (Lenroot 1921). Consequently, some Federal States took deliberate steps to conceal from the public, birth information relating to 'legitimacy' of children born out of wedlock. These processes started as local state laws for example in Massachusetts, Minnesota, and California, though it is documented that by the 1930's there was widespread awareness on the need to protect such vital information, in official records. In some states, only a court order would compel custodians of such information to share them (Hanna 1940).

Government policy responses to the 'problem of illegitimate children' were also punitive. For example, in some states in the USA, forced sterilization of teen mothers. Some of these actions were viewed as desperate attempts by government to blame the rising poverty in the USA, on children born out of wedlock or teen motherhood, rather than focus on 'structural issues' e.g. racism, unemployment, capital flight, and unaffordable day care and transportation (Pierson-Balik 2003). The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 of the USA, for example, cites the growing burden of financial assistance by government to children born to single parents. An excerpt from the law states that

The Congress makes the following findings: (1) Marriage is the foundation of a successful society. (2) Marriage is an essential institution of a successful society which promotes the interests of children. (3) Promoting of responsible fatherhood and motherhood is integral to successful child rearing and the well-being of children. This declaration emphasizes need for family to be composed of both father and mother. The dangers of such legislative development on countries like Kenya, stem from the fact that majority African countries adopt international laws, and national laws/ policies of foreign governments. Such laws provide critical breeding grounds for such ideas to be incorporated in formulation of policies for Kenyans, and in some way, may hurt the children born out of wedlock

A study in the Philipines documented challenges of children born out of wedlock from the perspective of these children. The key issues identified include discrimination, social stigma, difficulty, and abandonment. Similar to the Kenyan study, discrimination is highlighted as a big problem in Philipines particularly in access to social services, and 'filiation' - relating to identity, denial of inheritance. Difficulties experienced by the children included frequently going without food. Key issues arising out of abandonment include the children's own feelings of being unwanted, and therefore low self-worth and struggling with unanswered questions about their parents (Engo, Castro et al. 2022).

Chiho Ogaya describes vulnerability of children born out of wedlock, by immigrant Filipina mothers, who sought job opportunities in Japan, particularly in low skilled jobs and sex industry. In this study, the Filipina mothers sought support of a local non-governmental organization (NGO) to trace the Japanese fathers of these children, who had cut contacts with them. They sought ways for their children to be supported financially, and other forms of social support. Chiho observes that these children, labelled as having been 'born out of place' bear the adverse social challenges born out of the intergenerational exploitation of their mothers (Ogaya 2021). Kenya is host to one

of the largest refugee settlements in the world, with many undocumented immigrants in urban areas like Nairobi (Jemutai, Muraya et al. 2021). Although this study did not focus on migrant populations, it is important for future studies to investigate the lives of children born out of wedlock among immigrant populations that may not have legitimate identification, and therefore posing challenges in getting government civil registration and other benefits of official identification.

Research has shown that children born out of wedlock, particularly if they are first borns may be vulnerable for many reasons- these include inadequate parenting knowledge by their mothers, lack of support by father- financially, including provision of financial resources (Mahy 2003).

These challenges show that societal values based on culture and considerations for the interests of the households, work against the interests of the children. Whereas on one end the children may perceive themselves as belonging to the households, the harsh treatment they get at the household level, and the wider community, including schools, make their life harsh and difficult. Strangely though is that some of these children who are stigmatized belong to men living, and hiding in plain sight, within the community. That these men do not claim this child, does not take away the simple fact that these children belong to them. Future studies may explore the concept of cowardice among Kenyan men, and how conflicts these conflicts with long-held cultural expectations of masculinity- to be brave, and protector of the wife and children they sire.

Discrimination of children has an impact on their performance in schools and may have long-term implications for example competing for good employment opportunities in the future, which are closely associated to educational achievement. The community reactions also show urgent need to educate community members about the rights of children, as well as the value of nurturing children with care and love (ref the nurturing framework). Some of the instances like locking children out at night, suggest lapses in legal protection and call for closer surveillance by government agencies concerned with the protection of children.

Besides this, there is a need to understand the drivers of bearing children out of wedlock. This is because without addressing the underlying factors, cases of children born out of wedlock will continue to rise, and the end result would be many stigmatized and discriminated children, with attendant social disadvantages.

A reflection of the sociodemographic data highlights the important socio-economic vulnerability of children born out of wedlock. The majority of the women were unemployed (38%); achieved primary school education (45.7%), and a significant proportion (7.4 %) were still in school. These findings suggest that the children born out of wedlock are raised in environments of low socio-economic status, and difficulty in accessing livelihoods.

A study in the USA (Mavropoulos and Panagiotidis 2022) examined trends in socio-economic status among children born out of wedlock and those born and raised in stable marriage unions. The trends show that children born out of wedlock had significantly low shares of income compared to those born in stable unions. Similarly, there are strong associations between teen motherhood and low socioeconomic status, though the relationship of the exposures is not clear- i.e. whether teen motherhood results in low socioeconomic status, or low socio-economic status influences teen motherhood. In the context of this study though, one issue is clear- a child born to a teen mother, and out of wedlock suffers socio-economic disadvantage. Calves study in Cameroon (Calvès 1999) shows that whereas some women use childbearing as a way of securing

commitment for marriage, and therefore better security in marriage, this strategy does not work in most instances, leaving such women and their children at a great social disadvantage.

In patriarchal societies such as Tana River, children born out of wedlock face difficulties in life, mainly because women may not have stable jobs or are largely unemployed, as demonstrated in this study. Such children's fates may not be very different from those born to married children (Msuya 2020); they are exposed to a generational cycle of poverty- i.e. they may not achieve optimal education, which in turn places them at great disadvantage in competing for higher education and income-earning opportunities.

5.0 Conclusion

The study concludes that children born outside marriage in Tana River County face severe socio-cultural and socio-economic challenges fundamentally compromising their development and life prospects. Educational exclusion is widespread, with the majority unable to attend school due to unaffordable fees, bullying, and maternal poverty, while enrolled children attend irregularly and perform poorly academically. Discrimination is pervasive, with most children experiencing ill-treatment through physical punishment, verbal abuse, and exclusion from opportunities including bursaries and school activities, while the majority are denied land inheritance rights and most mothers cannot afford school fees. These challenges stem from cultural stigma perceiving such children as illegitimate, patriarchal systems excluding children without recognized paternal lineage, maternal economic vulnerability with low average monthly incomes, and weak enforcement of legal protections guaranteeing equal treatment. The study concludes that these disadvantages perpetuate intergenerational poverty, compromise health and education, cause psychological trauma, and will produce broader societal problems including crime and reduced human capital if unaddressed. However, challenges are amenable to change through coordinated interventions by community stakeholders challenging stigma, government agencies enforcing legal protections and expanding social services, and non-governmental organizations providing direct support to affected families while advocating for policy reforms prioritizing children's rights and wellbeing regardless of birth circumstances.

6.0 Recommendations

The study proposes the following recommendations

- i. The Directorate of Children Services should enhance comprehensive sexuality education to adolescent girls and women, empowering informed sexual health choices and contraceptive negotiation to prevent unintended pregnancies resulting in births outside marriage.
- ii. The Ministry of Education and State Department of Social Protection should ensure children born outside marriage access education through 100% transition policy with automatic enrollment regardless of documentation, fee waivers for single-parent households, and penalties for discriminatory schools.
- iii. The Ministry of Education and county departments should implement awareness campaigns among teachers and administrators about stigma's adverse effects while expanding bursary programs specifically targeting children born outside marriage to eliminate financial barriers.

- iv. County governments should implement sensitization programs challenging cultural norms stigmatizing such children, emphasizing that all children deserve equal treatment regardless of parental marital status.
- v. The government and development partners should establish economic empowerment programs providing grants to single mothers alongside skills training and microfinance access, enabling self-sufficiency to support children adequately.
- vi. Civil society organizations including the Masculinity Institute should implement programs engaging men on responsible fatherhood, emphasizing legal obligations to support all children, promoting contraceptive use, and challenging norms permitting paternal abandonment.

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