

The Role of Youth Micro Enterprise in the 21st Century: Addressing the Challenges of
Unemployment and Economic Vulnerability among Orphans and HIV-Affected Youth

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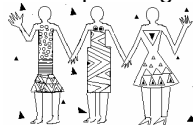
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Executive Summary

Youth engagement in micro-enterprise activities is one of the strategies employed by GROOTS Kenya in enhancing access to livelihood and economic participation in national development. However, most orphans and HIV-affected youths have found themselves at a crossroad with little or no financial base to engage in micro-enterprise activities due to challenges related to HIV. This paper highlights the status of orphans in Africa and Kenya in particular. It underscores orphans and HI/AIDS affected youth role in micro-enterprise in relation to property inheritance rights including their initiatives supported by GROOTS Kenya. Youth micro-enterprise and the policy implications are also examined and recommendations given on possible solutions to challenges facing youth micro-enterprise in Kenya.

Overview

HIV/AIDS has had a disastrous affect on Kenya and many other African countries. One of the worst consequences of AIDS deaths is an increase in the number of orphans. The African extended family system that could have absorbed children orphaned by AIDS is unable to do so due to the rising levels of poverty. Prior to the AIDS epidemic, approximately 6% of the children under the age of 15 years in East Africa (list the countries included in East Africa and where you got this statistic from) were orphans. These orphans were cared for by the extended family members, and when the need arose, community members came together to assist. However, the explosive spread of AIDS over the past 2 decades has contributed to a doubling in the number of orphans.

The epidemic continues to expand, affecting both adults and children, and resulting in unique social and economic consequences. Worldwide, it is estimated that about 22 million people have died of AIDS; 36 million are currently infected with HIV and out of these, approximately 70% live in sub-Saharan Africa. As the HIV epidemic continues to ravage sub-Saharan Africa, more challenges start emerging, which have significant effects on child survival, growth and development. The number of orphans and children infected with HIV increases as a parallel epidemic to that of HIV infection on the adult population.

Status of Orphans in Africa

Levels of orphanhood have always been high in sub-Saharan Africa, as a result of high mortality in general, and high maternal mortality rates in particular. Kenya is one of the African countries with significantly high prevalence of AIDS and incidence of HIV infection. According to the National AIDS Control Council and the Ministry of Health (AIDS in Kenya, 2001) there were about 2.2 million Kenyans living with HIV infection in 2001. To date the estimated number of those who have died of AIDS is over 1.5 million. It was estimated that there were 43.4 million orphans in Africa by the end of 2003, a number that is projected to increase to 50 million in 2010. The increase is largely due to HIV/AIDS, with an estimated 12.3 million AIDS orphans at the end of 2003, rising to 18.4 million in 2010 (United Nations Children's Fund (UNICEF) 2004). This significant increase in number pf

orphans as a result of HIV pandemic has gradually been felt by women caregivers who have continued to volunteer their scarce resources to support them. Although, there has been no comprehensive assessment of the status of orphans and vulnerable children in Kenya, the United Nation General Assembly Special Session Country report of 2006, indicated that 1.5 million Kenyans have died of AIDS, leaving approximately 1.7 million orphans. The laws of Kenya describe a child as a person below 18 years. In Kenya, a youth is generally considered to be a person between the ages of 18 to 35 years. In reference to UNICEF and UNAIDS definition, in Kenya an orphan is defined as a child under the age of 15 years who has lost one parent or both.

At the household level, the orphan crisis leads to changes in the household composition, roles and responsibilities, as well as a rise in the number of child-headed households, child caregivers, and elderly caregivers at the national level. This raises a number of issues including increased mortality, fall in life expectancy, changing age structures, increased food insecurity, and reduced household savings. Orphanhood always exacerbates gender inequalities; girls are often overworked, sexually abused and more often dispossessed of their parent's property (UNICEF 2004). GROOTS Kenya has continued to support poor marginalized communities including orphans and vulnerable children through community mobilizing their own resources to respond to basic needs.



Most orphans and vulnerable children live with less than a dollar per day



Community working together to support orphans and vulnerable children through home-based caregivers and orphans working groups in Gatundu. This initiative was supported by GROOTS Kenya and American Jewish World Service.



The dilapidated house above reconstructed by caregivers, orphans working groups and community member

The impact of HIV/AIDS on children and youth is compounded by the fact that many affected families live in Kenyan communities which are already disadvantaged by poverty, poor infrastructure and limited access to basic services. The vast majority of Kenyans infected and affected by HIV are in the adult age group of 15–49, and trends in this age group are the international standard for measuring the burden of HIV infection. Drawing attention to children affected with HIV/AIDS highlights the future dimensions of the orphans and youth epidemic and social, developmental and health problems they face even prior to being orphaned.

GROOTS Kenya's work and the initiatives of its member organizations have primarily focused on orphans and vulnerable children in this age categories who are unmarried with special attention to economic empowerment through establishment of micro-enterprise and psychosocial support. Children below this age have also been supported through orphans' initiatives aimed at securing their property inheritance rights. GROOTS Kenya uses community-led approaches to mobilize and empower youth caregivers on economic security, to reduce vulnerability to HIV/AIDS and other forms of violence against orphans/vulnerable children, and to build their capacity to take action to obtain justice when rights are violated or services are denied. For over 10 years, GROOTS Kenya has continued building the capacity of women caregivers to provide quality care and support people infected and affected with HIV/AIDS in the communities through capacity building and provision of seed grant to initiate income generating activities. These women volunteer their valuable time to care for and train their communities on HIV/AIDS. Other responses include: Support groups for people living with HIV and projects to assist orphans and vulnerable children. These efforts have had a great impact on the lives of people infected and affected with HIV/AIDS including the orphans. Currently, GROOTS Kenya, which is an affiliate of GROOTS International and the Huairou Commission, supports 600 orphans of whom 20 are engaging in small scale businesses with support from St. Mary's Foundation and USAID funds through Church World Service in Mathare; the second largest slum in Kenya, and Gatundu in central province.



HIV-affected youths engaging in hair dressing business in Gatundu district in Central Province in Kenya- supported by USAID through Church World Service

The youth caregivers engaging in small scale enterprise are able to support over 80 siblings in their households through income generated from their small scale businesses. The businesses

have had a positive impact on the lives of many youth caregivers who initially were beggars in the street and could not afford a meal in a day. The business opportunities have not only transformed the lives of the individuals youth but also the lives of their siblings and ailing parents who solely depend on them for survival. The impact of micro-enterprise among youth affected with HIV/AIDS has also been felt by women caregivers across GROOTS Kenya network since youth take up household responsibilities which off load their burden in care and support. However, the number of youth requiring this support is still high in our rural marginalized and urban informal settlements.

About GROOTS Kenya

GROOTS Kenya is a movement of women self-help groups and community based organizations in Kenya. It formed as a response to the inadequate visibility of grassroots women in development and decision-making forums that directly impact them and their communities. GROOTS Kenya bridges this gap by striving to add value to community-led initiatives mainly those that are women led in the bid to facilitate their effective participation in development processes. Thus GROOTS Kenya's goal is to strengthen the role of grassroots women in community development by serving as a platform for grassroots women's groups and individuals to come together, share their ideas/experiences, network and to find avenues to directly participate in decision making and planning. These enable them to develop solutions to issues that affect them. GROOTS Kenya work with youth caregivers and orphans who are integrated in the women groups. While working with grassroots communities, GROOTS Kenya employs various strategies to facilitate program implementation, including a) peer learning and exchanges across community groups locally and international as means to enhance learning of best practices, b) amplifying the voices of grassroots communities mainly women and orphans which forms the basis of youth participation in the current conference on youth micro-enterprise; c) capacity-building through various life skill trainings for instance on entrepreneurship and psychosocial support and, d) advocacy, outreach, and networking.

GROOTS Kenya main program areas include the following:

Community Resources and Livelihoods - Sustainability and livelihood improvement are very important issues to all groups. GROOTS Kenya provides business training to build the capacities of group members and also provides small grants and soft loans to assist in starting up small individual or collective enterprises in the communities. These initiatives have been key in offloading caregivers' burden of taking care of those infected and affected with HIV/AIDS. Through this program, many orphans have benefited directly through small scale business and indirectly through the business of women caregivers. Below are HIV- affected youth engaging in micro-enterprise with support from GROOTS Kenya.



HIV- orphaned girls in a knitting in Mathare slum in Nairobi, Kenya



HIV-affected youth carpentry business in Mathare slum in the outskirts of Nairobi, Kenya.

Community Responses to HIV/AIDS - The most effective response to HIV/AIDS among poor communities has been the strengthening of Home-Based Care. Communities have been able to recreate social networks to support and care for the sick and the growing number of children orphaned by AIDS. GROOTS Kenya has continued to support women caregivers to provide psychosocial support through formation of "support groups" and make referrals to health facilities for those infected with HIV/AIDS for people living with HIV/AIDS and, conduct awareness on HIV/AIDS prevention, management and treatment in general. GROOTS Kenya support women and orphans to address challenges associated with HIV/AIDS including property disinheritance which increases women and orphans vulnerability to HIV/AIDS. These initiatives have significantly strengthened caregivers and orphans capacity to address challenges facing them at the communities.

Women and Property - This program aims to increase awareness of issues surrounding property and inheritance rights of women and orphans, and also to increase access to and quality of legal services available to address these issues. One of the most recognizable initiatives has been the formation of community "Watch Dog Groups." These groups monitor and guard against property stripping for widows and orphans in communities. The "watch dog" groups are formed by women caregivers, members of land tribunal, trained paralegals including orphans and the local authorities/chiefs. They work hand in hand with local authorities at the community level to address cases of women and orphans property disinheritance rights. They also make follow up of pending cases in court and guard against property grabbing for women and orphans.

Women's Leadership and Governance - GROOTS Kenya aims to build the capacity of grassroots women to take leadership roles in their communities. This is accomplished through advocacy, trainings and mentorship. GROOTS Kenya also provides as many opportunities as possible for women and orphans to experience and participate in national and international forums on topics and issues that directly affect their lives. Women and orphans get the opportunity to voice their concerns and share their lived experiences for instance, the world urban forum and the XVI conference on HIV/AIDS held in Canada in 2006, and youth micro-enterprise conference in Washington DC in September 2007 sponsored by American Jewish World Service.

Youth Micro-Enterprise, HIV/AIDS and Property Inheritance Rights

Youth orphaned by HIV/AIDS and vulnerable children have continued to struggle to make their daily living through various activities in both rural and urban settings in Kenya. In spite of these struggles that are mainly caused by inadequate resources, some youth have realized a significant increase in their household income levels as a result of small income generating activities. It is evident that participation of orphaned youth in micro-enterprises generally has a positive impact on the lives of their siblings, sick parents and/or guardians who solely depend on them for their daily bread. Young AIDS orphans suffer psychological problems that others do, but have additional burden of stigma associated with HIV/AIDS experienced in most of our Kenyan communities. Most communities in Kenya shy away from people living with HIV/AIDS since they are considered promiscuous and or the disease being infectious. Women caregivers have continued supporting people infected with HIV and creating awareness on prevention, management and treatment. However, people who are infected are still isolated in most communities and when they die the children are also considered infected and or outcasts.

One important problem that orphans are facing is lack of protection to their property inheritance rights. As parents die, orphans find themselves without legal entitlement to their parents' assets, including land and other properties, and often see their property taken away by relatives. This in turn destabilizes them economically, increasing their vulnerability to HIV/AIDS since it weakens their economic capacity to sustain their livelihood. That vulnerability is, in most cases, due to the fact that their parents have died because of AIDS and often those who are now supposed to support them are older grandmothers/fathers, or widows/widowers who are economically unstable.

Poverty has eroded the capacity of Kenyan families to take up additional children and responsibilities. In most instances youth are called upon to contribute to the production and survival of their supportive family for the benefit of their relatives/ household in return. Youth affected with HIV/AIDS continue to face human rights violations, including discrimination, and denial of orphans' property and inheritance rights which curtail their chances to engage in micro enterprises. Youth must often survive under completely inadequate legal protection, leaving them without alternatives but to stay in abusive and hopeless situations. Failure to eliminate discriminatory property inheritance practices among orphans and HIV/AIDS affected youth exacerbates the economic and emotional challenges already caused by death of parents and guardians from HIV/AIDS.

The Role of Youth Orphaned by HIV/AIDS in Micro-enterprise

The most productive stage of a person's life is between the ages of 14-45 years. It is during this age that optimum potential among the youth can be realized through participation in development processes. The economic base of most orphans and youth made vulnerable by HIV/AIDS largely depend on property inherited from their parents. Access to and or ownership of property is a predetermining factor of peoples' living conditions and access to basic needs. Despite the fact that all human beings have the fundamental rights to own property, this is not always the case with orphans/youth caregivers in Kenya, made vulnerable by death of their parents due to HIV/AIDS. Most of them lose property to their immediate relatives. The impact of HIV/AIDS on youth is compounded by the fact that many families live on less than a dollar a day in chronic poverty.

There is a significant relationship between property ownership and capacity of a youth to engage in micro-enterprise. It is evident that youth involvement in micro-enterprise activities requires capital and or is dependent on a resource base. Youth orphaned by HIV are the most affected as they find themselves unable to raise money to initiate micro-enterprises. For most orphans and HIV affected youth, the dream of engaging in micro-enterprise is shuttered down by community injustices mainly property disinheritance. According to a recent survey conducted by a network of orphans in Gatundu, Kakamega and Limuru which was financed by FAO and facilitated by GROOTS Kenya, statistics indicated that 57.5% of orphans of ages 6 to 18 years interviewed had lost property of their deceased parents to immediate relatives. Most of those who had lost property remained dependent on their relatives, including grand parents, aunts and uncles.

Women caregivers and youth orphaned by HIV/AIDS have come together with support from GROOTS Kenya, to collectively address community problems including guarding against property grabbing among women and orphans in a bid to enhance access to social justice and influence community social and economic development. Youth affected with HIV/AIDS work hand in hand with women caregivers and collaborate with local authorities in four districts in Kenya.. They have formed land support "watch dog" groups to guard against property grabbing among orphans and women infected and affected with HIV/AIDS. The youth orphaned by AIDS constitute members of the land "watch dog" support groups and have been trained as paralegals.

Through community participatory development process women caregivers working with the local leaders and youth orphaned by HIV/AIDS have not only influenced people's attitude towards orphans infected and affected with HIV/AIDS, but have also challenged decisions passed by local authorities which perpetuate property disinheritance in the community. Currently, women and youth from the four districts are working harmoniously with the local and administrative authority to safeguard orphans property inheritance rights which have had a tremendous impact on their ability to engage in micro-enterprise.

Through community-led initiatives with support from GROOTS Kenya; an organization that aims to facilitate women and their communities to participate effectively in their development processes, orphans and HIV/AIDS affected youth from Gatundu, Kakamega, Kendubay and Limuru have come together and are in the initial stages of forming a network of orphans to fight against property disinheritance and other forms of violations of their rights in Kenya. The orphans' network is led by

the orphans themselves and currently has 20 youth leaders across the country. Members come together to network and synergize as a means of enhancing access to social justice and fighting poverty through micro-enterprises.

Youth Micro-Enterprise and Policy Implication

The United Nations Convention on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of the Child recognize children as rights-bearers and further define their rights, although they do not mention a right to inherit. Those countries that have signed on to the convention have accepted their obligation to protect children who are deprived of family care (Article 20) and protect children who experience violence, neglect, or exploitation on the part of a parent, guardian, or other caregiver (Article 19).

Kenya is a signatory to such conventions that seek to protect the rights of orphans and vulnerable children. However, law makers rarely translate these commitments into practical legal solutions to protect children's rights, including their right to inherit property, according to the standards established by the conventions and the African Charter. These instruments are not localized and uncertainties exist regarding their interpretation. Several other instruments produced by international bodies make more specific commitment to orphans and vulnerable children affected by HIV/AIDS, including the United Nations Secretary General's Task Force on Women, Girls and HIV/AIDS. The UN Committee on the Rights of the Child state that distinctions made on the basis of having an AIDS-affected parent, for instance denial of property, constitute an inappropriate ground for discrimination.

Its evident that very little if anything has been done to relate the state of youth orphaned by HIV/AIDS and property inheritance rights in relation to micro-enterprise. Kenya's Children's Bill of 2001 also tends to focus more on issues relating to children in conflict with regard to the law; but compared to previous laws in the country, it desirably expands consideration of the "protection and care" of children, making more explicit children's right to protection from child labor, armed conflict, harmful cultural practices, and sexual abuse and exploitation.

In Kenya, the Law of Succession Act of 1982 details procedures for property inheritance by children with or without a surviving parent. In Section 26, it extends to dependent children or someone acting on their behalf the right to apply to the court for redress in cases where "reasonable provision" has not been made for the children. Unfortunately, as with succession laws of other countries, the standard for "reasonable provision" is not specified. The act also states that trusteeship for the property of a surviving child should be undertaken until the child reaches 18 years of age. Most often, guardians have taken advantage of orphans and youth below the age 18, through misuse of their property or disinheriting them. In addition, many orphans and vulnerable children are not aware of the law and their rights, hence can not challenge decisions made by their guardians and or relatives. Access to legal services is very expensive especially when orphans need to seek assistance from a lawyer to represent him/her in court. Most communities in Kenya uphold oppressive cultures that have continued to prevent girls from inheriting properties from their diseased parents in favour of the boy child.

It is therefore evident that provisions in the laws of many countries do not sufficiently address orphans property inheritance rights. Many orphans and vulnerable children have continued losing

their property to their relatives and guardians who pretend to be using the property for their benefit. This has continued to affect their economic base to initiate income generating activities. It is unfortunate that very little attention is paid to this problem at all levels since a lot of efforts have been focused on children's health and criminal offenses rather than civil offences such as property grabbing.

Recommendations

The following are recommendations that can facilitate youth orphaned by HIV/AIDS to inherit property and enhance their capacity to engage in micro-enterprise:

- Support grassroots organizations that work with directly with women caregivers, orphans and HIV-affected youths to replicate the formation of “watch dog” groups in most communities in Kenya as a means to safeguard women and orphans property rights.
- Support formation of youth networks which will enhance collective voice and raise their visibility at local, national and international level. These will also strengthening their capacity to lobby for support both locally and internationally to support their micro-enterprise activities and other issues.
- Provision of financial support to organized support groups of youth and people infected with HIV/AIDS to initiate collective income generating activities.
- Support peer learning and exchanges among youth groups to enhance learning of best practices locally and internationally.
- Facilitate recognition and participation of orphans and vulnerable children under the age of 18 in decision-making concerning property administration.
- Strengthen the activities of the children's department to effectively address issues of orphan's property rights at the local level. The children's department offices need to be accessible to the children at the community level and also to be children-friendly.
- Enforce laws that provide for property and inheritance rights for orphans and vulnerable children.
- Conduct a legal review of areas that impact on vulnerable children, including property. This will inform decision made at all levels to enhance micro-enterprise activities in Kenya.
- Develop and enact new laws that comprehensively recognize and protect orphans' right to property inheritance. There is need to focus on property needs of orphans independently from the context of widow's property and inheritance rights for more attention.
- Create new legal procedures to handle children's property and inheritance rights. For instance, ensure that financial institutions are regulated, provide free legal services for orphans and vulnerable children in courts, and monitoring and evaluate offices to assess the status of orphans under trusteeship and compliance with the law at the location level.
- Develop national policy initiatives that protect orphans' property and inheritance rights. For instance, provide capacity-building on policy issues at all levels through government structures mainly for disadvantaged groups.
- Provide external parties to monitor orphans' guardians to support adherence to the law and avoid abuse of property.

Conclusion

HIV/AIDS in Africa has transformed the orphans' phenomenon. Children orphaned and or made vulnerable by HIV/AIDS grow up to become youth caregivers. Property disinheritance increases the vicious cycle of poverty since this deprives them of their right to own the property of their deceased parents, adversely affecting their economic capacities and ability to engage in micro-enterprises. Policies in place in most cases do not effectively address challenges that orphans go through in fighting for their property rights. The facilitation of orphans in Kenya and other parts of Africa to effectively participate in micro-enterprise activities call for concerted efforts mainly in safeguarding their right to property inheritance of their deceased parents and provision of soft loans.

Youth caregivers orphaned by HIV/AIDS have a role to play to influence this situation mainly through collective action. Youth who succeed to inherit and maintain inherited property are likely to have a more secured future. The current national laws and administrative structures cannot, in their existing form and ideology, provide the institutional responses to orphans property rights required by the new social conditions resulting from the spread of HIV/AIDS; hence calls for urgent action to reform national laws and to strengthen administrative structures.