

# Mainstreaming Child Protection and Child Rights in Civil Registration of Births in Kwale and Kilifi in Kenya

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**Abstract**— The problem of birth notification and registration has limited the rights of children to education, health, recognition among other human rights. The challenge to sufficient registration of new born babies is traceable to the initial stage of notification. There is a lack of scholarly research on incentives to address both supply and demand barriers for birth registration and a need for more robust literature on the topic. The specific objectives that project sought to address include; investigation of current birth notification system in Kenya, The intention was to allow real time pre-notification of birth events by parents, verification of that information by local agents, and sharing of that data for use by other government agents. The events that take place in hospitals were also included in a broad solution. The study used two approaches where case study of a remote counties of Kwale and Kilifi was used to study rural events and processes Birth registration imposes major challenges in developing countries, with importance to rights, health and all levels of development. Despite targeted initiatives, often with focus on improved access and information, universal registration has been elusive in Kenya.

**Index Terms**- Birth, Cases, Certificate, Community, Educations, Guardians, Notification, Parents, Registration, Safe, School, Space and Students.

## I. INTRODUCTION

Registration is key milestone towards gaining belonging, rights and access to services in any organization. When a child is born the first step towards recognition is usually naming, and thereafter entering the given name to a register. However this is not the case to many children in Kenya, whose existence is absent from any form of registration. A key human rights instrument includes but is not limited to: Universal Declaration of Human Rights in 1948 states that “every person has the right to a nationality and this depends

on having each birth legally recorded. This was also reinforced in the Declaration of the Rights of the Child in 1959 that states that every child is entitled from birth to a name and nationality”; and in the International Covenant on Civil and Political Rights in 1996 that also states that “every child shall be registered immediately after birth and shall have a name. The problem of unregistered events in Kenya is accrual from various challenges and problems which include information gathering methods, transmission, processing procedures and legal structures. Some of the systems may be timeworn thus have difficulties matching modern needs in data management and requirements.

Creating Safe and Protective Spaces for Improved Learning in Kwale and Kilifi Counties in the coastal region of Kenya covering a total of 8 sub-counties namely Ganze, Bahari, Magharini and Malindi in Kilifi County and Matuga, Kinango, Msambweni and Lunga Lunga in Kwale County. The project, which supports the intersecting areas of education and child protection, mainly targets duty bearers at the school, community, county and national levels together with right holders at the school and community level. Specifically, the project’s main target populations are girls and boys of primary school going age and their parents and guardians; teachers in project schools; relevant line ministry staff1; community leaders; and education, child rights and Gender Based Violence (GBV) networks2.

Through a two-pronged approach that entails improving systems for school and community-based child protection structures and targeted activities to address key gaps in education quality, the project aims to improve the quality of education and protection of children in schools and communities. Thus, a key focus of the project is capacity building that involves training of child protection actors on application of standards for case identification, reporting, referral and rehabilitation.

Specifically, the project’s expected outcomes and targeted interventions are: firstly, increased responsiveness of duty bearers to effectively address children’s right to identity and to prevent and respond to School-related Gender-based Violence (SRGBV) affecting vulnerable children, particularly girls in Kilifi and Kwale through interventions namely training of community stakeholders and duty bearers to detect, prevent and take coordinated action against violence experienced by girls and boys; construction of Child Protection Units and supporting case response, referral and

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rescue and scaling up use of VuruguMapper; training Civil Registration Staff and registration agents on birth registration mechanisms and increasing demand for the service through a community communications campaign. Secondly, vulnerable girls and boys are better able to claim their rights to quality, safe and protective education in Kilifi and Kwale through interventions namely supporting the functioning of Children's Assemblies, Student Governments and Children's Clubs; including children, plus children with disabilities, in the development of School Improvement Plans; training children on their rights to safe and protective spaces; and collecting feedback and stories from children. Thirdly, child protection and education policies and plans at national and county level are more responsive in addressing child rights violations through interventions namely identification of gaps in child protection policy and taking appropriate action; and lobbying the government to implement the child online safety framework and campaign.

Thus the purpose of the baseline study was to provide baseline figures for the Tulinde Tusome project through measurement of a set of specific indicators in line with the above stated desired outcomes and the project's Performance Measurement Framework (PMF). The baseline study conducted from March 14, 2015 – April 08, 2015, assessed the current status of the set indicators to inform target setting for planning purposes and further provide a basis to measure change and assess performance of the Tulinde Tusome project.

The baseline study adopted a mixed-method approach entailing desk review, quantitative and qualitative designs. Prior to refining the baseline study methodology and designing study tools, a review of relevant documents that include project start-up documents, documentation and learning strategy, monitoring and evaluation framework, education and child protection policies, laws and publications relevant to the baseline study was carried out.

Since the main objective of the baseline study exercise was to measure the initial status of a set of specific outcome indicators, a quantitative design through a household survey with girls and boys of primary school going age (right holders at school and community level) and their parents and guardians (duty bearers at community level) was utilized. A multi-stage stratified cluster sampling technique was utilized in selection of households to participate in the baseline study.

In addition, a quantitative design through a combination of face-to-face interviews and self-administered surveys with purposively sampled duty bearers at school level (teachers) and duty bearers at county and national levels (line ministry staff and education, child rights and Gender Based Violence (GBV) networks) was employed to measure selected outcome indicators as detailed in the main body of this report.

To allow for corroboration of study findings and offer further discourse on the outcome indicators that were largely quantitative in nature, a qualitative design adopting a purposive sampling approach through use of Focus Group Discussions (FGD) with girls and boys of school going age and Key Informant Interviews (KII) with teachers in project schools, line ministry staff, community leaders and education, child rights and GBV networks was employed.

## II. STUDY AREA

Creating Safe and Protective Spaces for Improved Learning study in Kwale and Kilifi Counties in the coastal region of Kenya covering a total of 8 sub-counties namely Ganze, Bahari, Magharini and Malindi in Kilifi County and Matuga, Kinango, Msambweni and Lunga Lunga in Kwale County. The project, which supports the intersecting areas of education and child protection, mainly targets duty bearers at the school, community, county and national levels together with right holders at the school and community level. Specifically, the project's main target populations are girls and boys of primary school going age and their parents and guardians; teachers in project schools; relevant line ministry staff; community leaders; and education, child rights and Gender Based Violence (GBV) networks

## III. MATERIAL AND METHODS

### *The Survey Design*

The study adopted a mixed-method approach entailing use of desk review, qualitative and quantitative designs thus ensuring reliable and valid survey estimates based on results and conclusions drawn using the three different methodologies. Specifically, to obtain measures of the project baseline indicators, a quantitative design was utilized through a survey conducted face-to-face at household level and institution level<sup>8</sup>. In addition, a qualitative design through Focus Group Discussions (FGD) and Key Informant Interviews (KII) was employed to also obtain further measures of the study indicators and allow for corroboration of study findings and offer further discourse on the established outcome indicators.

### *Desk Research*

The desk research as a secondary source of information entailed review of relevant study documents with a view to streamline the methodology and more specifically to inform on instrument design. Key documents that were reviewed include: Terms of Reference (ToR), Tulinde Tusome Project Start-up documents, mainly the Logic Model and Performance Measurement Framework, Plan Kenya's programme documents on child-centred community development, Plan Kenya's Gender Equality Programme Criteria and Child Protection Policy, general education and child protection policies, laws and other relevant publications

### *The Qualitative Methodology*

The qualitative design entailed use of predominantly semi-structured KIIs and FGDs to provide a more in-depth analysis of the Tulinde Tusome project measurement areas which are difficult to measure through the aforementioned quantitative design. The KIIs mainly targeted key informants who were purposively sampled as informed by the study ToR and based on their positions of influence and expertise with regard to Education and Child-related rights programmes<sup>10</sup>. These included:

a) Line ministry staff drawn from the Ministry of Education, Science and Technology (MoEST) and its agency the Teachers Service Commission (TSC); the Ministry of Health

(MoH); Civil Registration Department (CRD) in the Ministry Of Interior and Coordination Of National Government; Department of Children Services in the Ministry of Labour, Social Security and Services and the Police

b) Education, child rights and GBV networks namely Kwale County Education Network, Kwale Child Rights Network, Kilifi Sexual Gender Based Violence Network and Pwani Child Rights Network

c) Teachers in project schools<sup>11</sup>

d) Community leaders namely village elders and chiefs/sub-chiefs

### *The Quantitative Methodology*

The quantitative design was mainly utilized due to the need to cover a large number of sampled population units and statistically generate quantifiable study results. In drawing the quantitative sample at the household level, a probability sampling methodology entailing a multi-stage stratified cluster sampling where the selection of the Primary Sampling Units (PSU), the villages (clusters), formed the first stage of sampling while the selection of the Elementary Units (households) formed the second stage of sampling. Further, the selection of the villages to form clusters employed the use of Population Proportional to Size (PPS) sampling methodology, suitably stratified at sub-county level to ensure that the sample obtained is representative and therefore provides reliable and valid baseline study data. The second stage of sampling entailed selecting a random and systematic sample of a fixed number of households within the selected villages

At the household level, a household exclusion and inclusion criteria was employed where households with no children were excluded from the study while all households with children of school-going age, whether in school or out of school were included in the sample for the baseline study. Using random selection by way of last-birthday (LB) or next-birthday (NB) rule<sup>15</sup>, the Final Unit (eligible persons) was selected within the household to participate in the survey. Within each randomly selected household, one parent and at least one randomly selected child of school going age was selected to participate in the study. If within the household, there were one or more children of school going age who are presently enrolled in school and one or more children of school going age who are not presently enrolled in school, two child surveys were completed; one for a randomly selected child in school, and one for a randomly selected child out of school

### *Training*

Prior to carrying out a pre-test of the survey tools and data collection, a total of 40 research assistants comprising 20 females and 20 males were trained on specific areas that included; familiarization with the baseline study ToR; survey questions and questionnaire flow; recording of information; household selection; interview administration and techniques; integrity during data collection, informed consent, confidentiality and gender considerations as key components of research ethics as well as Plan's Child

Protection policy.

### *Limitations of the Survey*

During the study implementation, a few challenges were encountered. These included:

a) In designing the methodology, specifically with regard to the household survey quantitative design, one of the core requirements during sampling was that special attention should be paid to ensuring inclusion and non-discrimination especially with regard to gender ratios among respondents. It was noted during data collection that in many households reached, only female parents or guardians were at home hence available to participate in the baseline study if individual consent was successfully obtained. Where both male and female parents and guardians were at home, the males consented to participate in the study but excused themselves stating that their spouses as the 'mother of the house' were best placed to respond to the study questions. This posed as a key source of bias since the male sub-group is under-represented and thus not reflective of the desired equal balance in gender. However, this had no effect on analysis of the data since analysis was carried out within the gender categories.

b) The tool targeting project schools was designed to be administered through face-to-face interviews. However, this was not possible in some of the schools due to the fact that they have groups or committees specially formed by head teachers to deal with selected projects in the respective schools. The import of this is that the group could not be mobilized for a face-to-face administration of the tool, thus the need for self-administration. However, and where applicable, the affected schools were contacted to confirm and correct if need be, the information collected.

## IV. ETHICAL CONSIDERATIONS

Prior to conducting interviews with all target respondents, written and oral consents were sought and obtained from literate and illiterate<sup>19</sup> respondents respectively after being apprised of the purpose of the study in a language that they fully understood<sup>20</sup>. In case of child participants, consent was sought from either the parents or guardians prior to selecting them for inclusion in the study sample. Further, study participants were informed of their right not to answer any questions they were not comfortable with and terminate the interview at any time they deemed fit.

As part of ensuring confidentiality, respondents' names and addresses were not recorded on the questionnaires.

## V. DATA ANALYSIS

Data collected through the quantitative approach was analyzed using IBM SPSS Statistics Version 20. Sample proportions of key attributes were computed and differences especially with regard to gender, if required, were measured using Pearson Chi-square Test and Fisher's Exact Test.

Data collected using the qualitative approach underwent analysis through grouping of collected information by themes to facilitate content analysis. This entailed first identifying the common themes<sup>18</sup> guided by the study indicators around which the analysis should be carried. Exploratory analysis of

the qualitative data was then carried out and this entailed structural coding and partitioning of data in line with the identified themes. Finally, extraction of the data for further analysis was carried out to ensure that each thematic area is comprehensively addressed.

## VI. KEY FINDINGS AND RESULTS

### Knowledge, Attitude and Practices on Birth Registration

- 89% of parents/guardians are aware of birth registration; more females (90%) as compared to males (86%) are aware of birth registration
- 81% of parents/guardians understand what birth registration is and are able to identify one or more reasons why birth registration is important; more female parents/guardians (83%) as compared to males (79%) reported this
- 79% of parents/guardians understand what birth registration is and are able to name at least one place to seek birth registration services; more female parents/guardians (80%) as compared to males (78%) reported this
- 79% of parents/guardians understand what birth registration is and gave at least one reason for importance of birth registration and correctly identified at least one place where it can be done; more female parents/guardians (79%) as compared to males (77%) reported this
- 44% of parents/guardians understand what birth registration is and stated that birth registration is important in order to get a birth certificate and correctly identified at LEAST one place where it can be done; more female parents/guardians (46%) as compared to males (40%) reported this
- 87% of parents/guardians believe that birth registration is important mainly in ensuring children are able to sit for national examinations (64%), acquire a birth certificate (53%) and formally join school (Class 1) (25%)
- 84% of parents/guardians are aware of where to register a child at birth mainly citing the Chief's office (55%), the local civil registration office (34%), the hospital/health centre (34%) and Huduma centre (4%)
- Approximately 52% of parents/guardians indicated that their children (girls and boys) were born either in a hospital or health centre while the rest gave birth to their youngest children at home Registration of Births and Collection of Official Birth Certificate
- 53% of the surveyed parents and guardians indicated that their youngest girl child was born either in a health facility while 46% were born at home
- 50% of the surveyed parents and guardians indicated that their youngest boy child was born either in a health facility while 49% were born at home
- 71% of parents/guardians reported to have registered the birth of their youngest girl child while 75% reported to have registered the birth of their youngest boy child
- 76% of surveyed parents and guardians believe it is important for a child to have an official birth certificate to ensure that that a child is able to sit for national examinations (73%); join formal school (31%); obtain legal services (39%); have an identity card (22%); to receive general

government services and to receive health services (4%)

- Of all parents/guardians who had registered the birth of the youngest girl child, 65% of them reported to have collected the official birth certificates
- Of all parents/guardians who had registered the birth of the youngest boy child, 68% of them reported to have collected the official birth certificates
- 31% of the parents and guardians surveyed spent at least 1 hour travelling while 57% spent less than 1 hour travelling to collect the official birth certificates of their youngest children

## VII. RECOMMENDATIONS

### Birth Registration

- Awareness and demand of birth registration services: Approximately 44% of parents/guardians understand what birth registration is and stated that birth registration is important in order to get a birth certificate and correctly identified at least one place where it can be done. To increase demand for birth registration services, there is need for provision of information to the community through a social awareness campaign on importance of birth registration and when and where to access birth registration services. Such an intervention should also include education on child rights and parental responsibilities which are strongly correlated with utilization of birth registration services. Apart from these findings and relevant literature analysis this study recommends the following:-
  - possible use of civil registration staff and respected community leaders (in this case village elders, teachers and chiefs) to improve buy-in and therefore willingness to utilize birth registration services, there is an opportunity to consider adopting a peer-to-peer intervention through use of parents and guardians to disseminate birth registration service utilization messaging to their fellow parents and guardians through interactive role plays, problem solving exercises and goal setting among other activities.
  - Accessibility of birth registration services: Social awareness of birth registration must go hand in hand with measures to facilitate this right. It is therefore important that birth registration services are easily accessible to the population at low financial and opportunity cost. While proximity of birth registration services to the population may be translated into a need for establishment of more registration centres, such an intervention must take into account the workload of the registration centres. To address this, there is need to consider use of interoperability with other government services taking cognizance of already existing collaborations between the Civil Registration Department with other organizations. This will require investment in key areas: capacity building on civil registration system and roles; establishment of a clear responsibility and roles together with a binding agreement; and adequate funding. In addition, social accessibility with regard to use of registration materials presented in local and minority languages must also be taken into account considering that the target populations in Kilifi and Kwale counties have largely attained primary education at most.
  - Adequate funding: As attested, there is need to provide adequate funding to the Civil Registration Department to

eliminate institutional barriers that include: quantitative and qualitative shortage of staff; poor working conditions; low pay and lack of staff support; inadequate registration supplies and equipment; and lack of adoption and use of modern technology e.g. modern computers and statistical software.

• Political commitment and Legal framework within the Civil Registration and Vital Statistics Systems: The nature of organizations that directly deal with civil registration and vital statistics (that includes the government agencies, provincial administration and health institutions) and the level of coordination of these organizations and their systems offer conflicting interests and priorities together with competing jurisdictional limits and control. Currently and apart from lack of political commitment, there is inadequacy in the laws that govern coordination of these organizations and at the overall level, registration of births. In this regard, there is need to lobby for formulation of a policy that recognizes and therefore institutionalizes the roles played by coordination committees within the Civil Registration System which will serve to attract political support which is key in the success of the coordination committees.

## VIII. CONCLUSION

### Birth Registration

• Awareness and demand of birth registration services: Parents/guardians who did not register their youngest girl or boy child (29% for youngest girls and 25% for youngest boys) offered various reasons namely: prohibitive costs associated with birth registration process (13%); lack of interest (21%); lack of awareness of birth registration and its importance (15%); lack of knowledge of the registration process (21%); gave birth at home (20%); lack of assistance (10%); registration offices are far away (15%); and others (13%) (E.g. loss of notification of birth, the child died, I was sick, I was busy etc.) Further, CRD officials highlighted a number of weaknesses of CRD that hinder optimum provision of birth registration services namely: inadequate resources i.e. vehicles for transport, registration supplies mainly standardized forms e.g. B1 forms, certificates, computers and toners; inadequate human resources and lack of appropriate staff hence presence of brokers to fill void; lack of funds; poor coordination; and bureaucracy. Thus delay in registration or non-registration altogether or lack of collection of official birth certificate is mainly as a result of general lack of awareness among parents and guardians or, similarly, among family members of the need for and importance of birth registration and official birth certificates for their girl and boy child's future. As is the case, a predominantly rural, that has largely attained primary to no education at all and therefore very low literacy levels may lack motivation to register births or even to collect official birth certificates or worse still exhibit resistance to registration. This is compounded by the births largely occur at home as opposed to formal health institutions.

Accessibility of birth registration services: There is a weak birth registration infrastructure and therefore inadequate reach of the birth registration systems thus increasing the opportunity cost of birth registration for parents and

guardians.

• Human resources within the Civil Registration Department: Within the Civil Registration system, there is inadequacy of relevant staff<sup>57</sup> involved in the birth registration process both in terms of numbers and qualification thus weakening the legal as well as the statistical function of the civil registration system. Consequently, births are not comprehensively recorded to ensure completeness, accuracy and timeliness thus depriving the population of protection of their rights and benefits they are entitled to.

• Financial Resources within the Civil Registration and Vital Statistics Department: Challenges such as shortage of staff, inadequate training, inadequate transport facilities for supervisory, field or training staff, inadequate registration supplies, modern data processing equipment (e.g. computers), printing facilities and so forth shows that there is inadequate funding from the national government, county government and development organizations to strengthen birth registration systems.

• Political commitment and Legal framework within the Civil Registration and Vital Statistics Systems: The nature of organizations that directly deal with civil registration and vital statistics (that includes the government agencies, provincial administration and health institutions) and the level of coordination of these organizations and their systems offer conflicting interests and priorities together with competing jurisdictional limits and control. Currently and apart from lack of political commitment, there is inadequacy in the laws that govern coordination of these organizations and at the overall level, registration of births.

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