

In 2015, Kenya made a minimal advancement in efforts to eliminate the worst forms of child labor. The Government continues to expand social cash transfers to additional households as part of its National Safety Net Program for Results, and implemented and participated in several programs to combat the worst forms of child labor. However, children in Kenya are engaged in the worst forms of child labor, including in sand harvesting and commercial sexual exploitation. Kenya has yet to ratify the UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, and its minimum age for work law and compulsory education age are not harmonized due to the lack of a specific compulsory education age. The Government has also not committed sufficient resources for enforcement efforts.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Kenya are engaged in the worst forms of child labor, including in sand harvesting and commercial sexual exploitation.(1-6) Table 1 provides key indicators on children's work and education in Kenya.

Table 1. Statistics on Children's Work and Education

| Children | Age | Percent |
|-------------------------------|-----------|------------------|
| Working (% and population) | 6-14 yrs. | 32.5 (2,943,310) |
| Attending School (%) | 5-14 yrs. | 74.9 |
| Combining Work and School (%) | 7-14 yrs. | 32.3 |
| Primary Completion Rate (%) | | 103.5 |

Source for primary completion rate: Data from 2014, published by the UNESCO Institute for Statistics, 2015.(7)

Source for all other data: Understanding Children's Work Project's analysis of statistics from Multiple Indicator Cluster Survey 2, 2000.(8)

Based on a review of available information, Table 2 provides an overview of children's work by sector and activity.

Table 2. Overview of Children's Work by Sector and Activity

| Sector/Industry | Activity |
|-----------------|--|
| Agriculture | Farming,† including the production of tea, coffee, miraa,† rice, sisal, sugarcane, tobacco, corn,* flowers,* and cotton* (4-6, 9-15) |
| | Herding livestock*† (4, 6, 14) |
| | Fishing,† including for tilapia,* sardines,* and other fish (4, 6, 16-20) |
| | Burning wood to produce charcoal* (4, 6, 16, 21) |
| Industry | Construction,*† including carrying heavy loads (4, 6, 14) |
| | Quarrying,† including for stones* and coral* (4-6, 10, 21) |
| | Harvesting sand† (4, 6, 14, 16, 21-24) |
| | Making bricks*† (6, 14, 21) |
| | Mining† for gold* and salt* (4-6, 10, 14, 25, 26) |
| Services | Working in slaughterhouses,*† including disposal of after-products and cleaning (6, 27) |
| | Domestic work† (4-6, 16, 20-22, 27) |
| | Street work, including vending (5, 6, 14, 27) |
| | Transporting goods*† and people*† by bicycle, motorcycle, and handcart (4, 6, 21) |

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Table 2. Overview of Children’s Work by Sector and Activity (cont)

| Sector/Industry | Activity |
|---|---|
| Services | Scavenging for scrap materials† (4-6, 16, 19, 27) |
| | Begging*† (4, 6, 28) |
| Categorical Worst Forms of Child Labor‡ | Commercial sexual exploitation, sometimes as a result of human trafficking (4-6, 16, 17, 29-32) |
| | Use in illicit activities,* including drug trafficking (6, 14, 26) |
| | Begging, street vending,* domestic service,* herding livestock,* fishing,* and work on tobacco* farms, each as a result of human trafficking (4-6, 12, 17, 29, 32-34) |

* Evidence of this activity is limited and/or the extent of the problem is unknown.

† Determined by national law or regulation as hazardous and, as such, relevant to Article 3(d) of ILO C. 182.

‡ Child labor understood as the worst forms of child labor *per se* under Article 3(a)–(c) of ILO C. 182.

Most trafficking of children in Kenya is internal trafficking of Kenyan children and often involves relatives or friends of the family.(35) Children in Kenya scavenge dumpsites and streets for scrap material, including metal and glass.(4, 5, 16) These children earn about \$1–\$2 per day, while often risking injury and exposing themselves to infectious diseases, such as tetanus, by sorting through waste. Evidence suggests that such children are also exposed to mercury.(4) The commercial sexual exploitation of children, sometimes as a result of human trafficking, is also a problem in Kenya, especially in Eldoret, Kisumu, Nairobi, Nyeri, and in coastal areas.(4, 5, 16, 17, 30, 31) The majority of children engaged in commercial sexual exploitation are girls, but boys are also involved.(4, 5)




Although the Basic Education Act and the Children Act provide for free education, and the Basic Education Act prohibits schools from charging tuition fees, the cost of unofficial school fees, books, and uniforms keeps some children from attending school.(18, 23, 36-39) In addition, even though the Births and Deaths Registration Act makes birth registration compulsory, many children in rural areas are not registered at birth, thus at times making it difficult for nonregistered children to access services such as education.(5, 40) Furthermore, teacher and school shortages in Kenya, especially secondary schools, hinder children’s access to education and contribute to overcrowding in schools.(6, 41) School administrators also limit some children’s access to education by denying pregnant girls admittance to schools.(5, 41) Difficulties attending school are made worse by the prevalence of sexual abuse in schools.(5)

The last national child labor survey was conducted in 2000.(8) As a result, data may no longer be reflective of the current child labor situation in Kenya.

II. LEGAL FRAMEWORK FOR THE WORST FORMS OF CHILD LABOR

Kenya has ratified most key international conventions concerning child labor (Table 3).

Table 3. Ratification of International Conventions on Child Labor

| Convention | Ratification |
|--|--------------|
|  ILO C. 138, Minimum Age | ✓ |
| ILO C. 182, Worst Forms of Child Labor | ✓ |
|  UN CRC | ✓ |
| UN CRC Optional Protocol on Armed Conflict | ✓ |
| UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography | |
|  Palermo Protocol on Trafficking in Persons | ✓ |

Kenya has not ratified the UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, although commercial sexual exploitation of children continues to be a problem in Kenya.

The Government has established laws and regulations related to child labor, including its worst forms (Table 4).

Table 4. Laws and Regulations Related to Child Labor

| Standard | Yes/No | Age | Related Legislation |
|---|--------|-----|---|
| Minimum Age for Work | Yes | 16 | Section 56 of the Employment Act; Section 10.4 of the Children Act; Section 12 of the Employment (General) Rules, 2014 (39, 42, 43) |
| Minimum Age for Hazardous Work | Yes | 18 | Sections 2 and 53.1 of the Employment Act; Sections 2 and 10.1 of the Children Act (39, 42) |
| Prohibition of Hazardous Occupations or Activities for Children | Yes | | Section 12 and the Fourth Schedule of the Employment (General) Rules, 2014; Section 10.1 of the Children Act (39, 43) |
| Prohibition of Forced Labor | Yes | | Article 30 of the Constitution; Sections 4.1 and 53.1 of the Employment Act; Sections 174 and 254–266 of the Penal Code; Article 3 of the Counter-Trafficking in Persons Act; Article 13 of the Sexual Offences Act; Section 13.1 of the Children Act (39, 42, 44–47) |
| Prohibition of Child Trafficking | Yes | | Article 3 of the Counter-Trafficking in Persons Act; Article 13 of the Sexual Offences Act; Section 13.1 of the Children Act; Section 53.1 of the Employment Act; Sections 174 and 254–263 of the Penal Code (39, 42, 45–47) |
| Prohibition of Commercial Sexual Exploitation of Children | Yes | | Articles 8, 9, 11, 12, and 14–16 of the Sexual Offences Act; Sections 2 and 53.1 of the Employment Act; Section 15 of the Children Act (39, 42, 47) |
| Prohibition of Using Children in Illicit Activities | Yes | | Sections 2 and 53.1 of the Employment Act; Section 16 of the Children Act (39, 42) |
| Minimum Age for Compulsory Military Recruitment | N/A* | | |
| Minimum Age for Voluntary Military Service | Yes | 18 | Section 10.2 of the Children Act; Article 243 (1) of the Kenya Defence Forces Act (39, 48) |
| Compulsory Education Age | Yes | 14‡ | Sections 28 and 30 of the Basic Education Act (38, 49, 50) |
| Free Public Education | Yes | | Section 7.2 of the Children Act; Sections 28, 29, and 32 of the Basic Education Act; Article 53(b) of the Constitution (38, 39, 44) |

* No conscription (48)

‡ Age calculated based on available information (49, 50)

The minimum age protections in Kenya only protect children working under a contract. (39, 42) The Government of Kenya has reported children are only required to attend school until age 14. This standard makes children ages 14–15 particularly vulnerable to child labor, as they are not required to be in school but are not legally permitted to work. (49, 50) The Ministry of Labor, Social Security and Services (MLSSS), Child Labor Division held meetings in 2015 with the Ministry of Education, Science, and Technology and civil society on harmonizing the Basic Education Act with the minimum age for work law. (6)

III. ENFORCEMENT OF LAWS ON THE WORST FORMS OF CHILD LABOR

The Government has established institutional mechanisms for the enforcement of laws and regulations on child labor, including its worst forms (Table 5).

Table 5. Agencies Responsible for Child Labor Law Enforcement

| Organization/Agency | Role |
|---|---|
| Ministry of Labor, Social Security and Services (MLSSS) | Enforce labor laws, including those related to child labor, through county labor officers in Kenya's 47 counties. (4, 51, 52) Through its Child Labor Division, coordinate activities to eliminate child labor. (4) |
| MLSSS Department of Children's Services | Coordinate services provided to children, ensure that child protection activities are being implemented countrywide, and maintain records on children and the services provided to them. (4) |
| National Police Service | Enforce laws related to the worst forms of child labor. (4) |
| Anti-Trafficking Police Unit | Enforce laws related to the commercial sexual exploitation of children, child trafficking, and the use of children in illicit activities. (4) |
| Tourism Police Unit | Enforce laws related to the commercial sexual exploitation of children in the tourism industry. (53) |
| Office of the Director of Public Prosecutions | Enforce laws through the prosecution of criminal offenses, including labor-related offenses. (6) |

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Labor Law Enforcement

In 2015, law enforcement agencies in Kenya took actions to combat child labor, including its worst forms (Table 6).

Table 6. Labor Law Enforcement Efforts Related to Child Labor

| Overview of Labor Law Enforcement | 2014 | 2015 |
|--|-----------|------------|
| Labor Inspectorate Funding | Unknown | Unknown |
| Number of Labor Inspectors | 95 (4) | 95 (6) |
| Inspectorate Authorized to Assess Penalties | No (54) | No (6, 54) |
| Training for Labor Inspectors | | |
| ■ Initial Training for New Employees | Unknown | Unknown |
| ■ Training on New Laws Related to Child Labor | Unknown | N/A |
| ■ Refresher Courses Provided | Unknown | No |
| Number of Labor Inspections | Unknown | Unknown |
| ■ Number Conducted at Worksite | Unknown | Unknown |
| ■ Number Conducted by Desk Reviews | Unknown | Unknown |
| Number of Child Labor Violations Found | 2,011 (6) | Unknown |
| Number of Child Labor Violations for Which Penalties Were Imposed | 0 (6) | Unknown |
| ■ Number of Penalties Imposed That Were Collected | N/A | Unknown |
| Routine Inspections Conducted | Unknown | Unknown |
| ■ Routine Inspections Targeted | Unknown | Unknown |
| Unannounced Inspections Permitted | Yes (27) | Yes (6) |
| Unannounced Inspections Conducted | Unknown | Unknown |
| Complaint Mechanism Exists | Yes (6) | Yes (6) |
| Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services | Yes (6) | Yes (6) |

In 2015, research was unable to determine the budget for the MLSSS or its Child Labor Division; however, the MLSSS budget is inadequate to address Kenya's labor enforcement needs.(4, 6, 55, 56) The Child Labor Division did receive approximately \$9,900 to pay for child labor meetings and to hold a World Day Against Child Labor event.(6) According to the ILO's standard of one inspector for every 40,000 workers in less developed economies, Kenya should employ roughly 455 inspectors in order to adequately enforce labor laws throughout the country. Labor officers were not provided training on the enforcement of child labor laws during the year.(6) There were 262 formal child labor inspections conducted in 2014, the most recent year for which data were available. In addition, 2,011 child labor complaints were received and investigated.(6) There were no penalties assessed in these cases.(6) The Government operates an emergency, toll-free, nationwide child hotline to report child abuse, including child labor, and refers callers to organizations for social protection services.(4, 57, 58) In 2014, the last year for which data are available, the Child Helpline received 227 calls regarding child labor and 4 calls regarding child trafficking.(27)

Criminal Law Enforcement

In 2015, criminal law enforcement agencies in Kenya took actions to combat the worst forms of child labor (Table 7).

Table 7. Criminal Law Enforcement Efforts Related to the Worst Forms of Child Labor

| Overview of Criminal Law Enforcement | 2014 | 2015 |
|---|----------|----------|
| Training for Investigators | | |
| ■ Initial Training for New Employees | Unknown | Yes (32) |
| ■ Training on New Laws Related to the Worst Forms of Child Labor | Unknown | N/A |
| ■ Refresher Courses Provided | Yes (29) | Yes (32) |
| Number of Investigations | Unknown | Unknown |
| Number of Violations Found | 23 (27) | Unknown |
| Number of Prosecutions Initiated | Unknown | Unknown |
| Number of Convictions | Unknown | Unknown |
| Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services | Yes (29) | Yes (29) |

In 2015, the Counter-Trafficking in Persons Advisory Committee provided anti-human trafficking training to Kenyan National

Police Service personnel. Standard operating procedures on how to respond to trafficking in persons cases were developed and implemented for all new police officers.(32)

IV. COORDINATION OF GOVERNMENT EFFORTS ON THE WORST FORMS OF CHILD LABOR

The Government has established mechanisms to coordinate its efforts to address child labor, including its worst forms (Table 8).

Table 8. Mechanisms to Coordinate Government Efforts on Child Labor

| Coordinating Body | Role & Description |
|--|---|
| National Steering Committee on Child Labor | Oversee efforts to eliminate child labor.(4) Composed of government agencies, private employers, workers' organizations, and civil society organizations. Chaired by the Permanent Secretary, with coordination duties performed by the MLSSS Child Labor Division.(27, 59) |
| National Council for Children's Services | Coordinate, on a quarterly basis, government efforts on child-related issues, including child labor.(4) Operate the National Children Database, which collects comprehensive data on children, including child labor.(4) Led by a presidential appointee and composed of 18 NGOs, private sector representatives, faith-based organizations, and representatives from various ministries.(59) |
| National Labor Board | Advise the Cabinet Secretary on all issues related to labor and employment, including legal and policy issues.(27) |
| Counter-Trafficking in Persons Advisory Committee | Coordinate the implementation of policies related to human trafficking and provide prevention and protection services to victims. Mandated by the Counter-Trafficking in Persons Act.(46) Composed of multiple government agencies, private employers, workers' organizations, and civil society organizations.(35) |
| Local, Advisory, and District Child Labor Committees | Coordinate activities to eliminate child labor at the local level.(4) |

The Counter-Trafficking in Persons Advisory Committee met more than four times in 2015.(35)

V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

The Government of Kenya has established policies related to child labor, including its worst forms (Table 9).

Table 9. Policies Related to Child Labor

| Policy | Description |
|--|--|
| National Action Plan for the Elimination of Child Labor (2004–2015) | Aimed to eliminate the worst forms of child labor by 2015 by targeting vulnerable populations and addressing the root causes of child labor, such as poverty and lack of access to education. Prioritized law enforcement, raising awareness, and universal basic education.(60) |
| National Plan of Action Against Sexual Exploitation of Children in Kenya (2013–2017) | Aims to prevent, protect, and reintegrate child victims of commercial sexual exploitation. Emphasizes identifying children engaged in commercial sexual exploitation; raising the awareness of community leaders, parents, and tourism employees on commercial sexual exploitation; and implementing programs to assist victims.(58) |
| Framework for the National Child Protection System for Kenya (2011) | Described the laws and policies that protect children from violence and exploitation, and the roles and responsibilities of the Government to protect children from exploitative work.(61) |
| Vision 2030: Second Medium-Term Plan (2013–2017) | Identifies child labor as a major challenge that Kenya faces, and aims to finalize and implement the National Policy on Child Labor.(62) |
| County Integrated Development Plan | Serves as a guide for a county's development planning processes. Required of all 47 counties in Kenya.(63) For example, in Kiambu County, it addresses child labor on coffee and tea estates.(64) In Turkana County, it addresses the issue of street children.(65) |
| The National Children Policy (2008) | Seeks to protect children from exploitative labor, human trafficking, and commercial sexual exploitation through the enforcement of relevant laws.(66) |
| The National Education Sector Support Program (2013–2018)* | Aims to enhance access to, and the quality of, basic education.(67) |
| Kenya National Social Protection Policy (2011)* | Aims to reduce the vulnerability of Kenyans to social, economic, and environmental shocks. Seeks to provide children with access to education and health services.(68) |
| UNDAF (2014–2018)* | Promotes improved access to education and provides adequate technical and financial capacities to the National Council for Children's Services to align national law with international standards.(69) |
| Policy for Alternative Provision of Basic Education and Training (2009)* | Provides guidelines for the development and implementation of alternative basic education and training for vulnerable groups.(70) |

* Child labor elimination and prevention strategies do not appear to have been integrated into this policy.

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The National Plan of Action Against Sexual Exploitation of Children in Kenya did not include a corresponding budget.(58) In 2015, the Government sent the drafted National Policy on Child Labor to the Kenyan Parliament for adoption. The National Policy on Child Labor seeks to eliminate child labor by 2015.(27)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2015, the Government of Kenya funded and participated in programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 10).

Table 10. Social Programs to Address Child Labor

| Program | Description |
|---|---|
| Child Labor-Free Zones | Government-implemented program, with support from the ILO and an Italian NGO, Cooperazione e Sviluppo (CESVI), to create child labor-free zones in fish farms and commercial fishing operations. There are 70 child labor-free zones in 50 villages and on 80 beaches.(4, 6) |
| Child Labor-Free Supply Chain Certifications | Government program supported by CESVI that develops child labor-free supply chain certifications.(4, 71) |
| Global Action Program on Child Labor Issues Project (2011–2016) | USDOL-funded project implemented by the ILO in approximately 40 countries to support the priorities of the Roadmap for Achieving the Elimination of the Worst Forms of Child Labor by 2016, established by The Hague Global Child Labor Conference in 2010.(72) Aims to improve the evidence base on child labor through data collection and research. Also aims to strengthen legal protections and social services delivery for child domestic workers in Kenya.(72) During 2015, awareness-raising activities were conducted in Kisumu, Mombasa, and Nairobi counties against child labor in domestic work.(73) |
| Combatting Child Labor Through Education Project | Jointly launched by the Government of the Netherlands and the ILO to combat child labor in Bolivia, Indonesia, Kenya, Mali, and Uganda. In 2015, the project launched the World Report on Child Labor and Youth Employment.(74) |
| National Safety Net Program for Results† | Government-implemented, 5-year cash transfer and social safety net program, with support from the World Bank, that assists the families of working children, orphans, and vulnerable children to meet their basic needs and pay for school-related costs. Household participants grew by 10 percent in 2015.(4, 6, 27, 75) Approximately \$411 million has been committed by the Government of Kenya to the program. In the 2015/2016 budget, the Government allocated approximately \$89 million to the program.(4, 6, 27) An impact evaluation found that this program led to a significant reduction in child labor on family farms.(76) |
| National Labour Force Survey with Child Labour Module | Government survey to determine the prevalence of child labor in Kenya. Government currently lacks funding to conduct the survey.(27, 77) The last national child labor survey was conducted in 2000.(8) As a result, data may no longer be reflective of the current child labor situation in Kenya. |
| Child Protection and Rescue Centers† | Government-implemented child protection centers that provide counseling and reintegration services for children in Eldoret, Garrisa, Kakamega, Malindi, Mombasa, Nairobi, Nakuru, and Siaya. In addition, in Garissa, Machakos, Malindi, and Thika, the Government operates rescue centers that temporarily house child victims.(17, 29) |
| Decent Work Country Program (2013–2016) | ILO-IPEC program that seeks to eliminate the worst forms of child labor by establishing a referral system for victims and implementing child labor legislation and policies.(78) |
| Trafficking in Persons Survey† | Government survey to determine the prevalence of human trafficking in Kenya.(29) |
| Trafficking in Persons Data Collection and Referral Mechanism Project | \$750,000 USDOS-funded, UNODC project to develop a national trafficking in persons data collection and referral mechanism database to share information and improve data collection nationally.(35) |
| School Meals Program† | Government program that provides school meals to vulnerable children. Since its inception, it has provided more than 1.5 million children with school meals, which has resulted in improved school attendance.(79) |
| Wings to Fly Program (2011–2016) | Government program, in partnership with USAID, the Equity Group Foundation, the MasterCard Foundation, and UK Aid, that provides secondary school scholarships to children from needy backgrounds. Provided educational support to 4,090 children to date.(6, 27, 80) |
| Strengthening Human Security in Turkana (2012–2016) | \$741,615 government program, in partnership with the ILO and multiple UN agencies, to improve human security issues in the area. The program has withdrawn 1,215 children from child labor.(6, 74) |
| Kitui County Child Rescue Center† | Government program that aims to withdraw and rehabilitate child laborers by providing counseling and life skills training. The government-funded center cost approximately \$34,500.(81) |
| Refugee Assistance Programs | Government program, with support from UNICEF, that provides educational and nutritional services to 320,250 children.(82) |

Table 10. Social Programs to Address Child Labor (cont)

| Program | Description |
|--------------------------------------|---|
| Regional Counter-Trafficking Project | Government project, with support from the IOM, that aims to combat human trafficking through prevention, protection, and support for victims.(83) |

† Program is funded by the Government of Kenya.

Although Kenya has programs that target child labor, the scope of these programs is insufficient to fully address the extent of the problem, especially the commercial sexual exploitation of children.

VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE THE WORST FORMS OF CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor, including its worst forms, in Kenya (Table 11).

Table 11. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms

| Area | Suggested Action | Year(s) Suggested |
|---------------------|---|-------------------|
| Legal Framework | Ratify the CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography. | 2013 – 2015 |
| | Ensure that minimum age laws apply to children working in non-contractual employment. | 2011 – 2015 |
| | Raise the compulsory education age to 16 to be equivalent to the minimum age for work. | 2013 – 2015 |
| Enforcement | Make information publicly available on labor inspectorate funding, training, inspections, child labor violations, penalties imposed, and whether routine and unannounced inspections are conducted; and ensure that labor enforcement efforts are adequately funded. | 2009 – 2015 |
| | Ensure that there is a sufficient number of labor inspectors based on the ILO benchmark. | 2015 |
| | Implement measures to make assessing penalties and fines for child labor violations easier. | 2010 – 2015 |
| | Make information publicly available about investigating criminal cases related to the worst forms of child labor, including the number of investigations, violations, prosecutions, and convictions. | 2009 – 2015 |
| Government Policies | Integrate child labor elimination and prevention strategies into the UNDAF, National Education Sector Support Programme, Kenya National Social Protection Policy, and Policy for Alternative Provision of Basic Education and Training. | 2013 – 2015 |
| | Include a budget in the National Plan of Action Against Sexual Exploitation of Children in Kenya. | 2013 – 2015 |
| | Adopt the National Policy on Child Labor. | 2009 – 2015 |
| Social Programs | Update data on child labor by conducting a national child labor survey. | 2014 – 2015 |
| | Ensure that children can attend primary school either by ensuring that school is free of fees or by subsidizing or defraying the cost of school fees, books, and uniforms. Improve access to education by training new teachers, ensuring that pregnant girls can remain in school, addressing sexual abuse in schools, and ensuring that children are registered at birth. | 2010 – 2015 |
| Social Programs | Expand existing programs to address the scope of the child labor problem, including children engaged in commercial sexual exploitation. | 2009 – 2015 |

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