

# Kenya

*In 2010, the Government enacted the new Kenyan Constitution and the Counter-Trafficking in Persons Act, both of which address issues relating to the worst forms of child labor. Despite these efforts, Kenya has failed to commit sufficient resources to effectively enforce child labor laws. Children continue to be involved in the worst forms of child labor, particularly in agriculture and fishing.*

## Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	32.5*
Attending School	5-14 yrs.	74.9
Combining Work and School	7-14 yrs.	5.2

\* Population of working children: 2,943,310



## Prevalence and Sectoral Distribution of the Worst Forms of Child Labor<sup>2624</sup>

Children are engaged in the worst forms of child labor in Kenya,<sup>3106</sup> many of them in agriculture and fishing.<sup>3107</sup> Children engaged in agriculture, work on tea and sugar plantations, ranches, and in the production of coffee, *miraa* (a stimulant plant), rice, sisal, and tobacco. Children in the worst forms of child labor are also reportedly used in the production of flowers.<sup>3108</sup> Children involved in agriculture often work long hours, use dangerous tools and farm machinery, and are exposed to toxic substances and harmful pests.<sup>3109</sup> Children also engage in fishing, including for tilapia and sardines, which may expose children to risks such as drowning.<sup>3110</sup>

Children work as domestic servants. Child domestics work long hours and are vulnerable to sexual harassment by their employers.<sup>3111</sup> Children are also employed in charcoal burning, construction, logging, transportation and in the production of furniture and textiles.<sup>3112</sup> In dumpsites, children collect and sell scrap materials such as metal and glass, often exposing themselves

to tetanus and other infectious diseases by sorting through waste with their bare hands.<sup>3113</sup>

Children in Kenya are subject to debt bondage, prostitution, and sex-tourism.<sup>3114</sup> Child prostitution is prevalent in Nairobi, Kisumu, Eldoret, Nyeri, and the coastal areas.<sup>3115</sup> UNICEF estimates that between 10,000 and 15,000 girls are engaged in prostitution in the coastal areas alone.<sup>3116</sup>

Children are employed in mining. Evidence regarding what children mine specifically is limited.<sup>3117</sup> Research indicates children mine for gemstones and mine in artisanal gold mines. There are also reports of children working in abandoned gold mines, where they may be exposed to toxic materials, increasing their chances of developing respiratory diseases.<sup>3118</sup> Limited evidence also suggests that children work in small quarries by breaking rocks into gravel without protective gear.<sup>3119</sup>

Children are trafficked for forced labor in street vending, domestic service, agricultural labor, begging, herding, sex tourism and prostitution.<sup>3120</sup>

Poverty and the death of one or both parents may contribute to a family’s decision to place a child with better off relatives, friends or acquaintances who may end up trafficking the child.<sup>3121</sup>



Access to education is a critical component in preventing the economic exploitation of children.<sup>3122</sup> In Kenya, access to education is hindered by teacher shortages, overcrowding in schools, and children’s unregistered status.<sup>3123</sup> Currently, 44 percent of Kenyan children in rural areas remain unregistered, despite access to free birth registration.<sup>3124</sup> Unable to prove citizenship, unregistered children risk losing access to schooling.<sup>3125</sup> Additionally, children may face sexual abuse from their teachers and other students.<sup>3126</sup> Over the last two years some 1,150 teachers have been dismissed for sexually assaulting their students. Some of these instances led to the pregnancy of primary school age girls.<sup>3127</sup> To further the problem, some girls have been expelled from school due to pregnancy.<sup>3128</sup>

**Laws and Regulations on the Worst Forms of Child Labor**

The Employment Act sets the minimum age for employment at age 16 and the minimum age for hazardous work at age 18, and it prohibits the employment of children in the worst forms of child labor.<sup>3129</sup> However, the Industrial Trainings Act allows minors under age 15 to apprentice in an industrial undertaking without setting a minimum age, and the Employment Act is subject to the provisions in the Industrial Trainings Act.<sup>3130</sup> In 2008, the Government completed its list of hazardous occupations for children, prohibiting children’s work in all hazardous sectors such as agriculture, domestic service, transportation, mining and stone crushing, herding of animals, deep lake or sea fishing, work in warehouses and work in the urban informal sector. However, this list has not been adopted.<sup>3131</sup>

The Children’s Act of 2001 guarantees protection from exploitation, including trafficking, and prohibits all forms of hazardous child labor, prostitution and the recruitment of children into

the military.<sup>3132</sup> However, child labor as defined by the Children’s Act only applies to labor in exchange for payment. As a result, unpaid child workers do not benefit from these protections.<sup>3133</sup> The Sexual Offences Act of 2006 prohibits child prostitution, child pornography, promotion of child sex tourism and child trafficking for the purposes of sexual exploitation.<sup>3134</sup>

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	13
	Free Public Education	Yes

The Children’s Act also provides for free and compulsory education through age 13.<sup>3135</sup> However, nonrelated school fees such as uniforms and books continue to deter enrollment.<sup>3136</sup> Additionally, children ages 14 to 15 are particularly vulnerable to the worst forms of child labor as they are not required to be in school and are below the minimum age for work.<sup>3137</sup>

The Government of Kenya passed two major pieces of legislation during the reporting period: the Constitution and the Counter Trafficking in Persons Act.<sup>3138</sup> The Kenyan Constitution, adopted in August 2010, prohibits forced labor, slavery and servitude.<sup>3139</sup> However, the Constitution does not provide penalties for these offenses and while the Penal Code provides penalties for slavery, penalties only apply to cases of

abduction.<sup>3140</sup> The Counter Trafficking in Persons Act, passed in October 2010, provides protections for trafficking victims.<sup>3141</sup> The Act prohibits the recruitment, transport, transfer or harboring persons for the purpose of forced labor, including children, and lays out appropriate penalties for offenses.<sup>3142</sup> Although both laws were passed during the reporting period, neither law has an implementation structure in place, thus hindering the enforcement of these laws.<sup>3143</sup>

### **Institutional Mechanisms for Coordination and Enforcement**

The National Council for Children Services (NCCS), created in 2010, is responsible for the coordination of policy for children's issues, including child labor, down to the district level.<sup>3144</sup> The NCCS is a semi-autonomous government agency led by a presidential appointee and consists of members from the police, NGOs, private sector representatives, faith-based organizations and representatives from various ministries.<sup>3145</sup> Under the NCCS is the National Steering Committee on Child Labor, chaired by the Ministry of Labor.<sup>3146</sup> The committee is a multisectoral policy body composed of government departments, private employers, workers organizations and civil society organizations. The National Steering Committee oversees the elimination of child labor.<sup>3147</sup> However, the National Steering Committee has met only twice in 4 years because the Ministry of Labor could not offer customary compensation to committee participants and it did not have adequate staff to develop an agenda or organize meetings.<sup>3148</sup>

Other entities participate in child labor coordination, including the Ministry of Labor's Division of Child Labor and the District Child Labor Committees.<sup>3149</sup> The Division of Child Labor helps to coordinate efforts under the Employment Act of 2007 and leads efforts to monitor action programs for the elimination of child labor at the district and community level.<sup>3150</sup> It also manages an information resource center to improve the collection and dissemination of data on child labor throughout the country.<sup>3151</sup> Reports indicate the

Division of Child Labor lacks ministerial support and does not have adequate staff, with only one employee on full time assignment.<sup>3152</sup> District Child Labor Committees serve as a coordination point for information exchange between those involved in child labor efforts.<sup>3153</sup> Evidence suggests that since many District Child Labor Committees rely on volunteers, their success depends on whether they can obtain funding and whether members regularly participate.<sup>3154</sup>

The Counter Trafficking in Persons Advisory Committee coordinates anti-trafficking efforts.<sup>3155</sup> The Committee, led by the Ministry of Gender, Children and Social Development, is comprised of civil society representatives, trade unions, the Kenya National Commission for Human Rights, the Federation of Kenyan Employers, the Police Commissioner, the Attorney General and the Ministries of Labor, Foreign Affairs and Immigration.<sup>3156</sup> The Committee serves to monitor and report on national anti-trafficking efforts, including policies and programs, monitoring and evaluation, social assistance, data collection and international cooperation.<sup>3157</sup>

The Government of Kenya has designated institutions for enforcement of child labor laws. The Ministry of Labor, in coordination with the Ministry of Gender, Children and Social Development, enforces laws under the Employment Act.<sup>3158</sup> The Ministry of Labor inspects the formal labor sector. The Ministry of Gender, Children and Social Development conducts quarterly inspections and investigations in all areas related to child labor.<sup>3159</sup> During the reporting period, the Ministry of Labor employed 30 labor inspectors to cover 180 districts.<sup>3160</sup> The MOL lacks adequate personnel and the facilities, transportation and fuel to carry out its duties. Additionally, there appears to be inconsistent awareness and little training on child labor issues for labor inspectors.<sup>3161</sup> Labor inspectors may terminate an employment agreement between a child and employer in any labor situation.<sup>3162</sup> However, inspectors do not have the ability to issue fines or penalties when they encounter a workplace violation.<sup>3163</sup> Research found no

information regarding the number of inspections conducted and child labor cases found during the reporting period.

The Ministry of Gender, Children and Social Development, in coordination with the Kenyan Police, is responsible for enforcing laws related to the worst forms of child labor under the Penal Code and Child Act.<sup>3164</sup> They exchange information through the district child labor committees.<sup>3165</sup> The police's anti-trafficking unit and the criminal investigation department are responsible for enforcing laws related to trafficking, commercial sexual exploitation of children and the use of children in illicit activities.<sup>3166</sup> The number of officers employed by the anti-trafficking unit is unknown. No system is in place to identify trafficking victims.<sup>3167</sup>

The Ministry of Gender, Children and Social Development employed 450 child protection officers in 2010, up from 400 in 2009. Child protection officers conduct investigations and quarterly inspections related to the worst forms of child labor in the criminal sector.<sup>3168</sup> During the reporting period, 500 additional volunteer officers were recruited to address child protection at the community level.<sup>3169</sup> Protection officers cannot arrest offenders or prosecute crimes against children; instead they have access to prosecutors from the Attorney General's office for these purposes.<sup>3170</sup> In 2010, the Kenyan Government created a national steering committee, chaired by the Ministry of Gender Permanent Secretary, to advance the investigation of cases initiated by calls to childline, a toll-free, nationwide hotline that provides counseling and referrals to callers who need assistance with child labor and child prostitution situations.<sup>3171</sup> Some 350 child labor investigations were launched due to the hotline, although most cases were not prosecuted.<sup>3172</sup>

In 2010, the Ministry of Gender, Children and Social Development found 2,920 violations of child labor, 3,400 cases of child trafficking and 5,000 cases of prostitution.<sup>3173</sup> All children were assisted or removed from the situation, and a perpetrator was identified in all cases.<sup>3174</sup> Of the

11,320 cases identified, the Ministry successfully prosecuted 2,920 child-related violations with penalties applied.<sup>3175</sup> The results of the remaining cases are unknown.

### **Government Policies on the Worst Forms of Child Labor**

The National Action Plan for the Elimination of Child Labor in Kenya (2004-2015, revised 2008) serves as the primary government instrument to prevent and eliminate child labor in Kenya.<sup>3176</sup> This plan aims to eliminate the worst forms of child labor by 2015 by targeting vulnerable populations and by addressing the root causes of child labor in Kenya such as poverty, the lack of access to education and weak government institutions. This plan prioritizes law enforcement, awareness raising, and universal basic education.<sup>3177</sup> In 2010, the Child Labor Division was not provided with a budget to implement its many roles and responsibilities under this plan.<sup>3178</sup>

Child labor concerns are mainstreamed into Kenyan development agendas and key policy documents including the Vision 2030, UNDAF (2009-2013), the Kenya Education Sector Support Program (2005-2010), and the Policy for Alternative Provision of Basic Education and Training (2009).<sup>3179</sup> Other policy initiatives that do not explicitly consider child labor issues include the Orphans and Vulnerable Children (OVC) Policy and National Action Plan (2003).<sup>3180</sup> The question of whether these last two policies have an impact on the worst forms of child labor does not appear to have been addressed.

In addition, other policy initiatives aimed at sustainably reducing child labor have not been formally adopted by the Government. Kenya's draft Child Labor Policy aims to prevent harmful child labor practices, especially the worst forms of child labor, by increasing human capital and addressing factors causing children to enter the labor market.<sup>3181</sup> While the Child Labor Board passed this policy in 2010, the draft is still awaiting Cabinet and Parliamentary approval.<sup>3182</sup> Kenya is

also in the process of drafting a national action plan and district action plans to combat child labor as well as a new national policy on orphans and vulnerable children.<sup>3183</sup>

### **Social Programs to Eliminate or Prevent Child Labor**

The Ministry of Gender, Children and Social Development promotes, coordinates, monitors and evaluates social development programs and provides care and protection for children.<sup>3184</sup> During the reporting period, the Government of Kenya implemented an awareness raising campaign for trafficking and the worst forms of child labor.<sup>3185</sup> It also maintained a hotline for trafficked children and introduced mobile schools to help with enrollment and overcrowding.<sup>3186</sup>

The Government also implemented a program in coordination with the World Bank. The 4-year, \$50 million project provides cash transfers for OVCs. In 2009-2010, the Government provided \$10.6 million in monthly cash transfers to 90,000 households to help families of working children meet basic needs, including school costs, to prevent children from having to work.<sup>3187</sup>

In support of efforts to reduce the high incidence of child prostitution in the coastal regions, the Ministry of Tourism and Wildlife, UNICEF and the World Tourism Organization worked to raise awareness of child prostitution and child sex tourism among hotels and tour operators and lobbied companies in the hospitality industry to adopt and implement the ECPAT Code of Conduct.<sup>3188</sup> Despite these initiatives, the Government's efforts to withdraw and prevent children from prostitution and sex tourism and to raise awareness among the tourist population on the penalties for these crimes has not been sufficient to address the magnitude of these problems.<sup>3189</sup>

Kenya also participated in the ILO Decent Work Program for Kenya (2007-2011) which aims, among other things, to improve policies

on youth employment, to provide decent work opportunities for youth and to conduct research focusing on the link between youth employment, child labor, HIV and AIDS, globalization and poverty.<sup>3190</sup>

Kenya participated in several other internationally funded projects to combat the worst forms of child labor. The Government participated in the second phase of the USDOL-funded, 4-year, \$4.6 million Timebound Program. The project aims to withdraw and prevent a total of 8,155 children from exploitative labor through the provision of direct educational service.<sup>3191</sup> The project will also provide 1,000 families with access to micro-credit, socio-economic programs, employment creation schemes and skills development education.<sup>3192</sup> The Government also participated in a 4-year, \$23.8 million project funded by the EU to combat child labor through education in 11 countries.<sup>3193</sup> Finally, Kenya participated in a 5-year, \$23 million regional youth entrepreneurship project, aiming to contribute to decent work opportunities for youth by providing funding through grants for youth entrepreneurship ideas.<sup>3194</sup>

Kenya continued to collaborate with the East African Police Chiefs Cooperation Organization in order to strengthen its ability to combat human trafficking. This organization consists of 11 East African countries and works to strengthen regional cooperation and capacities among East African law enforcement authorities.<sup>3195</sup> The Government also participated in the Regional Program for Eastern Africa (2009-2012), which includes activities that support the ratification and implementation of the United Nations Convention against Transnational Organized Crime and its Protocols and the development of border control systems.<sup>3196</sup>

While the Government participates in numerous initiatives and implements its own programs, it has not linked child labor projects to existing social protection programs to ensure long-term sustainability.<sup>3197</sup>

## Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Kenya:

### IN THE AREA OF LAW AND REGULATIONS:

- Raise the compulsory education age to 16.
- Harmonize the Employment Act and the Industrial Trainings Act to ensure the Industrial Trainings Act does not supersede protections laid out in the Employment Act.
- Amend the Penal Code to provide penalties for all forms of slavery, forced labor and servitude.
- Allow Ministry of Labor inspectors and Ministry of Gender, Children's Affairs and Social Development child protection officers to implement the appropriate penalties and fines and to make the criminal arrests necessary to enforce child labor laws.
- Ensure children's right to free education as stipulated in the Children's Act.

### IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Ensure the National Steering Committee on Child Labor, the Child Labor Division, and the District Child Labor Committees have resources such as staff to carry out their responsibilities.
- Strengthen the capacity of the Ministry of Labor, Kenyan police, the police's anti-trafficking unit and the Criminal Investigation Department to carry out their mandate by:
  - Allocating resources such as office facilities, transportation and adequate staffing to carry out investigations and provide services to victims.
  - Providing regular training on the worst forms of child labor.
  - Implementing a system to identify victims of trafficking.
- Make publicly available information about how many child labor investigations are opened, how many citations and criminal prosecutions initiated and issued and what penalties are applied.

### IN THE AREA OF GOVERNMENT POLICY:

- Strengthen national policies against the worst forms of child labor by:
  - Assessing the impact that policies and plans may have on addressing the worst forms of child labor.
  - Enacting and implementing the National Child Labor Policy.
- Take measures to ensure children have access to quality education and to ensure children's safety in schools.

### IN THE AREA OF SOCIAL PROGRAMS:

- Link child labor projects with existing social protection programs to ensure the long-term sustainability of project initiatives.
- Expand efforts to withdraw and prevent children from prostitution and sex tourism and deepen awareness raising efforts among the tourist population.
- Address issues of access to education by recruiting and training new teachers, expanding school infrastructure and implementing birth registration campaigns.

<sup>3106</sup> Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2011. Data are from 2000. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

<sup>3107</sup> UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, March 1, 2007. See also, Kenya National Bureau of Statistics, *2005 Kenya Integrated Household Budget Survey: Child Labour Analytical Report*, Nairobi, June 2008. See also, Ministry of Labour and Human Resources Development, *Determining Hazardous Child Labour in Kenya*, Nairobi, July 2008.

<sup>3108</sup> Ministry of Labour and Human Resource Development, *National Action Plan for the Elimination of Child Labour in Kenya 2004-2015 (Revised 2008)*, January 5, 2009, 30. See also, Lawrence Kinoti, "Children Hooked to Miraa", allAfrica.com, [previously online], September 15, 2007 [cited December 12, 2007]; available from [hard copy on file]. See also, ILO-IPEC, *Creating the enabling environment to establish models for child labour free areas in Kenya: Support to the implementation of the National Action Plan for the Elimination of the Worst Forms of Child Labour with special focus on agriculture and older children.*, Project Document, September 22, 2009, 6-7. See also, Kenya National Bureau of Statistics, *2005 Kenya Integrated Household Budget Survey*, 40, 42. See also, Africa News, "Africa: Stealing Childhood on Coffee and Tea Plantations," (September 26, 2006); available from <http://allafrica.com/stories/200609260050.html>. See also, U.S. Embassy- Nairobi, *Reporting*, June 16, 2008. See also, U.S. Department of State, "Kenya," in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/>.

<sup>3109</sup> Kenya National Bureau of Statistics, *2005 Kenya Integrated Household Budget Survey*, 1, 40, 42. See also, Ministry of Labour and Human Resources Development, *Determining Hazardous Child Labour in Kenya*, 10.

<sup>3110</sup> Kenya National Bureau of Statistics, *2005 Kenya Integrated Household Budget Survey*, 40, 42. See also, ILO-IPEC official, E-mail communication to USDOL official, June 3, 2008.

<sup>3111</sup> Kenya National Bureau of Statistics, *2005 Kenya Integrated Household Budget Survey*, 40, 42. See also, Ministry of Labour and Human Resources Development, *Determining Hazardous Child Labour in Kenya*, 5. See also, U.S. Department of State, "Country Reports- 2010: Kenya."

<sup>3112</sup> Kenya National Bureau of Statistics, *2005 Kenya Integrated Household Budget Survey*, 38-42. See also, U.S. Embassy- Nairobi, *Reporting*, January 25, 2010, paragraph A. See also, Ministry of Labour and Human Resources Development, *Determining Hazardous Child Labour in Kenya*, 5-6.

<sup>3113</sup> Dann Okoth, "Child Labour Syndicates," *The Standard* (Nairobi), November 27, 2006. See also, Lou Witherite, *Combating Exploitative Child Labor through Education in Kenya, Uganda, Rwanda, and Ethiopia Together (KURET): Kenya Country Report*, Independent Final Evaluation, Macro International, Washington, DC, November 2008, vii. See also, Ministry of Labour and Human Resources Development, *Determining Hazardous Child Labour in Kenya*, 17.

<sup>3114</sup> U.S. Department of State, "Kenya," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/>. See also, Kenya National Bureau of Statistics, *2005 Kenya Integrated Household Budget Survey*, 1. See also, U.S. Embassy- Nairobi, *Reporting, January 25, 2010*, paragraph A. See also, ECPAT and The Body Shop, *Their Protection is in our Hands*, 2009, 21. See also, The Solidarity Center, *The Degradation of Work- Trafficking in Persons from a Labor Perspective: The Kenyan Experience*, Washington, DC, October 2007, 9. See also, U.S. Department of State, "Country Reports- 2010: Kenya."

<sup>3115</sup> Sam Owuor Ogola and Patricia Jane Ochieng, *Baseline Survey on Children in Commercial Sex in Kenya's Four Towns of Nairobi, Kisumu, Eldoret, and Nyeri*, ILO-IPEC, 2007, 2, 3, 32, 58, 59. See also, Sarah C. Jones, *The Extent and Effect of Sex Tourism and Sexual Exploitation of Children on the Kenyan Coast*, UNICEF and the Government of Kenya, December 19, 2006, vi; available from [http://www.unicef.de/fileadmin/content\\_media/presse/Kenia/report.pdf](http://www.unicef.de/fileadmin/content_media/presse/Kenia/report.pdf). See also, Africa News, "Kenya: Harsh Penalties Proposed to Stem Human Trafficking", allAfrica.com, [online], December 20, 2009 [cited December 30, 2009]; available from <http://allafrica.com/stories/printable/200912210086.html>. See also, Josh Ruxin, "Asia is not alone: Sex Tourism in Mombasa", nytimes.com, [online], January 13, 2009 [cited August 25, 2011]; available from <http://kristof.blogs.nytimes.com/2009/01/13/asia-is-not-alone-sex-tourism-in-mombasa/>.

<sup>3116</sup> Jones, *The Extent and Effect of Sex Tourism and Sexual Exploitation*, vi. See also, U.S. Embassy- Nairobi, *Reporting, January 25, 2010*, paragraph A.

- <sup>3117</sup> Kenya National Bureau of Statistics, *2005 Kenya Integrated Household Budget Survey*, 39, 41, 42. See also, U.S. Embassy- Nairobi official, E-mail communication to USDOL official, January 29, 2010, paragraph A. See also, U.S. Embassy- Nairobi, *Reporting, January 25, 2010*, paragraph A. See also, Ministry of Labour and Human Resources Development, *Determining Hazardous Child Labour in Kenya*, 5, 7.
- <sup>3118</sup> Kenya National Bureau of Statistics, *2005 Kenya Integrated Household Budget Survey*, 39, 41, 42. See also, U.S. Embassy- Nairobi official, email communication, January 29, 2010, paragraph A. See also, U.S. Embassy- Nairobi, *Reporting, January 25, 2010*, paragraph A. See also, Ministry of Labour and Human Resources Development, *Determining Hazardous Child Labour in Kenya*, 5, 7.
- <sup>3119</sup> U.S. Embassy- Nairobi, *Reporting, June 16, 2008*, paragraph 15. See also, U.S. Embassy- Nairobi, *Reporting, January 25, 2010*, paragraph A. See also, U.S. Department of State, “Country Reports- 2009: Kenya.” See also, Nairobi Official U.S Embassy, email communication USDOL Official, August 15, 2011.
- <sup>3120</sup> U.S. Embassy- Nairobi, *Reporting*, March 9, 2010, paragraph 2B. See also, The Solidarity Center, *Trafficking in Persons from Labor Perspective: Kenya*, 9. See also, IOM, *Diverse Human Trafficking Trends in East African Region Highlights Urgent Need for Greater Protection*, Press Release, October 12, 2010; available from <http://www.iom.int/jahia/Jahia/media/press-briefing-notes/pbnAF/cache/offonce/lang/en?entryId=28484>. See also, World Organisation Against Torture, “Rights of the Child in Kenya,” (January 2007). See also, U.S. Department of State, “Country Reports- 2010: Kenya.”
- <sup>3121</sup> U.S. Embassy- Nairobi, *Reporting, January 25, 2010*, paragraph A.
- <sup>3122</sup> UNESCO, *Education: Child Workers*, [online] 2011 [cited August 25, 2011]; available from <http://www.unesco.org/new/en/education/themes/strengthening-education-systems/inclusive-education/child-workers/>. See also, ILO-IPEC, *Creating the enabling environment to establish models for child labor free areas in Kenya: Support to the implementation of the national action plan for the elimination of the worst forms of child labor with special focus on agriculture and older children*, Technical Progress Report, Geneva, September, 2010, 2.
- <sup>3123</sup> Franciscans International, Edmund Rice International, Marist Foundatino for International Solidarity, Pax Romana, Justice, Peace, and Integrity of Creation Franciscans Africa (JPICFA), *List of Concerns and Recommendations to th Seventh Periodic Report of Kenya (CEDAW/C/Ken/7, 2011, 9*; available from [http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/FI\\_forthesession\\_Kenya\\_CEDAW48.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/FI_forthesession_Kenya_CEDAW48.pdf). See also, ILO-IPEC, *Technical Progress Report, Creating the enabling environment to establish models for child labor free areas in Kenya: September, 2010*, 3. See also, U.S. Department of State, “Country Reports- 2010: Kenya.” See also, African Committe of Experts on the Rights and Welfare of the Child, *Recommendations and Observations to the Government of Kenya*, August 24, 2010, 2; available from [http://www.crin.org/docs/Kenya\\_COs.doc](http://www.crin.org/docs/Kenya_COs.doc).
- <sup>3124</sup> African Committe of Experts on the Rights and Welfare of the Child, *Recommendations and Observations to the Government of Kenya*, 2. See also, International Development Law Organization, *Kenya Country Report: Strengthening the Legal Protection Framework for Girls: India, Bangladesh, Kenya and Liberia*, 2010, 6, 9; available from [http://www.idlo.int/doccalendar/kenyareport\\_final.pdf](http://www.idlo.int/doccalendar/kenyareport_final.pdf).
- <sup>3125</sup> African Committe of Experts on the Rights and Welfare of the Child, *Recommendations and Observations to the Government of Kenya*, 2. See also, International Development Law Organization, *Kenya Country Report*, 10. See also, U.S. Department of State, “Country Reports- 2010: Kenya.”
- <sup>3126</sup> International Development Law Organization, *Kenya Country Report*, 25. See also, BBC News, “Hundreds of Kenyan Teachers Sacked over Sex Abuse”, BBC News, [online], October 7, 2010 [cited October 18, 2010]; available from <http://www.bbc.co.uk/news/world-africa-11492499>.
- <sup>3127</sup> BBC News, “Hundreds of Kenyan Teachers Sacked over Sex Abuse”.
- <sup>3128</sup> Franciscans International, Edmund Rice International, Marist Foundatino for International Solidarity, Pax Romana, Justice, Peace, and Integrity of Creation Franciscans Africa (JPICFA), *List of Concerns and Recommendations to th Seventh Periodic Report of Kenya (CEDAW/C/Ken/7, 7*.
- <sup>3129</sup> Government of Kenya, *The Employment Act, 2007 (No. 11 of 2007)*, (October 22, 2007), Parts I and VII, sections 53-62 available from [http://www.kenyalaw.org/kenyalaw/klr\\_app/frames.php](http://www.kenyalaw.org/kenyalaw/klr_app/frames.php). See also, U.S. Department of State, “Country Reports- 2009: Kenya,” section 7d.
- <sup>3130</sup> ILO Committee of Experts, *Individual Observation concerning Minimum Age Convention, 1973 (No. 138) Kenya (ratification: 1979) Published: 2009*, January 12, 2009, paragraph 6; available from <http://www.ilo.org/ilolex/english/iloquery.htm>. See also, Governemnt of Kenya, “Industrial Trainings Act (Revised Edition 2009),” (2009), articles 2, 8; available from [http://www.kenyalaw.org/Downloads/Acts/Industrial%20Training%20Act%20\(Cap.%20237\).pdf](http://www.kenyalaw.org/Downloads/Acts/Industrial%20Training%20Act%20(Cap.%20237).pdf). See also, Government of Kenya, *The Employment Act, 2007*, article 57.
- <sup>3131</sup> Government of Kenya, *Consideration of Reports Submitted by States Parties in Accordance with Article 16 of the International Covenant on Economic, Social, and Cultural Rights: Replies by the Government of Kenya to the List of Issues (E/C.12/KEN/Q1) to be taken up in Connection with the Consideration of the Initial Report of Kenya (E/C.12/*



KEN/1), UN Economic and Social Council, Geneva, October 24, 2008, 39; available from <http://www2.ohchr.org/english/bodies/cescr/docs/AdvanceVersions/E.C.12.KEN.Q1.Add1.doc>. See also, Ministry of Labour and Human Resources Development, *Determining Hazardous Child Labour in Kenya*, 5, 17. See also, article 4 ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour, 1999 (No. 182) Kenya (ratification: 2001) Published: 2009*, January 12, 2009; available from <http://www.ilo.org/ilolex/english/iloquery.htm>. See also, ILO-IPEC, *Children in Hazardous Work*, 2011.

<sup>3132</sup> Government of Kenya: Kenya Gazette Supplement, *The Children's Act, 2001 (No. 8 of 2001)*, (January 4, 2002), sections 10-13; available from [http://www.kenyalaw.org/kenyalaw/klr\\_app/view\\_cap.php?CapID=393](http://www.kenyalaw.org/kenyalaw/klr_app/view_cap.php?CapID=393).

<sup>3133</sup> Ibid., article 10. See also, ILO Committee of Experts, *Individual Observation C138: Kenya (2009)*.

<sup>3134</sup> Government of Kenya, *The Sexual Offences Act, 2006 (No. 3 of 2006)*, (July 21, 2006), sections 8, 11-16; available from [http://www.kenyalaw.org/kenyalaw/klr\\_app/view\\_cap.php?CapID=596](http://www.kenyalaw.org/kenyalaw/klr_app/view_cap.php?CapID=596). See also, Interpol, *National Laws: Legislation of Interpol member states on sexual offences against children: Kenya*, November 19, 2009; available from <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaKenya.pdf>.

<sup>3135</sup> Government of Kenya: Kenya Gazette Supplement, *The Children's Act, 2001 (No. 8 of 2001)*, cap 8, article 7. See also, UNESCO, *The Hidden Crisis: Armed Conflict and Education*, 2011, 300; available from <http://www.unesco.org/new/en/education/themes/leading-the-international-agenda/efareport/reports/2011-conflict>. See also, ILO, *Kenya: Child Labour Data Country Brief*, January 2008; available from <http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=7801>.

<sup>3136</sup> U.S. Embassy - Nairobi, *Reporting*, February 3, 2011, 10.

<sup>3137</sup> UNESCO, *EFA Global Monitoring Report 2009: Overcoming inequality: Why governance matters*, Oxford University Press, Paris, 2008; available from <http://unesdoc.unesco.org/images/0017/001776/177683e.pdf>. See also, Government of Kenya, *The Employment Act, 2007*, article 56. See also, Government of Kenya: Kenya Gazette Supplement, *The Children's Act, 2001 (No. 8 of 2001)*, article 7. See also, ILO Committee of Experts, *Individual Observation C138: Kenya (2009)*, paragraph 3.

<sup>3138</sup> BBC News, "Kenya president ratifies new constitution", BBC News, [online], August 27, 2010 [cited August 25, 2011]; available from <http://www.bbc.co.uk/news/world-africa-11106558>. See also, Integrated Regional Information Networks, "Kenya: Experts Welcome Counter-Trafficking Law", IRINnews.org, [online], December 8, 2010 [cited March 11, 2011]; available from <http://www.irinnews.org/Report.aspx?ReportID=91317>. See also, IOM, *IOM Welcomes Passage of Kenya's 2010 Counter Trafficking in Persons Act*,

Press Release, October 29, 2010; available from <http://www.iom.int/jahia/Jahia/media/press-briefing-notes/pbnAF/cache/offonce/lang/en?entryId=28573>.

<sup>3139</sup> Government of Kenya, *The Constitution of Kenya*, (2010), section 30; available from [http://www.kenyalaw.org/kenyalaw/klr\\_app/frames.php](http://www.kenyalaw.org/kenyalaw/klr_app/frames.php).

<sup>3140</sup> Government of Kenya, *Penal Code*, (1955), article 260; available from [http://www.kenyapolice.go.ke/resources/Penal\\_Code\\_\(cap\\_63\).pdf](http://www.kenyapolice.go.ke/resources/Penal_Code_(cap_63).pdf)

<sup>3141</sup> Integrated Regional Information Networks, "Experts Welcome Counter-Trafficking Law". See also, IOM, *IOM Welcomes Passage of Counter Trafficking in Persons Act*. See also, U.S. Embassy - Nairobi, *Reporting*, February 3, 2011, page 4, section 4.

<sup>3142</sup> Government of Kenya, *The Counter Trafficking in Persons Act*, 2010, articles 3-9; available from [http://www.kenyalaw.org/kenyalaw/klr\\_app/frames.php](http://www.kenyalaw.org/kenyalaw/klr_app/frames.php).

<sup>3143</sup> U.S. Embassy - Nairobi, *Reporting*, February 3, 2011, page 3, section 1.

<sup>3144</sup> Ibid., section 5. See also, U.S. Embassy- Nairobi official, E-mail communication to USDOL official, March 16, 2011.

<sup>3145</sup> U.S. Embassy- Nairobi official, email communication, March 16, 2011.

<sup>3146</sup> Ibid. See also, U.S. Embassy - Nairobi, *Reporting*, February 3, 2011, page 5.

<sup>3147</sup> U.S. Embassy- Nairobi official, email communication, March 16, 2011.

<sup>3148</sup> Laurie Zivetz and Rutere Salome Kagendo, *IPEC Evaluation: Supporting the National Plan of Action for the Elimination of the Worst Forms of Child Labour in Kenya*, Final Evaluation, ILO-IPEC, May 2009, vi, vii, 10, 13, 14; available from [hard copy on file].

<sup>3149</sup> U.S. Embassy - Nairobi, *Reporting*, February 3, 2011, page 6.

<sup>3150</sup> Ministry of Labour and Human Resource Development, *National Action Plan for the Elimination of Child Labour in Kenya 2004-2015 (Revised 2008)*, 32. See also, U.S. Embassy - Nairobi, *Reporting*, February 3, 2011, 6.

<sup>3151</sup> Ministry of Labour and Human Resource Development, *National Action Plan for the Elimination of Child Labour in Kenya 2004-2015 (Revised 2008)*, 32.

<sup>3152</sup> Dr. Laurie Zivetz and Rutere Salome Kagendo, *IPEC Evaluation: Supporting the National Plan of Action for the Elimination of the Worst Forms of Child Labour in Kenya*, Final Evaluation, ILO-IPEC, May 2009, vi, vii, 7; available from [hard copy on file]. See also, ILO-IPEC, *Project Document: Creating the enabling environment to establish models for child labour free areas in Kenya: September 2009*, 17. See also, U.S. Embassy - Nairobi official, E-mail communication to USDOL official, September 01 2010.

- <sup>3153</sup> U.S. Embassy - Nairobi, *Reporting, February 3, 2011*, 5, 6.
- <sup>3154</sup> Dr. Laurie Zivetz and Rutere Salome Kagendo, *IPEC Evaluation: Supporting the National Plan of Action for the Elimination of the Worst Forms of Child Labour in Kenya*, 10. See also, ILO-IPEC, *Project Document: Creating the enabling environment to establish models for child labour free areas in Kenya: September 2009*, 18.
- <sup>3155</sup> Government of Kenya, *The Counter Trafficking in Persons Act*, article 19.
- <sup>3156</sup> *Ibid.*, article 19.
- <sup>3157</sup> *Ibid.*, article 20.
- <sup>3158</sup> International Development Law Organization, *Kenya Country Report*, 42.
- <sup>3159</sup> U.S. Embassy- Nairobi official, email communication, March 16, 2011.
- <sup>3160</sup> U.S. Embassy - Nairobi, *Reporting, February 3, 2011*, 8.
- <sup>3161</sup> U.S. Department of State, "Country Reports- 2009: Kenya," section 7d. See also, World Vision, *KURET Executive Summary: Kenya Child Labor Policy Review*, February 2007. See also, ILO-IPEC, *Project Document: Creating the enabling environment to establish models for child labour free areas in Kenya: September 2009*, 18. See also, U.S. Embassy - Nairobi, *Reporting, February 3, 2011*, 8. See also, ILO Committee of Experts, *Individual Observation concerning Labour Inspection (Agriculture) Convention, 1969 (No. 129) Kenya (ratification: 1979) Published: 2009*, March 15, 2011; available from <http://www.ilo.org/ilolex/english/iloquery.htm>.
- <sup>3162</sup> Government of Kenya, *The Employment Act, 2007*, article 55.
- <sup>3163</sup> ILO, *Kenya: Labour Administration and Inspection Programme (LAB/ADMIN)*, February 7, 2011; available from [http://www.ilo.org/labadmin/info/lang--en/WCMS\\_151305/index.htm](http://www.ilo.org/labadmin/info/lang--en/WCMS_151305/index.htm).
- <sup>3164</sup> U.S. Department of State, "Kenya," in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from <http://www.state.gov/documents/organization/123357.pdf>. See also, U.S. Embassy - Nairobi, *Reporting, February 3, 2011*, 6. See also, U.S. Embassy-Nairobi official, email communication, March 16, 2011.
- <sup>3165</sup> U.S. Embassy- Nairobi, *Reporting, January 25, 2010*, C.2.
- <sup>3166</sup> *Ibid.*, paragraph D.
- <sup>3167</sup> U.S. Embassy- Nairobi, *Reporting, March 29, 2011*, 15D.
- <sup>3168</sup> U.S. Embassy - Nairobi, *Reporting, February 3, 2011*, 8.
- <sup>3169</sup> *Ibid.*, 8. See also, U.S. Embassy- Nairobi official, email communication, March 16, 2011.
- <sup>3170</sup> U.S. Embassy - Nairobi official, E-mail communication to USDOL official, March 24, 2011.
- <sup>3171</sup> U.S. Embassy- Nairobi, *Reporting, January 25, 2010*, section 3, paragraph C. See also, U.S. Embassy- Nairobi, *Reporting, June 10, 2008*, paragraphs 1, 2, 4, 7, 8. See also, U.S. Embassy - Nairobi official, email communication, September 01, 2010.
- <sup>3172</sup> U.S. Embassy - Nairobi official, email communication, September 01, 2010. See also, U.S. Embassy - Nairobi, *Reporting, February 3, 2011*, page 6.
- <sup>3173</sup> U.S. Embassy - Nairobi, *Reporting, February 3, 2011*, 8.
- <sup>3174</sup> *Ibid.*, 8.
- <sup>3175</sup> *Ibid.*, 8.
- <sup>3176</sup> Ministry of Labour, *Draft National Child Labour Policy: Towards a Child Labour Free Society*, April 2009, 18. See also, Ministry of Labour and Human Resource Development, *National Action Plan for the Elimination of Child Labour in Kenya 2004-2015 (Revised 2008)*, 4, 10, 11.
- <sup>3177</sup> Ministry of Labour and Human Resource Development, *National Action Plan for the Elimination of Child Labour in Kenya 2004-2015 (Revised 2008)*, 20, 21. See also, Government of Kenya, *National Action Plan for the Elimination of Child Labour in Kenya 2004-2015 (Revised 2008)*, January 5, 2009, 4, 12-15, 34. See also, ILO Committee of Experts, *Individual Direct Request C182: Kenya (2009)*. See also, ILO-IPEC, *Supporting the National Plan of Action for the Elimination of the Worst Forms of Child Labour in Kenya*, Final Technical Progress Report, Geneva, April 15, 2009, 5, 8.
- <sup>3178</sup> Dr. Laurie Zivetz and Rutere Salome Kagendo, *IPEC Evaluation: Supporting the National Plan of Action for the Elimination of the Worst Forms of Child Labour in Kenya*, vi, vii, 7. See also, Ministry of Labour and Human Resource Development, *National Action Plan for the Elimination of Child Labour in Kenya 2004-2015 (Revised 2008)*, 36-37, 41-43. See also, ILO-IPEC, *Project Document: Creating the enabling environment to establish models for child labour free areas in Kenya: September 2009*, 17.
- <sup>3179</sup> ILO-IPEC, *Project Document: Creating the enabling environment to establish models for child labour free areas in Kenya: September 2009*, 10, 13, 14, 16. See also, Ministry of Labour and Human Resource Development, *National Action Plan for the Elimination of Child Labour in Kenya 2004-2015 (Revised 2008)*. See also, Ministry of Education, Science, and Technology, *Kenya Education Sector Support Programme 2005-2010*, Program Document, July 2005. See also, Ministry of Education, *Policy for Alternative Provision of Basic Education and Training*, May 2009. See also, Joyce Mulama, "Education-Africa: Spare the Plough, and School the Child", Inter Press Service News Agency (IPS), [online], April 10, 2007 [cited February 23, 2009]; available from <http://www.ipsnews.net/print.asp?idnews=32835>. See also, Kenya National Bureau of Statistics, *2005 Kenya Integrated*

*Household Budget Survey*. See also, Ministry of Labour and Human Resources Development, *Revised Draft: Medium Term Plan 2008-2012 for Labour and Employment Sector*, March 2009.

<sup>3180</sup> United Nations, *Replies by the Government of Kenya to the list of issues (E/C.12/KEN/Q/1) to be taken up in connection with the consideration of initial report of Kenya (E/C.12/KEN/1)*, E/C.12/KEN/Q/1/add.1, Geneva, October 21, 2008; available from <http://www2.ohchr.org/english/bodies/cescr/docs/AdvanceVersions/E.C.12.KEN.Q1.Add1.doc>. See also, World Vision, *KURET Executive Summary*.

<sup>3181</sup> Ministry of Labour, *Draft National Child Labour Policy*, ii, 9-13. See also, U.S. Embassy - Nairobi, *Reporting, February 3, 2011*, 9.

<sup>3182</sup> U.S. Embassy - Nairobi, *Reporting, February 3, 2011*, 9.

<sup>3183</sup> *Ibid.*, 9.

<sup>3184</sup> *Ibid.*, 5.

<sup>3185</sup> *Ibid.*, 5. See also, U.S. Embassy - Nairobi, *Reporting, March 29, 2011*, 16A.

<sup>3186</sup> U.S. Embassy - Nairobi, *Reporting, February 3, 2011*, 5, 10. See also, IOM, *Diverse Human Trafficking Trends in East African Region Highlights Urgent Need for Greater Protection*, [2010 [cited March 11, 2011]; available from <http://www.iom.int/jahia/Jahia/media/press-briefing-notes/pbnAF/cache/offonce/lang/en?entryId=28484>

<sup>3187</sup> Mulama, "Spare the Plough and School the Child". See also, U.S. Embassy - Nairobi, *Reporting, January 25, 2010*, paragraph E. See also, ILO-IPEC, *Project Document: Creating the enabling environment to establish models for child labour free areas in Kenya: September 2009*, 16. See also, World Bank, *Kenyan Cash Transfer for Orphans and Vulnerable Children*, 2009; available from <http://web.worldbank.org/external/projects/main?pagePK=64283627&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P111545>. See also, U.S. Embassy - Nairobi, *Reporting, January 25, 2010*, paragraph E. See also, U.S. Embassy - Nairobi official, email communication, September 01, 2010.

<sup>3188</sup> U.S. Embassy - Nairobi, *Reporting, January 25, 2010*, paragraph F. See also, U.S. Embassy - Nairobi, *Reporting, March 29, 2011*, 16G.

<sup>3189</sup> ILO-IPEC, *Project Document: Creating the enabling environment to establish models for child labour free areas in Kenya: September 2009*.

<sup>3190</sup> ILO-IPEC, *Decent Work Country Programme: Kenya (2007-2011)*, Geneva, August 2007, 12-13; available from <http://www.oit.org/public/english/bureau/program/dwcp/download/kenya.pdf>.

<sup>3191</sup> U.S. Department of Labor, *Creating the enabling environment to establish models for child labor free areas in Kenya: Support to the implementation of the national action plan for the elimination of the worst forms of child labor with special focus on agriculture and older children*, Technical Cooperation Project Summary, 2009.

<sup>3192</sup> *Ibid.*

<sup>3193</sup> U.S. Embassy - Nairobi official, email communication, September 01, 2010. See also, ILO, *Combating Child Labour Through Corporate Social Responsibility in Kenya: Tackling Child Labour Through Education*, 2010; available from [http://www.ilo.org/public/english/region/afpro/daressalaam/download/tackal\\_kenya.pdf](http://www.ilo.org/public/english/region/afpro/daressalaam/download/tackal_kenya.pdf).

<sup>3194</sup> KCDF, *Youth Empowerment Programme (in Partnership with ILO/YEN)*, [online] [cited March 25, 2011]; available from <http://youth.kcdf.or.ke/page/youth-empowerment-programme-in-partnership-with-ilo/en/>.

<sup>3195</sup> Interpol, *Police Co-operation in East Africa Focus on Regional Police Chiefs Meeting in Sudan*, Press Release, October 20, 2010; available from <http://www.interpol.int/Public/ICPO/PressReleases/PR2010/PR087.asp>.

<sup>3196</sup> UNODC, *Promoting the Rule of Law and Human Security in Eastern Africa: Regional Programme 2009-12*, December 2009; available from [http://www.unodc.org/documents/easternafrika//regional-ministerial-meeting/Eastern\\_Africa\\_Regional\\_Programme\\_Final\\_Draft.pdf](http://www.unodc.org/documents/easternafrika//regional-ministerial-meeting/Eastern_Africa_Regional_Programme_Final_Draft.pdf).

<sup>3197</sup> Dr. Laurie Zivetz and Rutere Salome Kagendo, *IPEC Evaluation: Supporting the National Plan of Action for the Elimination of the Worst Forms of Child Labour in Kenya*, 9. See also, U.S. Embassy - Nairobi, *Reporting, January 25, 2010*, f.