

In 2014, Kenya made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government put into effect its List of Hazardous Occupations Prohibited to Children and conducted a trafficking in persons survey. The Government also provided cash transfers to an additional 90,000 households as part of its National Safety Net Program for Results, and participated in several programs to combat the worst forms of child labor. However, children in Kenya are engaged in child labor, including in agriculture and fishing. Moreover, Kenya has yet to ratify the UN CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography and has not committed sufficient resources to enforcement efforts.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Kenya are engaged in child labor, including in agriculture and fishing.(1-5) 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 (%)		90.7

Source for primary completion rate: Data from 2005, published by UNESCO Institute for Statistics, 2015.(6)

Source for all other data: Understanding Children's Work Project's analysis of statistics from Multiple Indicator Cluster Survey 2, 2000.(7)

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	Production of tea, coffee, miraa,† rice, sisal, sugarcane, tobacco, corn,* and cotton* (4, 5, 8-13)
	Herding livestock*† (4, 13)
	Fishing,† including for tilapia* and sardines* (4, 14, 15)
	Burning wood to produce charcoal* (4, 15, 16)
Industry	Construction,*† including carrying heavy loads (4, 13)
	Quarrying,† including for stones* and coral* (4, 5, 9, 16)
	Harvesting sand*† (4, 15-17)
	Making bricks*† (13, 16)
	Mining† for gold,* gemstones,* and salt* (4, 5, 9, 13, 18-20)
Services	Working in slaughterhouses,*† including disposal of after-products and cleaning (21)
	Domestic work† (4, 5, 15, 17, 21, 22)
	Street work, including vending (5, 13, 21)
	Transporting goods and people† by bicycle, motorcycle, and handcarts (4, 16)
	Scavenging for scrap materials† (4, 5, 15, 21, 23)
	Begging† (4, 24)

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

Sector/Industry	Activity
Categorical Worst Forms of Child Labor‡	Commercial sexual exploitation sometimes as a result of human trafficking (4, 5, 15, 25, 26)
	Used in illicit activities, including drug trafficking (13, 20)
	Begging and work on tobacco* farms each sometimes as a result of human trafficking (4, 5, 11, 25, 26)

* 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.

Children in Kenya scavenge dumpsites and streets for scrap material, including metal and glass.(4, 15) 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 such children are also exposed to mercury.(4, 5) The commercial sexual exploitation of children is also a problem in Kenya, especially in Eldoret, Kisumu, Nairobi, Nyeri, and in coastal areas.(4, 5, 15, 26, 27) The majority of children engaged in commercial sexual exploitation are girls, but boys are also involved.(4, 5).




While education in Kenya is free, access to education is limited for a number of reasons. Teacher shortages in Kenya hinder children’s access to education and contribute to overcrowding in schools.(28) School administrators also limit some children’s access to education by denying pregnant girls admittance to schools.(28) Difficulties to access education are made worse by the prevalence of sexual abuse in schools.(5, 29) 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 costs of unofficial school fees, books, and uniforms keep some children from attending school.(30-33) In addition, even though the Births and Deaths Registration Act makes birth registration compulsory, many children in rural areas are not registered at birth. Unable to prove their citizenship, nonregistered children have difficulty accessing services such as education.(5, 34)

The last national child labor survey was conducted in 2000.(7) 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	✓

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; Fourth Schedule of the Employment (General) Rules, 2014 (35-37)
Minimum Age for Hazardous Work	Yes	18	Sections 2 and 53.1 of the Employment Act; Section 10.1 of the Children Act (35, 36)

Table 4. Laws and Regulations Related to Child Labor (cont)

Standard	Yes/No	Age	Related Legislation
Prohibition of Hazardous Occupations or Activities for Children	Yes		Fourth Schedule of the Employment (General) Rules, 2014; Section 10.1 of the Children Act (36, 37)
Prohibition of Forced Labor	Yes		Article 30 of the Constitution; Section 4.1 of the Employment Act; Section 266 of the Penal Code (35, 38, 39)
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; Sections 174 and 254-263 of the Penal Code (36, 39-41)
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 (35, 36, 41)
Prohibition of Using Children in Illicit Activities	Yes		Sections 2 and 53.1 of the Employment Act; Section 16 of the Children Act (35, 36)
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 (36, 42)
Compulsory Education Age	Yes	14	Section 30 of the Basic Education Act (43-45)
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 (36, 38, 44)

*No conscription (42)

The minimum age protections in Kenya only protect children working under a contract.(35, 36) In 2014, the Government issued the Employment (General) Rules, which includes a list of hazardous work. The Rules also set forth a list of light work permissible for children between thirteen and sixteen under certain conditions.(21, 37) In Kenya, children are only required to attend school until the age of 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.(43, 45)

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, 46, 47) Through its Child Labor Division, coordinates activities to eliminate child labor.(4)
MLSSS's 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 related to the tourism industry.(48)

Law enforcement agencies in Kenya took actions to combat child labor, including its worst forms.

Labor Law Enforcement

In 2014, the Ministry of Labor, Social Security, and Services (MLSSS) employed 95 labor officers and 500 child protection officers.(4) Information was not available on whether labor officers were provided training on enforcement of child labor laws during the year. The Government allocated approximately \$116,000 to the MLSSS's Child Labor Division in previous years; however, the MLSSS's budget is inadequate to address Kenya's labor enforcement needs.(4, 49) Research found no information on the number of labor inspectors, the number, type, frequency, location, or quality of the inspections. Research found no information on the number of child labor law violations found, how many citations were issued, or whether appropriate penalties were

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applied.(4, 21, 49) Additionally, labor inspectors do not have the ability to issue fines or penalties when they encounter a workplace violation.(50) The Government implements an emergency, toll-free, nationwide child hotline to report child abuse, including child labor, and refer callers to organizations for social protection services.(4, 51, 52) In 2014, the Child Helpline received 227 calls regarding child labor, and 4 calls regarding child trafficking.(21)

Criminal Law Enforcement

Research found no information on the total number of investigators. However, approximately 120 members of the National Police Service received training on trafficking in persons during the year.(25) Other criminal law enforcement personnel also received training on trafficking in persons from the IOM, the U.S. Immigration and Customs Enforcement, and the International Law Enforcement Academy in Botswana.(25) In 2014, the MLSSS identified 23 cases of child trafficking.(21) Research found no information on the number and quality of the investigations. Some child victims were referred to social services and counseling, and others were reintegrated into their families.(25) Research did not find comprehensive statistics on the enforcement of criminal laws, including prosecutions, convictions, and the implementation of penalties related to the worst forms of child labor.(21)

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 6).

Table 6. 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's Child Labor Division.(21, 53)
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.(53)
National Labor Board	Advise the Cabinet Secretary on all issues related to labor and employment, including legal and policy issues.(21)
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.(40)
Local, Advisory, and District Child Labor Committees	Coordinate activities to eliminate child labor at the local level.(4)

The National Steering Committee on Child Labor met twice during the reporting period, and the National Council for Children's Services met quarterly.(21) Members of the Counter-Trafficking in Persons Advisory Committee were nominated in March 2014.(26) This Advisory Committee met five times in 2014.(54)

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 7).

Table 7. Policies Related to Child Labor

Policy	Description
National Action Plan for the Elimination of Child Labor (2004–2015)	Aims 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. Prioritizes law enforcement, awareness raising, and universal basic education.(55)
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 awareness of community leaders, parents, and tourism employees on commercial sexual exploitation, and implementing programs to assist victims.(52)
Framework for The National Child Protection System for Kenya (2011)	Describes 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.(56)
Vision 2030: Second Medium-Term Plan (2013–2017)	Identifies child labor as a major challenge Kenya faces, and aims to finalize and implement the National Policy on Child Labor.(57)

Table 7. Policies Related to Child Labor (cont)

Policy	Description
County Integrated Development Plan	Serves as a guide for a county's development planning processes. Required of all 47 counties in Kenya.(58) In the case of Kiambu County, for example, it addresses child labor on coffee and tea estates.(59) In Turkana County, it addresses the issue of street children.(60)
The National Children Policy (2008)	Seeks to protect children from exploitative labor, human trafficking, and commercial sexual exploitation through the enforcement of relevant laws.(61)
The National Education Sector Support Programme (2013–2018)*	Aims to enhance access to and quality of basic education.(62)
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.(63)
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.(64)
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.(65)

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

The National Plan of Action Against Sexual Exploitation of Children in Kenya did not include a corresponding budget.(52) The Government did not adopt the drafted National Policy on Child Labor, which seeks to eliminate child labor by 2015.(21)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2014, the Government of Kenya funded and participated in programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 8).

Table 8. Social Programs to Address Child Labor

Program	Description
Child Protection Centers‡	Government-implemented child protection centers that provide counseling and reintegration services for children in Eldoret, Garrisa, Malindi, and Mombasa. Four additional centers were built in Kakamega, Nairobi, Nakuruat, and Siaya, but they were not yet operational.(25, 26)
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 20 beaches.(4)
Child Labor-Free Supply Chain Certifications	Government program supported by CESVI that develops child labor-free supply chain certifications. Kenya's largest vegetable processor was awarded a certificate in February 2014.(4, 66)
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.(67) Aims to improve the evidence base on child labor through data collection and research. Also aims to strengthen legal protections and social service delivery for child domestic workers in Kenya.(67)
Tackling Child Labor Through Education Project	Jointly launched by the European Commission and the ILO to combat child labor through education in 12 African and Caribbean countries and through the Pacific group of states.(68) Aims to withdraw and prevent children from engaging in child labor, improve child labor-related legislation, build the Government's capacity to implement child labor policies, and enhance the knowledge base on child labor in Kenya, including through the release of a study on project interventions during the reporting period.(69)
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 families of working children, orphans, and vulnerable children to meet their basic needs and pay for school-related costs. Added an additional 90,000 households in 2014, bringing the total number of beneficiaries to 240,000 households across Kenya.(4, 21, 70) Approximately \$411 million has been committed by the Government of Kenya to the program.(4, 21) An impact evaluation found that this program led to a significant reduction in child labor on family farms.(71)
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.(21, 72)
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.(73)

Table 8. Social Programs to Address Child Labor (cont)

Program	Description
Trafficking in Persons Survey†‡	Government survey to determine the prevalence of human trafficking in Kenya; began in February 2014.(25)
School Meals Program*‡	Government program that provides school meals to vulnerable children. Since its inception, has provided over 1.5 million children with school meals, which has resulted in improved school attendance.(74)
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 education support to 2,000 children in January 2014.(21, 75)
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.(76)
Refugee Assistance Programs*	Government program, with support from UNICEF, provides educational and nutritional services to 320,250 children.(77)
Regional Counter-Trafficking Project	Government project, with support from the IOM, that aims to combat human trafficking through prevention, protection, and support for victims.(78)

* The impact of this program on child labor does not appear to have been studied.

† Program was launched during the reporting period.

‡ 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 9).

Table 9. 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 – 2014
	Ensure that minimum age laws apply to children working in noncontractual employment.	2011 – 2014
	Raise the compulsory education age to 16 to be equivalent to the minimum age for work.	2013 – 2014
Enforcement	Ensure that law enforcement agencies are provided with sufficient resources to address Kenya's labor enforcement needs.	2009 – 2014
	Make comprehensive information publicly available about the number, type, and quality of labor inspections, as well as the numbers of citations issued and penalties applied.	2009 – 2014
	Implement measures to make assessing penalties and fines for child labor violations easier.	2010 – 2014
	Make comprehensive information publicly available about the number of personnel investigating criminal cases related to the worst forms of child labor; the number, type, and quality of criminal investigations; and the number of prosecutions and convictions.	2009 – 2014
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 – 2014
	Include a budget in the National Plan of Action Against Sexual Exploitation of Children in Kenya.	2013 – 2014
	Adopt the National Policy on Child Labor.	2009 – 2014

Table 9. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms (cont)

Area	Suggested Action	Year(s) Suggested
Social Programs	Update data on child labor by conducting a national child labor survey.	2014
	Ensure that children can attend primary school 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 – 2014
	Assess the impact that existing social programs have on reducing the worst forms of child labor.	2011 – 2014
	Expand efforts to assist child laborers, including children engaged in commercial sexual exploitation.	2009 – 2014

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