

Kenya

In 2009, the Government launched an ILO-IPEC project to establish models for child labor free areas in Kenya and continued to expand its cash transfer program for orphans and vulnerable children. Despite these efforts, Kenya has failed to commit sufficient resources to effectively enforce child labor laws. As a result, children continue to be involved in the worst forms of child labor, particularly in agriculture.

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.	32.3%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor²⁶⁴⁹

Children are exploited in the worst forms of child labor in Kenya, many of them in agriculture and fishing.²⁶⁵⁰ Roughly 79 percent of all working children are engaged in agriculture, working on tea and sugar plantations, ranches, and in the production of coffee, miraa (a stimulant plant), rice, sisal, and tobacco. Although evidence is limited, there is also reason to believe that the worst forms of child labor are used in the production of flowers.²⁶⁵¹ Children involved in agriculture often work long hours, use dangerous tools and farm machinery, and are exposed to toxic substances and harmful pests.²⁶⁵² Children also engage in fishing, including for tilapia and sardines, for which they use knives and hooks and dive under water to chase fish into nets.²⁶⁵³

Outside the agriculture sector, children are employed in charcoal burning, logging, and mining. There is limited evidence that children mine in abandoned gold mines, where they may be exposed to toxic materials, increasing their chances of developing respiratory diseases.²⁶⁵⁴ Limited evidence suggests that children work in small quarries by breaking rocks into gravel without protective gear.²⁶⁵⁵ There is also reason to believe that the worst forms of child labor are used

in the production of alcohol, furniture, and textiles. Children also work in construction and domestic service. Child domestics are vulnerable to sexual harassment by their employers and work long hours.²⁶⁵⁶ Children are also involved in the transportation industry and carry heavy hand luggage.²⁶⁵⁷ In dumpsites, children collect and sell scrap materials such as metal and paper, often exposing themselves to tetanus and other infectious diseases by sorting through waste with their bare hands.²⁶⁵⁸

Although not available for analysis in this report, in June 2008 the Government released a report analyzing the child labor situation in the country based on more recent data from the 2005 Integrated Household Budget Survey Labor Module.²⁶⁵⁹ In general, the report indicates a reduction in the number of working children in harmful conditions. However, the survey omits the estimated 700,000 children living and working on the streets due to household-level surveying constraints.²⁶⁶⁰

Children in Kenya are also found in other activities constituting the worst forms of child labor, such as participation in armed militias, debt bondage, and prostitution.²⁶⁶¹ Child prostitution is prevalent in Nairobi, Kisumu, Eldoret, Nyeri, and the coastal areas.²⁶⁶² In 2006, UNICEF estimated that up to 30

percent of girls between ages 12 and 18 living in the coastal areas of Malindi, Mombasa, Kalifi, and Diani—or between 10,000 and 15,000 girls—were engaged in prostitution.²⁶⁶³ Sex tourism is also prevalent in these coastal areas.²⁶⁶⁴

Children are also trafficked for forced labor in street vending, domestic service, agricultural labor, herding, sex tourism, and prostitution.²⁶⁶⁵ 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 that may end up trafficking the child.²⁶⁶⁶






Laws and Regulations on the Worst Forms of Child Labor

The Employment Act of 2007 prohibits the employment of children in the worst forms of child labor. According to the Employment Act, the minimum age for employment is 16 years and the minimum age for hazardous work is 18 years.²⁶⁶⁷

Under the Kenyan Constitution adopted in August 2010, forced labor, slavery, and servitude are prohibited.²⁶⁶⁸ The Children’s Act of 2001 prohibits all forms of hazardous child labor, child trafficking, and children from being recruited into the military.²⁶⁶⁹ The Sexual Offences Act of 2006 prohibits child trafficking for the purposes of sexual exploitation, promoting child sex tourism, child prostitution, and child pornography.²⁶⁷⁰ In 2008, the Government completed its list of hazardous occupations for children, appropriately including all major sectors where children work, such as agriculture, domestic service, transport, mining and stone crushing, herding of animals, deep lake or sea fishing, and work in the urban informal sector.²⁶⁷¹

While these laws and regulations provide a strong legal framework against the worst forms of child labor, two significant gaps remain. First, the Children’s Act does not prohibit domestic and international trafficking, or the recruitment, harboring, transportation, transfer, and receipt of children for the purposes of forced labor.²⁶⁷² To fill this gap, the Government developed the Counter Trafficking in Persons Bill (2009), which is currently under deliberation in Parliament.²⁶⁷³ Children are required to attend school until age 13. This standard makes children ages 13 to 16 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.²⁶⁷⁴

	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	No

Institutional Mechanisms for Coordination and Enforcement

The Inter-Ministerial Coordination Committee is the primary child labor policy making mechanism and manages the implementation of the National Action Plan for the Elimination of Child Labor in Kenya. Chaired by the Vice President, this committee is intended to meet no less than four times a year. The National Steering Committee on Child Labor is chaired by the Permanent Secretary of the Ministry of Labor and is charged with developing a child labor monitoring and evaluation system as well as disseminating information on the worst forms of child labor.²⁶⁷⁵ However, the Inter-Ministerial Coordinating Committee has never met and the National Steering Committee on Child Labor met only twice in four years. The Ministry of Labor could not offer customary compensation to committee participants and did not have adequate staff to develop an agenda or organize meetings.²⁶⁷⁶ The Ministry of Agriculture has not been charged with a role in efforts to combat hazardous child labor, although the majority of working children are engaged in agriculture.²⁶⁷⁷

Within the Ministry of Labor, the Child Labor Division was designated to be the Secretariat for both the Inter-Ministerial Coordination Committee and National Steering Committee on Child Labor. The Child Labor Division leads efforts to monitor action programs for the elimination of child labor at the district and community level.²⁶⁷⁸ It also manages an information resource center to improve the collection and dissemination of data on child labor throughout the country.²⁶⁷⁹ Reports indicate the Child Labor Division lacks ministerial support and does not have adequate staff, with only one employee on full time assignment.²⁶⁸⁰ The National Council for Children's Services, Area Advisory Committees, District Child Labor Committees, and Local Child Labor Committees also coordinate efforts to combat child labor.²⁶⁸¹ While detailed information is not available on all these bodies, available 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.²⁶⁸²

The National Steering Committee on Anti-Trafficking in Persons coordinates efforts to combat child trafficking.²⁶⁸³ The Steering Committee's ability to carry out its mandate and share information is unknown, as during the reporting period it met infrequently.²⁶⁸⁴

The Government of Kenya has also designated institutions for enforcement of child labor laws. The Ministry of Labor (MOL) is responsible for investigating labor infractions and pursuing child labor complaints with its 96 inspectors.²⁶⁸⁵ Labor inspectors may terminate an employment agreement between a child and employer in any labor situation. Once an incident of child labor is found, the MOL refers cases to the Ministry of Gender and Child Affairs for further investigation and possible prosecution.²⁶⁸⁶ Significant criminal violations are referred to the Kenyan police, who participate in District Child Labor Committees.²⁶⁸⁷ The police and labor inspectors have seven days to investigate a worst form of child labor complaint and provide any findings to the person who submitted the complaint and the Minister of Labor.²⁶⁸⁸ Reportedly, the MOL has difficulty enforcing the law due to inadequate funding, and even lacks basic office supplies. There appears to be inconsistent awareness and little training on child labor issues for labor inspectors.²⁶⁸⁹

The Ministry of Gender and Child Affairs is responsible for enforcing laws relating to hazardous and forced child labor and is the lead agency on anti-trafficking issues.²⁶⁹⁰ This Ministry employed 400 child protection officers in 2009, up from 310 in 2008.²⁶⁹¹ 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.²⁶⁹² In collaboration with a local NGO, the Ministry of Gender and Child Affairs operates Childline Kenya, a toll-free, nationwide hotline to provide counseling and referrals to callers who need assistance with child labor and child prostitution situations.²⁶⁹³ In 2010, the Kenyan Government created a National Steering Committee for the Childline, chaired by the Ministry of Gender Permanent Secretary, to advance the investigation of cases initiated by calls to the hotline.²⁶⁹⁴ Childline received 30,000 calls for help and support in the last year, of which over 350 calls were related to child labor.²⁶⁹⁵ Investigations were launched for the child labor calls, although most cases were not prosecuted.²⁶⁹⁶

In 2009, the Government charged 119 parents and guardians of 209 children with abusing their children by removing them from school and forcing them to work as domestic servants. It is unclear which enforcement body initiated the cases and whether they were enforced as a result of a labor investigation.²⁶⁹⁷ Information is not available on how many child labor investigations were opened, how many citations issued, and whether child labor cases were managed effectively and appropriate penalties applied.²⁶⁹⁸

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.²⁶⁹⁹ During the reporting period, the police opened 25 child trafficking cases resulting in 267 children being rescued, of which three violators of the law were convicted.²⁷⁰⁰ However reports indicate the number of police officers is inadequate given the extent of trafficking crimes.²⁷⁰¹ Reports also indicate this unit lacks sufficient resources to carry out investigations and provide services to victims.²⁷⁰² In addition, due to a lack of training, the police's anti-trafficking unit and the Criminal Investigation Department's effectiveness have been called into question.²⁷⁰³

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.²⁷⁰⁴ This plan aims to eliminate the worst forms of child labor by 2015 by targeting vulnerable populations, including orphans and vulnerable children and HIV/AIDS affected children, and addressing the root causes of child labor in Kenya such as poverty, the lack of access to education, and weak government institutions. This plan is implemented through the ILO-IPEC Timebound Program (TBP) and prioritizes law enforcement, awareness raising, and universal basic education.²⁷⁰⁵ However, the Child Labor Division was not provided with a budget to implement its many roles and responsibilities under this plan.²⁷⁰⁶

Child labor concerns are mainstreamed into Kenyan development agendas and key policy documents including the Vision 2030, UNDAF (2009-2013), ILO Country Program for the Republic of Kenya (2007-2011), Kenya Education Sector Support Program (2005-2010), and the Policy for Alternative Provision of Basic Education and Training (2009).²⁷⁰⁷ Other policy initiatives exist that do not explicitly consider child labor issues, such as the Orphans and Vulnerable Children (OVC) Policy and National Action Plan (2003).²⁷⁰⁸ The question of whether these 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. One policy still in draft form is the National Child Labor Policy, which aims to prevent harmful child labor practices, especially the worst forms of child labor, by increasing human capital.²⁷⁰⁹ It addresses the factors causing children to enter the labor market, such as poverty, internal conflict, a weak education system, lack of social security and employment opportunities, and HIV/AIDS.²⁷¹⁰

The establishment of the National Action Plan for the Elimination of Child Labor in Kenya and the inclusion of child labor as a priority in numerous development goals are important accomplishments; however, the National Child Labor Policy remains in draft form.²⁷¹¹

Social Programs to Eliminate or Prevent Child Labor

In 2005, the Government of Kenya launched its TBP targeting children engaged in the worst forms of child labor.²⁷¹² To date, the TBP is the primary instrument to eliminate the worst forms of child labor. The first phase of the TBP included a 4-year project funded by USDOL at \$5 million, which ended in April 2009.²⁷¹³ This project withdrew or prevented 25,852 children from exploitive labor in domestic service, commercial sexual exploitation, commercial and subsistence agriculture, fishing, herding, and informal-sector street work.²⁷¹⁴

In support of the TBP, the Government also took part in the 4-year Kenya, Uganda, Rwanda, and Ethiopia Together (KURET) project, funded by USDOL at \$14.5 million and World Vision at \$5.9 million through March 2009. KURET withdrew or prevented a total of 32,823 children from exploitive labor in HIV/AIDS-affected areas of these four countries through the provision of educational services.²⁷¹⁵

In 2009, the Government launched the second phase of the TBP, which included another 4-year project funded by USDOL at \$4.6 million. This project aims to withdraw and prevent a total of 8,155 children from exploitive labor through the provision of direct educational services and will provide 1,000 families with access to micro-credit, socio-economic programs, employment creation schemes, and skills development education.²⁷¹⁶

The Government also participates in a 4-year \$18.9 million project funded by the European Commission to combat child labor through education in 11 countries.²⁷¹⁷ In addition, the Government of Kenya participated in two other projects through December 2009 that promoted national coordination in combating child labor. These programs were funded by the Government of Germany at \$447,410 and \$ 538,731, respectively.²⁷¹⁸

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.²⁷¹⁹ During the reporting

period an additional 66 hotels signed the Code of Conduct.²⁷²⁰ Despite these pledges, more effort is needed to withdraw and prevent children from prostitution and sex tourism and to raise awareness among the tourist population on the penalties for these crimes.²⁷²¹

To address the trafficking of children in Kenya's agriculture sector, the Government in partnership with the International Solidarity Center, the Kenya Plantation and Agricultural Workers Union, and the Kenya Sugar Plantation Workers Union, undertook a 1-year program funded by the US Department of State at \$301,150.²⁷²² This project aims to generate incentives for parents to keep children in school, train shop stewards as monitors and peer educators, and raise awareness about child trafficking to encourage workplace policies that do not facilitate or condone child trafficking.²⁷²³

The Government also implemented its own social protection programs. For example, in 2009 the Government, with World Bank assistance, scaled up its cash transfer program for OVCs to cover 90,000 households in 47 districts.²⁷²⁴ The program provides monthly cash transfers to families of working children to help meet basic needs, including school costs, to prevent children from having to work.²⁷²⁵ To receive benefits from the program, caregivers of OVCs must attend training classes on nutrition and reproductive health and ensure that children under their care receive birth certificates, immunizations, and attend basic education. Every year since 2005, the Government has increased its funding to this program, providing \$10.6

million in 2009-2010.²⁷²⁶ During the reporting period, the Government also launched a national census to allow for further collection of child labor data.²⁷²⁷ It is unclear whether this census will also collect data on the trafficking of children, an area where information is currently limited.²⁷²⁸

In collaboration with 11 other African countries, Kenya strengthened its ability to combat the trafficking of children by participating in the East African Police Chiefs Cooperation Organization (EAPCCO) to strengthen regional cooperation and capacities among East African law enforcement authorities.²⁷²⁹ The Government also participates 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.²⁷³⁰ During the reporting period, the MOL, in collaboration with the IOM, implemented a trafficking awareness and inspection program for the country's 35 foreign employment agencies. As part of this program, members of the Kenya Association of Private Employment Agencies received training on measures to prevent labor trafficking.²⁷³¹

While the Government participates in numerous initiatives and implements its own programs, it has not committed adequate resources to sustain many of these internationally sponsored activities nor linked projects to existing social protection programs. In general, such programs are under-funded, limiting the Government's ability to provide assistance to victims.²⁷³²

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:

- Seek swift passage of the Counter Trafficking in Persons Bill to prohibit domestic and international trafficking and the recruitment, harboring, transportation, transfer, and receipt of children for the purposes of forced labor.
- Raise the compulsory education age to 16.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Ensure the Inter-Ministerial Coordinating Committee, National Steering Committee on Child Labor, and National Steering Committee on Anti-Trafficking have the resources and staff to carry out their responsibilities.
- Designate a role for the Ministry of Agriculture in the effort to combat the worst forms of child labor.
- Hire staff for the District Child Labor Committees to raise funds and manage volunteers.
- 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:
 - Allocating resources to carry out investigations and provide services to victims.
 - Providing regular training on the worst forms of child labor.
- 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 ON CHILD LABOR:

- Strengthen national policies against the worst forms of child labor:
 - Amend the National Action Plan for the Elimination of Child Labor to provide the Child Labor Division with the necessary resources, such as additional personnel and ministerial support, to carry out its mandate;
 - Assess the impact the Orphans and Vulnerable Children (OVC) Policy and National Action Plan (2003) may have on addressing the worst forms of child labor;
 - Enact and implement the National Child Labor Policy.

IN THE AREA OF SOCIAL PROGRAMS TO COMBAT CHILD LABOR:

- Expand and improve programs to prevent children's involvement in the worst forms of child labor:
 - Expand government resources that support child labor elimination projects;
 - Link 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.

²⁶⁴⁹ 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, 2005-2010*. 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.

²⁶⁵⁰ UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*.

²⁶⁵¹ Ministry of Labour and Human Resource Development, *National Plan of Action for the Elimination of Child Labour in Kenya 2004-2015, Revised 2008*, September, 2008, 30. See also Lawrence Kinoti, "Children Hooked to Miraa", AllAfrica.com, [previously online], September 15, 2007, [cited December 12, 2007]. See also "No Cash in This Crop," *New Internationalist*, no. 369 (July 2004); available from <http://www.newint.org/features/2004/07/01/kenya/>. See also ILO-IPEC, *Supporting the National Plan of Action for the Elimination of the Worst Forms of Child Labour in Kenya*, Project Document, Geneva, September 6, 2004, 78. See also 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/af/135959.htm>. See also Kenya National Bureau of Statistics, *2005 Kenya Integrated Household Budget Survey Child Labour Analytical Report*, Nairobi, June 2008, 1, 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>.

²⁶⁵² 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. See also Kenya National Bureau of Statistics, *Child Labour Analytical Report*, 1, 40, 42.

²⁶⁵³ Kenya National Bureau of Statistics, *Child Labour Analytical Report*, 40 and 42. See also ILO-IPEC official, E-mail communication to USDOL official, June 3, 2008. See also Population Centre for Education, Environment, and Development (CEPED), *Supporting the National Plan of Action to Combat HIV/AIDS related WFCL in the Fishing Industry on the Shores of Lake Victoria in Western and Nyanza Provinces*, Action Program, Nairobi, September 2006, 1-3.

²⁶⁵⁴ Kenya National Bureau of Statistics, *Child Labour Analytical Report*, 38-42. See also U.S. Embassy official, E-mail communication to USDOL official, January 29, 2010, para A. See also U.S. Embassy- Nairobi, *reporting*, January 25, 2010, para A. See also Ministry of Labour and Human Resources Development, *Determining Hazardous Child Labour in Kenya*, Nairobi, July 2008, 7.

²⁶⁵⁵ U.S. Embassy- Nairobi, *reporting*, June 16, 2008, para 15. See also U.S. Embassy- Nairobi, *reporting, January 25, 2010*, para A.

²⁶⁵⁶ Kenya National Bureau of Statistics, *Child Labour Analytical Report*, 40 and 42. See also ILO Committee of Experts, *CEACR: Individual Observation concerning Minimum Age Convention, 1973 (No. 138) Kenya (ratification: 1979)*, [online] 2009 [cited January 12, 2009]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=617&chapter=3&query=C138%40ref%2B%23YEAR%3D2009&highlight=&querytype=bool&context=0>. See also Ministry of Labour and Human Resources Development, *Determining Hazardous Child Labour in Kenya*, 5.

²⁶⁵⁷ Kenya National Bureau of Statistics, *Child Labour Analytical Report*, 40 and 42. See also Ministry of Labour and Human Resources Development, *Determining Hazardous Child Labour in Kenya*, 5-6.

²⁶⁵⁸ 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.

²⁶⁵⁹ Kenya National Bureau of Statistics, *Child Labour Analytical Report*, iii.

²⁶⁶⁰ ILO Committee of Experts, *Individual Observation concerning Minimum Age Convention*. See also Kenya National Bureau of Statistics, *Child Labour Analytical Report*. 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, 3-4; available from [hard copy on file].

²⁶⁶¹ U.S. Department of State, "Country Reports- 2009: Kenya," section 7d. See also Kenya National Bureau of Statistics, *Child Labour Analytical Report*, 1. See also U.S. Embassy- Nairobi, *reporting, January 25, 2010*, para a.

²⁶⁶² 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 C. Sarah 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. 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,” (January 13, 2009); available from [hard copy on file].

²⁶⁶³ Jones, *Sex Tourism and Sexual Exploitation of Children on the Kenyan Coast*, vi. See also U.S. Embassy- Nairobi, *reporting, January 25, 2010*, para A.

²⁶⁶⁴ U.S. Embassy- Nairobi, *reporting*, March 09, 2010, para 2B. See also The Solidarity Center, *The Degradation of Work- Trafficking in Persons from a Labor Perspective: The Kenyan Experience*, Washington, DC, October 2007, 9.

²⁶⁶⁵ U.S. Embassy- Nairobi, *reporting*, March 09, 2010, para 2B. See also The Solidarity Center, *Trafficking in Persons from Labor Perspective: Kenya*, 9.

²⁶⁶⁶ U.S. Embassy- Nairobi, *reporting, January 25, 2010*, para A.

²⁶⁶⁷ Government of Kenya, *The Employment Act, 2007 (No. 11 of 2007)*, (October 22, 2007), part I and part VII, sections 53-62; available from http://www.kenyalaw.org/kenyalaw/klr_app/frames.php. See also U.S. Department of State, “Country Reports- 2009: Kenya,” section 7d.

²⁶⁶⁸ Government of Kenya, *The Proposed Constitution of Kenya*, (May 6, 2010), section 30; available from <http://www.nation.co.ke/blob/view/-/913208/data/157983/-/18do0kz/-/published+draft.pdf>. See also BBC News Africa, “Kenya president ratifies new constitution”, [bbc.com](http://www.bbc.com), [online], August 27, 2010; available from <http://www.bbc.co.uk/news/world-africa-11106558>.

²⁶⁶⁹ Government of Kenya: Kenya Gazette Supplement, *The Children’s Act, 2001 (No. 8 of 2001)*, (January 4, 2002), section 10-13; available from http://www.kenyalaw.org/kenyalaw/klr_app/view_cap.php?CapID=393.

²⁶⁷⁰ 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. 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>.

²⁶⁷¹ 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*

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²⁶⁷² Government of Kenya: Kenya Gazette Supplement, *The Children’s Act, 2001 (No. 8 of 2001)*, section 13.

²⁶⁷³ U.S. Department of State, “Kenya (Tier 2),” in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from <http://www.state.gov/documents/organization/123357.pdf>, Africa News, “Harsh Penalties Proposed to Stem Human Trafficking”. See also 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://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/447/30/PDF/G0844730.pdf?OpenElement>.

²⁶⁷⁴ 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.

²⁶⁷⁵ Government of Kenya, *National Action Plan for the Elimination of Child Labour in Kenya 2004-2015 (Revised 2008)*, (January 5, 2009), 36-37. See also U.S. Embassy- Nairobi, *reporting, January 25, 2010*, para E.

²⁶⁷⁶ 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, 13-14; available from [hard copy on file].

²⁶⁷⁷ ILO-IPEC, *Agricultural Policies and the Elimination of Child Labor in Kenya- Key Issues, Gaps and Opportunities*, Nairobi, June 12, 2007, 17. See also Kenya National Bureau of Statistics, *Child Labour Analytical Report*, 41.

²⁶⁷⁸ Ministry of Labour and Human Resource Development, *National Plan of Action for the Elimination of Child Labour*, 32.

²⁶⁷⁹ Ibid.

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