

In 2012, Kenya made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government increased its financial contributions to social protection programs focusing on orphans and vulnerable children, and passed a 2012 Basic Education Bill that strengthened compulsory education provisions. However, gaps in legislation persist, including the lack of legal penalties for all forms of forced labor and underage military recruitment. Kenya also has not yet adopted its draft list of hazardous work for children, or committed sufficient resources for enforcement efforts. Children continue to be engaged in the worst forms of child labor, particularly in dangerous activities in agriculture and fishing.

Statistics on Working Children and Education

Children	Age	Percent
Working	5-14 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		Unavailable

Sources:

Primary completion rate: UNESCO Institute for Statistics, 2013.(1)

All other data: Understanding Children's Work Project's analysis of statistics from MICS Survey, 2000.(2)

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are engaged in the worst forms of child labor in Kenya, many of them in dangerous activities in agriculture and fishing.(2-11) Children work on tea and sugarcane plantations. Children are also engaged in the production of coffee, *miraa* (a stimulant plant), rice, sisal, and tobacco.(4, 6, 11-23) Children also reportedly pick cotton and work in the production of flowers.(4, 6, 12-23) Children involved in agriculture often work long hours, work with dangerous tools and machinery, carry heavy loads, and are exposed to toxic substances and harmful pests.(3, 22, 24) Reports suggest that children also engage in small-scale fishing, including for tilapia and sardines, and work in related activities, such as drying and transporting fish, cleaning boats, and mending nets. Such children working in the fishing sector are susceptible to risks such as drowning.(11, 18, 19, 25, 26) Although information is limited, there reports that children are also engaged in the herding of cattle and goats. Children



herding livestock may suffer injuries such as being bitten, butted, gored, or trampled by animals.(27-29) In addition, limited evidence suggests that children participate in the burning and preparation of charcoal.(11)

Children in Kenya work as domestic servants. Many such children are from the North Eastern, Nyanza, Eastern, Western, and Coastal provinces, and are between the ages of 10 and 18 years.(11) Children employed as domestics may work long hours and are isolated in private homes in which they are vulnerable to physical and sexual abuse by their employers.(3, 6, 17, 30) Monthly wages for child domestic workers ranged from \$5 to \$70, with the vast majority under \$35 per month.(26) Children are also engaged in construction, transportation, and the production of textiles.(3, 4, 11, 27) In the transportation industry children carry heavy loads and are exposed to traffic accidents. In the textile industry, children are exposed to spores that cause respiratory disease, poor working conditions resulting in skeletal diseases, and chemical poisoning.(3, 11)

In Kenya, there are reports of large numbers of children working on the streets. Many of them are forced to beg and perform labor, and some are reportedly used to traffic drugs and guns.(17, 19, 31, 32) Information as to specific hazards associated with these activities is unknown.(33) However, reports suggest that street children are vulnerable

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to harassment and sexual abuse by Government Police.(6) Scavenging in dumpsites and streets for scrap materials, such as metal and glass, is one of the most common occupations for children in towns. These children earn about \$1-2 per day, while often exposing themselves to injuries and mercury, as well as tetanus and other infectious diseases, by sorting through waste.(3, 11, 26, 34, 35) Children in Kenya are subject to prostitution and sex tourism.(6, 17, 36-40) An estimated 12,000 to 18,000 children are engaged in commercial sexual exploitation, which is prevalent in the cities of Nairobi, Mombasa, Kiambu, Kisumu, Kajiado, and Malindi.(11) These children earn between \$0.35 and \$10 per day, with an average of \$1 per day.(26) A 2012 UN study on violence against children confirms that sexual exploitation of girls in Kenya is a serious issue.(41) Although the majority of children engaged in commercial sexual exploitation in Kenya are girls, an increasing number of boys are also becoming involved.(6, 42)

Some reports indicate that children are engaged in gold and gemstone mining.(3, 11, 19, 43-45) According to local Government child welfare offices, a large number of children in Nyanza counties are engaged in gold mining, earning approximately \$1.20 a day.(11, 45) Reports suggest that these children are exposed to toxic materials, including mercury, increasing their chances of developing respiratory diseases.(3, 11, 17) Some evidence suggests that children work in coral and stone quarries without protective gear and may be vulnerable to respiratory illnesses from silica exposure.(6, 14, 17, 19, 20, 46, 47)

Children are trafficked for forced labor in street vending, domestic service, agricultural labor, herding, and commercial sexual exploitation.(26, 37, 48-51) Poverty or the death of one or both parents, such as to HIV/AIDS, 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.(17, 52-54) During the reporting period, there were reports of children being trafficked from Tanzania to Kenya for forced begging.(11, 55)

Access to education is a critical component in preventing the economic exploitation of children.(56) However, ongoing teacher shortages hinder children's access to education and contribute to overcrowding.(57-60) Reports suggest that school administrators may also inadvertently contribute to the problem of schooling access by expelling some girls from school due to pregnancy, even though the Government has a policy to combat this.(57, 61) Sexual abuse from teachers and fellow students also contributes to the problem.(6, 58, 62, 63)

Laws and Regulations on the Worst Forms of Child Labor

The Employment Act sets the minimum age for employment at 16 and the minimum age for hazardous work at 18. The Act also prohibits the employment of children under the age of 18 in the worst forms of child labor. (64-66) Children between the ages of 13 and 15 may perform light work.(27) However, the law has not been formally passed yet to define what activities are considered "light work," which makes children between the ages of 13 and 15 vulnerable to labor exploitation.(11) In addition, the Industrial Training Act allows minors under age 15 to apprentice in an industrial undertaking without setting a minimum age.(64-67) This is problematic as the Employment Act is subject to the provisions in the Industrial Training Act.(64-67) In 2008, the Government completed its list of hazardous occupations for children, prohibiting children's work in sectors such as agriculture, domestic service, transportation, mining, stone crushing, herding of animals, deep lake or sea fishing, work in warehouses, and work in the urban informal sector. However, the list has not been adopted through publication in the Gazette.(3, 67-69)

International Conventions and Selected Laws on Child Labor and Education

	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	No
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

The Children's Act of 2001 guarantees protection of children from exploitation, including trafficking, hazardous child labor, prostitution, illicit activities, and the recruitment of children into the military.(27, 70) 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.(70-72) The Sexual Offences Act of 2006 prohibits promotion of child sex tourism and child trafficking for the purposes of sexual exploitation. Both the sexual Offences Act of 2006 and the Penal Code prohibit child pornography.(71, 72)

The Kenyan Constitution prohibits forced labor, slavery, and servitude.(73-75) However, the Constitution does not provide penalties for these offenses and Penal Code penalties only apply to cases of abduction.(74-76) The Counter Trafficking in Persons Act, which came into force in October 2012, provides protections for trafficking victims and prohibits the recruitment, transport, transfer, or harboring of persons, including children, for the purpose of forced labor and lays out appropriate penalties for offenses.(75-77) In addition, the Children's Act prohibits the recruitment or use of children under age 18 in armed conflict, but the Act does not prescribe penalties for violators of the law.(70, 76)

The Children's Act provides for free and compulsory education until the age of 15.(17, 70) Section 30 of the newly approved Basic Education Act 2013 reinforces children's right to education, making it compulsory up to secondary level by requiring teachers to investigate cases of truancy. It stipulates penalties for families who fail to send their children to school, and makes employing a child of compulsory school age in any labor activity that prevents the child from attending school a criminal offense.(11) However, school fees and the cost of uniforms, books, and exam fees continue to deter enrollment.(17, 20, 77-80) Furthermore, while the 2011 Births and Deaths Registration Bill passed into law makes birth registration both compulsory and free, the service is still not available to many children living in rural areas. Unable to prove citizenship, unregistered children have difficulty accessing essential services, including schooling.(6, 62, 81, 82) Additionally, children 15 years of age 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.(64, 70, 83) However, reports suggest that the Government has made some efforts to temporarily address the gap during the reporting period, by waiving tuition fees for the first two years in secondary schooling.(67)

Institutional Mechanisms for Coordination and Enforcement

The National Council for Children Services (NCCS) is responsible for the coordination of policy on general children's issues, including child labor, down to the district

level.(17, 77, 84) The NCCS is a semi-autonomous government agency led by a presidential appointee and consists of 18 organizations, including members of the police, non-governmental organizations, private sector representatives, faith-based organizations, and representatives from various ministries.(84) There is also a National Steering Committee on Child Labor (NSCCL), chaired by the Ministry of Labor (MOL).(17, 84) The Committee is a multi-sectoral policy body composed of government departments, private employers, workers organizations, and civil society organizations. The NSCCL oversees efforts to eliminate child labor and it is represented in the NCCS.(17, 84)

Other entities participate in child labor coordination, including the MOL's Division of Child Labor and the District Child Labor Committees.(18, 77) The Division of Child Labor helps to coordinate efforts to implement the Employment Act and leads efforts to monitor action programs for the elimination of child labor at the district and community levels.(4, 17) It also manages an information resource center to improve the collection and dissemination of data on child labor throughout the country.(4) During the year, the Division of Child Labor held eight roundtable meetings with stakeholders to coordinate child labor activities.(27) Numerous reports indicate the Division of Child Labor lacks financial and ministerial support and is not adequately staffed.(13, 20, 85, 86) District Child Labor Committees serve as a coordination point for those involved in child labor efforts and are present in 30 districts.(17, 77) However, evidence suggests that the District Child Labor Committees rely heavily on volunteers, and as a result, their success varies depending on whether they can obtain funding and whether members regularly participate.(13, 17, 42, 85)

The Counter Trafficking in Persons Advisory Committee coordinates anti-trafficking efforts.(75-77) The Committee, led by the Ministry of Gender, Children and Social Development (MGCSD), comprises 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.(75-77) The Committee monitors and reports on national anti-trafficking efforts, including policies, programs, evaluation, social assistance, data collection, and international cooperation.(75-77) However, the Counter Trafficking in Persons Act does not have a sufficient implementation structure in place to implement or enforce trafficking laws.(17, 87)

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The MOL, in coordination with the MGCSD, enforces laws under the Employment Act and inspects businesses in the formal labor sector.(62, 84) During the reporting period, the MOL employed 95 labor inspectors and allocated \$117,647 to enforce labor laws, including those on child labor.(11, 27) However, reports suggest that the MOL lacks adequate personnel, facilities, transportation, and fuel to carry out its duties.(6, 11, 17, 27, 42, 86, 88-91) In addition, while labor inspectors may terminate an employment agreement between a child and an employer in any labor situation, inspectors do not have the ability to issue fines or penalties when they encounter a workplace violation.(64, 92) In 2012, the Government performed 120 child labor inspections. However, the number of complaints and investigations is unknown, due to the lack of data collection and reporting systems.(27)

The MGCSD, in coordination with the Kenyan Police, is responsible for enforcing laws related to the worst forms of child labor under the Penal Code, Anti-Trafficking Act, and the Child Act. The MGCSD employed 500 child labor officers.(11) The MGCSD also maintains volunteer officers to address child protection at the community level.(17) 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.(84) The MGCSD lacks the necessary resources, such as office facilities and transportation, to carry out their duties.(17, 93) During the reporting period, the MGCSD continued to implement a process for decentralization of service provision, as directed under Kenya's new Constitution.(87)

The MGCSD and Police exchange information through district child labor committees.(44) 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.(44) The Government also maintained Tourism Police to protect vulnerable groups, including children, from sex tourism.(94) The number of officers employed by the anti-trafficking unit is unknown.(17, 95) While the Government provided training for labor and law enforcement officials during the reporting period, the Government also notes that this training was not sufficient to meet the need.(11, 27)

In 2012, the Government of Kenya reports identification of at least 107 cases of child commercial sexual exploitation and an additional 413 cases of child trafficking, carrying out a number of arrests related to the worst forms of child labor, and 17 cases of child trafficking currently in the courts. However,

information indicates that there were no convictions during the year, and no additional information on enforcement statistics is available.(11, 55)

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 an instrument to prevent and address child labor in Kenya.(4, 96, 97) The Plan 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, the lack of access to education, and weak government institutions. This plan prioritizes law enforcement, awareness raising, and universal basic education.(4, 98) Research found no information about whether the Child Labor Division was provided with a budget to implement its many roles and responsibilities under this plan. The Government has also drafted, but not adopted, the Child Labor Policy that also aims to eliminate child labor by 2015. The Policy will address discrepancies between the Employment Act and the Children's Act regarding protection of children engaged in work.(70, 92) The Government is also reportedly in the process of drafting district action plans to combat child labor in support of the National Action Plan.(17)

Child labor concerns are mainstreamed into Kenyan development agendas and key policy documents including the Vision 2030 Plan, the Medium Term Plan (2008-2012), the United Nations Development Assistance Framework (2009-2013), the Policy for Alternative Provision of Basic Education and Training (2009), and the Decent Work Program for Kenya (2007-2011).(4, 13, 42, 99-102) Other policy initiatives that do not explicitly consider child labor issues but may impact them include the Orphans and Vulnerable Children (OVC) Policy and the National Action Plan (2003).(88, 103)

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The MGCSD continued to operate four referral centers in areas with high rates of child labor. Each center provides counseling and reintegration services for up to 200 children and serves as a link to other child protection centers.(17, 19, 55, 104)

During the reporting period, the Kenyan Government continued to operate a national steering committee, chaired by the Ministry of Gender, Children and Social Development 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 commercial sexual exploitation situations.(17, 43, 105) Over the past five years, the hotline has received over 1.4 million calls.(55) The Government of Kenya also has a system to refer child victims found during investigations to appropriate services.(17, 95) During the year, the Government participated in the USAID-funded project entitled Kenya's Yes Youth Can! (YYC!). The 3-year, \$45 million project is designed to empower youth and provide employment opportunities, including by establishing 15,000 youth-run village-level *bunges* (parliaments) and entrepreneurship programs.(106, 107)

The Government of Kenya 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 services.(13) The project will also provide 1,000 families with access to micro-credit, socio-economic programs, employment creation schemes, and skills development education.(13) During the year, the project published three youth employment surveys and implemented training events for ministry and law enforcement officials.(7-9, 27) The Government also continued to participate in the USDOL-funded, 4-year Global Action Program on Child Labor Issues Project, which is active in approximately 40 countries. In Kenya, the project aims to build the capacity of the national government and develop strategic policies to address the elimination of child labor and forced labor.(108)

The Government of Kenya participated in a 4-year (ending in 2013), \$13.5 million project funded by the European community to combat child labor through education in 11 countries.(109) In addition, Kenya participated in a 5-year, \$23 million regional youth entrepreneurship project, aimed at contributing to decent work opportunities for youth by providing funding through grants for youth entrepreneurship ideas.(67)

The Government continued to implement a project in coordination with the World Bank to provide OVC with cash transfers.(11, 13, 110) The project allowed families of working children to meet their basic needs, including school costs.(44, 111) During the reporting period, the Government contributed \$51 million to the project, which represents a \$19 million increase over the previous reporting period.(11) Despite these efforts, reports indicate that support remains insufficient in areas with the highest levels of orphans.(17, 112)

The Government of Kenya continued to implement a Hunger Safety Net Program during the year, which provided food assistance to chronically food insecure beneficiaries, including many children. However, reports question the Program's effectiveness as many payment transfers were delayed.(112, 113) The Government also continued to implement a School Meals Program, funded at \$8.5 million, which assisted an estimated 1,115,000 vulnerable school children. This program showed improvement in enrollment and attendance rates in the targeted schools.(113, 114) During the reporting period, the Kenyan Government, in partnership with Equity Bank and USAID, continued to implement the Wings to Fly Program, which offered secondary school scholarships to children from needy backgrounds.(17, 87) However, the impact of the School Meals Program, Wings to Fly Program, Hunger Safety Net Program, and OVC program on reducing the worst forms of child labor is not known, as no assessment has been conducted.

The Government also participated in UNICEF-funded activities estimated at over \$30 million for the reporting period, which included the provision of educational services to an estimated 84,000 children.(115) During the year, UNICEF, the Ministry of Tourism and Wildlife, and the World Tourism Organization also continued awareness-raising campaigns to combat child sex tourism.(6) However, the Government's efforts to protect children from commercial sexual exploitation have not been sufficient to address the magnitude of these problems.(13, 38, 104)

The Government 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.(116) The Government also participated in the Regional Program for Eastern Africa (2009-2012), which includes activities that support the ratification and implementation of the Palermo Protocol and the development of border control systems.(117) The Government also continued to participate in an IOM-funded regional project to counter human trafficking.(118) In partnership with the Solidarity Center, the Government continued implementing a program to combat child trafficking in the tea, coffee, and sugar sectors. This project trained union stewards on trafficking issues and raised awareness about labor practices that promote child labor such as subcontracting and outsourcing.(17)

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

Area	Suggested Actions	Year(s) Action Recommended
Laws and Regulations	Harmonize the Employment Act and the Industrial Training Act to ensure that protections laid out in the Employment Act apply to apprentices.	2010, 2011, 2012
	Ensure that proper penalties are prescribed for the compulsory recruitment of children under age 18 into armed conflict, either by the Government or militias.	2011, 2012
	Ensure all forms of child labor, including child labor in the informal sector, receive legal protection.	2011, 2012
	Enact the list of hazardous occupations for children.	2011, 2012
	Develop an implementation structure for the Counter Trafficking in Persons Act.	2011, 2012
	Amend the Penal Code to provide penalties for all forms of slavery, forced labor and servitude.	2010, 2011, 2012
	Take initial steps, including prioritizing resources for the education system, to raise compulsory education through the age of 15 in order to match the minimum age for work.	2009, 2010, 2011, 2012
	Define "light work" for children between the ages of 13 and 15.	2012
	Ensure children's right to free education as stipulated in the Children's Act and implement it.	2010, 2011, 2012
Coordination and Enforcement	Ensure the Child Labor Division has resources such as staff to carry out their responsibilities.	2010, 2011, 2012
	Strengthen the capacity of the MOL, the MGCSD, the 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.	2009, 2010, 2011, 2012
	Implement measures to make assessing penalties and fines easier.	2010, 2011, 2012
	Make information publicly available about how many child labor investigations, citations, and criminal investigations and prosecutions are initiated and the final penalties applied.	2009, 2010, 2011, 2012
Policies	Strengthen national policies against the worst forms of child labor by enacting the National Child Labor Policy to provide implementation guidelines for the National Action Plan on Child Labor.	2009, 2010, 2011, 2012
	Take measures to ensure children are safe in school and have access to quality education.	2010, 2011, 2012

Area	Suggested Actions	Year(s) Action Recommended
Social Programs	Expand efforts to assist OVC and children engaged in commercial sexual exploitation, including by raising awareness among the tourist population.	2009, 2010, 2011, 2012
	Assess the impact that the School Meals Program, Wings to Fly Program, Hunger Safety Net Program, and OVC program have on reducing the worst forms of child labor.	2011, 2012
	Address issues of access to education by recruiting and training new teachers, expanding school infrastructure, and implementing birth registration campaigns.	2010, 2011, 2012

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