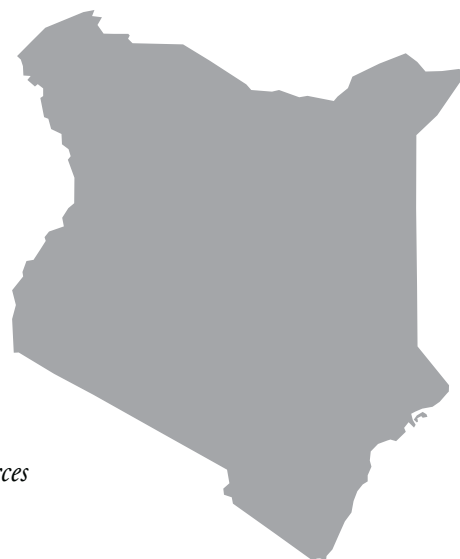


In 2017, Kenya made a moderate advancement in efforts to eliminate the worst forms of child labor. During the year, the government mandated free secondary education for all Kenyans and established additional Child Protection Centers to provide housing, counseling, and reintegration services to rescued child laborers. The government also developed a National Employment Policy that mandates reporting on the number of children withdrawn from child labor and the progress of child labor-free zones. However, children in Kenya engage in the worst forms of child labor, including in agriculture and commercial sexual exploitation. Kenya has yet to ratify the UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography. In addition, the minimum age law does not protect children working outside the scope of a formal employment contract or in circumstances in which children derive no benefit from their labor. The government has also not committed sufficient resources for child labor enforcement efforts.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Kenya engage in the worst forms of child labor, including in agriculture and commercial sexual exploitation. (1; 2) 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)	5 to 14	35.6 (3,736,030)
Attending School (%)	5 to 14	85.8
Combining Work and School (%)	7 to 14	23.0
Primary Completion Rate (%)		102.0

Source for primary completion rate: Data from 2015, published by the UNESCO Institute for Statistics, 2018. (3)

Source for all other data: Understanding Children's Work Project's analysis of statistics from Population and Housing Census, 2009. (4)

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

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

Sector/Industry	Activity
Agriculture	Farming,† including the production of tea, coffee, <i>miraa</i> ,† rice, sisal, sugarcane, tobacco, corn, flowers, and cotton (1; 5; 6; 7; 8; 9; 10; 11)
	Herding livestock† (1; 5; 9; 11)
	Fishing,† including for tilapia, sardines, and other fish (8; 12; 13; 14; 15; 16; 11)
	Burning wood to produce charcoal (1; 5)
Industry	Construction,† including carrying heavy loads (1; 5; 9; 11)
	Quarrying,† including for stones and coral (1; 5; 11)
	Harvesting sand† (1; 5; 9; 17; 18; 11)
	Making bricks† (1; 9; 11)
	Mining† for gold, tsavorite, tanzanite, ruby, sapphire, and salt (1; 5; 9; 11)
Services	Working in slaughterhouses,† including disposal of after-products and cleaning (1; 19)
	Domestic work† (1; 5; 12; 13; 19; 14; 11)
Services	Street work, including vending (1; 2; 9; 19; 11)
	Transporting goods† and people† by bicycle, motorcycle, and handcart† (1; 5; 11)
Services	Scavenging† for scrap materials (1; 5; 15; 19; 11)
	Begging† (1; 5; 16; 20; 11)

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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 (1; 5; 21; 22; 23; 24; 20; 25)
	Use in illicit activities, including drug trafficking (1; 9)
	Begging, street vending, domestic service, herding livestock, fishing, and work on tobacco farms, sometimes as a result of human trafficking (1; 5; 21; 24; 26; 27; 25)

[†] 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.

Kenyan children are victims of human trafficking within and outside the country and exploited to engage in domestic work, agricultural work, fishing, begging, and street vending. Children also are victims of commercial sexual exploitation in tourism sectors, such as Nairobi and Kismu, and on the coast in informal settings. (28; 25) In rural areas, poverty drives some families to engage in trafficking children for domestic work in urban centers. (29) Children are also victims of commercial exploitation in drug production sites (khat), near gold mines, along major highways, and sexually exploited by fishermen on Lake Victoria. (25) During the year, an NGO released data showing 33,929 reported cases of child abuse in the past 10 years, of which 3,123 were child labor cases. (30) Children in Kenya scavenge dumpsites and streets for scrap material, including metal and glass. (5) These children earn about \$1 to \$2 per day, while often risking injury and exposing themselves to infectious diseases, such as tetanus, by sorting through waste. Evidence suggests that such children are also exposed to mercury due to e-waste recycling and gold mining. (5) Reports also indicate that children ages 10 to 17 mine or harvest sand and work in Busia, Homa Bay, Kilifi, Kitui, Machakos, and Nakuru counties, increasing their likelihood of developing aggravated asthma, lung or heart disease, and cancer. (17; 31; 13) Most children who are engaged in child labor, including commercial sexual exploitation, are girls, but boys are also involved. (5; 32; 33)





Kenyan law mandates free education and prohibits schools from charging tuition fees. However, the cost of unofficial school fees, books, and uniforms prevent some children from attending school. (34; 17; 35; 36; 37; 38) The Births and Deaths Registration Act mandates birth registration, but many children living in the country are not registered at birth. As a result, nonregistered children have difficulty accessing services such as education because they must provide a birth certificate before enrolling in school or sitting for exams. (39; 40; 41) Teacher and school shortages further hinder children’s access to education. (1) A source also indicated that sexual abuse by teachers also negatively affects children’s school attendance. (42) In addition, in isolated cases, some school administrators deny pregnant girls admittance to schools. (43; 44; 45)

In 2017, the government, in coordination with UNICEF, published data on child poverty and its potential to increase vulnerability to engage in child labor. (46; 11) The last national child labor survey was conducted in 2000. (4) As a result, data may no longer accurately reflect the current child labor situation in Kenya.

II. LEGAL FRAMEWORK FOR 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	✓

In 2000, Kenya signed but did not ratify the UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography. Commercial sexual exploitation of children continues to be a serious problem in Kenya.

The government has established laws and regulations related to child labor (Table 4). However, gaps exist in Kenya's legal framework to adequately protect children from child labor, including the gap between the compulsory education age and minimum age for work.

Table 4. Laws and Regulations on Child Labor

Standard	Meets International Standards: Yes/No	Age	Legislation
Minimum Age for Work	No	16	Section 56 of the Employment Act; Section 12 of the Employment (General) Rules; Section 10.4 of the Children Act (47; 48; 37)
Minimum Age for Hazardous Work	Yes	18	Sections 2 and 53.1 of the Employment Act; Sections 2 and 10.1 of the Children Act (37; 47)
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Section 12 and the Fourth Schedule of the Employment (General) Rules; Section 10.1 of the Children Act (37; 48)
Prohibition of Forced Labor	Yes		Article 30 of the Constitution; Sections 4.1 and 53.1 of the Employment Act; Sections 174 and 254–266 of the Penal Code; Article 3 of the Counter-Trafficking in Persons Act; Article 13 of the Sexual Offences Act; Section 13.1 of the Children Act (37; 47; 49; 50; 51; 52)
Prohibition of Child Trafficking	Yes		Article 3 of the Counter-Trafficking in Persons Act; Article 13 of the Sexual Offences Act; Section 13.1 of the Children Act; Section 53.1 of the Employment Act; Sections 174 and 254–263 of the Penal Code (37; 47; 50; 51; 52)
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 (37; 47; 52)
Prohibition of Using Children in Illicit Activities	Yes		Sections 2 and 53.1 of the Employment Act; Section 16 of the Children Act (37; 47)
Prohibition of Military Recruitment			
State Compulsory	N/A*		Article 243 (1) of the Kenya Defence Forces Act (53)
State Voluntary	Yes	18	Section 10.2 of the Children Act; Article 243 (1) of the Kenya Defence Forces Act (37; 53)
Non-State	Yes	18	Article 3 of the Counter-Trafficking in Persons Act (51)
Compulsory Education Age	No	14‡	Sections 28 and 30 of the Basic Education Act (36)
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; 37; 49)

* No conscription (53)

‡ Age calculated based on available information (54)

In 2017, Kenya mandated free secondary education for all Kenyans beginning in 2018. (11) During the year, the Parliament enacted the Children Bill, 2017, that will come into effect when published in the *Gazette*. The proposed law prohibits child labor, hazardous work for children, the use of children in armed conflict, and the use, procurement, and offering of children for forced labor, slavery, and debt bondage. (55) However, the proposed bill has the same gap as the current law regarding coverage of children working without a formal contract. (55) The current Children Act does not prohibit child labor for children employed outside of the scope of a contractual agreement or in circumstances in which children derive no benefit from their work directly or indirectly. (37; 47) In addition, the Employment Act applies only to workers who perform work under a formal employment agreement, which does not conform to international standards that require all children to be protected under the law, establishing a minimum age for work. (47)

The government has reported that children are required to attend school only until age 14, making children ages 14 and 15 vulnerable to child labor because they are not required to attend school, yet cannot legally work. (54)

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III. ENFORCEMENT OF LAWS ON CHILD LABOR

The government has established institutional mechanisms for the enforcement of laws and regulations on child labor (Table 5). However, gaps exist within the operations of the Ministry of Labor, Social Security and Services (MLSSS); National Police Service; and Office of the Director of Public Prosecutions that may hinder adequate enforcement of their child labor laws.

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. (5; 56; 57) Through its Child Labor Division, coordinate activities to eliminate child labor. (5) 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. (5)
National Police Service	Enforce laws related to the worst forms of child labor. (5) Includes an Anti-Trafficking Police Unit focused on prevention of commercial sexual exploitation of children, child trafficking, and the use of children in illicit activities. Tourism Police Unit addresses commercial sexual exploitation of children in the tourism industry. (11)
Office of the Director of Public Prosecutions	Enforce laws through the prosecution of criminal offenses, including labor-related offenses. (1)

Labor Law Enforcement

In 2017, labor law enforcement agencies in Kenya took actions to combat child labor (Table 6). However, gaps exist within the operations of the MLSSS that may hinder adequate labor enforcement, including authority to assess penalties.

Table 6. Labor Law Enforcement Efforts Related to Child Labor

Overview of Labor Law Enforcement	2016	2017
Labor Inspectorate Funding	Unknown	Unknown (11)
Number of Labor Inspectors	87 (2)	84 (11)
Inspectorate Authorized to Assess Penalties	No (2)	No (2)
Training for Labor Inspectors		
Initial Training for New Employees	N/A (2)	N/A (11)
Training on New Laws Related to Child Labor	N/A (2)	Yes (11)
Refresher Courses Provided	No (2)	Unknown (11)
Number of Labor Inspections Conducted	Unknown (2)	9,214‡ (11)
Number Conducted at Worksites	Unknown (2)	9,214‡ (11; 58)
Number of Child Labor Violations Found	Unknown (2)	1,215‡ (11; 58)
Number of Child Labor Violations for Which Penalties were Imposed	Unknown (2)	N/A (11)
Number of Child Labor Penalties Imposed that were Collected	Unknown (2)	N/A (11)
Routine Inspections Conducted	Unknown (2)	Yes (11)
Routine Inspections Targeted	Unknown (2)	Yes (11)
Unannounced Inspections Permitted	Yes (2)	Yes (11)
Unannounced Inspections Conducted	Unknown (2)	Yes (11)
Complaint Mechanism Exists	Yes (2)	Yes (11)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Yes (2)	Yes (11)

‡ Data are from July 1, 2016 to June 30, 2017.

The number of labor inspectors is likely insufficient for the size of Kenya's workforce, which includes over 19 million workers. According to the ILO's technical advice of a ratio approaching 1 inspector for every 15,000 workers in developing economies, Kenya would employ roughly 1,321 labor inspectors. (59; 60; 61) Reports suggest that the MLSSS budget is inadequate and hampers the labor inspectorate's capacity to enforce child labor laws. (2; 5; 62) Labor inspectors cannot issue fines or penalties, but can send a compliance letter to employers stipulating how long the employer has to correct the violation. (2) The government operates an emergency, toll-free, nationwide child hotline to report child abuse, including child labor, and refers callers to organizations for social protection services. (5; 63; 64) During the reporting period, 792,815 suspected child abuse cases were reported through the hotline, of which 32,671 were child labor related. (11)

Criminal Law Enforcement

In 2017, criminal law enforcement agencies in Kenya took actions to combat child labor (Table 7). However, gaps exist within the operations of the National Police Service and the Office of the Director of Public Prosecutions that may hinder adequate criminal law enforcement, including investigation planning.

Table 7. Criminal Law Enforcement Efforts Related to Child Labor

Overview of Criminal Law Enforcement	2016	2017
Training for Investigators		
Initial Training for New Employees	Unknown (2)	Yes (11)
Training on New Laws Related to the Worst Forms of Child Labor	N/A (2)	Yes (11)
Refresher Courses Provided	Unknown* (2)	Unknown* (11)
Number of Investigations	Unknown* (2)	Unknown* (11)
Number of Violations Found	Unknown* (2)	Unknown* (11)
Number of Prosecutions Initiated	Unknown* (2)	Unknown* (11)
Number of Convictions	Unknown* (2)	Unknown* (11)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Unknown (2)	Yes (11)

* The government does not publish this information.

Reports indicate that women and girls were subjected to gender-based violence, including sexual exploitation, during the 2017 elections and that the government did not properly investigate nor prosecute suspected perpetrators. (65; 66; 67) In 2017, the Government allocated \$600,000 to anti-human trafficking efforts, but no allocation was made to address child labor. (11)

IV. COORDINATION OF GOVERNMENT EFFORTS ON CHILD LABOR

The government has established mechanisms to coordinate its efforts to address child labor (Table 8). However, gaps exist that hinder the effective coordination of efforts to address child labor, including efficacy in accomplishing mandates.

Table 8. Key Mechanisms to Coordinate Government Efforts on Child Labor

Coordinating Body	Role and Description
National Steering Committee on Child Labor	Oversee efforts to eliminate child labor. (5) Comprises government agencies, private employers, workers' organizations, and civil society organizations. Chaired by the Permanent Secretary, with coordination duties performed by the MLSSS Child Labor Division. (19) Research could not determine whether the committee met during the year.
National Council for Children's Services	Quarterly coordinate government efforts on child-related issues, including child labor. (5) Operate the National Children Database, which collects comprehensive data on children, including child labor. (5) Led by a presidential appointee, comprises 18 NGOs, private sector representatives, faith-based organizations, and representatives from various ministries. Research could not determine whether the committee met during the year.
National Labor Board	Advise the Cabinet Secretary of Labor, Social Security and Services on all issues related to labor and employment, including legal and policy issues. (19) Research could not determine whether the committee met during the year.
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. (51) Comprises multiple government agencies, private employers, workers' organizations, and civil society organizations. (28) Research could not determine whether the committee met during the year.
Local, Advisory, and District Child Labor Committees	Coordinate activities to eliminate child labor at the local level. (5) Research could not determine whether the committee met during the year.

In 2017, the National Gender and Equality Commission spearheaded a campaign to end gender-based violence that includes sexual exploitation of girls. (11) Although the government has coordination mechanisms, research could not find information about many of their accomplishments during the year.

V. GOVERNMENT POLICIES ON CHILD LABOR

The government has established policies related to child labor (Table 9). However, policy gaps exist that hinder efforts to address child labor, including funding and mainstreaming child labor issues into relevant policies.

Table 9. Key Policies Related to Child Labor‡

Policy	Description
National Policy on the Elimination of Child Labor (2016)	Proposes strategies to prevent, identify, withdraw, rehabilitate, and reintegrate children involved in child labor, including its worst forms. (68) In fiscal years 2016 and 2017, the government established 12 child labor-free zones against a target of 13. (29)
National Plan of Action Against Sexual Exploitation of Children in Kenya (2013–2017)	Aims to prevent, protect, and reintegrate child victims of commercial sexual exploitation. Emphasizes identifying children engaged in commercial sexual exploitation; raising the awareness of community leaders, parents, and tourism employees on commercial sexual exploitation; and implementing programs to assist victims. (64) Research was unable to determine whether activities were undertaken to implement this policy during the reporting period.
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. (69) Research was unable to determine whether activities were undertaken to implement this policy during the reporting period.
County Integrated Development Plan	Serves as a guide for a county’s development planning processes. Required of all counties in Kenya. (70) For example, the plan addresses child labor on coffee and tea estates in Kiambu County and the issue of street children in Turkana County. (71; 72) Research was unable to determine whether activities were undertaken to implement this policy during the reporting period.

‡ The government had other policies that may have addressed child labor issues or had an impact on child labor. (73)

In the government’s Annual Social Protection, Culture and Recreation Sector report, the Department of Labor reported that 1,215 children were withdrawn from child labor and 12 child labor-free zones were established. (29; 58) The National Plan of Action Against Sexual Exploitation of Children in Kenya did not include a corresponding budget. (64) Child labor elimination and prevention strategies do not appear to be integrated into the UN Development Assistance Framework, Policy for Alternative Provision of Basic Education and Training, Kenya National Social Protection Policy, and the National Education Sector Support Program. (2; 74; 75)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2017, the Government funded and participated in programs that include the goal of eliminating or preventing child labor (Table 10). However, gaps exist in these social programs, including the adequacy of efforts to address the full scope of the problem.

Table 10. Key Social Programs to Address Child Labor‡

Program	Description
Projects to Combat Child Labor and Increase Education Access†	Government programs that aim to combat child labor, including its worst forms, such as commercial sexual exploitation of children and child trafficking. Child Protection and Rescue Centers temporarily house child victims and provide counseling and reintegration services for children; Kitui County Child Rescue Center withdraws and rehabilitates child laborers and provides counseling and life skills training. (2) The School Meals Program serves hot lunch to 2 million vulnerable children, resulting in improved school attendance. (1; 5; 76; 77) In 2017, the government allocated \$24.3 million to the school feeding program and established additional child protection centers. (11) The Government of Kenya provided safe custody of children in need of special protection. Services provided for children who were abandoned, sexually abused, and rescued from trafficking and requiring rehabilitation. In fiscal years 2016 and 2017, 2,416 children were prevented from entering the labor market or withdrawn from child labor, 400 children were rescued from child labor and provided with referral or reintegration services, and 9,529 children were reintegrated into their families or communities. (11) In 2017, two additional rescue centers were established in Siaya and Kakamega counties, increasing the number of centers to eight. (11)
National Safety Net Program for Results†	Includes \$411 million, government-funded, 5-year cash transfer and social safety net program, with support from the World Bank. Benefitted 353,000 households by assisting families of working children, orphans, and vulnerable children to meet their basic needs and pay for school-related costs. Budget allocation of \$87 million for 2015–2016. (1; 77) For fiscal 2017 and 2018, the government allocated \$93 million for orphans and vulnerable children. (11)
USDOL-Funded Projects to Combat Child Labor and Support Youth Apprenticeships	USDOL-funded projects to combat child labor and support youth apprenticeships. Includes \$3 million Better Utilization of Skills for Youth (BUSY) Through Quality Apprenticeships (2016–2020), and \$1.4 million Promoting Apprenticeship as a Path for Youth Employment in Kenya Through Global Apprenticeship Network (GAN) National Networks (2016–2018). Additional information is available on the USDOL website.
UN Agency-Implemented Projects	Humanitarian Assistance Program, a UNICEF-implemented program, has provided educational services to 179,895 children and nutritional services to 173,536 children. (78) In 2017, the Ministry of Public Service, Youth, and Gender Affairs collaborated with the UN Population Fund to establish gender-based violence recover centers for victims, including children. (11)

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

Program	Description
Child Labor Free Supply Chain Certifications	Government program supported by the EU and Cesvi, an NGO. Develops child labor-free supply chain certifications. (5; 79; 11)

† Program is funded by the Government of Kenya.

‡ The government had other social programs that may have included the goal of eliminating or preventing child labor. (1; 80; 81; 82; 83)

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 CHILD LABOR

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

Table 11. Suggested Government Actions to Eliminate Child Labor

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ratify the CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.	2013 – 2017
	Ensure that minimum age laws apply to children working in non-contractual employment.	2011 – 2017
	Raise the compulsory education age to 16 to be equivalent to the minimum age for work.	2013 – 2017
Enforcement	Authorize labor inspectors to assess penalties for child labor violations.	2010 – 2017
	Publish information about the Labor Inspectorate funding and refresher courses provided to labor inspectors on the worst forms of child labor.	2009 – 2017
	Ensure the MLSSS has sufficient financial and human resources to address labor violations.	2017
	Publish information about criminal law enforcement's efforts to investigate, prosecute, and convict perpetrators of the worst forms of child labor.	2009 – 2017
	Increase the number of labor inspectors to provide sufficient coverage for the workforce.	2015 – 2017
Coordination	Publish information about child labor coordination activities, including meetings during the year, and efforts to address child labor issues.	2016 – 2017
Government Policies	Ensure child labor policies are implemented, and publish information about activities under these policies, such as the National Plan of Action Against Sexual Exploitation of Children in Kenya.	2017
	Integrate child labor elimination and prevention strategies into the UNDAF, National Education Sector Support Program, Kenya National Social Protection Policy, and Policy for Alternative Provision of Basic Education and Training.	2013 – 2017
	Include a budget in the National Plan of Action Against Sexual Exploitation of Children in Kenya.	2013 – 2017
Social Programs	Update data on child labor by conducting a national child labor survey.	2014 – 2017
	Ensure that children can attend primary school, either by ensuring that school is free of fees or by subsidizing or defraying the cost of school fees, books, and uniforms.	2010 – 2017
	Improve access to education by training new teachers, ensure that pregnant girls can remain in school, address sexual abuse in schools by teachers, and increase birth registrations for children.	2010 – 2017
	Expand existing programs to address the scope of the child labor problem, including children engaged in commercial sexual exploitation.	2009 – 2017

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