

## **1) PREVALENCE AND SECTORAL DISTRIBUTION OF WORST FORMS OF CHILD LABOR:**

1. Some children were found working in hazardous work in the following sectors accordingly to a study carried out by the Ministry of Labour but mitigation initiatives were taken through labour inspections as well as through withdrawal by Non-Government Organizations. However, it was noted that most of the children were working in family business and others were in it due to poverty.

### **SECTOR**

- Agriculture: Fishing, miraa, charcoal burning, herding animals.
- Mining and quarrying.
- Transport and communication: Use of bicycles and motor cycles for transporting persons and goods, Pulling/pushing of handcarts (*mkokoteni*).
- Jua Kali (Informal Sector): Panel beating, Spray painting and heating to shape things  
Building Construction: Carrying loads, Work at heights, Work in extreme weather conditions.
- Sand harvesting: Digging and scooping of sand by riverside and in riverbeds, Loading and offloading.
- Domestic Work; Long and irregular working hours, Cooking, cleaning, ironing.
- Service and hospitality ;Bar tenders, masseurs, dancers, entertainers, child prostitution, child trafficking and exploitation

1.2 The Government through the collaboration of Social Partners, development partners, International Labour Organization, Faith based organizations, and community based organizations developed list of hazardous work and light work in line with the provisions of the Employment Act, 2007.

## **2). LAWS AND REGULATIONS:**

2.1 During the period under review, the government has not yet enacted any law or regulation on child labour though discussions are ongoing to review the Employment Act which was enacted in 2007.

2.2 The minimum age of entry into employment is 16 years. The government has provided free and compulsory education upto standard 8. Normally children at primary finish the basic education at the age of 14 to 15 years. Children of between 13 to 15 years are allowed to do light work

2.3 The Employment Act, 2007 prohibits children below 18 years to engage in any form of hazardous work. Children below are prohibited from working in any Industrial Undertaking

2.4 The Employment prohibits children from working in the following activities:

- a) Forced labor/trafficking/other practices similar to slavery,
- b) Child soldiering, and in particular forced recruitment for child soldiering
- c) Prostitution,
- d) The use, procuring or offering of a child for the production of pornography or for pornographic performances,
- e) The use of children by an adult for illegal activities (such as drug trafficking).

If possible, list the specific laws that prohibited the following activities:

2.5 The penalty for engaging children in the worst forms of child labour is up to ksh. 200,000/=

### **3) GOVERNMENT TASK FORCE ON THE WORST FORMS OF CHILD LABOR:**

3.1 There exists a National Steering Committee which is mandated to coordinate child labour activities especially the elimination of the worst forms of child labour. The NSC is composed of 18 organizations/ institutions which draw membership from the following:

- a. Key line ministries e.g. Education, Ministry of Gender and Children's Services, Labour, Youth etc.
- b. Non Governmental organizations
- c. Social Partners - Federation of Kenya Employers and Central Organization of Trade Unions
- d. Development partners
- e. Attorney General's Chambers
- f. International Labour Organization

The NSC has been existence since 1997 as a gazetted committee which spearheads policy on child labour in consultation with the National Labour Board.

### **4) INSTITUTIONS AND MECHANISMS FOR ENFORCEMENT OF LABOR LAWS REGARDING CHILD LABOR AND HAZARDOUS CHILD LABOR:**

4.1 The Ministry has County Labour Officers who are working in 47 Counties who are responsible for enforcing labour laws relating to child labour. There are other implementing agencies which are as follows:

- Non Governmental organizations
- Faith Based Organizations
- Community Based organizations
- Government departments eg Children's Services, Education, Agriculture
- Trade Unions and employers organizations/ Associations
  
- At the National Level, the Child Labour Division is responsible for coordinating child labour activities. At the grassroots level, the County/ District Child Labour Committees coordinate child labour activities. Children who were withdrawn from children were either integrated with their families or taken to institutions.

4.2 During the period, no Labour Officers/ Inspectors were employed. Currently, there are 95 labour officers who are employed by the ministry. The number of officers is not adequate to address issues of child labour.

4.3 The government allocated Ksh.10 million out of which Ksh.5 million was allocated to the Child Labour Division and Ksh.5 million to County Labour Officers in order to strengthen Child Labour Committees and enforcement services. This amount is not adequate and the officers lack transport facility to enable them carry out inspections

4.4 During the period, 50 labour officers attended one day training on child labour, The training was however not adequate, The training needs were identified by the ministry personnel

4.5 The number of child labour inspections carried out were 120 and were not adequate

4.6 The number of children who were removed from child labour was 4,800. The removal of children from child labour is related to inspections as well as to other factors such as complaints received in the office, assistance from other agencies especially community based organizations.

4.7 There were no penalties which were issued during the period under review.

## **5) INSTITUTIONAL MECHANISM FOR EFFECTIVE ENFORCEMENT OF CRIMINAL LAWS ON CHILD FORCED LABOUR/TRAFFICKING, COMMERCIAL SEXUAL EXPLOITATION AND USE OF CHILDREN IN ILLICIT ACTIVITIES**

5.1 During the period under review, the following agencies were responsible for enforcement of laws relating to child labour:

**a) The National Police Service and Department of Public Prosecution:** It was dealing with trafficking of children, commercial sex exploitation and illicit activities such as selling of drugs and substances abuse.

**b) Ministry of Gender and Children's Services:** It was dealing with children were found scavenging, sexual exploitation and child trafficking

**c) Ministry of Labour:** Dealing with child prostitution, forced labour

**d) NACADA:** Dealing with children in illicit activities such as drugs and substances abuse

5.2 During the month of November, 2012 the ministry held four (4) days workshop in order to create a network of child labour focal point of key line ministries and social partners. The objective of the network is to bring on board all the stakeholders and also to ensure effective coordination of child labour activities.

5.3 The workshop doubled up as a training of law enforcement officers on the rights of children. The training was however not adequate and further training is required. The training was organized by the ministry of Labour and funded by the International Labour Organization.

5.4 The children who were withdrawn from child labour were referred to children remand homes, schools and other rehabilitation centers.

5.5 There is however no adequate data to show the number of investigations conducted due to lack of effective and efficient reporting mechanism.

## **6) GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR;**

6.1 The National Child Labour Policy was finalized and is due to be submitted to the cabinet.

6.2 The National Social Protection Policy was approved by the cabinet and the bill passed by the parliament.

6.3 The Employment policy was also passed by Cabinet

6.4 The National Action Programmes on elimination of child labour continued to be implemented.

## **7) SOCIAL PROGRAMS TO ELIMINATE OR PREVENT CHILD LABOR:**

7.1 During the period, the government approved the following Nation action programmes on child labour:

a). Enhancing the Role of Employers through promotion of safe work for youth in the Elimination of Child Labour and support to the National Action Plan. The program is been implemented by Federation of Kenyan Employers.

b). Trade Union Action against Child Labour especially its WFCL in Agricultural sector in Kilifi County. The program is been implemented by Kenya Plantation & Agricultural Workers Union.

c). Mainstreaming Child Labour Elimination in the Curriculum and capacity building for NFE teachers and stakeholders in Mombasa and Kilifi which is implemented by Kenya Institute of Education

d). Trade Union Contribution to the creation of Child Labour Free Zones through awareness raising and advocacy against Domestic Labour.

The programs listed above targeted the children at greatest risk of involvement in child labor and the funding was provided by International Labour Organization. The programs were however short time and started late. The impact of the activities will be assessed this year.

## **7.2 Donor Funded Programs**

From the beginning of February, 2012 the Child Labour Division eight Roundtable meetings with attendance of fifteen the Development and Social partners on monthly basis. The objective of holding the monthly meetings is to:

(i) Mainstream elimination of child labour in national and sectoral strategies, policies and programmes.

(ii) Establish and maintain an up to date and reliable database on child labour

(iii) Harness stakeholder efforts towards elimination of all forms of child labour

(iv) Eliminate all worst forms of child labour by 2015

As a result of holding the meetings, the following activities have been achieved through collaboration of the Ministry, Social Partners and Development partners:

i. Celebration of the World Day against Child Labour which was held on 12th June, 2012 at Kenya School of Monetary Studies. The meeting was attended by 120 participants including children withdrawn from child labour; The event was sponsored by CESVI (NGO).

ii. Holding of a 3 day Retreat to finalize the documentation of the National Child Labour Policy. The Retreat was held in Nakuru and was sponsored by TDH and Kenya Alliance for Advancement of Children's Rights (KAACR). ILO/ IPEC has also sponsored consultancy of the policy

iii. The Validation workshop of Child Labour Policy which was held on 14th August, 2012 at Nairobi Safari Club

iv. The one day Training and Sensitization workshop on establishment of Child Labour Free Zones this was held on 21st August, 2012 at Marble Arch Hotel, Nairobi. The workshop was attended by 80 participants including 14 labour officers. This is in line with the National Child Labour Policy which is aspiring to create child labour free zones in all the Counties.

v. Four days workshop to create and expand network of child labour focal point of key line ministries and social partners which was held in November, 2012

vi. The ministry of labour in collaboration with Social Partners, Non- Governmental Organizations, Faith based Organizations and Community based organizations with assistance from International Labour Organization developed list of hazardous and light on child labour.

## **8) MOST IMPORTANT EFFORTS AND CHALLENGES:**

8.1 The government is currently creating a network of focal point of line ministries and development partners with a view of coordinating activities related to child labour.

8.2 The government is identified activities which have been identified under the proposed national child labour policy which requires to be implemented.

8.3 The challenges that the government is facing in addressing child labour are as follows:

a) The main causes of child labour is poverty which as a result of unemployment. Most families are not able to meet basic needs.

b) The other challenge is that some of the worst forms of child are not easily detected especially child prostitution and children working in the informal sector.

c) There are no adequate resources to implement long term programs.

d) Inconsistencies in various laws and Regulations pertaining to children.