

KENYA

MINIMAL ADVANCEMENT – Efforts Made but Continued Practice that Delayed Advancement

In 2023, Kenya made minimal advancement in efforts to eliminate the worst forms of child labor. The National Steering Committee convened for the first time in several years to develop a workplan for a new child labor survey and support entry into the Alliance 8.7 pathfinder country program, which commits Kenya to accelerated progress towards elimination of child labor and forced labor. The government also continued its support of county-level child labor interventions, including convening two new children’s advisory committees in Busia and Kwale counties, while the Nyamira county assembly adopted a child protection policy to direct resources for child labor awareness and prevention activities. In addition, the government significantly increased the number of labor inspections it conducted at worksites from 8,131 to 13,268 during the reporting period. However, despite new initiatives to address child labor, Kenya is assessed as having made only minimal advancement because elements within the Kenyan Defense Forces continued to provide in-kind support to a Somali federal member state group that has been implicated in the recruitment and use of child soldiers. Key coordinating committees related to the elimination of child labor also lack adequate resources to carry out their mandates, and the labor inspectorate does not have sufficient financial and human resources, affecting its ability to ensure that child labor laws are enforced.

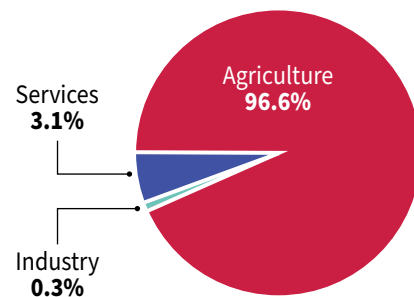


PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Statistics on Children’s Work and Education

Children	Age	Percent of Population
Working	5 to 14	5.9% (782,258)
Hazardous Work by Children	15 to 17	16.4% (569,031)
Attending School	5 to 14	92.4%
Combining Work and School	7 to 14	6.2%

Working Children by Sector, Ages 5-14



Children in Kenya are subjected to the worst forms of child labor, including in commercial sexual exploitation, sometimes as a result of human trafficking, and forced domestic service. Children also perform dangerous tasks in agriculture.

Overview of Children’s Work by Sector and Activity



Agriculture

Farming,† including cultivating land, tilling, planting, weeding, and harvesting of sisal, sugarcane, tea, coffee, tobacco, khat (*miraa*),† rice, and other crops, herding† cattle, and fishing.†



Industry

Construction,† quarrying† for stone, sand harvesting,† and mining† for gold.



Services

Domestic work,† street work, including vending and hawking, transporting† goods and people. Also engaged in garbage scavenging† and begging.†



Categorical Worst Forms of Child Labor‡

Forced labor in slaughterhouses, begging and street vending, domestic work, herding livestock, fishing, as well as commercial sexual exploitation, sometimes as a result of human trafficking; use in illicit activities, including in drug trafficking, intelligence gathering to plan for criminal operations, and providing security for criminal operations.

† Determined by national law or regulation as hazardous and, as such, relevant to Article 3(d) of ILO Convention (C.) 182.

‡ Child labor understood as the worst forms of child labor per se under Article 3(a)–(c) of ILO C. 182.



SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE CHILD LABOR

The suggested government actions below would close gaps USDOL has identified in Kenya’s implementation of its international commitments to eliminate the worst forms of child labor.

Legal Framework

Accede to the United Nations Convention on the Rights of the Child Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.

Broaden light work regulations to limit the number of hours for all light work activities, including for work outside of agriculture or horticulture.

Raise the minimum age of work from age 16 to age 18 to align with the compulsory education age and ensure that children up to the compulsory education age are covered by the light work provisions.

Ensure that laws providing free basic education cover all children in Kenya, including non-citizens.

Increase penalties for all recruitment of children by non-state armed groups, whether by force or not, to be commensurate with crimes of similar gravity, such as forcible recruitment for armed conflict.

Enforcement

Publish information about labor law enforcement efforts, including the funding of the labor inspectorate, the number of child labor violations, and the number of child labor violations in which penalties were imposed and collected.

Increase the number of labor inspectors from 165 to 1,314 to ensure adequate coverage of all sectors, including agriculture, and to reduce the burden of labor arbitration responsibilities that limit time dedicated for onsite labor inspections.

Ensure that the Ministry of Labor has sufficient material resources, including vehicles, to address labor violations in all geographical regions and sectors, including in the informal economy.

Publish information about criminal law enforcement efforts related to the worst forms of child labor, including the number of investigations and prosecutions initiated.

Ensure that magistrates handling child protection cases receive training on policies, laws, and procedures, including the Sexual Offenses Act and the Children Act.

Coordination

Strengthen coordination between the Child Labor Unit and the Department of Children Services, including sharing of child protection data and referral of child laborers for rehabilitation services, to better facilitate management and resolution of child labor cases.

Ensure that all coordinating bodies, including the National Steering Committee on Child Labor, receive sufficient funding to fully carry out their intended mandates of overseeing efforts to eliminate child labor across government agencies, civil society organizations, and employer organizations.

Increase coordination between the Office of the Director of Public Prosecutions and the State Department for Labor and Skills Development regarding litigation and penalty assessment of cases related to labor violations to ensure timely adjudication of violations related to labor law, including child labor.

Government Policies

Ensure that activities are undertaken to implement the National Policy on the Elimination of Child Labor and publish results from activities implemented during the reporting period, including implementation of outlined strategies to increase child labor awareness, establish child labor free zones, and improve accessibility to education and social protection programs.

Provide sufficient fiscal resources for public institutions mandated to develop and implement child labor policies, including the State Department for Labor and Skills Development and its National Steering Committee on Child Labor, as well as the State Department for Social Protection.

Social Programs

Put in place measures to strengthen the monitoring, prevention, and remediation of child recruitment into armed conflict, including by armed groups receiving financial, training, transportation, and other forms of in-kind support from Kenyan Defense Forces, and develop accountability mechanisms to hold perpetrators of the worst forms of child labor, including child soldiering, accountable.

Enhance efforts to eliminate barriers and make education accessible for all children, including girls and refugee children, by improving access to birth registration documents, increasing the number of schools, and improving existing educational facilities in refugee camps.

Improve access to education by increasing the number of schools and teachers, addressing sexual abuse in schools, and eliminating or defraying the cost of school fees, books, and uniforms.

Expand existing programs to address the scope of the child labor problem, including establishing interventions to support children engaged in commercial sexual exploitation.

Reports indicate that local elements of the Kenyan Defense Forces (KDF) maintained ongoing support of Jubaland Security Forces (JSF), a federal member state group in Somalia, that the UN and other organizations report as recruiting and using children in armed conflict. Such support has included training, provision of transportation (including armed vehicles), intelligence sharing, payment of salaries of JSF combatants, and allowing JSF regiments to garrison in northern Kenya, near the border of Somalia. Local organizations and community leaders in both northern Kenya and Jubaland have likewise observed recruitment by the JSF, sometimes even occurring on the Kenyan side of the border, with some KDF elements providing direct training to child recruits. Research cannot identify any screening or mitigation procedures within the KDF to ensure that children recruited by the JSF and their respective units are not benefiting from Kenyan training and other forms of tactical support.

 **CHILDREN AT HIGHER RISK**




A severe drought and food shortages have increased school absenteeism and child labor vulnerabilities, particularly in Kenya’s northern counties. In addition, children living in refugee camps, especially those who identify as LGBTQIA+, are targeted for commercial sexual exploitation. Moreover, traffickers increasingly exploit migrant children and children with disabilities in forced begging. Finally, criminals involved in terrorist networks lure and recruit Kenyan children to join non-state armed groups, primarily Al Shabaab, in Somalia, sometimes with fraudulent promises of lucrative employment.

 **BARRIERS TO EDUCATION ACCESS**









Some children living in Kenya lack birth registration and national identification documents, resulting in difficulties in accessing services and education. Although Kenya law mandates free basic education and prohibits schools from charging tuition fees, the cost of unofficial fees levied by local schools, as well as the cost of books and uniforms, prevent some children from attending school, particularly at the secondary level. Long travel distances, teacher and staff shortages, and sexual abuse within schools further contribute to children in Kenya dropping out of school and becoming vulnerable to the worst forms of child labor. Furthermore, children seeking asylum or of refugee status are often restricted to living in designated areas, such as the Kakuma and Dadaab refugee camps, where there are limited schools and existing facilities lack sufficient teachers, textbooks, electricity, and latrines.

 **LEGAL FRAMEWORK FOR CHILD LABOR**

Kenya has not ratified all key international conventions concerning child labor, including the UN Convention on the Rights of the Child Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography. In addition, Kenya’s laws do not meet international standards on free public education because the law allows fees to be levied for children residing in Kenya but who are not Kenyan citizens.

Child Labor Laws and Regulations	Meets International Standards	Legislation
Minimum Age for Work, 16 Years		Sections 2, 52, and 56 of the Employment Act; Sections 12 and 16 of the Employment (General) Rules; Section 10.4 of the Children Act; Sections 18.1 and 18.2 of the Children Act of 2022
Minimum Age for Hazardous Work, 18 Years		Sections 2, 53.1, and 64 of the Employment Act; Sections 2 and 10.1 of the Children Act; Sections 2 and 18 of the Children Act of 2022
Identification of Hazardous Occupations or Activities Prohibited for Children		Sections 2 and 52 of the Employment Act; Section 12 and the Fourth Schedule of the Employment (General) Rules

Legal Framework for Child Labor (Cont.)

Child Labor Laws and Regulations	Meets International Standards	Legislation
Prohibition of Slavery, Debt Bondage, and Forced Labor		Article 30 of the Constitution; Sections 2, 4, and 53.1 of the Employment Act; Sections 254–266 of the Penal Code; Sections 2–4 of the Counter-Trafficking in Persons Act; Section 13.1 of the Children Act; Section 18.3 of the Children Act of 2022
Prohibition of Child Trafficking		Sections 2 and 3 of the Counter-Trafficking in Persons Act; Section 13.1 of the Children Act; Sections 2, 4, and 53.1 of the Employment Act; Sections 174 and 254–265 of the Penal Code
Prohibition of Commercial Sexual Exploitation of Children		Sections 2 and 13–16 of the Sexual Offenses Act; Sections 2 and 53.1 of the Employment Act; Sections 2 and 15 of the Children Act; Sections 2 and 22 of the Children Act of 2022
Prohibition of Using Children in Illicit Activities		Sections 2 and 53.1 of the Employment Act; Sections 2 and 16 of the Children Act; Section 24 of the Children Act of 2022
Minimum Age for Voluntary State Military Recruitment, 18 Years		Sections 2 and 10.2 of the Children Act; Section 243 (1) of the Kenya Defense Forces Act
Prohibition of Compulsory Recruitment of Children by (State) Military	N/A*	Section 243 (1) of the Kenya Defense Forces Act
Prohibition of Military Recruitment by Non-state Armed Groups		Section 2, 3, and 10 of the Counter-Trafficking in Persons Act; Sections 19 and 246 of the Children Act of 2022
Compulsory Education Age, 18 Years		Sections 2, 28, and 30 of the Basic Education Act; Section 2 and 13 of the Children Act of 2022
Free Public Education		Section 7.2 of the Children Act; Sections 28, 29, and 32 of the Basic Education Act; Article 53(b) of the Constitution; Section 13 of the Children Act of 2022

*Country has no conscription

Children ages 13 to 16 are only permitted to perform light work. However, Kenya’s laws do not meet international standards because they do not limit the hours for light work, except for agricultural and horticultural work. In addition, as the minimum age for work is lower than the compulsory education age, children may be encouraged to leave school before the completion of compulsory education. Moreover, although the Basic Education Act establishes free basic education and stipulates that children should not be denied admission to school on account of not paying fees, the law does not meet international standards because it permits schools to levy tuition for children who reside in Kenya but do not have Kenyan citizenship. Kenya’s legal framework also does not fully meet international standards for the protection of children from armed conflict, because the Counter-Trafficking in Persons Act does not criminalize the recruitment of children in the absence of force or fraud. Although the Children Act of 2022 addresses this gap by prohibiting the use of children by armed groups both within Kenya and across the border, the penalty of imprisonment not to exceed 12 months is not commensurate with crimes of similar gravity.



ENFORCEMENT OF LAWS ON CHILD LABOR

In 2023, labor and criminal law enforcement agencies in Kenya took actions to address child labor. However, an insufficient number of labor inspectors hindered enforcement efforts.

Agencies Responsible for Child Labor Law Enforcement

The Ministry of Labor and Social Protection: Conducts labor inspections and enforces labor laws, including those related to child labor, and directs activities to promote awareness and withdraw children from child labor through its Child Labor Division. Includes the State Department for Labor and Skills Development (SDLSD), which houses the Child Labor Division. Also includes the State Department for Social Protection and Senior Citizen’s Affairs (SDSPSCA), which maintains a Child Protection Information Management System (CPIMS) that collects, aggregates, and reports on child protection data, including child labor violations, to assist child protection officials to track and report on child protection activities. CPIMS reported that 214 children were removed from child labor during the reporting period, though it does not specify whether these occurred as a result of labor inspections or other interventions. Research indicates that there are gaps in coordination in information sharing and case management between SDLSD and SDSPSCA.

The Office of the Director of Public Prosecutions (ODPP): Enforces laws through the prosecution of criminal offenses, including labor-related offenses. ODPP directs the National Police Service, including its Anti-Human Trafficking and Child Protection Unit, to investigate cases related to the worst forms of child labor.

Enforcement Mechanisms and Efforts

Has a Labor Inspectorate	Yes	Has a Complaint Mechanism	Yes
Able to Assess Civil Penalties	Yes	Imposed Penalties for Child Labor Violations	Yes
Routinely Conducted Worksite Inspections	Yes	Conducted Criminal Investigations for Worst Forms of Child Labor Crimes	Unknown
Unannounced Inspections Permitted	Yes	Imposed Penalties for Worst Forms of Child Labor Crimes	Yes

In 2023, **165** labor inspectors conducted **13,268†** worksite inspections, finding an **unknown** number of child labor violations. It is **unknown** whether investigations into the worst forms of child labor were conducted or whether prosecutions were initiated, although **1** perpetrator was convicted and sentenced to 81 years imprisonment.

† Data are from July 1, 2022, to June 30, 2023.



COORDINATION, POLICIES, AND PROGRAMS

Key Mechanism to Coordinate Government Efforts on Child Labor

Kenya established a mechanism to coordinate its efforts to address child labor. However, gaps exist that hinder the effective coordination of efforts to address child labor, including a lack of coordination between government agencies involved in the protection of children from child labor.

National Steering Committee on Child Labor: Oversees efforts to prevent and eliminate child labor and comprises government agencies, private employers, and workers’ organizations. Children Area Advisory Councils work with the National Steering Committee to carry out child labor prevention efforts at the county level. The National Steering Committee met in February 2023 to advance progress on Kenya’s intention to join Alliance 8.7 as a pathfinder country and to commission a study on child labor prevalence in the country. In addition, the government convened new children’s advisory committees in Busia and Kwale counties.

Coordination, Policies, and Programs (Cont.)

<p>Key Policies Related to Child Labor</p> <p>Kenya established policy related to child labor. However, insufficient funding hindered implementation of this policy.</p> <p><i>‡ The government had other policies that may have addressed child labor issues or had an impact on child labor.</i></p>	<p>National Policy on the Elimination of Child Labor: Proposes strategies to prevent and eliminate child labor, including its worst forms, while providing support and rehabilitation for children removed from child labor. Includes measures to establish child labor-free zones, increase financial support for labor law enforcement, raise awareness, improve accessibility to education and social protection programs, and integrate child labor into corporate responsibility programs.</p>
<p>Key Social Programs to Address Child Labor</p> <p>Kenya funded and participated in programs that include the goal of eliminating or preventing child labor. However, these social programs are inadequate to address the problem in all sectors and in all states where child labor has been identified, including in the commercial sexual exploitation of children.</p> <p><i>† Program is funded by the Government of Kenya.</i> <i>‡ The government had other social programs that may have included the goal of eliminating or preventing child labor.</i></p>	<p>National Safety Net Program (2013–2026):<i>†</i> Government-funded, social safety net program, with support from the World Bank. During the reporting period, the government spent \$202 million (31 billion Kenyan shillings) on social assistance to vulnerable groups. In addition, the government disbursed approximately \$2 million (338.6 million Kenyan shillings) through its Hunger Safety Net Program to respond to the drought and food crises faced by Kenya’s northern counties, reaching 119,406 families as of August 2023.</p>

For information about USDOL’s projects to address child labor around the world, visit dol.gov/ILABprojects
 For references, please visit dol.gov/ChildLaborReports