

Kenya

Incidence and Nature of Child Labor

An estimated 32.5 percent of children ages 5 to 14 years in Kenya were counted as working in 2000. Approximately 34.7 percent of all boys 5 to 14 were working compared to 30.4 percent of girls in the same age group.²⁵⁸³ Children living in rural areas were more likely to work than children living in urban areas.²⁵⁸⁴ The commercial and subsistence agriculture and fishing sectors employ the largest number of working children, followed by the domestic service sector.²⁵⁸⁵ Children are found working on tea, coffee, sugar, and rice plantations. Children also work in the informal sector, predominantly in family businesses.²⁵⁸⁶ There are large numbers of street children in Kenya's urban centers. Street children are often involved in illegal activities such as drug trafficking.²⁵⁸⁷ Child prostitution is widespread in Kenya, and takes place in bars, discos, brothels, massage parlors, and on the streets. The majority of children exploited in prostitution are between 13 and 17 years old.²⁵⁸⁸ Poverty and an increased number of children orphaned by HIV/AIDS have contributed to a rise in the number of child prostitutes.²⁵⁸⁹ Many girls who hawk or beg during the day reportedly work as prostitutes at night.²⁵⁹⁰ In the agricultural sector, girls are sometimes forced to provide sexual services in order to obtain plantation work. Sudanese and Somali refugee children are also alleged to be involved in prostitution in Kenya.²⁵⁹¹ Child labor is one of many problems associated with poverty. In 1997, the most recent year for which data are available, 22.8 percent of the population in Kenya were living on less than USD 1 a day.²⁵⁹²

Kenya is a source, transit, and destination country for child trafficking.²⁵⁹³ Poverty, the death of one or both parents, and self-interest may contribute to a family's decision to place a child in the hands of better-off relatives, friends, or acquaintances who may end up trafficking and/or exploiting the child. Child trafficking in Kenya occurs mainly through personal and familial networks.²⁵⁹⁴ Kenyan children are trafficked internally for sexual exploitation, as well as for work in street vending, agriculture, and forced

²⁵⁸³ UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. 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, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

²⁵⁸⁴ Central Bureau of Statistics--Ministry of Finance and Planning, *The 1998/99 Child Labor Report*, September 2001, 34; available from <http://www.ilo.org/public/english/standards/ipecc/simpoc/kenya/report/ken98.pdf>.

²⁵⁸⁵ *Ibid.*, 37.

²⁵⁸⁶ U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Kenya*, Washington, DC, February 28, 2005, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2004/41609.htm>.

²⁵⁸⁷ *Ibid.*, Section 5. HIV/AIDS and poverty are thought to have contributed to a rise in the number of orphans and street children. See Commonwealth News and Information Service, *Better Care Needed for Children Orphaned by HIV/Aids in Kenya*, [previously online] April 21, 2004 [cited May 13, 2004]; available from <http://allafrica.com/stories/printable/200404210895.html> [hard copy on file].

²⁵⁸⁸ U.S. Department of State, *Country Reports- 2004: Kenya*, Sections 5 and 6d. See ECPAT International CSEC Database, <http://www.ecpat.net> (Kenya; accessed June 1, 2005).

²⁵⁸⁹ U.S. Department of State, *Country Reports- 2004: Kenya*, Section 5.

²⁵⁹⁰ ECPAT International CSEC Database, (Kenya; accessed June 1, 2005).

²⁵⁹¹ *Ibid.*

²⁵⁹² World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.

²⁵⁹³ U.S. Department of State, *Trafficking in Persons Report*, Washington, DC, June 3, 2005; available from <http://www.state.gov/g/tip/rls/tiprpt/2005/46614.htm>.

²⁵⁹⁴ U.S.Embassy- Nairobi official, email communication to USDOL official, August 11, 2006.

domestic labor. Kenya's coastal area is a known destination for trafficked children. Children are trafficked there to be sexually exploited in Kenya's growing sex tourism industry. Children from Burundi and Rwanda may have been trafficked to Kenya for sexual exploitation and domestic work.²⁵⁹⁵

Primary education is free and schooling is compulsory through grade 12. However, less than half of children who graduate from primary school continue on to secondary school. The government has provided tuition-free primary education since 2003.²⁵⁹⁶ As a result of this policy, first-time enrollment increased by between 1.1 million²⁵⁹⁷ and 1.3 million children in the year following implementation.²⁵⁹⁸ Unintended results of the policy have included overcrowded classrooms due to increased enrollment, insufficient numbers of teachers, and inadequate financial resources. In 2002, the gross primary enrollment rate was 92 percent and the net primary enrollment rate was 66 percent.²⁵⁹⁹ Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2000, 74.9 of children ages 5 to 14 years were attending school.²⁶⁰⁰ As of 2001, 59 percent of children who started primary school were likely to reach grade 5.²⁶⁰¹ However, there remains a gender bias in school access, with girls reportedly experiencing greater difficulty in accessing education than boys.²⁶⁰² As the government expands primary education, it faces the challenges of high numbers of overage students, lack of teachers in some areas or overworked teachers, teaching material shortages, large class sizes, lack of classrooms, and inadequate facilities.²⁶⁰³

Child Labor Laws and Enforcement

The Children's Act of 2001 prohibits all forms of child labor that are exploitative and hazardous, or that would prevent children under the age of 16 from going to school.²⁶⁰⁴ However, this law does not apply to children who work in agriculture or as apprentices under the terms of the Industrial Training Act.²⁶⁰⁵

The worst forms of child labor may be prosecuted under different statutes in Kenya. The Constitution prohibits forced and bonded labor, servitude, and slavery.²⁶⁰⁶ The Children's Act prohibits child sexual

²⁵⁹⁵ U.S. Embassy- Nairobi official, email communication to USDOL official, August 11, 2006. See also U.S. Department of State, *Trafficking in Persons Report*, Washington, DC, June 3, 2005; available from <http://www.state.gov/g/tip/rls/tiprpt/2005/46614.htm>.

²⁵⁹⁶ U.S. Department of State, *Country Reports- 2004: Kenya*, Section 5. See also UN Commission on Human Rights, Kenya's Statement at the 61st Session on the Commission on Human Rights, Agenda Item 13: Rights of the Child, 61st, April 7, 2005; available from <http://www.unchr.info/61st/docs/0408-Item13-Kenya.pdf>.

²⁵⁹⁷ U.S. Department of State, *Country Reports- 2004: Kenya*, Section 5.

²⁵⁹⁸ See Statement by Kenya 2005, 3. See also UNICEF, *Harry Belafonte urges all countries to end school fees*, New York, February 18, 2004; available from http://www.unicef.org/media/media_19262.html.

²⁵⁹⁹ UNESCO Institute for Statistics, <http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51> (Gross and Net Enrolment Ratios, Primary; accessed December 2005).

²⁶⁰⁰ UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

²⁶⁰¹ UNESCO Institute for Statistics, <http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55> (School life expectancy, % of repeaters, survival rates; accessed December 2005).

²⁶⁰² School completion rates for girls have increased, and the Government of Kenya has reported that the completion rate among girls is higher than that for boys. Kenya CRC Coalition, *Supplementary Report to Kenya's First Country Report on the Implementation of the UN Convention on the Rights of the Child*, Nairobi, March 2001, 5.

²⁶⁰³ Integrated Regional Information Networks (IRIN), "Kenya: Feature: The challenge of providing free primary education", IRINnews.org, [online], February 7, 2003 [cited June 23, 2005]; available from <http://www.irinnews.org/print.asp?ReportID=32164>. See also UNESCO-Nairobi Office, "Kenya launches mass literacy," *EFA News No. 4* (May, 2003); available from http://www.unesco.org/education/efa/news_en/28.05.03_kenya.shtml.

²⁶⁰⁴ U.S. Embassy- Nairobi, *reporting*, August 15, 2003. See also ILO NATLEX National Labor Law Database, *Children Act, 2001 (No.8 of 2001)*; accessed June 23, 2005; available from http://www.ilo.org/dyn/natlex/natlex_browse.home.

²⁶⁰⁵ See U.S. Department of State, *Country Reports- 2004: Kenya*, Section 6d.

²⁶⁰⁶ *The Constitution of Kenya, Revised Edition*; available from <http://kenya.rcbowen.com/constitution/>.

exploitation.²⁶⁰⁷ The Penal Code prohibits procurement of a girl under 21 for the purpose of unlawful sexual relations.²⁶⁰⁸ Kenya does not explicitly prohibit trafficking in persons, but the Penal Code criminalizes child commercial sexual exploitation, child labor, and the transportation of children for sale.²⁶⁰⁹ The Children's Act prohibits children under 18 years from being recruited in armed conflicts or participating in hostilities.²⁶¹⁰

The Ministry of Labor and Human Resource Development is responsible for enforcing child labor legislation with its Child Labor Division, but is assisted by other sections when specific expertise is required.²⁶¹¹ Labor inspectors and occupational health and safety officers have been trained in child labor reporting²⁶¹² and labor inspection reports include findings on child labor.²⁶¹³ According to the U.S. Department of State, the Ministry of Labor and Human Resource Development's enforcement of the minimum age law was minimal.²⁶¹⁴ The Ministry of Labor has indicated that its inspectorate department, which is the main unit responsible for enforcing compliance, is understaffed.²⁶¹⁵ As of late 2005, the Ministry of Labor's directorate of Occupational Health and Safety Services only had 57 inspectors to cover the whole country.²⁶¹⁶ The Department of Children's Services is responsible for the administration of all laws regarding children, conducts awareness-raising activities regarding children's rights, and manages child rehabilitation institutions.²⁶¹⁷

The Government of Kenya has made efforts to combat trafficking in persons. Kenya has adopted stricter border controls, and in late 2004-early 2005, the Human Trafficking Unit of the Kenyan police investigated a suspected child trafficking ring with operations between the United Kingdom and Kenya.²⁶¹⁸ The Unit also conducted surveys of massage parlors, brothels, foreign employment agencies, and other establishments and persons that were suspected of being involved in trafficking.²⁶¹⁹ However, during the period of 2005-early 2006, the Human Trafficking Unit had not conducted any investigations into trafficking cases.²⁶²⁰

²⁶⁰⁷ Integrated Regional Information Network, "Kenya: Focus on New Legislation and Hopes for Child Welfare", IRINnews.org, [online], March 1, 2002 [cited June 23, 2005]; available from <http://www.irinnews.org/print.asp?ReportID=23483>.

²⁶⁰⁸ Government of Kenya, *Penal Code*, [previously online], Section 147; available from <http://209.190.246.239/protectionproject/statutesPDF/Kenya1.pdf> [hard copy on file]. See also ECPAT International CSEC Database, (Kenya; accessed June 1, 2005).

²⁶⁰⁹ U.S. Department of State, *Country Reports- 2004: Kenya*, Section 5.

²⁶¹⁰ The Children's Act of 2001 also states that it is the government's responsibility to protect, rehabilitate, and re-integrate child victims of armed conflict into society. Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004: Kenya*, London, November 17, 2004; available from http://www.child-soldiers.org/document_get.php?id=966.

²⁶¹¹ The Child Labor Division is staffed by 10 officers. Central Bureau of Statistics--Ministry of Finance and Planning, *The 1998/99 Child Labor Report*, 7. See also U.S. Embassy- Nairobi, *reporting*, August 23, 2004. U.S. Embassy- Nairobi, *reporting*, September 14, 2005.

²⁶¹² U.S. Department of State, *Country Reports- 2004: Kenya*, Section 6d.

²⁶¹³ *Ibid.*

²⁶¹⁴ *Ibid.*

²⁶¹⁵ U.S. Embassy- Nairobi official, email communication to USDOL official, August 11, 2006.

²⁶¹⁶ *Ibid.* See also U.S. State Department official, email communication to USDOL official, August 18, 2006.

²⁶¹⁷ Central Bureau of Statistics--Ministry of Finance and Planning, *The 1998/99 Child Labor Report*, 7.

²⁶¹⁸ U.S. Department of State, *Trafficking in Persons Report*.

²⁶¹⁹ *Ibid.*

²⁶²⁰ U.S. Embassy- Nairobi official, email communication to USDOL official, August 11, 2006.

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The government's National Development Plan for 2002-2008 recognizes child labor as a problem and calls for an evaluation of the impact of child labor on the individual and the country, as well as its implications on the quality of the future labor force.²⁶²¹

The Government of Kenya is taking part in a 3-year, USD 5.3 million USDOL-funded ILO-IPEC regional project aimed at building capacity to eliminate the worst forms of child labor.²⁶²² The government also participates in a 4-year, USD 5 million USDOL-funded Timebound Program implemented by ILO-IPEC that focuses on withdrawing and preventing children from engaging in domestic service; commercial sex; commercial and subsistence agriculture; fishing and pastoralism; as well as informal sector street work.²⁶²³ In partnership with the ILO, the government removes children from the street and provides them with educational and vocational training.²⁶²⁴ Kenya is also part of a USDOL-funded regional project that aims to improve access to and quality of basic, technical, and vocational education and training for HIV/AIDS-affected children who are working or at risk of working in the worst forms of child labor.²⁶²⁵ The government also took part in a Sweden-funded ILO-IPEC project on child labor in domestic work, which ended in June 2005.²⁶²⁶ Kenya also participated in two Dutch-funded inter-regional ILO-IPEC projects which focused on combating child labor with educational interventions.²⁶²⁷ The government also participated in a USDOL-funded ILO-IPEC East Africa Commercial Agriculture project, which ended in May 2005.²⁶²⁸

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	4/9/1979	✓
Ratified Convention 182	5/7/2001	✓
ILO-IPEC Member		✓
National Plan for Children		
National Child Labor Action Plan		✓
Sector Action Plan		

In 2005, the Kenyan Ministry of Tourism and Wildlife, UNICEF, the World Tourism Organization, and ECPAT worked with hotels and tour operators to increase their awareness of child prostitution and sex tourism and to develop a Code of Conduct to combat child sex tourism and protect children.²⁶²⁹ In 2004, the government implemented a new program requiring owners of tourist guesthouses to register all workers,²⁶³⁰ partly to deter sex tourism.²⁶³¹ Subsequently, eight guesthouses were closed due to violations and the government provided assistance to seven foreign children.²⁶³² Beginning in 2005, the Ministry of Tourism mounted a campaign to register villas and cottages, putting them under the same strictures and

²⁶²¹ ILO-IPEC, *Technical Progress Report: Prevention, withdrawal, and rehabilitation of children engaged in hazardous work in commercial agriculture in Kenya*, Geneva, August 29, 2002, 3.

²⁶²² The project's core countries also include Ghana, Nigeria, Uganda, and Zambia. ILO-IPEC, *Building the Foundations for Eliminating the Worst Forms of Child Labour in Anglophone Africa*, project document, Geneva, September 24, 2002.

²⁶²³ The project supports the National Plan of Action for the Elimination of the Worst Forms of Child Labor in Kenya. See ILO-IPEC, *Supporting the National Plan of Action for the Elimination of the Worst Forms of Child Labour in Kenya*, project document, Geneva, September 30, 2004.

²⁶²⁴ U.S. Department of State, *Trafficking in Persons Report*.

²⁶²⁵ World Vision, *Kenya, Uganda, Rwanda, and Ethiopia Together (KURET) Initiative*, project document, Federal Way, July 18, 2005.

²⁶²⁶ ILO-IPEC official, email communication to USDOL official, November 8, 2005.

²⁶²⁷ One project was funded at USD 2.47 million and ended in December 2005, while the other, which focuses on child domestic workers, was funded at USD 391,615 and is slated to end in February 2006. Ibid.

²⁶²⁸ ILO-IPEC, *Prevention, withdrawal and rehabilitation of children engaged in hazardous work in the commercial agricultural sector in Africa*, project document, Geneva, September 28, 2000.

²⁶²⁹ U.S. Embassy- Nairobi official, email communication to USDOL official, August 11, 2006.

²⁶³⁰ U.S. Department of State, *Trafficking in Persons Report 2005*.

²⁶³¹ U.S. Department of State, *Country Reports- 2004: Kenya*, Section 5.

²⁶³² U.S. Department of State, *Trafficking in Persons Report*.

requirements as hotels, and encouraging them to participate in the ECPAT Code of Conduct initiative.²⁶³³ Government officials, prosecutors, and police also attended training workshops on human trafficking conducted by the American Bar Association.²⁶³⁴ The government provides shelter and medical care to street children working in commercial sexual exploitation.²⁶³⁵ The government and ILO-IPEC are also working to improve a database on abused children, particularly those who are working.²⁶³⁶

Education sector reforms undertaken by the government include the promotion of the free primary education policy, good governance and school management, as well as the review and development of the curriculum.²⁶³⁷ The Government of Kenya has also received support from UNICEF to raise the enrollment and primary completion rates of girls.²⁶³⁸ The Government of Kenya is currently receiving support from the Education for All Fast Track Initiative to achieve its goal of implementing universal quality primary education.²⁶³⁹ To support the government's policy of free primary education, the World Bank is providing USD 50 million, the majority of which will be used to expand the Government of Kenya/British Department for International Development textbook program. World Bank funds will also be used for activities such as teacher development and enhancing school accounting policies.²⁶⁴⁰ The U.S. Department of Agriculture is also providing funds to support nutritious school meals for children.²⁶⁴¹

²⁶³³ U.S. Embassy- Nairobi official, email communication to USDOL official, August 11, 2006.

²⁶³⁴ U.S. Department of State, *Trafficking in Persons Report*.

²⁶³⁵ *Ibid.*

²⁶³⁶ U.S. Embassy- Nairobi, *reporting*, August 23, 2004.

²⁶³⁷ Republic of Kenya, *Millennium Development Goals: Progress Report for Kenya, 2003*; available from <http://www.undp.org/mdg/kenya.pdf>.

²⁶³⁸ UNICEF, *At a glance: Kenya*, in UNICEF, [online] n.d. [cited June 23, 2005]; available from <http://www.unicef.org/infobycountry/kenya.html>.

²⁶³⁹ World Bank, *Education for All Fast Track Initiative: Frequently Asked Questions*, World Bank, [online] October 14, 2005 [cited January 17, 2006]; available from <http://www1.worldbank.org/education/efafti/faq.asp>.

²⁶⁴⁰ World Bank Projects Database, <http://www.worldbank.org> (Free Primary Education Support Project; accessed September 23, 2005).

²⁶⁴¹ U.S. Department of State, *U.S. Funds Will Provide School Meals in Latin America, Caribbean*, press release, Washington, D.C., August 17, 2004; available from <http://usinfo.state.gov/xarchives/display.html?p=washfile-english&y=2004&m=August&x=20040817152631A&enerG0.8231623&t=livefeeds/wf-latest.html>.