

## Kenya

### *Selected Statistics and Indicators on Child Labor*

Percent of children 5-14 estimated as working in 2000:	32.5% <sup>2338</sup>
Minimum age of work:	16 <sup>2339</sup>
Age to which education is compulsory:	14 <sup>2340</sup>
Free public education:	Yes <sup>2341*</sup>
Gross primary enrollment rate in 2004:	111% <sup>2342</sup>
Net primary enrollment rate in 2004:	76% <sup>2343</sup>
Percent of children 5-14 attending school in 2000:	74.9% <sup>2344</sup>
As of 2003 percentage of primary school entrants likely to reach grade 5:	75% <sup>2345</sup>
Ratified Convention 138:	4/9/1979 <sup>2346</sup>
Ratified Convention 182:	5/7/2001 <sup>2347</sup>
ILO-IPEC participating country:	Yes <sup>2348</sup>
*Must pay for school supplies and related items.	

### Incidence and Nature of Child Labor

In 2000, approximately 34.7 percent of boys and 30.4 percent of girls 5 to 14 were working in Kenya.<sup>2349</sup> Children work in the informal sector and with their families—in businesses as well as in agriculture. Children work in commercial and subsistence agriculture, and work with their families on tea, coffee, rice, and sugar plantations.<sup>2350</sup> Children work in herding and in fisheries.

<sup>2338</sup> UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, March 1, 2007.

<sup>2339</sup> ILO, *Report of the Committee of Experts on the Application of Conventions and Recommendations (articles 2, 3, 6, 7 and 8 of the Minimum Age Convention): Kenya*, ILO Conference, 93rd session, Geneva, 2006; available from <http://www.ilo.org/ilolex/gbe/ceacr2006.htm>. See also U.S. Department of State, "Kenya," in *Country Reports on Human Rights Practices- 2006*, Washington, DC, March 6, 2007, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2006/78740.htm>.

<sup>2340</sup> UNESCO Institute for Statistics, *National Education Systems*, accessed September 25, 2006; available from [http://www.uis.unesco.org/statsen/statistics/yearbook/tables/Table3\\_1.html](http://www.uis.unesco.org/statsen/statistics/yearbook/tables/Table3_1.html). See also ILO, *Report of the Committee of Experts: Kenya*. See also U.S. Department of State, "Country Reports- 2006: Kenya," Section 5.

<sup>2341</sup> ILO-IPEC, *Supporting the National Plan of Action for the Elimination of the Worst Forms of Child Labour in Kenya*, project document, Geneva, September 6, 2004, 6. See also U.S. Department of State, "Country Reports- 2006: Kenya," Section 6d.

<sup>2342</sup> UNESCO Institute for Statistics, *Gross Enrolment Ratio. Primary. Total*, accessed December 20, 2006; available from <http://stats.uis.unesco.org/>.

<sup>2343</sup> UNESCO Institute for Statistics, *Net Enrolment Rate. Primary. Total*, accessed December 20, 2006; available from <http://stats.uis.unesco.org>.

<sup>2344</sup> UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

<sup>2345</sup> UNESCO Institute for Statistics, *Survival Rate to Grade 5. Total*, accessed December 18, 2006; available from <http://stats.uis.unesco.org>.

<sup>2346</sup> ILO, *Ratifications by Country* accessed October 7, 2006; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>

<sup>2347</sup> Ibid.

<sup>2348</sup> ILO-IPEC, *IPEC Action Against Child Labour: Highlights 2006*, [online] 2006 [cited October 18, 2006], 30; available from [http://www.ilo.org/iloroot/docstore/ipecc/prod/eng/20070228\\_Implementationreport\\_en\\_Web.pdf](http://www.ilo.org/iloroot/docstore/ipecc/prod/eng/20070228_Implementationreport_en_Web.pdf).

<sup>2349</sup> UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

<sup>2350</sup> U.S. Department of State, "Country Reports- 2006: Kenya," Section 6d.

Children also work in domestic service, construction, transport, quarries, and mines, including gold mines. Street children work in the informal sector.<sup>2351</sup>

Children are reported to engage in prostitution in bars, discos, brothels, massage parlors, and on the streets. While the majority of children exploited in prostitution are between 13 and 17, children as young as 9 are reported to be involved.<sup>2352</sup> Many girls who hawk or beg during the day reportedly engage in prostitution at night. 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.<sup>2353</sup> The growth of the tourism industry has been accompanied by an increase in children's involvement in prostitution.<sup>2354</sup>

In 2006, UNICEF released a study on sex tourism and the commercial sexual exploitation of children along Kenya's coast. The report found that in the coastal towns of Malindi, Mombasa, Kalifi, and Diana, up to 15,000 girls or up to 30 percent of all children 12 to 18 years living in these areas engage in "casual" prostitution.<sup>2355</sup> It found that up to 3,000 additional boys and girls were engaged in prostitution on a full-time, year-round basis, and that 45 percent of girls involved in prostitution and sex tourism were between 12 and 13 when they first engaged in transactional sex.<sup>2356</sup>

Kenyan boys between 15 and 18 years are trafficked to the Middle East for labor exploitation.<sup>2357</sup> Within Kenya, children are trafficked for domestic service, street vending, agricultural work, and commercial sexual exploitation. Kenya's coastal area is a known destination for trafficked children to be exploited in sex tourism.<sup>2358</sup> Poverty, the death of one or both parents, and self-interest may contribute to a family's decision to place a child with 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.<sup>2359</sup>

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<sup>2351</sup> ILO-IPEC, *Supporting the National Plan of Action for the Elimination of Child Labor*, project document, vi, 42.

See also U.S. Department of State, "Country Reports- 2006: Kenya," Section 6d.

<sup>2352</sup> ECPAT International CSEC Database, *Kenya*, accessed October 7, 2006; available from <http://www.ecpat.net>.

See also U.S. Embassy- Nairobi official, E-mail communication to USDOL official, August 11, 2006.

<sup>2353</sup> ECPAT International CSEC Database, *Kenya*.

<sup>2354</sup> U.S. Department of State, "Country Reports- 2006: Kenya," Sections 5 and 6d.

<sup>2355</sup> U.S. Embassy- Nairobi, *reporting*, December 20, 2006. See also Chris Niles, *Report Reveals Kenyan Child Sex Industry of 'Horrific' Magnitude*, [online] [cited April 1, 2007]; available from [http://www.unicef.org/protection/kenya\\_37817.html](http://www.unicef.org/protection/kenya_37817.html).

<sup>2356</sup> U.S. Embassy- Nairobi, *reporting*, December 20, 2006.

<sup>2357</sup> U.S. Department of State, "Country Reports- 2006: Kenya," Section 5.

<sup>2358</sup> U.S. Department of State, "Kenya (Tier 2 Watch List)," in *Trafficking in Persons Report- 2006*, Washington, DC, June 5, 2006; available from <http://www.state.gov/g/tip/rls/tiprpt/2006/65989.htm>. See also U.S. Embassy- Nairobi official, E-mail communication, August 11, 2006.

<sup>2359</sup> U.S. Embassy- Nairobi official, E-mail communication, August 11, 2006.

## Child Labor Laws and Enforcement

The law sets the minimum age for employment at 16 years.<sup>2360</sup> The law on minimum age does not apply to children who work in agriculture or apprenticeships.<sup>2361</sup> The law, however, prohibits all forms of child labor that are hazardous, exploitive, or would prevent children under 16 years from attending school.<sup>2362</sup>

The Kenyan Constitution prohibits slavery, bonded and forced labor, and servitude, including by children.<sup>2363</sup> The law prohibits the procurement of girls under 21 for the purpose of unlawful sexual relations,<sup>2364</sup> the commercial sexual exploitation of children, and the transportation of children for sale.<sup>2365</sup> On July 14, 2006, President Kibaki signed into law the Sexual Offenses Act, which specifically criminalizes child trafficking, trafficking for sexual exploitation, child prostitution, child pornography and sex tourism, rape and defilement. For child trafficking, the minimum penalty is 10 years of imprisonment plus a fine, and for trafficking for sexual exploitation, the minimum penalty is 15 years of imprisonment, a fine, or both. If a girl under 14 years is raped, the perpetrator is considered to have committed the lesser offense of “defilement” under Kenyan law. The new law also provides harsher penalties for defilement than it does for rape.<sup>2366</sup> The law also prohibits children under 18 years from being recruited into the military and holds the government responsible for protecting, rehabilitating, and reintegrating children involved in armed conflict into society.<sup>2367</sup>

The Ministry of Labor and Human Resource Development is responsible for enforcing child labor laws, but, according to the U.S. Department of State, the Ministry’s enforcement of the minimum age law continues to be nominal.<sup>2368</sup>

The police anti-trafficking unit and the Criminal Investigation Department (CID) are responsible for combating trafficking, but, according to the U.S. Department of State, are not yet effective.<sup>2369</sup>

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<sup>2360</sup> ILO, *Report of the Committee of Experts: Kenya*. See also U.S. Department of State, “Country Reports- 2006: Kenya,” Section 6d.

<sup>2361</sup> U.S. Department of State, “Country Reports- 2006: Kenya,” Section 6d.

<sup>2362</sup> Ibid. See also ILO NATLEX National Labor Law Database, *Children Act, 2001 (No. 8 of 2001)*, accessed October 8, 2006; available from [http://www.ilo.org/dyn/natlex/natlex\\_browse.home](http://www.ilo.org/dyn/natlex/natlex_browse.home).

<sup>2363</sup> *The Constitution of Kenya*, (Revised edition (1998) 1992); available from <http://kenya.rcbowen.com/constitution/>. See also U.S. Department of State, “Country Reports- 2006: Kenya,” Section 6c.

<sup>2364</sup> Government of Kenya, *Penal Code*, [previously online] 1955, Section 147; available from <http://209.190.246.239/protectionproject/statutesPDF/Kenya1.pdf> [hard copy on file]. See also ECPAT International CSEC Database, *Kenya*.

<sup>2365</sup> U.S. Department of State, “Country Reports- 2006: Kenya,” Section 5.

<sup>2366</sup> Ibid. See also U.S. Embassy- Nairobi official, E-mail communication, August 11, 2006.

<sup>2367</sup> Coalition to Stop the Use of Child Soldiers, “Kenya,” in *Child Soldiers Global Report 2004*, London, 2004; available from [http://www.child-soldiers.org/document\\_get.php?id=803](http://www.child-soldiers.org/document_get.php?id=803).

<sup>2368</sup> U.S. Department of State, “Country Reports- 2006: Kenya,” Section 6d. See also U.S. Embassy- Nairobi, *reporting*, September 14, 2005.

<sup>2369</sup> U.S. Department of State, “Country Reports- 2006: Kenya,” Section 5. See also U.S. Embassy- Nairobi official, Email communication to USDOL official, July 31, 2007.

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

The Government of Kenya'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.<sup>2370</sup>

In February 2006, the government renewed the 3-year mandate for the National Steering Committee on the Elimination of Child Labor. An Inter-Ministerial Coordination Committee on Child Labor chaired by the vice president is responsible for setting general policy.<sup>2371</sup> In December 2006, the Ministry of Home Affairs, in collaboration with the Offices of the President and Vice President and the Ministries of Labor, Education, and Tourism, established a National Steering Committee to combat human trafficking. Several ministries continued to implement a trafficking education, awareness, and inspection program for the country's 68 foreign employment agencies.<sup>2372</sup>

The Government of Kenya continues to participate in a 4-year, USD 5 million Project of Support to the Kenya Timebound Program on the Elimination of Child Labor funded by USDOL and implemented by ILO-IPEC. The project aims to withdraw 15,000 children and prevent 7,000 children from exploitive labor in domestic service, commercial sexual exploitation, commercial and subsistence agriculture, fishing, herding, and informal-sector street work.<sup>2373</sup> The government collaborated with ILO-IPEC on the USD 5.3 million, regional project, Building the Foundations for Eliminating the Worst Forms of Child Labor in Anglophone Africa, funded by USDOL. This project withdrew a total of 6611 children and prevented 8061 from exploitive labor in five countries, including Kenya.<sup>2374</sup> The Government of Kenya also collaborates on the 4-year, USD 14.5 million Kenya, Uganda, Rwanda, and Ethiopia Together (KURET) Project funded by USDOL and implemented by World Vision, in partnership with the International Rescue Committee and the Academy for Educational Development. The KURET Project aims to withdraw or prevent a total of 30,600 children from exploitive labor in HIV/AIDS-affected areas of these four countries through the provision of educational services.<sup>2375</sup> Kenya also participates in the 5-year USDOL-funded Reducing Child Labor through Education (CIRCLE 1 and 2) global projects implemented by Winrock International through 2008; these projects work with community-based organizations to prevent or reduce exploitive child labor through the provision of education.<sup>2376</sup>

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<sup>2370</sup> ILO-IPEC, *Prevention, Withdrawal and Rehabilitation of Children Engaged in Hazardous Work in Commercial Agriculture in Kenya, Tanzania, Uganda, Malawi, Zambia*, technical progress report, Geneva, August 29, 2002, 3.

<sup>2371</sup> U.S. Embassy- Nairobi official, E-mail communication, August 11, 2006. See also U.S. Department of State, "Country Reports- 2006: Kenya," Section 6d.

<sup>2372</sup> U.S. Department of State, "Country Reports- 2006: Kenya," Section 5.

<sup>2373</sup> ILO-IPEC, *Supporting the National Plan of Action for the Elimination of Child Labor*, project document, i, 42-44.

<sup>2374</sup> ILO-IPEC, *Building the Foundations for Eliminating the Worst Forms of Child Labour in Anglophone Africa*, final technical progress report, May 31, 2006. See also ILO-IPEC, *Building the Foundations for Eliminating the Worst Forms of Child Labour in Anglophone Africa*, project document, Geneva, September 24, 2002.

<sup>2375</sup> World Vision, *Kenya, Uganda, Rwanda, and Ethiopia Together (KURET)*, project document, July 18, 2005.

<sup>2376</sup> Winrock International, *Project Fact Sheet: Reducing Child Labor through Education (CIRCLE 1)*, [online] [cited October 13, 2006]; available from <http://www.winrock.org/fact/facts.asp?CC=5411&bu=>. See also Winrock International, *Project Fact Sheet: Reducing Child Labor through Education (CIRCLE 2)*, [online] [cited October 13, 2006]; available from <http://www.winrock.org/fact/facts.asp?CC=5411&bu=>. See also USDOL/ILAB,

The government also collaborated with ILO-IPEC on the implementation of two other child labor and education projects, including a USD 1.527 million regional project to provide skills training to urban youth, funded by Canada, and a USD 449,408 project to combat child domestic work in Tanzania and Kenya, funded by Sweden.<sup>2377</sup>

In 2006, the ECPAT Code of Conduct was signed by 30 hotels on the Coast of Kenya, which is the destination of many foreign tourists visiting the country. The Ministry of Tourism and the Kenya Association of Hoteliers and Caterers have expressed their expectation that all hoteliers and other hospitality and tourism firms sign and implement the ECPAT Code of Conduct.<sup>2378</sup>

Also in 2006, the government launched a national campaign to end violence against children, including child labor, trafficking, and sexual abuse. The initiative is being spearheaded by the Children's Department, in collaboration with representatives of UNICEF, NGOs, religious groups, and the private sector, and aims to raise USD 1.4 million to protect children.<sup>2380</sup> The government has provided shelter and medical services to street children who were involved in commercial sexual exploitation, and it established District Advisory Children's Centers throughout the country to provide counseling, educational services, medical care, and fostering to orphans and vulnerable children who are at risk of becoming victims of trafficking.<sup>2381</sup>

In 2006, the government worked with the IOM to institutionalize its efforts to fight human trafficking, and the Ministry of Home Affairs was charged with leading the Anti-Trafficking Steering Committee and the Task Force for drafting a National Action Plan on Trafficking. The Child Protection Department of the Ministry of Home Affairs received funding to hire 160 new children's officers, most of whom will be posted to the field.<sup>2382</sup>

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*Technical Cooperation Project Summary: Community-Based Innovations to Reduce Child Labor through Education I and II (CIRCLE I and II).*

<sup>2377</sup> ILO-IPEC official, E-mail communication to USDOL official, November 16, 2006.

<sup>2378</sup> U.S. Embassy- Nairobi official, E-mail communication, August 11, 2006. See also ILO-IPEC, *Building the Foundations for Eliminating the Worst Forms of Child Labour in Anglophone Africa (CBP)- Kenya*, technical progress report, Geneva, February 28, 2006.

<sup>2380</sup> Integrated Regional Information Networks, "Kenya: Campaign to Stop Violence Against Children", IRINnews.org, [online], July 27, 2006 [cited October 7, 2006]; available from <http://www.irinnews.org/print.asp?ReportID=54844>. See also U.S. Department of State, "Country Reports- 2006: Kenya," Section 6d.

<sup>2381</sup> U.S. Department of State, "Trafficking in Persons Report- 2006: Kenya." See also U.S. Department of State, "Country Reports- 2006: Kenya," Section 5.

<sup>2382</sup> U.S. Embassy- Nairobi, *reporting*, January 10, 2007.