



International
Labour
Organization

“CELEBRATING TEN YEARS OF ILO CONVENTION No. 182”

**AN INVENTORY OF ILO-IPEC’S CONTRIBUTION TO THE
FIGHT AGAINST CHILD LABOUR IN KENYA**

March 2009

**International Programme on Elimination of Child Labour
(IPEC)**

TABLE OF CONTENT

ACKNOWLEDGEMENT	v
ABBREVIATIONS AND ACRONYMS	vi
CHAPTER ONE: INTRODUCTION	1
1.1 BACKGROUND.....	1
1.2 STATUS OF CHILD LABOUR IN KENYA.....	2
1.3 OBJECTIVE OF THE INVENTORY REPORT	2
1.4 METHODOLOGY	3
1.5 REPORT ORGANIZATION	3
CHAPTER TWO: THE ILO-IPEC INTERVENTION STRATEGY	4
2.1 ILO CORE CONVENTIONS	4
2.2 ILO CONVENTION 138	4
2.3 ILO CONVENTION 182	5
2.4 COUNTRY RESPONSIBILITIES.....	6
CHAPTER THREE: IPEC PRESENCE IN KENYA	8
3.1 INTRODUCTION.....	8
3.2 THE KENYA COUNTRY PROGRAMME.....	8
3.3 EDUCATION AND TRAINING PROGRAMME	11
3.4 COMMERCIAL AGRICULTURE PROJECT	16
3.5 DOMESTIC CHILD LABOUR PROJECT	17
3.6 CAPACITY BUILDING PROGRAMME	19
3.7 SKILLS TRAINING PROJECT	21
3.8 TIME BOUND PROJECT OF SUPPORT	23
3.9 TACKLING CHILD LABOUR THROUGH EDUCATION	28
CHAPTER FOUR: IMPACT OF ILO PRESENCE IN KENYA	31
4.1 INTRODUCTION.....	31
4.2 CHILD LABOUR AWARENESS AND SOCIAL MOBILIZATION	31
4.3 DECLINE IN THE INCIDENTS OF CHILD LABOUR.....	31
4.4 IMPROVEMENT IN THE KNOWLEDGE BASE.....	32
4.5 CREATION OF INSTITUTIONS	32
4.6 SUSTAINABILITY OUTLOOK	32
4.7 CHALLENGES	32
CHAPTER FIVE: LESSON LEARNED.....	35
5.1 INTRODCUTION.....	35
5.2 MULTI-SECTOR APPROACH IS EFFECTIVE IN ADDRESSING CHILD LABOUR ...	35
5.3 THE COMMITMENT GOVERNMENT AGENCIES IS FOREMOST IN THE FIGHT AGAINST CHILD LABOUR.....	35

5.4	AWARENESS RAISING AND SOCIAL MOBILIZATION IS KEY TO IMPLEMENTING INTERVENTIONS AGAINST CHILD LABOUR.....	35
5.5	EDUCATION FOR ALL IS AN ESSENTIAL INGREDIENT	35
5.6	INVESTING IN CAPACITY OF PARTNERS AND COMMUNITIES ENHANCE THEIR PERFORMANCE	36
5.7	KNOWLEDGE BUILDING SHARPENS FOCUS	36
5.8	POVERTY REMAINS THE MAIN DRIVER INTO CHILD LABOUR	36
ANNEXES		37
ANNEX 1:	TBP IMPLEMENTATION MATRIX.....	37
ANNEX 2:	ILO CONVENTION 138 TEXT	40
ANNEX 3:	ILO CONVENTION 182 TEXT.....	47
ANNEX 4:	LIST OF ACTIVITIES CONSIDERED HAZARDOUS IN KENYA	51
REFERENCES.....		54

ACKNOWLEDGEMENT

Compiling “*Celebrating Ten Years of ILO Convention 1832: An Inventory of ILO-IPECs Contribution to the Fight Against Child Labour in Kenya*” Report was an assignment that required the cooperation of several individuals in Government Ministries and officers working in various ILO-IPEC projects and programmes as well as in implementing agencies. This publication reflects the collective efforts of all those who played a part in its compilation. We wish to express our profound gratitude to all those persons who rendered support especially in availing the necessary materials, opinions, and logistics. We would like to acknowledge the outstanding engagement of Mrs. Elizabeth Onuko (Ministry of Labour), Mr. Bernard Kiura (ILO-IPEC TACKLE Programme Officer), and Dr. Pascal Wambiya (formerly ILO-IPEC Programme Officer – Education and Training and Skill Training Projects). We are also grateful to Mrs. Hannah Ngaruiya (Pinnacle Development Consultants) for her editorial work. Mr. Vitalis Owino was recalled back to the office to assist in accessing library materials from the ILO-IPEC Resource Centre. We are thankful for his involvement.

It is our hope that this report will provide a glimpse into the work of ILO-IPEC since it started partnership with the Government and people of Kenya in the noble fight against child labour. It is also our desire that the report will serve as a signpost for people wishing to deepen their understanding of the experiences that Kenyans have gone through in an effort to combat child labour and attendant achievements with the assistance of ILO-IPEC. Ultimately, this report should encourage those Kenyans who have dedicated themselves to fight for the rights of children that it is possible to achieve a society free of child labour. Whereas we acknowledge the contribution of the many people who rendered a helping hand, we would like to accept errors and omissions as solely our own.

Robert N. Chutha
Executive Director
Pinnacle Development Consultants
Nairobi, Kenya

and

Wangui P. Irimu
Senior Programme Officer
Time Bound Project, Kenya
ILO-IPEC

ABBREVIATIONS AND ACRONYMS

ACRWC	Africa Charter on the Rights and Welfare of the Child
AMWIK	Association of Media Women of Kenya
ANPPCAN	African Network for the Prevention and Protection against Child Abuse and Neglect
ASAL	Arid and Semi-Arid Lands
CDL	Child Domestic Labour
CL	Child Labour
COTU	Central Organization of Trade Unions
CSEC	Commercial Sex Exploitation of Children
CWSK	Child Welfare Society of Kenya
DCLC	District Child Labour Committee
DVD	Digital Video Disc
FAWE	Federation of Women Educationists
FDSE	Free Day Secondary Education
FKE	Federation of Kenya Employers
FPE	Free Primary Education
GoK	Government of Kenya
IDP	Internally Displaced Persons
IDS	Institute of Development Studies
IEC	Information, Education and Communication
ILO	International Labour Organization
IPEC	International Programme on Elimination of Child Labour
KAACR	Kenya Association for Advancement of Children's Rights
KIHBS	Kenya Integrated Household Budget Survey
KNBS	Kenya National Bureau of statistics
KUDHEIA	Kenya Union of Domestic, Hotels, Education Institutions and Allied Workers
LCLC	Local Child Labour Committee
MoL	Ministry of Labour
MYSA	Mathare Youth and sports Association
NFE	Non-Formal Education
NPA	National Plan of Action
SCREAM	Supporting Children's Rights through Education, Art and Media
TACKLE	Tackling Child Labour Through Education
TBP	Time Bound Project
UNCRC	United Nations Convention on the Rights of Children
UON	University of Nairobi
US-DOL	United States Department of Labour
WFCL	Worst Forms of Child Labour

CHAPTER ONE: INTRODUCTION

1.1 BACKGROUND

Kenya was one of the first generation countries to participate in the International Labour Organization's International Programme on Elimination of Child Labour (ILO-IPEC's) activities. In the runner up to the establishment of IPEC, the Kenya Government solicited the support of ILO to establish the actual situation on child labour in the country. Extensive preparatory activities were carried out between 1990 and 1991 that paved way to the signing of the first memorandum of understanding between Kenya and ILO-IPEC in 1992. The MOU has since been successfully renewed. On the basis of the MOU, several programmes and projects have been implemented with the aim of progressively eliminating child labour, especially its worst forms, from the country. Child labour interventions to date include the following:

- i) The country programme, implemented in the period 1992 to 2002;
- ii) Education and training programme, implemented in the period 1999 to 2004;
- iii) Commercial agriculture project, implemented in the period 2002 to 2004;
- iv) Child Domestic Labor project, implemented in the period 2003 to 2005;
- v) Capacity building programme, implemented in the period 2004 to 2006;
- vi) Skill training project, implemented in the period 2004 to 2007;
- vii) Time bound Project of support, implemented in the period 2005 to 2009; and
- viii) Tackling Child Labour through Education, commenced implementation in 2009.

In May 2003, Dr. Philista Onayngo, a consultant, carried out a review on IPEC action against child labour in Kenya. The exercises covered the period 1992 to 2002 and it is contained in a publication titled "Taking stock of achievements and lesson learned". Since that review was carried out, several interventions have been carried out at both the policy and implementation levels. The total effort has resulted in dramatic decline in the incidents of child labour in Kenya. The Time Bound Project of Support has been the biggest and most incisive ILO-IPEC supported project in Kenya. With the TBP project of support coming to an end in April 2009, it is deemed necessary to document the achievements that have so far been accomplished in the fight against child labour in Kenya. The inventory would also document ILO-IPEC's contribution to the fight against child labour as the global fraternity celebrates ten years since the adoption of ILO Convention 182 (Worst Forms of Child Labour).

1.2 STATUS OF CHILD LABOUR IN KENYA

Child labour is a widespread problem in developing countries that is known to bear negative consequences in terms of economic and social development. The International Labour Organization (ILO) estimates that there are 317 million economically active children of whom 218 million are child labourers (ILO, 2006). The ILO further estimates that the majority of child labourers are to be found in the developing countries and that 126 million children are engaged in hazardous work. There are 49.3 million economically active children in Sub Sahara Africa alone. According to the ILO Global Report, the number of child labourers fell by 11 per cent from the level in 2002 while those engaged in hazardous work decreased by 26 per cent. Notably, child labourers in the 5-14 years age group fell by 33 per cent¹.

The Kenya Integrated Household Budget Survey Child Labour Analytical Report² revealed that 1.01 Million children comprising 535,000 boys (52.9 per cent) and 477,000 girls (47.1 per cent) to be working. Most of the working children were in the 15-17 (47.8 per cent) age group, followed by the 10-14 (36.4 per cent) and 5-9 (15.8 per cent). The survey identified 774,000 child labourers in Kenya of who 19,500 worked in risky and hazardous occupations. Child labour incidents in Kenya have been declining since the Government, in partnership with international and local organizations embarked on a systematic approach in dealing with the problem in 1992. In 1999, the number of children that were found to be working was 1.9 million. This means that, in a span of seven years, the number of working children had declined by 50 percent. The majority of child labourers are employed in the agricultural sector across the country. Children are also employed in domestic services, fisheries, mining and quarrying, and also in the street³. Child labour, however, remains a significant problem in the country.

1.3 OBJECTIVE OF THE INVENTORY REPORT

The inventory report serves the following objectives:

¹ The end of child labour: Within rich, ILO Global Report, Geneva 2006

² The Kenya Integrated Household Budget Survey Child Labour Analytical Report was produced by the Kenya National Bureau of Statistics with financial and support from the ILO-IPEC Time Bound Project of Support in June 2008.

³ Kenya Integrated Household Budget Survey 2005/2006 Child labour Analytical Report, Kenya National Bureau of Statistics in collaboration with ILO/IPEC, June 2008

- i) Update the “Taking Stock of Achievements and Lessons Learned” report;
- ii) Analyze the key elements of the achievements made by the ILO-IPEC presence in Kenya; and
- iii) Document the important lesson learned and key challenges encountered in the process of fighting child labour in Kenya.

1.4 METHODOLOGY

The Inventory of ILO-IPEC achievements, lessons and challenges in Kenya have been compiled mainly as desk study activity. Numerous documents and reports on the various programmes and projects were perused that included project documents, progress and evaluation reports, publications, articles, and documentaries. The responsible programme officers at ILO-IPEC, implementing agencies and Government were also interviewed to confirm the perspectives that ha been gleaned from secondary sources.

1.5 REPORT ORGANIZATION

“The long walk to a Kenya Society free of child labour”: Inventory of ILO-IPEC Achievements, Lessons and Challenges in Kenya report is presented in five chapters. The prelude part contains the foreword, a table of contents, an acknowledgement, and abbreviations and acronyms.

Chapter one is introductory and gives a background to the report, the summary status of child labour in Kenya, objectives of the stock taking exercise and explains the methodology used in gathering the information and compiling the report. **Chapter two** highlights the ILO-IPEC intervention strategy. It gleans the ILO core conventions on child labour (C138 and C182) and the country responsibilities in respect of the conventions. **Chapter three** reflects on the ILO-IPEC presence in Kenya as viewed through the various programmes and projects that have been implemented and the attendant thereof. **Chapter four** provides a quick analysis of the impact of the programmes, projects and strategic interventions that ILO-IPEC has been associated and attendant challenges. **Chapter five** draws important lessons that an benefit the design and implementation of future interventions that are aimed at progressing the fight against child labour in Kenya.

There are relevant annexes, tables, boxes and figures attached to the report.

CHAPTER TWO: THE ILO-IPEC INTERVENTION STRATEGY

2.1 ILO CORE CONVENTIONS

ILO-IPEC work in Kenya, as elsewhere in the world, has been guided by the two ILO core conventions that appertain to child labour. Kenya is signatory to the two core conventions as follows:

- ILO Convention 138 in 1979
- ILO Convention 182 in 2001

2.2 ILO CONVENTION 138

The Convention was adopted by the ILO Governing Body on 26th June 1973, with the aim of harmonizing the minimum Age of admission into employment as established for various economic sectors by previous Conventions. The objective of Convention 138 was to achieve the total abolition of child labour. The Convention:

- Requires each member country to pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons.
- Requires each member country to declare a minimum age for admission to employment or work within its territory in any occupation.
- Provides that the minimum age specified shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years. A member country whose economy and educational facilities are insufficiently developed may, however, initially specify a minimum age of 14 years after consultation with the concerned organizations of employers and workers in that country.
- Provides that the minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardize the health, safety or morals of young persons shall not be less than 18 years.
- Does not apply to work done by children and young persons in schools for general, vocational or technical education or in other training institutions. It also does not apply to work done by persons of at least 14 years of age in undertakings, where such work is carried out in accordance with conditions prescribed by the competent authority

- Provides that national laws or regulations may permit the employment or work of persons of 13 to 15 years of age on light work which is:
 - (a) Not likely to be harmful to their health or development; and
 - (b) Not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received.
- Requires each member country to formulate national laws and regulations to put the stipulations of the Convention into effect.

The full text of ILO Convention 138 is appended to this manual (see Annex 2).

2.3 ILO CONVENTION 182

The Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, known in short as the Worst Forms of Child Labour Convention, was adopted by the International Labour Organization (ILO) in 1999 as ILO Convention 182. By ratifying Convention 182, a country commits itself to taking immediate action to prohibit and eliminate the worst forms of child labour. The Convention has enjoyed the fastest pace of ratifications in the ILO's history since 1919.

2.3.1 *Basic Definition of worst forms of child labour*

Convention 182 gives the basic and general definition of worst forms of child labour. According to the Convention, worst forms of child labour include:

- (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; and
- (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

2.3.2 Defining hazardous child labour

Convention 182 requires each member country that has ratified the convention to define hazardous work. Member countries are also required to formulate national laws to prohibit children from being engaged in such work, no matter the circumstances. Hazardous child labour refers to all forms of engagement, which by their nature or the circumstances are likely to harm the health, safety or morals of children. For these types of work, the Convention recommended that the circumstances should be determined in consultation with organizations of employers and workers within a specific country. The Convention further recommends that programmes of action specifically targeting younger children, the girl child (including hidden work situation in which girls are at special risk), and other groups of children with special vulnerabilities or needs. Worst Forms of Child Labour Recommendation No 190 contains recommendations on the types of hazards that should be considered to be included within a country-based definition of worst form hazards⁴.

2.4 COUNTRY RESPONSIBILITIES

Kenya is signatory to the two core ILO conventions on child labour. Kenya ratified ILO Convention 138 on 9 April 1979 and ILO Convention 182 on 7 May 2001. By ratifying the international treaties, charters, conventions, and instruments, countries are obliged to domesticate them through:

- Formulation of national laws and regulations;
- Development of appropriate policies, programmes and project for implementation;
- Establishing institutions to implement the provisions;
- Mobilizing sufficient resources necessary for implementation; and
- Enforcing compliance within their jurisdiction.

The ILO core conventions have been domesticated in the following laws, regulations and policies:

- The Kenya constitution
- National labour laws (Employment Act, 2007; The Labour Institutions Act 2007; The Labour Relations Act, 2007; The occupational Safety and Health, Act 2007; and the Industrial Training Act (Cap 237)
- The Children's Act, 2001

⁴ The draft list of activities considered to be hazardous in Kenya is appended to this manual. See annex 4

- Sexual Offenses Act, 2006
- Education Act, Cap 211, and
- Supportive policies and strategies (specifically: the Draft National Child Labour Policy; Draft National Plan of Action on Elimination of Child Labour, and National Children Policy).

CHAPTER THREE: IPEC PRESENCE IN KENYA

3.1 INTRODUCTION

The Government of Kenya solicited the support of the International Labour Organization to address the problem of child labour whose incidents had reached a point of concern in 1989. In 1990, the ILO dispatched a team to hold discussion with key stakeholders, amongst them Government officials, workers' and employers' organizations, civil society organizations, researchers and international agencies. A sample survey was subsequently commissioned in 1992. The study revealed that incidents of child labour in Kenya's economic sectors were much higher than it had previously been understood. Children were found to be working in subsistence and plantation agriculture, domestic services, transport, mining, manufacturing and the informal sector. The sample survey results formed the basis for the development of a programme of action to combat child labour through an inclusive process.

By the time the International Programme on Elimination of Child Labour was established in 1992, Kenya had already taken the necessary measures that enable the country to partner with ILO-IPEC. Kenya therefore became one of the first countries in the world to partner with IPEC in the fight against child labour. Kenya signed a memorandum of understanding (MOU) with IPEC in 1992. The MOU has since been successively renewed. Kenya was also one of the first countries to ratify Convention 182 and has also ratified ILO Convention 138. These actions and events have enabled the implementation of several programme and projects aimed at advancing the fight against child labour. These include:

3.2 THE KENYA COUNTRY PROGRAMME

The Kenya Country Programme (KCP) was implemented during the period 1992 – 2002 and was funded by the German Government. The KCP kicked off the long partnership between Kenya and ILO-IPEC that continues to date. The KCP commenced immediately after Kenya signed the first memorandum of understanding with IPEC.

3.2.1 Project Focus

The Kenya Country Programme focus main on:

- Assisting in the creation of institutions that were appropriate for the fight against child labour;

- Building the institutional capacity within Government agencies, tripartite partners and implementing agencies;
- Raising awareness on the plight of child labourers;
- Assisting in the development of laws, policies and regulations necessary for advancing the fight against child labour;
- Developing a data base on the situation of child labour in Kenya; and
- Implementing direct action programmes on withdrawal, prevention, and rehabilitation of child labourers.

3.2.2 Project strategies

The Kenya Country Programme employed the following strategies in order to achieve its stated objectives:

- Awareness raising on child labour issues;
- Building institutions and their capacity to fight child labour;
- Promoting networking in order to carry out the fight against child labour in a united and comprehensive manner;
- Ensuring that current data and information is available to aid in the design of appropriate child labour interventions; and
- Implementation of direct actions to support withdrawal, prevention and rehabilitation of children engaged in labour.

3.2.3 Implementation Arrangements

It was during implementation of the KCP that the partnership approach to programme implementation was introduced and tested. Action programmes (APs) were developed and implemented by three Government Ministries (Labour, Home affairs, and Education), social partners (Central Organization of Trade Unions and Federation of Kenya Employers) and five implementing agencies (Kenya Broadcasting Corporation, Association of Media Women in Kenya, Undugu Society of Kenya, Child Welfare Society of Kenya, Sinaga, and Africa Network on Protection and Prevention Against Child Abuse and neglect).

3.2.5 Programme Achievements

The Kenya Country programme's interventions yielded the following results:

Awareness raising

Prior to the KCP, child labour had been recognized as a serious problem but the existing knowledge, attitudes and practices among government officials, communities and parents were ambivalent if not supportive of the practice. The KCP mounted a massive awareness raising campaign through the media and engagement with concerned parties to rift up the child labour agenda in the national debate.

Creation of institutions to combat child labour

The Kenya Country Programme assisted in the establishment of the Child Labour Unit within the Ministry of Labour in 1993. The unit has since been upgraded to Division level. The mandate of the Division is to accelerate the process of mainstreaming child labour in government programmes and operations. The Division coordinates all child labour issues in the country and provides linkages between international and national institutions on the one hand and lower level entities that deal with child labour.

Creation of the National Steering Committee

In 1994, the National Steering Committee (NCC) on child labour was created as and gazetted. The NCC is a broad-based policy making organ which oversees the implementation of anti-child labour interventions, coordinates the activities of the various implementers, intercedes with government to develop appropriate policies and strategies, and helps to focus the work of support organizations. The multi-sectoral committee draws membership from government, development agencies, and non-state actors that are active on children issues.

Production of the Child labour Analytical Report

In 2001, ILO-IPEC supported the Kenya Government, through the Central Bureau of Statistics, to publish the Child Labour Report as an analytical output from 1998/99 Kenya Household Budget Survey. This was the first authoritative source of national data on child labour. It was reported that there were 1.5 million child labourers in Kenya and that some of those children were working in conditions that constitute worst forms of child labour.

Legislation and policy support

In 1999, ILO Convention 182 (C182) was adopted, setting the priority on elimination of worst forms of child labour (WFCL). Kenya played an active role in the campaign for its

ratification including participation in the Global Match. Adoption of C182 paved the way for a more focused and better coordinated approach to the national efforts. ILO-IPEC played an important role in the drafting of the Children Act 2001 and formulation of revised labour laws. It was also during the KCP implementation period that development of the draft national child labour policy was initiated.

Implementation of direct actions

Sixty eight (68) action programmes and sixteen (16) mini programmes were implemented in the course of the ten- year Kenya Country Programme. Most of the direct actions aimed to withdraw, rehabilitate and reintegrate children found in child labour and prevent those at risk of entering the labour market.

3.3 EDUCATION AND TRAINING PROGRAMME

Kenya was one of the ten countries where the Education and Training Project was implemented. The project was realized as a result of the recognition by ILO-IPEC of the important role education plays in the Elimination of Child Labour. The project was titled ***“Eliminating Child labour Through Education and Training”*** and was implemented jointly with Education International (EI), UNESCO, UNICEF, International Organizations representing trade unions, and professional associations of teachers and education personnel with financial support from the Royal Norwegian Government. The Project in Kenya was started in September 1999 and ended in May 2002.

3.3.1 Project Focus

The main focus of the education and training project were as follows:

- Creating awareness and mobilizing actors on the importance of education and training in eliminating child labour;
- Strengthening of formal and transitional education/training systems to prevent child labour and attract/retain former working children;
- Strengthening national policies on education and child labour;

3.3.2 Project Objectives

The development objective was ***“to contribute to the elimination of child labour through the promotion of public policies and education practices which enhance the role of education as a major tool in combating child labour”***.

3.3.3 Project strategies

The education and training applied the following strategies in order to achieve its stated objectives:

- Awareness raising on child labour and promoting school enrolment and retention increase by targeting teachers/educators
- Improving school curriculums to better reflect child labour as an issue as well as the child's interests and needs.
- Ensuring that the child labour agenda features prominently in official pronouncements, bulletins, journals, the educational materials and mass media.
- Child labour concerns are included in national policies, programmes and budgets;
- Increasing teacher training activities and the development of educational material for use by teachers and children.

3.3.4 Implementation Arrangements

The education and training project comprised three project components. The first component titled “mobilizing teaches, educators ad their organizations in Kenya to combat child labour through education and training with emphasis on the fishing, sisal and miraa (khart) sectors” was implemented by the Kenya National Union of Teachers. It covered Nyambene, Siaya, Koibatek and Busia Districts. The second component was implemented by the Kenya Union of Domestic, Hotels, Education Institutions, Hospitals and Allied Workers. It was titled “prevention, withdrawal, rehabilitation and Reintegration of Child Domestic Workers and Children Working in the Tourism Industry through Education and training”. The component covered Kakamega, Mombasa, Kisumu, Nakuru, Kiambu, Mwingi Districts and Nairobi area. The third component focused on “combating child labour through the primary school curriculum and teacher training” and it was implemented by the Kenya Institute of education.

3.3.5 Project Achievements

ILO-IPEC supported implementation of the following interventions through the Education and Training Project:

The Kenya National Union of Teachers Component

- 773 children (383 boys and 388 girls were supported) in primary school
- TSC officials identified and sensitized on the importance of the improved status of teachers and their performance in school

- KNUT officials sensitized on the dangers of child labour.
- Primary and pre-school teachers sensitized on the dangers of child labour and the importance of quality education in keeping children in school.
- Lecturers from primary school training colleges sensitized in the dangers of child labour and the importance of quality education in keeping children in school.
- Kenya National Examination Council Officials sensitized on the relationship between examination system, dropout rate and child labour.
- 2000 assorted textbooks purchased to be accessed by 30 primary schools.
- 4 non-formal centers given Ksh.100,000 each to start income generating activities to support children removed from child labour
- 4 primary schools given 50,000 each to start Income Generating Activities (IGAs).

The Kenya Union of Domestic, Hotels, Education Institutions, Hospitals and Allied Workers Component

- A needs assessment was carried out to determine the extent of child labour in the domestic services and tourism sectors;
- Shopstewards and KUDHEIHA officials were sensitized to integrate child labour issues in their work;
- Child labour committees were formed in project districts and sensitized on child labour issues. The committees comprised: assistant chiefs, shopstewards, head teachers, and other stakeholders;
- Seven primary schools were identified and supported to start income generating activities (IGAs). The IGAs included Sheep rearing, micro finance, garment trading, bicycle repair, poultry keeping, livestock trade, and paraffin and charcoal trade;
- Families of rehabilitated children in Mombasa, Kakamega and Nairobi were supported to start income generating activities;
- 203 school children were supported with uniforms, text books, and stipend to take care of school levies;
- 45 children were withdrawn from child labour and provided with education opportunities.
- 200 assorted relevant textbooks bought to the supported schools to be accessed by all children

The Kenya Institute of Education Component

- An assessment was carried out in ten (10) districts to determine teachers' and pupils' needs to form the basis for curriculum development. Reports on the needs assessment were prepared and disseminated.
- A teachers' guide on child labour based on the needs assessment was developed by various subject panels to which child labour was infused.
- 270 teachers were trained on child labour issues and methods to teach child labour using the ILO-IPEC child labour resource kit.
- Child labour was infused in the new subject syllabuses in English, Christian Religious Education, Social Studies, and creative activities.
- The ILO-IPEC child labour information kit was adapted and translated into Kiswahili by the Tanzania Institute of Education and 1500 pieces were printed in Kenya. The information kits contain simple books, poems, songs on child labour and continue to be distributed to schools, non-formal centres, Ministry of Education, Science and Technology Officials, teacher Training Institutions, and the social partners. This could be used to train teachers to implement the infused curriculum.

3.3.6 Education and Training Project Second Phase

In the year 2002 the Education and training project launched the second phase of its project. This phase was funded by the Dutch Government.

Project focus

The project focused mainly on the excluded children in child labour and the need to avail education and training opportunities to them and to ensure that the recommendations in the first phase are addressed

Project implementation arrangements

The project worked with **Dupoto-e-maa**, a pastoralist NGO based in Kajiado district in the Rift Valley. This NGO was registered in 1994 to champion for the rights of pastoralist Maasai communities who have experienced marginalization since colonization. To capture more excluded children, the project is worked with an NGO called, the Centre for Education, Population, Environment and Development (CEPED). This NGO is based in Port Victoria on the shores of Lake Victoria and targeted the plight of AIDS orphans and their relatives.

Project aim

The project aimed at determining the nature of child labour amongst the marginalized communities and to determine the most appropriate methods of keeping children in school in conformity with ILO Convention 169 (concerning indigenous and tribal people). The project also worked with the Mathare Youth Sports Association (MYSA) to mobilize young people and adults in the slums to take action against child labour through sports, drama and music.

Achievements

- 1500 children were removed from pastoralism to primary schools through the use of home grown methods.
- A baseline survey was undertaken which clearly showed that child labour is a problem amongst the Massai. It also clearly indicated that Maasai parents still value cattle more than education. The report also revealed that the elders and stakeholders in Maasai land are aware of the importance of education and training, but they have a problem with the way their children are taught, the inability of their children to get decent jobs after school and intrusion into their area including schools by outsiders.
- 200 children from child labour in the fishing sector and enrolled to primary schools and training centers.
- A baseline survey was carried which revealed that in the 20 primary schools that CEPED was working with; half of the children are AIDS orphans. The survey has also revealed widespread poverty in the area and hunger.
- The project attached 100 children, half of them girls, to local craftsmen to learn skills which were identified as marketable in the area.
- Support was also given to 200 AIDS orphans to keep them in school. Their guardians were also assembled into groups of 20 each per school catchment area and given funds to start an IGA to keep their children in school.
- The project has been published as a good practice and shared with policy makers and other stake holders for replication.
- The project supported KUDHEIHA to expand to 8 other districts from the initial 7 during the second phase. The union us the same strategy of awareness raising, direct support and IGAs in the new project schools. It developed a documentation of good practice which they will share with the other partners.

3.4 COMMERCIAL AGRICULTURE PROJECT

The Commercial Agriculture Project (ComAgri) was a sub-regional project covering five countries (Kenya, Malawi, Tanzania, Uganda and Zambia). In Kenya was started in the year 2002 to address the problems faced by children engaged in the worst forms of child labour in tea, coffee and sugar sub sectors. The project covered seven districts including Bungoma, Butere-Mumias, Kiambu, Kericho, Nyando, Nyeri and Thika. The project ended in March 2005.

3.4.1 Project aims and objectives

In Kenya, the ComAgri project pursued the following aims and objectives:

- The capacity of governmental, non-governmental, community, and employers' and workers' organizations will have been strengthened to identify and eliminate hazardous child labour in selected areas;
- 1,500 Kenyan children working in hazardous conditions in agriculture will have been withdrawn and rehabilitated and their families provided with viable alternatives to exploitative child labour; and
- A further 3,000 Kenyan children will have been prevented from prematurely entering the labour market.

3.4.2 Project strategies

The ComAgri project utilized the following strategies in pursuit of its aims and objectives:

- i. Awareness raising and social mobilization;
- ii. Capacity building and sensitization;
- iii. Direct support for prevention and withdrawal;
- iv. Rehabilitation and reintegration;
- v. Monitoring and evaluation; and
- vi. Establishment of community based child labour monitoring system (CLMS).

3.4.3 Implementation Arrangements

As is the case with ILO-IPEC projects, ComAgri used the partnership approaches to implement the project. Action programmes (APs) were developed and implemented by the Ministry of Labour and Human Resources Development (MoL&HRD);

Federation of Kenya Employers (FKE); Kenya Agriculture and Plantation Workers Union (KAPWU), Kenya Union of Sugar Plantations Workers (KUSPW); Africa Network for the Prevention and Protection Against Child Abuse and Neglect (ANPPCAN); Child Welfare Society of Kenya (CWSK); and Kenya Episcopal Conference (KEC-CS).

3.4.5 Project Achievements

Over the three years of implementation, the project supported eight action programmes by seven implementing agencies in seven districts. The project also organized several capacity building seminars and workshops, carried out a baseline survey, and undertook other supporting activities. These efforts translated into the following deliverables against the set objective targets:

- 2,254 Kenyan children (1,004 girls and 1,250 boys) working in hazardous conditions in agriculture were withdrawn and rehabilitated and provided with viable alternatives to exploitative child labour. This means that the project exceeded the target by 50%;
- 4,137 children (1,897 girls and 2,240 boys) were prevented from entering the labour market. This represent 38% excess performance;
- The capacity of governmental, and non-governmental agencies, Kenya Federation of Employers, two trade unions (KAPWU and KUSPW), and local communities was strengthened to identify and eliminate hazardous child labour in the selected areas. 70 child labour committees were formed and activated in partnership with NGOs, trade unions and the employers organization;
- Income generating activities were started in 66 schools as a sustainability measure;
- A child labour monitoring system was developed by the Ministry of Labour and Human Resource Development; and
- Information, education and communication (IEC) materials were developed.

3.5 DOMESTIC CHILD LABOUR PROJECT

Kenya, together with Tanzania, Uganda and Zambia, implemented the project targeting children engaged in exploitative work in the domestic service sector. The Kenya project component was supported was supported by the Government of Sweden through SIDA and was implemented in the period 2002 to 2005.

3.5.1 Project aims and objectives

The aims and objectives of the DCL project were to implement the IPEC policy framework on dealing with DCL. The policy strategy focuses on:

- Designing rapid response removal strategies for all children under 18 years of age found in exploitative or hazardous DCL; and
- To develop protection measures around adolescents in CDL whose conditions can be improved and thus changed from hazardous to non-hazardous over a reasonably short time.

3.5.2 Project activities

The DCL Kenya Country Component carried out the following activities:

- i. Strengthening the inter sectoral linkages and building capacities at the community level;
- ii. Awareness creation at local level;
- iii. Promoting local level advocacy and preventive affirmative actions;
- iv. Support to selected schools and vocational training centers to start income generating activities to support children at risk of joining CDW; and
- v. Share experiences with partners and stakeholders to encourage scaling up and replication of good practices.

3.5.3 Implementation Arrangements

The African Network for Prevention and Protection Against Child Abuse and Neglect (ANPPCAN) was the main implementing agency for the DCL Kenya Country Component. ANPPCAN worked very closely with the Homa Bay District Child Labour Committee.

3.5.4 Project Achievements

The DCL Kenya country component achieved the following results:

Decentralization of multi-sectoral child labour committees from district to divisional, village and school levels

Child labour committees were created at the village and school community levels to in order to increase local capacities in combating domestic child based on the District

Child Labour Committee (DCLC) model. The functions of the local level committees were to monitor child labour incidents and mobilize local resources needed to progress the fight against child labour.

Implementation of community-based income generating activities

Five schools and two polytechnics were selected per district where children at risk of joined the DCL market were identified. The institutions were supported to initiate and manage income generating activities that would provide the requirements for children at risk. Support to income generating activities is seen as a sustainability measure in the fight against child labour. The Homa Bay DCLC worked with the Education Department in the district to monitor progress of the school-based IGAs by incorporating the activities in the schools inspection process.

Development of IEC materials

During the project period, implementing agencies were supported to develop IEC materials. These were particularly developed for areas where project activities were being implemented. The object of the materials was to raise awareness in the affected areas.

Capacity building of implementing agencies

The implementing agencies were targeted for capacity building as a means enhancing their efficiency and effectiveness as service providers.

3.6 CAPACITY BUILDING PROGRAMME

The Capacity Building Programme (CBP) was a sub regional programme that was implemented in Kenya, Uganda, Zambia, Ghana and Nigeria between 2002 and 2006. The thrust of the programme was to build the capacity of national actors (government ministries and departments, district and local child labour committees, social partners, implementing agencies, media, educational institutions, and the media) to enable them to implement child labour interventions more effectively and efficiently.

3.6.1 Project aims and objectives

The CBP pursued the following aims and objectives:

- At the national level, “governments, workers’ and employers’ organizations, NGOs, and other partners would have the technical skills and the organizational capacity to formulate and implement policies, programmes and other initiatives to facilitate prevention of the worst forms of child labour, and protection, withdrawal, rehabilitation and reintegration of children participating in WFCL”
- At the sub-regional level “knowledge and experience on child labour and good practice intervention will be identified and shared”

3.6.2 Project strategies

The CBP was implemented around five priority themes. These included:

- i. Building knowledge base and dissemination on child labour;
- ii. Awareness raising and social mobilization;
- iii. Linkages, networking, mainstreaming and reintegration;
- iv. Policies and legislation; and
- v. Capacity to deal with direct action.

3.6.3 Implementation Arrangements

The CBP was implemented through the partnerships approach. Competent implementation agencies developed action programmes along the priority themes as follows:

Priority theme	Implementing Agency or Agencies
Building knowledge base and dissemination on child labour	University of Nairobi
Policies and legislation	Ministry of labour
direct action for withdrawal and prevention	• Child Welfare Society • Undugu Society of Kenya • ANPPCN • COTU
Awareness raising and social mobilization	• Federation of Kenya Employers • Association of Media Women in Kenya • ACDC
Linkages, networking, mainstreaming and reintegration	• Ministry of Labour • COTU
Enhancing sustainability through IGA	• ANPPCAN • COTU

3.6.4 Project Achievements

Over its five years duration, the CBP supported ten action programmes and three mini action programmes. These efforts translated into the following deliverables against the set objective targets:

- 302 Kenyan children (169 boys and 133 girls) were withdrawn from hazardous work and attached to practicing artisan in the informal sector for skills training in: carpentry, motor vehicle mechanics, dressmaking, screen printing, baking, sheet metal, leather work, spray painting, among others;
- 656 children were prevented from dropping out of school and joining the labour market.
- 102 parents were identified, recruited, and trained in business. The course covered entrepreneur, marketing, business organization, planning and book keeping.
- 300 needy children were provided with school uniforms
- three District Child Labour Committees and fifteen local child labour committees (LCLCs) were formed, supported and operationalized
- Four HIV/AIDS training workshops were organized where a total of 263 (150 boys and 113 girls) participated.
- Best practices for companies and plantations in the fight against child labour were documented
- AMWIK carried a 13-week radio programme to raise awareness on child labour
- 72 journalists were trained on child labour reporting. 82 articles on WFCL were written and published in the mainstream media and a child labour theme song produced by a renowned artist.
- The Central Organization of Trade unions and its affiliates improved their policies on child labour. Anti-child labour clauses were incorporated in collective bargaining agreements.

3.7 SKILLS TRAINING PROJECT

The International Labour Organization, International Programme on the Elimination of Child Labour (ILO-IPEC) supported the implementation of a three-year sub-regional project aimed at eliminating the Worst Forms of Child Labour (WFCL) in the informal economy. The programme, which was funded by the Government of Canada, began in 2004 and was completed in 2007.

3.7.1 Project focus

The skills training project focused on the informal and cost effective methods of skills training, with special emphasis on traditional apprenticeship training in Kenya, Tanzania and Ghana. Although the focus was on skills training and youth employment as a strategy to combat the WFCL, the project also linked into education, as the most crucial catalyst in the prevention and elimination of child labour.

3.7.2 Project objectives

The Sub-Regional project to combat the WFCL in the informal economy had three main objectives. First, it aimed at entrenching the informal economy and child labour elimination concerns into key national policy frameworks on poverty reduction and promotion of human rights in line with ILO's strategic objective of promoting social justice. Second, the project implemented concrete replicable interventions that removed children from the informal economy and attached them for training with trained artisans. Third, it aimed at building a sound knowledge-base to be shared with policy makers and other actors.

3.7.3 Project strategy

Overall, the strategies that worked well include:

- Recruitment of children in collaboration with key stakeholders in the affected communities;
- Recruitment of trained craft persons through relevant informal economy associations; and
- Placement of trainees to various skill areas through career guidance by experts' committee. This enabled the children to make informed choices.

3.7.4 Project achievements

Upstream level Achievements

- Clear and effective linkages were established with key policy and legislative processes that have a bearing on the informal economy.
- The project supported the development of the Micro and Small Enterprise Bill to include child labour concerns before tabling in Parliament.
- Child labour concerns were incorporated in the grade test guidelines.

- Policy review was conducted to critically examine the legislative and policy frameworks as well as programmes that have a bearing on informal skills training for working children. The reports of these reviews are available for use by policy makers to initiate legislative and policy reforms, which would add impetus to the development of the informal sector and synergize the eliminating child labour efforts.
- A committee of experts was established to advice on the implementation of project activities. Members of the committees were drawn from key ministries in charge of education, skills training and the promotion of workers and children's rights. Other members were from NGOs and opinion leaders.
- Clear linkages were also made with child labour elimination structures already developed. These included the Child Labour Division in Kenya, the Inter-Ministerial Committees as well as District and Local Child Labour Committees.

Downstream level

- A total of 453 children comprising 218 boys and 186 girls were withdrawn from the WFCL in the informal economy and attached them to trained artisans for training in essential skills that would enable them participate in more decent work in the informal sector.
- 600 children were prevented from plunging into child labour.
- The project trained trainers and trainees in the informal economy on the issue of child labour.
- A number of awareness raising materials, including posters, brochures, t-shirts, VCDs and summary of research reports were developed and shared with stake holders.

3.8 TIME BOUND PROJECT OF SUPPORT

The Time Bound Project (TBP) of Support to the National Plan of Action on Elimination of Child Labour was launched in the year 2005. The thrust of the four year project was to assist the Kenya Government in its endeavors to put in place time bound measures to eliminate the worst forms of child labour by 2015. The project adopted a wholesome approach in its interventions, targeting both the policy and practical aspects of child labour. At the upstream level, the Project worked with Government Ministries to develop and/or review policies, laws, and processes that support the fight against the vice. At the downstream level, the project worked with implementing agencies (both state and non-state) to deliver direct support for prevention, withdrawal and rehabilitation of children engaged in hazardous work. The Project strategy was geared towards giving momentum to the national institutions to

continue with the commitment until Kenya achieves her stated goal ***“towards a child labour free society”***.

3.8.1 Project Goal

The main goal of the TBP was ***“to provide intensive support in an advisory role to Government and other partners on technical aspects of NPA implementation with a focus on strengthening national capacities to build and maintain effective leadership for elimination of WFCL”***.

3.8.2 Strategy

In order to contribute to the major international human rights goal and contribute directly or indirectly to ILO’s central goal of promoting decent work for women and men, the TBP employed a four-pronged approach that defined its strategy. These include:

- Prevention of children from entering into WFCL
- Provision of assistance to withdraw children from worst forms of child labour or removing the risks and hazards from the workplace
- Ensuring access to education and/or vocational training to those who have been withdrawn from the worst forms of labour, and
- Intervening to protect children at risk, and make provisions for special situation of girls.

3.8.3 Main Components of the Project of Support

- Strengthening existing enabling environment towards the elimination of the worst forms of child labour.
- Direct action towards elimination of worst forms of child labour.

3.8.4 Objectives

1. Expand the knowledge base to support action against worst forms of child labour.
2. Harmonize labour related legislation and capacity to enforce them.
3. Link relevant policies and programs to target the needs children.
4. Provide access to quality primary education and vocational training through effective model interventions to withdraw children from worst forms of child labour.

5. Target vulnerable groups and families prone WFCL for economic empowerment and create community safety nets.
6. Increase & mobilize public awareness of the negative consequences of worst forms of child labour among stakeholders.

3.8.5 Coverage

The Project of Support covered ten districts and five urban areas. The districts were: Busia, Kakamega, Kiambu, Kilifi, Kitui, Kwale, Maragua, Samburu, Siaya, and Suba while the towns were: Eldoret, Kisumu, Mombasa, Nairobi, and Nyeri.

3.8.6 Project Targets

The direct beneficiaries of the project were boys and girls engaged in worst forms of child labour in (i) domestic services, (ii) commercial sex, (iii) commercial and subsistence agriculture and (iv) pastoralism, and (v) street working children in informal sectors. A total of 20,000 children (comprising 10,400 boys and 9,600 girls) were targeted for withdrawal and prevention from exploitative and/or hazardous work through the provision of educational and non-educational services.

The project indirect beneficiaries included: Parents of withdrawn or prevented children from WFCL; schools that hosted children withdrawn from child labour and those at risk; local level child labour committees; and local communities. Vulnerable families were empowered to improve their incomes by being linked to existing opportunities, supported to start income generating activities and training on improved coping methods. The project benefited more than 2,257 families in the targeted communities. Several agencies, organizations, institutions benefited from capacity building to implement specific measures and direct programs that contributed to elimination of WFCL. These were officials and staff of government institutions at national, provincial and district levels, civil society organizations, workers and employers' organizations, community organizations and the media.

3.8.7 Implementation Arrangements

The Project of Support applied the partnerships approach to implement project components. Action projects (APs) were developed and implemented by thirty three implementing agencies. The implementation matrix summarizing the implementing agencies, the operating sectors and geographical areas as well as the specific tasks they performed is attached here to (refer to annex 1).

3.8.8 Project Achievements

Over the four years of implementation, the project achieved the following results:

Withdrawal and prevention

25,852 Kenyan children (11,465 boys and 14,387 girls) engaged in hazardous work were withdrawn or prevented from child labour and provided with educational services or training opportunities. A further 1,634 children (492 boys and 1,142 girls) were withdrawn or prevented from child labour and provided with other non-education related services. This means that the project exceeded the target by 33.6%⁵;

Country Ownership

Through the Project of Support, the Kenya Government commitment and political willingness to eliminate child labour was escalated. The memorandum of understanding between ILO and the Government of Kenya was renewed for a further five years in 2007. The social partners continued to support efforts aimed at alleviating child labour. As a demonstration of the country's support:

- the National Plan of Action was reviewed;
- the Child Labour Analytical Report 2008 was produced in partnership with the Kenya National Bureau of Statistics;
- the child Labour Unit in the Ministry of Labour was elevated to Division status;
- a list of hazardous occupations for Kenya was developed;
- the capacity for the tripartite partners to deal with child labour was enhanced; and
- ownership at the community and partners' level was advanced.

Support for Policy Development and Legislation

The Project of Support extended financial and technical support to the government toward development and review of: the National Child Labour Policy, the Non-formal educational policy, National Children's Policy, the review of the national Labour laws, the review of the Education Act and the development of anti-trafficking bill;

⁵ The Projected had targeted to withdraw or prevent 22,000 children.

Awareness raising and social mobilization

The Project of Support to awareness creation has increased knowledge among policy makers, practitioners, media, families as well as children on the need to send children to school as opposed to have them join child labour. According to the KAP study which was commissioned by PoS in August 2007, 60% of the respondents were aware of laws and regulations relating to children. The Children's Act, in particular, was the most widely known law.

Capacity Building

Several of officers from government ministries, districts and local levels; civil society organizations; law enforcement agencies; families of child labourers; school children; and UN agencies have been trained and oriented on child labour concerns. Specific approaches such as SCREAM were instrumental in addressing the capacity building aspect. The project has supported establishment of 15 district child labour committees (DCLCs) and over 100 Local child labour committees (LCLCs) in districts and urban areas it operated in;

Education and Training

Through the project, ILO-IPEC supported the mobilization of teachers, educators and their unions to carry out the joint campaigns to eliminate child labour and ensure education for all (EFA) goals were achieved. The project supported the efforts towards the enhancement of the free primary education and ensured that those hard-to-reach children access education;

Research

Research and knowledge building was a core element of the project. The aim of the component was to ensure that project interventions were based on objective evidence. Towards this end, the project supported research work carried out by the Kenya National Bureau of Statistics and National Universities to advance the research agenda on child labour. A teaching module on Child labour was introduced in the Institute for Development Studies, University of Nairobi as part of the Master's programs. Other universities were also taking a keen interest in incorporating child labour in their curriculum;

Child Participation

The Time Bound Project of Support actively involvement boys and girls who had previously been engaged or were predisposed to engagement child labour child labour. The children were involved in awareness raising and social mobilization aspect of the project.

Mainstreaming of Child Labour into Policies and Programme

The Project of Support made vital contribution in mainstreaming child labour issues in the following policy and programme instruments:

- Teaching curricular at the University of Nairobi and Kenya Institute of Education;
- Institutionalizing collection and collation of child labour statistics at the Kenya National Bureau of Statistics;
- Informing the Kenya Vision 2030 medium term plans, especially those pertinent to labour and employment;
- Decent Work Country Programme/United Nations Development Assistance Framework; and
- Content of partners' programmes.

3.9 TACKLING CHILD LABOUR THROUGH EDUCATION

Kenya is one of the Africa, Caribbean and Pacific (ACP) Countries that are earmarked for support to implement the Tacking Child Labour through Education (TACKLE) Programme. The Project is supported by the European Commission through IPEC.

3.9.1 Project Objectives

The overall objective of the proposed programme is to contribute towards poverty reduction in the least developed countries by providing equitable access to basic education and skills development to the most disadvantaged section of the society. The project purpose is to strengthen capacity of the national and local authorities in the formulation, implementation and enforcement of policies to fight child labour in coordination with social partners and civil society.

3.9.2 Expected results and main activities

The programme has the following four key result areas:

Result 1 - Country level legal framework prepared or strengthened where already in existence.

This entails review and/or assessment of the existing legal framework in view of facilitating the legislative process that can lead to an elaboration of a legal framework that is in accordance with ILO's Child Labour Conventions Nos. 138 (1973) and 182 (1999), and makes child labour and education legislations consistent. The main methods used for achieving these results will be through, among others, provision of technical advice on legislation and on setting up/strengthening of required enforcement mechanisms, through missions of specialists, provision of support to drafting committees or workshops.

Result 2- Strengthened institutional capacity leading to improved ability to formulate and implement child labour strategies.

The thrust of this result area is fostering national ownership and sustainability of action to eliminate child labour through education initiatives. This entails building and strengthening the national capacity around selected themes and target groups related to child labour and education. The programme will particularly focus on the Ministry of Education to develop education policies and programmes which cater for the needs of out of school children, through quality non formal education and programmes aimed at supporting mainstreaming back to formal education. Support will also be provided to the Ministry of labour, the Kenya National Bureau of Statistics, and social partners to enable them discharge their obligations in respect of fighting child labour.

Result 3 - Targeted actions to combat child labour designed and implemented.

The programme will support implementation of direct actions child labour that are coherent with the poverty reduction Strategies, national education plans as well as existing inclusion programmes of the relevant ministries dealing with social affairs issues. The programme will especially support efforts that are promoting attendance and education quality in *formal schools*; *promote non formal education (NFE)* in areas where there are few schools, or where for other reasons there are large numbers not attending formal schools; provide *skills training programmes* targeting; and address the needs of *particularly disadvantaged children*.

Result 4 - Improved advocacy and dissemination of good practices to enhanced knowledge base and networks on child labour and education.

Through this result area, the programme will seek to support the development of the knowledge base and strengthen networks on child labour-education related issues. The programme will promote relevant and problem-oriented research; strengthen mechanisms for knowledge sharing, particularly of the knowledge generated through the project; and create opportunities for social change through networking.

3.9.3 Stakeholders

The programme has identified children will be children involved in child labour, children at risk of getting into child labour, and children who are at a legal working age but are involved in hazardous work as the key target group. Other target groups will be the families of these children and officials of public and private sector agencies involved in planning, policy, enforcement, or implementation of child labour programmes.

With regards to project partners, the action envisioned will be coordinated by the ILO-IPEC. IPEC will identify the suitable local stakeholders and implementing agencies suited for the required interventions and in particular: Relevant government Ministries and departments; social partners, civil society organizations; and the academia.

CHAPTER FOUR: IMPACT OF ILO PRESENCE IN KENYA

4.1 INTRODUCTION

The long period of partnership between ILO-IPEC and Kenya has yielded fundamental impact on the way the Government and people of Kenya perceive and address the problem of child labour. As ILO celebrates its ninetieth anniversary celebration, it can be argued that Kenya is a leading success case in the fight against child labour. Significant achievements have been made, though the child labour problem persists. These achievements have resulted in the following impact:

4.2 CHILD LABOUR AWARENESS AND SOCIAL MOBILIZATION

Creation of awareness is the cornerstone of the fight against child labour. At the commencement of the ILO-IPEC and Kenya association, the situation obtaining in the country largely condoned child labour at all levels. The Government was already aware and was concerned about the dangers of child labour. It however lacked the legal, regulatory, institutional, policy, and coordinated strategy to fight the vice. Moreover, individual officers working on children affairs lack the urgency to address child labour. The other social partners (workers' and employers' organizations) did not find it within their mandate to combat child labour. Communities largely condoned child labour as an integral part of children's' social development. Coordinated child labour programmes were largely absent among change agents such as the civil society and faith based organizations.

Awareness raising has been a continuous and consistent theme in the ILO-IPEC partnership with Kenya. Together with the other efforts to support the creation of effective institutions, laws, policies and programmes, there is near total awareness across the country. The vast majority of employers and trade unions have found consensus in mainstreaming child labour concerns in their collective bargaining agreements (CBAs). The number of civil society, human rights, and faith based organizations working on child labour has increased tremendously. Though there are communities that still value customs and practices that support child labour, the majority of Kenyans abhor child labour and are willing crusaders against the vice.

4.3 DECLINE IN THE INCIDENTS OF CHILD LABOUR

Evidence from the Kenya Integrated Household Budget Survey (2005/06) Child Labour Analytical Report (2008) reveals that incidents of child labour in Kenya has been declining in both absolute and relative terms. This is happening at the time when the

child labour problem in most of Sub-Sahara African Countries has been escalating. The report indicates that child labour remains a problem that afflicts the individual child, families, communities and the nation. The trends are, however, very positive and portends well as far as the fight against child labour is concerned. The trends give hopes that it is possible to end child labour, at least its worst forms, if the strategies that have so far been employed can be broadened, deepened and strengthened.

4.4 IMPROVEMENT IN THE KNOWLEDGE BASE

At the time the ILO-IPEC cooperation commenced in Kenya, child labour as a field of knowledge development hardly existed. The design of appropriate interventions was therefore severely constrained. Seventeen years later, a fairly rich knowledge base has been developed and domiciled in baseline reports, good practices documentation, task reports, books, video, and other print and electronic forms. Moreover, child labour has been incorporated in teaching curriculums in schools, colleges and universities.

4.5 CREATION OF INSTITUTIONS

A wide range of institutions that are committed to the fight against child labour have been formed, nurtured and facilitated. These include government agencies from the national to the most basic unit, social partners, civil society and faith based organizations and individuals. Besides, a coordinating mechanism, the National Steering Committee is in place.

4.6 SUSTAINABILITY OUTLOOK

The combined effect on the impact achieved in the fight against child labour gives a positive outlook on sustainability.

4.7 CHALLENGES

The fight against child labour in Kenya continues to face a number of challenges that will need to be addressed in order to continue on the path “towards a child labour free society”. These include the following:

4.7.1 Poverty alleviation

Poverty remains the most pervasive driver into child labour. It has been demonstrated that improvement in the performance of the national economy enabled the government to implement programmes such as the Free Primary Education. The

effect of the FPE was the enrollment of an additional 1.5 million children into schools who could have been engaged in labour. At the household level, improvement of family income would nudge parents into releasing children from labour and back to school and learning institutions. The challenge remains in sustaining economic growth and ensuring that benefits from the growth are reaching vulnerable groups.

4.7.2 Completion of child labour policies

Completion of the draft National Child Labour Policy and the Draft National Plan of Action should be expedited. These documents are not only important in giving direction on the fight against child labour and convincing the world that there is a coherent country strategy but they are also important in unlocking public sector resources.

4.7.3 Resource mobilization and allocation

The Ministry of labour should work hard to ensure that dedicated budgetary allocation is provided to advance child labour work. The allocation would ensure that intuitions that have been created are well facilitated to continue with prevention, withdrawal, reintegration, and rehabilitation efforts. At the same time, Government agencies should ensure an appropriate level of personnel and physical resources are availed at all times. Since child labour is a multi-faceted problem, more effort should be put in mobilizing resources from wider local and international sources.

4.7.4 Expansion of services

It is generally accepted that the alternative to child labour lies in schools and skills training institutions. The Kenya Government has gone a step further by introducing free tuition fee facility at secondary school level. The vocational training programme has also received renewed attention. The Government is, however, yet to issue an unequivocal decree that primary education is not only free but it is also compulsory. Access to education should also be enhanced through a more entrenched system of Non Formal Education and implementation of Technical and Vocational Education and Training that was proposed long while ago.

4.7.5 Enforcement capacity

Whereas the requisite laws, regulations and policies are in place, there is evident enforcement capacity across the country. Labour inspectors are severally overstretched, the police force is constrained in both numbers and orientation, child

protection and collection service providers are not effective, while the judiciary has a very small section dealing with juveniles. These constraints should be addressed.

4.7.6 Customs and practices

There are some Kenyan communities that are beholden to norms, believes, customs and practices that perpetuate child labour. Some of the outmoded practices are outright illegal and against honoured international treaties and covenants. Awareness raising should, therefore be sustained and blended with determined enforcement in order to bring these community members at par with the other Kenyans.

CHAPTER FIVE: LESSON LEARNED

5.1 INTRODCUTION

In the course of implementing interventions against child labour in Kenya, the ILO-IPEC has learned several important lessons. The lessons would be important are learning points for futures activities design. They include:

5.2 MULTI-SECTOR APPROACH IS EFFECTIVE IN ADDRESSING CHILD LABOUR

Child labour is a multi-faceted problem that impact negatively on the child, family, community and the nation. Addressing the problem requires the concerted approach by all stakeholders pulling in the same direction. Whereas the government plays a very important role in creating the enabling legal, institutional and regulatory environment, the combined effort by development agencies, social partners, non-state actors (including the civil society) and individuals is critical in providing practical interventions.

5.3 THE COMMITMENT GOVERNMENT AGENCIES IS FOREMOST IN THE FIGHT AGAINST CHILD LABOUR

The Government of Kenya has continued to play the leading role in the fight against child labour. In carrying out its functions of formulating laws, regulations, policies, and establishing institutions, the Government defines the environment in which other actors and stakeholders operate. Indeed Government actions are extremely important in sending out the right signals to development partners and encouraging the participation of non-state actors. The Kenya Government has been an active and willing partner on the long walk towards a child labour free society.

5.4 AWARENESS RAISING AND SOCIAL MOBILIZATION IS KEY TO IMPLEMENTING INTERVENTIONS AGAINST CHILD LABOUR

In a bid to successfully implement child labour programme, the attitudes of parents, communities and employers must support the fight. This is because while communities and families supply the child labour, the employers form the demand side. Collaboration of the two sides would eliminate the vice once and for all.

5.5 EDUCATION FOR ALL IS AN ESSENTIAL INGREDIENT

Introduction of free primary education in Kenya was largely responsible for taking back thousands of children who had previously been locked out of the school system

and forced into labour. The challenge is to address quality of education and extend EFA to secondary and vocational training.

5.6 INVESTING IN CAPACITY OF PARTNERS AND COMMUNITIES ENHANCE THEIR PERFORMANCE

Capacity building has been a central theme in all the projects and programmes. As the capacity of implementers at all levels increased, the projects and programme surpassed projected performance by significant margins.

5.7 KNOWLEDGE BUILDING SHARPENS FOCUS

The work done by research institutions and the support by SIMPOC has greatly assisted in the design of better focused interventions. It has also informed capacity building efforts. It is also important to document experiences and accumulated knowledge.

5.8 POVERTY REMAINS THE MAIN DRIVER INTO CHILD LABOUR

Though there are many factors that drive children into child labour, poverty in its various manifestations remain the single strongest factor. Efforts aimed at fighting child labour must therefore be coupled with poverty alleviation measures.

ANNEXES

ANNEX 1: TBP IMPLEMENTATION MATRIX

Organization	Geographical / Sector Coverage	Areas of Intervention
Ministry of Labour	Countrywide / All sectors (upstream)	• Policy and regulatory framework • Strengthening implementing structures • National coordination of CL programmes • Capacity building for labour and OHS officers
Association of Media Women in Kenya (AMWIK)	Countrywide / All sectors (upstream)	• Awareness raising • Public awareness through the media • Radio messages / programmes • Training of journalists • Production of booklets
Kenya Institute of Education (KIE)	Countrywide / All sectors (Upstream)	• Infusion of child labour messages in NFE, TIVET • Teacher Training Curriculum
UNDUGU Society of Kenya	Nairobi, Kisumu, Mombasa/ Informal/Street work	• Withdrawal and rehabilitation of Children • Psychosocial support • Skills training • Support to families • Support to jua kali artisans to provide capacity building
ANPPCAN Regional	Busia, Siaya, Suba, Kiambu, Maragua/ Agriculture, CDL, CSEC	• Capacity building for communities • Prevention, withdrawal and rehabilitation • Support to families
ANPPCAN Kenya	Nairobi - Embakasi Division/ Agriculture, CDL, CSEC	• Awareness raising • Capacity building • Prevention, withdrawal and rehabilitation of children
Forum for African Women Educationalists (FAWE-K)	Mombasa, Kilifi, Kwale/ Agriculture, Urban informal sector, CDL	• Mainstreaming CL issues in the Gender and education policy • Deal with barriers to girls' education • Prevent, withdrawal, rehabilitation of children • Capacity building / community mobilization • Awareness training • Child participation - TUSEME clubs

Organization	Geographical / Sector Coverage	Areas of Intervention
Mathare Youth Sports Association (MYSA)	Nairobi - Mathare area/ Urban Informal settlements (slums)	• use of sports in prevention of WFCL • Awareness raising • Community mobilization
Child Welfare Society of Kenya (CWSK)	Nairobi, Kisumu, Nyeri and Kiambu/ Urban Informal sector, CSEC and CDL	• Prevention, withdrawal, rehabilitation and reintegration • Capacity building • Awareness raising community mobilization • Child participation ROC clubs
University of Nairobi	Institute for Development Studies (IDS)/ Knowledge development	• University staff and students (UON and KU) • Formal sector (upstream Indirect Action) • Facilitate mainstreaming of CL issues in policies and programmes • Formulate and enhance policy dialogues • Increase knowledge base through data collection and dissemination
Central Organization of Trade Unions (COTU)	Countrywide/ Commercial agriculture, fishing, urban informal sector	• Capacity building for workers • Raising awareness • Contribute to national policy formulation • Advocacy • Prevention and withdrawal and rehabilitation
Federation of Kenya Employers (FKE)	Countrywide/ Employers in both formal and informal sectors	• Promote government national policies and develop work place policies • Capacity building and community mobilization • Awareness raising
Street Families Rehabilitation Trust Fund (SFRTF)	Nairobi and Nyeri/ Informal sector – street families	• Economic empowerment of street families • Prevention, withdrawal and rehabilitation • Capacity building and institutional strengthening
Kenya Union of Domestic, Hotels, Education Institutions, Hospitals and Allied Workers (KUDHEIHA)	Nairobi, Eldoret and Kakamega/ CDL	• Awareness raising • Capacity building and sensitization • Mainstream CDL issues into policies and programmes • Prevention, withdrawal and rehabilitation • Advocacy

Organization	Geographical / Sector Coverage	Areas of Intervention
Quality Management for Sustainable Development (QM-SD)	Suba district/ Agriculture sector	• Economic empowerment of communities • Awareness raising • Capacity building • Data collection
Kenya Alliance for Advancement of Children (KAACR)	Kisumu, Eldoret and Kakamega / Urban informal sector	• Prevention, withdrawal and rehabilitation • Capacity building and awareness creation • Enhance and promote understanding of children's rights
Kitui Development Centre (KIDC)	Kitui / Agriculture, CDL and urban informal sector	• Economic empowerment and poverty reduction • Prevention, withdrawal and rehabilitation • Institutional capacity building
Center for Education, population, Environment and Development (CEPED)	Busia and Siaya / Fishing - Prevention, withdrawal and rehabilitation and monitoring of CL,	• Community awareness and advocacy • Community and Institutional capacity building • Economic empowerment of families • HIV/AIDS awareness
Solidarity with Women in Distress (SOLWODI)	Coast province - Mombasa, Kilifi and Kwale / CSEC	• Creating awareness on HIV / AIDS among female • commercial sex workers • Capacity building and creation of awareness • Withdrawal and rehabilitation • Support to families

ANNEX 2: ILO CONVENTION 138 TEXT

The General Conference of the International Labour Organization,
Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-eighth Session on 6 June 1973, and
Having decided upon the adoption of certain proposals with regard to minimum age for admission to employment, which is the fourth item on the agenda of the session, and
Noting the terms of the Minimum Age (Industry) Convention, 1919, the Minimum Age (Sea) Convention, 1920, the Minimum Age (Agriculture) Convention, 1921, the Minimum Age (Trimmers and Stokers) Convention, 1921, the Minimum Age (Non-Industrial Employment) Convention, 1932, the Minimum Age (Sea) Convention (Revised), 1936, the Minimum Age (Industry) Convention (Revised), 1937, the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, the Minimum Age (Fishermen) Convention, 1959, and the Minimum Age (Underground Work) Convention, 1965, and
Considering that the time has come to establish a general instrument on the subject, which would gradually replace the existing ones applicable to limited economic sectors, with a view to achieving the total abolition of child labour, and
Having determined that this instrument shall take the form of an international Convention, adopts this twenty-sixth day of June of the year one thousand nine hundred and seventy-three the following Convention, which may be cited as the Minimum Age Convention, 1973:

Article

1. Each Member for which this Convention is in force undertakes to pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons.

Article

2.1. Each Member which ratifies this Convention shall specify, in a declaration appended to its ratification, a minimum age for admission to employment or work within its territory and on means of transport registered in its territory; subject to Articles 4 to 8 of this Convention, no one under that age shall be admitted to employment or work in any occupation.

2.2. Each Member which has ratified this Convention may subsequently notify the Director-General of the International Labour Office, by further declarations, that it specifies a minimum age higher than that previously specified.

2.3. The minimum age specified in pursuance of paragraph 1 of this Article shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years.

2.4. Notwithstanding the provisions of paragraph 3 of this Article, a Member whose economy and educational facilities are insufficiently developed may, after consultation with the organizations of employers and workers concerned, where such exist, initially specify a minimum age of 14 years.

2.5. Each Member which has specified a minimum age of 14 years in pursuance of the provisions of the preceding paragraph shall include in its reports on the application of this Convention submitted under article 22 of the Constitution of the International Labour Organization a statement:

a) That its reason for doing so subsists; or

b) That it renounces its right to avail itself of the provisions in question as from a stated date.

Article

3.1. The minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardize the health, safety or morals of young persons shall not be less than 18 years.

3.2. The types of employment or work to which paragraph 1 of this Article applies shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned, where such exist.

3.3. Notwithstanding the provisions of paragraph 1 of this Article, national laws or regulations or the competent authority may, after consultation with the organizations of employers and workers concerned, where such exist, authorize employment or work as from the age of 16 years on condition that the health, safety and morals of the young persons concerned are fully protected and that the young persons have received adequate specific instruction or vocational training in the relevant branch of activity.

Article

4.1. In so far as necessary, the competent authority, after consultation with the organizations of employers and workers concerned, where such exist, may exclude from the application of this Convention limited categories of employment or work in respect of which special and substantial problems of application of this Convention arise.

4.2. Each Member which ratifies this Convention shall list in its first report on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organization any categories which may have been excluded in pursuance of paragraph 1 of this Article, giving the reasons for such exclusion, and shall state in subsequent reports the position of its law and practice in respect of the categories excluded and the extent to which effect has been given or is proposed to be given to the Convention in respect of such categories.

4.3. Employment or work covered by Article 3 of this Convention shall not be excluded from the application of the Convention in pursuance of this Article.

Article

5.1. A Member whose economy and administrative facilities are insufficiently developed may, after consultation with the organizations of employers and workers concerned, where such exist, initially limit the scope of application of this Convention.

5.2. Each Member which avails itself of the provisions of paragraph 1 of this Article shall specify, in a declaration appended to its ratification, the branches of economic activity or types of undertakings to which it will apply the provisions of the Convention.

5.3. The provisions of the Convention shall be applicable as a minimum to the following: mining and quarrying; manufacturing; construction; electricity, gas and water; sanitary services; transport, storage and communication; and plantations and other agricultural undertakings mainly producing for commercial purposes, but excluding family and small-scale holdings producing for local consumption and not regularly employing hired workers.

5.4. Any Member which has limited the scope of application of this Convention in pursuance of this Article:

a) shall indicate in its reports under article 22 of the Constitution of the International Labour Organization the general position as regards the employment or work of young persons and children in the branches of activity which are excluded from the scope of application of this Convention and any progress which may have been made towards wider application of the provisions of the Convention;

b) May at any time formally extend the scope of application by a declaration addressed to the Director-General of the International Labour Office.

Article

6. This Convention does not apply to work done by children and young persons in schools for general, vocational or technical education or in other training institutions, or to work done by persons at least 14 years of age in undertakings, where such work is carried out in accordance with conditions prescribed by the competent authority, after consultation with the organizations of employers and workers concerned, where such exist, and is an integral part of:

a) a course of education or training for which a school or training institution is primarily responsible;

b) a programme of training mainly or entirely in an undertaking, which programme has been approved by the competent authority; or

c) a programme of guidance or orientation designed to facilitate the choice of an occupation or of a line of training.

Article

7.1. National laws or regulations may permit the employment or work of persons 13 to 15 years of age on light work which is:

- a) not likely to be harmful to their health or development; and
- b) not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received.

7.2. National laws or regulations may also permit the employment or work of persons who are at least 15 years of age but have not yet completed their compulsory schooling on work which meets the requirements set forth in sub-paragraphs (a) and (b) of paragraph 1 of this Article.

7.3. The competent authority shall determine the activities in which employment or work may be permitted under paragraphs 1 and 2 of this Article and shall prescribe the number of hours during which and the conditions in which such employment or work may be undertaken.

7.4. Notwithstanding the provisions of paragraphs 1 and 2 of this Article, a Member which has availed itself of the provisions of paragraph 4 of Article 2 may, for as long as it continues to do so, substitute the ages 12 and 14 for the ages 13 and 1 in paragraph 1 and the age 14 for the age 15 in paragraph 2 of this Article.

Article

8.1. After consultation with the organizations of employers and workers concerned, where such exist, the competent authority may, by permits granted in individual cases, allow exceptions to the prohibition of employment or work provided for in Article 2 of this Convention, for such purposes as participation in artistic performances.

8.2. Permits so granted shall limit the number of hours during which and prescribe the conditions in which employment or work is allowed.

Article

9.1. All necessary measures, including the provision of appropriate penalties shall be taken by the competent authority to ensure the effective enforcement of the provisions of this Convention.

9.2. National laws or regulations or the competent authority shall define the persons responsible for compliance with the provisions giving effect to the Convention.

9.3. National laws or regulations or the competent authority shall prescribe the registers or other documents which shall be kept and made available by the employer; such registers or documents shall contain the names and ages or dates of birth, duly certified wherever possible, of persons whom he employs or who work for him and who are less than 18 years of age.

Article

10.1. This Convention revises, on the terms set forth in this Article, the Minimum Age (Industry) Convention, 1919, the Minimum Age (Sea) Convention, 1920, the Minimum Age (Agriculture) Convention, 1921, the Minimum Age (Trimmers and Stokers) Convention, 1921, the Minimum Age (Non-Industrial Employment) Convention, 1932, the Minimum Age (Sea) Convention (Revised), 1936, the Minimum Age (Industry)

Convention (Revised), 1937, the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, the Minimum Age (Fishermen) Convention, 1959, and the Minimum Age (Underground Work) Convention, 1965.

10.2. The coming into force of this Convention shall not close the Minimum Age (Sea) Convention (Revised), 1936, the Minimum Age (Industry) Convention (Revised), 1937, the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, the Minimum Age (Fishermen) Convention, 1959, or the Minimum Age (Underground Work) Convention, 1965, to further ratification.

10.3. The Minimum Age (Industry) Convention, 1919, the Minimum Age (Sea) Convention, 1920, the Minimum Age (Agriculture) Convention 1921, and the Minimum Age (Trimmers and Stokers) Convention, 1921, shall be closed to further ratification when all the parties thereto have consented to such closing by ratification of this Convention or by a declaration communicated to the Director-General of the International Labour Office.

10.4. When the obligations of this Convention are accepted:

a) by a Member which is a party to the Minimum Age (Industry) Convention (Revised), 1937, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention, this shall *ipso jure* involve the immediate denunciation of that Convention,

b) in respect of non-industrial employment as defined in the Minimum Age (Non Industrial Employment) Convention, 1932, by a Member which is a party to the Convention, this shall *ipso jure* involve the immediate denunciation of the Convention,

c) in respect of non-industrial employment as defined in the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, by a Member which is party to that Convention, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention, this shall *ipso jure* involve the immediate denunciation of that Convention,

d) in respect of maritime employment, by a Member which is a party to the Minimum Age (Sea) Convention (Revised), 1936, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention or the Member specifies that Article 3 of this Convention applies to maritime employment, this shall *ipso jure* involve the immediate denunciation of that Convention,

e) in respect of employment in maritime fishing, by a Member which is a party to the Minimum Age (Fishermen) Convention, 1959, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention or the Member specifies that Article 3 of this Convention applies to employment in maritime fishing, this shall *ipso jure* involve the immediate denunciation of that Convention,

f) by a Member which is a party to the Minimum Age (Underground Work) Convention, 1965, and a minimum age of not less than the age specified in pursuance of that Convention is specified in pursuance of Article 2 of this Convention or the Member

specifies that such an age applies to employment underground in mines in virtue of Article 3 of this Convention, this shall *ipso jure* involve the immediate denunciation of that Convention,

if and when this Convention shall have come into force.

10.5. Acceptance of the obligations of this Convention:

a) shall involve the denunciation of the Minimum Age (Industry) Convention, 1919, in accordance with Article 12 thereof,

b) in respect of agriculture shall involve the denunciation of the Minimum Age (Agriculture) Convention, 1921, in accordance with Article 9 thereof,

c) in respect of maritime employment shall involve the denunciation of the Minimum Age (Sea) Convention, 1920, in accordance with Article 10 thereof, and of the Minimum Age (Trimmers and Stokers) Convention, 1921, in accordance with Article 12 thereof,

if and when this Convention shall have come into force.

Article

11. The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article

12.1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General.

12.2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

12.3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article

13.1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

13.2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article

14.1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and denunciations communicated to him by the Members of the Organization.

14.2. When notifying the Members of the Organization of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention will come into force.

Article

15. The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article

16. At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article

17.1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:

- a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 13 above, if and when the new revising Convention shall have come into force;
- b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

17.2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article

18. The English and French versions of the text of this Convention are equally authoritative.

ANNEX 3: ILO CONVENTION 182 TEXT

Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Note: Date of coming into force: 19:11:2000)

The General Conference of the International Labour Organization,
Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 87th Session on 1 June 1999, and

Considering the need to adopt new instruments for the prohibition and elimination of the worst forms of child labour, as the main priority for national and international action, including international cooperation and assistance, to complement the Convention and the Recommendation concerning Minimum Age for Admission to Employment, 1973, which remain fundamental instruments on child labour, and

Considering that the effective elimination of the worst forms of child labour requires immediate and comprehensive action, taking into account the importance of free basic education and the need to remove the children concerned from all such work and to provide for their rehabilitation and social integration while addressing the needs of their families, and

Recalling the resolution concerning the elimination of child labour adopted by the International Labour Conference at its 83rd Session in 1996, and

Recognizing that child labour is to a great extent caused by poverty and that the long-term solution lies in sustained economic growth leading to social progress, in particular poverty alleviation and universal education, and

Recalling the Convention on the Rights of the Child adopted by the United Nations General Assembly on 20 November 1989, and

Recalling the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, adopted by the International Labour Conference at its 86th Session in 1998, and

Recalling that some of the worst forms of child labour are covered by other international instruments, in particular the Forced Labour Convention, 1930, and the United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956, and

Having decided upon the adoption of certain proposals with regard to child labour, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention;

Adopts this seventeenth day of June of the year one thousand nine hundred and ninety-nine the following Convention, which may be cited as the Worst Forms of Child Labour Convention, 1999.

Article 1

Each Member which ratifies this Convention shall take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency.

Article 2

For the purposes of this Convention, the term **child** shall apply to all persons under the age of 18.

Article 3

For the purposes of this Convention, the term **the worst forms of child labour** comprises:

- (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

Article 4

1. The types of work referred to under Article 3(d) shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned, taking into consideration relevant international standards, in particular Paragraphs 3 and 4 of the Worst Forms of Child Labour Recommendation, 1999.
2. The competent authority, after consultation with the organizations of employers and workers concerned, shall identify where the types of work so determined exist.
3. The list of the types of work determined under paragraph 1 of this Article shall be periodically examined and revised as necessary, in consultation with the organizations of employers and workers concerned.

Article 5

Each Member shall, after consultation with employers' and workers' organizations, establish or designate appropriate mechanisms to monitor the implementation of the provisions giving effect to this Convention.

Article 6

1. Each Member shall design and implement programmes of action to eliminate as a priority the worst forms of child labour.
2. Such programmes of action shall be designed and implemented in consultation with relevant government institutions and employers' and workers' organizations, taking into consideration the views of other concerned groups as appropriate.

Article 7

1. Each Member shall take all necessary measures to ensure the effective implementation and enforcement of the provisions giving effect to this Convention including the provision and application of penal sanctions or, as appropriate, other sanctions.
2. Each Member shall, taking into account the importance of education in eliminating child labour, take effective and time-bound measures to:
 - (a) prevent the engagement of children in the worst forms of child labour;
 - (b) provide the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration;
 - (c) ensure access to free basic education, and, wherever possible and appropriate, vocational training, for all children removed from the worst forms of child labour;
 - (d) identify and reach out to children at special risk; and
 - (e) take account of the special situation of girls.
3. Each Member shall designate the competent authority responsible for the implementation of the provisions giving effect to this Convention.

Article 8

Members shall take appropriate steps to assist one another in giving effect to the provisions of this Convention through enhanced international cooperation and/or assistance including support for social and economic development, poverty eradication programmes and universal education.

Article 9

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 10

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General of the International Labour Office.
2. It shall come into force 12 months after the date on which the ratifications of two Members have been registered with the Director-General.
3. Thereafter, this Convention shall come into force for any Member 12 months after the date on which its ratification has been registered.

Article 11

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.
2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding

paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 12

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and acts of denunciation communicated by the Members of the Organization.

2. When notifying the Members of the Organization of the registration of the second ratification, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention shall come into force.

Article 13

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations, for registration in accordance with article 102 of the Charter of the United Nations, full particulars of all ratifications and acts of denunciation registered by the Director-General in accordance with the provisions of the preceding Articles.

Article 14

At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 15

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides --

(a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 11 above, if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 16

The English and French versions of the text of this Convention are equally authoritative.

ANNEX 4: LIST OF ACTIVITIES CONSIDERED HAZARDOUS IN KENYA

Activity	Possible Hazards	Consequences
Work in domestic households	Burns, scalds; physical and psychological abuse; denial of food and annual leave; sexual harassment,	Physical and psychological injury; denial of opportunities to attend school and the attendant benefits; trauma
Child pornography	Morals, sexually transmitted diseases	Stunted moral growth and development, Sexually transmitted diseases
Children in the sex industry	Contract sexually transmitted diseases	Sexually transmitted diseases, lack of schooling and moral development
Commercial sexual exploitation of children	Lack of schooling and child's development to a responsible adulthood, sexually transmitted diseases including the immune-deficiency syndrome	Lack of schooling and child's development to a responsible adulthood
Child trafficking	Abusive work relations, stripped of their identification papers and lacking any support network, diseases, injuries both physical and psychological possible fatalities, child marriage can, itself, lead to destitute poverty of women through divorce, separation or abandonment. For girls and women in situations of extreme marital stress is to run away. Many runaways end up in poor urban communities, including brothel environments. Women and girls trafficked for prostitution are among the most vulnerable groups exposed to HIV infection, children orphaned by AIDS can be more vulnerable to trafficking due to the increasing poverty of their households and communities, and as a result of the stigmatization, rejection, or marginalization to which they are exposed by their communities; Mining and other hazardous industries are additional sectors that sometimes use trafficking as a way to recruit labour force; Boys who lose races are often brutalized by their exploiters deprived of their salary and food, and mentally and physically abused.	Often kept isolated within destination countries and are fearful of reporting the abusive work dependent on their exploiters for safety, food and shelter, and most endure harsh working conditions.
Transport	Traffic accidents involving bicycles; heavy loads; conduit for drug trafficking,	Denial of opportunities for attending school; injury to the

Activity	Possible Hazards	Consequences
	exposure to moral vices and antisocial behaviour;	tender bodies by the heavy loads; drug addiction and other immoral behaviour
Inter tribal and inter-clan animosity	Physical and mental injury, role conflict	Death; opportunities for attending school lost;
Mining and stone crushing	Exposure to harmful dusts such as silica , gas, fumes and extreme humidity and temperature levels; awkward working positions (bending, kneeling, lying); cave-ins; use of mercury for gold purification	Respiratory diseases that which could manifest as silicosis, pulmonary fibrosis, asbestosis, emphysema; musculo-skeletal disorders; fractures and death from falls/cave-ins, injury from mercurial vapour
Sand harvesting from rivers and shallow pits	Drowning; caving in of cliffs and pit walls; being hit by falling objects	Physical injuries, lost schooling opportunities
Miraa picking by children;	Falls;	Injuries; possibility of addiction; lost schooling opportunities
Herding of animals	Animal kicks and snake bites; pricks from wild thorns trees	Injuries; lost schooling opportunities and future development; poverty cycles perpetuated
Brick making	Exposure to silicate, lead and carbon monoxide; excessive carrying of weights; burns from ovens; accident provoking equipment	Musculo-skeletal deformation; injury to the hands, falling objects
Agriculture	Working with machinery, agrochemicals, animals; picking crops and loading, risks to health from extreme cold or heat, work where pace is determined by machinery (muscle strength not fully developed); respiratory problems due to exposure to coffee dust, work where pace is determined by machinery (muscle strength not fully developed); high levels of sun exposure which can result in skin cancer and heat exhaustion; snake and insect bites, stings, stress	Chemical poisoning (chronic and acute); poisoning and long term health problems from pesticide use or exposure, respiratory problems due to exposure to coffee dust, high levels of sun exposure which can result in skin cancer and heat exhaustion; cuts and other bodily injuries; diseases such as anthrax, musculoskeletal injuries from repetitive and forceful movements, and lifting and carrying heavy or awkward loads, risks to health from extreme cold or heat, injuries from cutting tools ranging from skin abrasions and minor cuts to severe wounds, injuries from contact with, or entanglement in, unguarded machinery or from being hit by motorized vehicles, hearing loss or impairment due to noisy machinery
Work in industrial	Chemicals, fumes and dusts, electrically	Bodily injuries including injury to

Activity	Possible Hazards	Consequences
undertakings , including warehouses	energised objects, hot surfaces, hot and cold atmospheres, dangerous parts of machinery, drowning	health
Carpet/ basket weaving	Inhalation of wool, sisal or cotton dust contaminated with fungal spores; poor (squatting) work posture; poor lighting; poor ventilation; hazardous chemicals	Respiratory diseases; musculoskeletal diseases; eye strain and defective vision at premature age; chemical poisoning; aggravation of non-occupational diseases
Building, construction work operations, the building of roads and bridges and other civil works, docks and quayside etc.	Digging earth; carrying loads; breaking stones or rocks; shovelling sand and cement; metal work; drowning; falling	Health impairments from noise, vibration and exposure to harmful substances; vibration white finger – Reynolds syndrome, incapacitation or fatalities through accidents and injury such as from falls, electric shocks, or electrocution
Tannery	Exposure to corrosive chemicals and bacterial contamination of the hides	Anthrax, contact dermatitis and fungal infections
Deep- lake and sea fishing	Exposure to high atmospheric pressure; attacks by carnivorous and poisonous fish; congested and unsanitary conditions	Decompression illness (rupture of ear drums); death or injury; gastro-intestinal and other communicable diseases
Glass factory	Radiant heat and thermal stress; noxious fumes; silica dust; stepping on or handling hot broken glass	Accidental trauma; eye injuries; heat stress; respiratory diseases; serious burns and cuts
Matches and fireworks	Exposure to hazardous chemicals; fire and explosions	Synergistic effects of chemical intoxications; respiratory diseases; burns; injuries and death from explosions
Street families	Role conflict, living with grown-ups learn street vices and sexual promiscuity	Sexually transmitted diseases; missing school and personal development to responsible citizenship
Scavenging	Cuts from glass/metal; exposure to hazardous substances; inhaling stench from putrefied matter; infestation by flies; temptation to eat leftover food, lead metal fumes, blasts and explosions, poly vinyl chlorides monomers	Cuts resulting in death from tetanus; chemical poisoning and risk of contracting or carrying infectious diseases; food poisoning; burns (from build-up of methane gas and explosion) lead poisoning injuries and death, cancer causing

Note: Adopted from List of Hazardous Occupations by Ministry of Labour

REFERENCES

- African Network for the Prevention and Protection Against Child Abuse and Neglect. Undated. "Be Part of the Team – The Roles of children Service Providers under the Children Act 2001", Nairobi.
- Ibid with ILO/IPEC. 2004. A Training Guide for District Child Labour Committees – Towards Combating Child Labour in Commercial Agriculture in Kenya, Nairobi.
- Central Organization of Trade Unions (Kenya). 2007. Strategic Plan 2007 – 2012, Nairobi
- Central Bureau of Statistics, Ministry of Health and ORC Macro. 2003. Kenya Demographic and Health Survey, Calverton, MD (USA):
- Chutha, Robert N. "Combating child labour in commercial agriculture in Kenya: documentation of good practices and lessons learned", ILO/IPEC, Nairobi
- Federation of Kenya Employers. 1996. "Child Labour in Commercial Agriculture in Kenya". Nairobi.
- Government of Kenya. 2002. "The Children Act, 2001", Laws of Kenya. Government Printers, Nairobi
- Ibid. 2007. "The Children Law Amendment Bill, 2007". Government Printer, Nairobi.
- Ibid. 2007. "The Employment Act, 2007", Laws of Kenya. Government Printer, Nairobi.
- Ibid. 2007. "The Labour Institutions Act 2007", Laws of Kenya. Government Printer, Nairobi.
- Ibid. 2007. "The Labour Relations Act 2007", Laws of Kenya. Government Printer, Nairobi.
- Ibid_. 2007. "The Occupational Safety and Health Act 2007", Laws of Kenya. Government Printer, Nairobi.
- Ibid. 2007. "Kenya Vision 2030". National Economic and Social Council (NESC). Government Printer, Nairobi.
- Ibid. 1998. First Kenya Country Report on Implementation of the UN Convention on the Rights of the Child. Government Printer, Nairobi
- Ibid. 2007. Response by the Government of Kenya, Committee on the Rights of the Child, Nairobi
- Ibid. and UNICEF. 1998. Situation Analysis of Children and Women in Kenya.
- Ibid. 2000. Interim Poverty Reduction Strategy Paper for the Period 2000-2003. Government Printer, Nairobi.
- Ibid. 2005. "National Policy on Orphans and Vulnerable Children", Office of the Vice President and Ministry of Home Affairs, Nairobi.
- Ibid. 2005. "National Orphans and vulnerable Children (OVC) Action Plan 2005-2009", National Council for Children Services, Office of the Vice President, Ministry of Home Affairs and National Heritage, Nairobi.
- Ibid. 2007. "Training Resource Manual for Area Advisory Councils", National Council for Children Services, Office of the Vice President and Ministry of Home Affairs, Nairobi.
- Ibid. 2008. "The Draft National Children Policy", National Council for Children Services, Office of the Vice President and Ministry of Home Affairs, Nairobi.
- Ibid. 2005. "National Policy on Orphans and Vulnerable Children", Office of the Vice President and Ministry of Home Affairs, Nairobi.
- Ibid with UNICEF. Undated. "Guidelines for Child Participation in Kenya", Nairobi

International Labour Organization. 1973. ILO Convention 138 on Minimum Age for Admission into Employment, Geneva

Ibid. 1999. ILO Convention 182 on Worst Forms of child Labour, Geneva

Ibid. Combating Child Labour. ILO, Geneva.

Ibid. May 2005. Regional Programme on Prevention, Withdrawal and Rehabilitation of Children Engaged in Hazardous work in Commercial Agriculture: Draft Final Evaluation Report

Ibid. 2006. Training Manual on Child Labour and HIV/AIDS. Kampala, Uganda

Ibid. 2000. Action Against Child Labour. ILO, Geneva

Ibid. 2006. The end of child labour: Within rich, ILO Global Report, Geneva

Jeus, C. Audvig. 1999. An Essay on Child Labour in Sub-Saharan Africa – A Bargaining Approach.

Kenya National Bureau of Statistics and ILO/IPEC 2008. Kenya Integrated Household Budget Survey, 2005/2006 Child Labour Analytical Report, Nairobi.

Maggie Black. 1995. In the Twilight Zone Child Workers in the Hotel, Tourism, and Catering Industry, ILO, Geneva

Ministry of Education. July 2007. Gender Policy in Education

Ministry of Finance and Planning. 2000. The Second Report on Poverty in Kenya, Vol. II: Poverty and Social Indicators. Government Printer, Nairobi.

Ministry of Labour and Human Resource Development. 1998. The Child Labour Monitor Magazine, Issue No 1.

Ibid. 2000. Draft Sessional Paper on Child Labour in Kenya.

Ibid. 2004. Draft National Plan of Action for Time Bound Programme on Elimination of the Worst Forms of Child Labour in Kenya, Nairobi

Ibid. 2004. “Child Labour Monitoring System in Commercial Agriculture in Kenya – Guidelines for Administering Child Labour Monitoring Tools”, Nairobi

Ibid. 2006. A Draft National Child Labour Policy Towards a Child Labour Free Kenya, Nairobi

Munene Jane and Nii Addy David. September 2004. Report on Mid Term valuation of the IPEC Project: Building the Foundations for Eliminating the Worst Forms of child Labour in Anglophone Africa (CBP): National Study – Kenya;

Munene Jane. February 2006. Evaluation of the Capacity Building Programme in Kenya National AIDS and STI Control Programme (NASCOP). 2008. The Kenya AIDS Indicator Survey (KAIS 2007) Preliminary Report

Ogula Paul May. 2002. Report on Evaluation of the ILO-IPEC Action Programme to Combat and Eliminate Child Labour in Kenya Through Education and Training 2000 to 2002: Final Report

Omondi P. Mc’Odida. 1998. Survey on Children Working in the Fishing Industry in Mbita. Oyuga B.O. Prof. Colette Suda and Afia Mugambi. 1997. A Study of Action against Child Labour in Kenya, Nairobi.

Ongolo, Jane. May 2002. Brief Report on IPEC Kenya Country Programme.

Ibid. May 2003. ILO-IPEC Kenya Programme 1992 to 2003, Brief Profile of Activities

- Onyango Philista. May 2003. A Report of a Review on IPEC Action Against Child Labour in Kenya May 2003: Taking Stock of Achievements and Lessons Learned (199 to 2002)
- Paralegal Support Network. 2003. "A Curriculum for Community Paralegal Workers", Nairobi
- Ralf Hussmanns, et. al. 1990. Surveys of Economically Active Population, Employment, Unemployment and Underemployment: An ILO Manual on Concepts and Methods. ILO, Geneva.
- Row, Henry K. and Metto P. K. 1996. Strategy for Prevention and Elimination of Child Labour in Commercial Agriculture in Kenya, Nairobi.
- SINAGA. 1995. Baseline Survey on Domestic Child Workers (DCWs) in Eastlands, Nairobi.
- Siwale C and Lwanga E. 2007, Facilitator's Manual for District and Community Child Labour Committee, ILO/IPEC, Lusaka (Unpublished)
- Ibid. 2007, Handbook for District Child Labour Committee, ILO/IPEC, Lusaka (Unpublished)
- ibid. 2007, Handbook for Community Child labour Committee, ILO/IPEC, Lusaka (Unpublished)
- UNICEF. 1998. The State of the World's Children. New York.
- Ibid. 2006. A Draft National Child Labour Policy Towards a Child Labour Free Kenya, Nairobi