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Baseline Survey on policy, legislative and capacity analysis in Busia, Kitui and Kilifi Districts in Kenya

May 2011

International
Programme
on the Elimination
of Child Labour
(IPEC)

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Acronyms

AAC	Area Advisory Council
AMREF	African Medical and Research Foundation
APHIA	AIDS, Population and Health Integrated Assistance
ASAL	Arid and Semi-Arid Lands
CBO	Community Based Organization
CDA	Community Development Officers
CDF	Constituency Development Fund
CDK	Catholic Diocese of Kitui
CLD	Child Labour Division
COTU	Central Organization of Trade Unions
CSEC	Commercial Sexual Exploitation of Children
CSO	Civil Society Organization
CWSK	Child Welfare Society of Kenya
CT	Cash Transfer
DAO	District Agriculture Officer
DC	District Commissioner
DCLC	District Child Labour Committee
DCO	District Children's Officer
DDO	District Development Officer
DEO	District Education Officer
DLO	District Labour Officer
DO	District Officer
DPO	District Probation Officer

DRP	District Registrar of Persons
DSO	District Statistics Officer
DTC	District Technical Committee
ECD	Early Childhood Education
ESP	Economic Stimulus Programme
EU	European Union
FDSE	Free Day Secondary Education
FKE	Federation of Kenya Employers
FPE	Free Primary Education
HBC	Home Based Care
HUSO	Human Support Organization
ICS	International Child Support
IGA	Income Generating Activity
ILO	International Labour Organization
KAPP	Kenya Agricultural Productivity Programme
KDC	Kitui Development Centre
KCRI	Kenya Community Resource Initiative
KESSP	Kenya Education Sector Support Programme
KIE	Kenya Institute of Education
KKV	Kazi Kwa Vijana
KORDP	Kenya Orphan Rural Development Programme
KREP	Kenya Rural Enterprise Programme
KUDHEIHA	Kenya Union of Domestic, Hotels, Educational Institutions, Hospitals and Allied Workers
KWFT	Kenya Women Finance Trust

LASDAP	Local Authorities Transfer Fund
LATF	Local Authority Development Action Plan
LCLC	Location Child Labour Committee
MDG	Millennium Development Goals
MOE	Ministry of Education
MOH	Medical Officer of Health
MOL	Ministry of Labour
MTP	Medium Term Plan
NACC	National Aids Control Council
NACECE	National Centre for Early Childhood Education
NALEP	National Agriculture and Livestock Extension Programme
NAP	National Action Plan
NASEP	National Agricultural Sector Extension Policy
NFE	Non-Formal Education
NFEC	Non Formal Education Centre
NFS	Non-Formal Sector
NGO	Non-Governmental Organization
NMK	Njaa Marufuku Kenya
NSE	National Steering Committee
OVC	Orphans and Vulnerable Children
PALWECO	ROADS 2000, Programme for Agriculture and Livelihoods in Western Communities in Kenya
PHO	Public Health Officer
REEP	Rural Education and Economic Enhancement Programme
ROC	Rights of the Child

Sida	Swedish International Development Agency
SNAP	Support to the implementation of the National Action Plan for Elimination of Child Labour
TOWA	Total War on AIDS

Executive summary

The ILO /IPEC SNAP project in Kenya slated to run from 2009 to 2013 proposes a number of objectives including: (i) Harmonization and enforcement of relevant national policies, programmes and legislation with the National Action Plan to Eliminate Child Labour; (ii) Enhancement of the capacity of national and local authorities and social partners to support the effective implementation of the National Action Plan; and (iii) Testing and documentation of effective models for establishing child labour free areas in three districts. The project is being implemented in three districts of Busia, Kitui and Kilifi.

The project aims to influence the policy and legislative framework as well as to strengthen the capacity of the local authorities/structures to deliver services to children affected by child labour, their families and the communities surrounding them. Further the SNAP project places great importance on ensuring that child labour concerns are mainstreamed into national development agendas. A baseline study to capture child labour local response capacity in the three districts, as well as the policy and legislative framework in relation to child labour was therefore necessary. The specific objectives of the study were: i) To assess the existing capacity of policy institutions and structures by assessing the legal achievements and existing gaps, as well as capacity gaps of the enforcement structures in the three districts of Busia, Kilifi and Kitui; ii) To identify local/ district level policies and legal instruments where child labour can be mainstreamed; iii) To identify possible referral organizations for direct intervention and networks and assess their capacities; iv) To assess the capacity of local structures including the Area Advisory Councils (AAC) and District Child Labour Committees (DCLCs) and their ability to promote and sustain the elimination of child labour; and v) Identify possible partners including life skills training organizations which the project can partner with.

The study employed both secondary and primary data collection methods. The former entailed extensive literature review on the subject matter especially focusing on relevant documents to help in highlighting policy/regulatory issues that exist in support of child labour response, as well as the issues that require further action. Primary data collection entailed interviews with key informants, FGDs (focus group discussions) and capacity assessments of organizations.

A number of policy provisions have been put in place including the draft National Child Labour Policy, National Policy on OVC, the Economic Recovery Strategy for Wealth and Employment Creation (ERS), the Kenya Vision 2030 and its first Medium Term Plan (2007-2012), the Free Primary Education, the Policy for Alternative Provision of Basic Education and Training, and KESSP. All these are supportive of child labour response interventions at district level. The enactment of the Children's Act, the Employment Act, the Anti-Trafficking in Persons Act and the Sexual Offences Act are also significant steps in Kenya's attempts at complying with the international obligations including those under the Convention on the Rights of the Child (CRC) and African Charter on the Rights and Welfare of the Child (ACRWC). The three Acts are now the primary Kenyan laws which set forth legal obligations of all duty bearers - the government, parents, and civil society-, to respect, protect and fulfil the rights of children. The Acts provide for a comprehensive catalogue of children's rights in addition to a provision on enforcement of these rights.

Implementation of the policies and enforcement of laws is, however, affected by both internal weakness of the policies/Acts and complex situations on the ground. Currently the envisaged coordination structures like the District Child Labour Committees (DCLCs) are largely not effective, and where they are somehow operational like in Busia District, the desired leadership from the district team is largely lukewarm.

The police have collaborated with both District Children's Department and District Labour Department to identify and prosecute people who engage children in child labour. These prosecutions have been with mixed results; in some cases convictions are made while in others cases are lost due to what is perceived to be deliberate drafting of faulty charge sheets by the police officers. This has no doubt slowed down the child labour response pace. Some of these faulty charge sheets are drawn based on inadequate understanding of child labour issues.

In the three districts of Busia, Kilifi and Kitui, there are a number of policies that have been localized and are being implemented, and which can be exploited for mainstreaming child labour response. The Local Authorities Transfer Fund (LATF) planning process that culminates in the development of Local Authorities Development Action plans (LASDAP), Kazi Kwa Vijana and fish pond construction, Cash Transfer to both OVC and elderly people are some of the interventions that can be exploited to mainstream child labour response.

An assessment of implementation institutions indicate that while AACs are largely active, DCLCs have been generally dormant and require re-invigoration. LCLCs are absent in all the three districts except in Busia where two LCLCs have been established. Further, the policy and legislative frameworks are largely adequate for the kind of child labour response applicable at district levels. In deed in each of the three districts, there are organizations with adequate capacity that can be engaged for implementation of the project. Referral institutions are, however, few and those that exist seem to be downsizing their institutionalization components, perhaps in line with government's desire of reducing and altogether avoiding institutionalization of children. Familiarity with the provisions of the policies and Acts vary from one individual to another, thus calling for harmonization of understanding to enable all stakeholders play their rightful role on the response.

1. Introduction

Considerable differences exist between the many kinds of work children do. Some are difficult and demanding, others are more hazardous and even morally reprehensible. Children's participation in work that does not affect their health and personal development or interfere with their schooling is generally regarded as being something positive. Child labour refers to work that deprives children of their childhood, their potential and their dignity, and that is harmful to their physical and mental development. In its most extreme forms, child labour involves children being enslaved, separated from their families, exposed to serious hazards and illnesses and/or left to fend for themselves on the streets of urban areas – often at a very early age.

Amid growing concerns over the impact of the global economic downturn, the International Labour Organization (ILO) has warned in a new study that efforts to eliminate the worst forms of child labour are slowing down and called for a “re-energized” global campaign to end the practice. In its quadrennial Global Report on child labour¹, the ILO indicates that the global number of child labourers had declined from 222 million to 215 million, or 3 per cent, over the period 2004 to 2008 compared to 10 per cent decrease between 2000-2004, representing a “slowing down of the global pace of reduction”. The report also expressed concern that the global economic crisis could “further brake” progress toward the goal of eliminating the worst forms of child labour by 2016.

The Global Report also includes data aggregated by region and shows, for example, that while Asia Pacific, Latin America and the Caribbean continue to reduce child labour, sub-Saharan Africa has witnessed an increase both in relative and absolute terms. This region also has the highest incidence of children working, with one in four children engaged in child labour. Some of the key remaining challenges in tackling child labour include a need for breakthrough in agriculture – where most child labourers work – and the need to address sometimes hidden forms of child labour, which are often among the worst forms. Some of the hidden and worst forms of child labour include commercial sexual exploitation and involvement of children in drugs trade. The report argues for an increased global effort to tackle child labour and enhanced Government commitment.

1.1 Child Labour in Kenya

It is estimated that children aged 5-17 constitute about 36.2 per cent of the total Kenyan population² and therefore form an important population group of consideration in terms of their wellbeing and development. The results of the 2005/6 Kenya Integrated Household and Budget Survey (Child Labour Analytical Report) shows that the total population of children aged 5-17 years had increased by 17.4 per cent from 1999 and had reached 12.8 million in 2006. Eighty per cent of these children or 10.3 million are living in rural areas. The data also show that 1.7 million children were out of school. According to the report, as many as 1 million children aged 5-17, or 7.9 per cent of the total number of

¹ ILO Global Report: Accelerating action against Child Labour, 2010.

² Kenya Integrated Household Budget Survey 2005/06 – Child Labour Analytical Report (June 2008).

children aged 5-17 years, are working in Kenya and remain deprived of quality education, good health, and other basic needs. Almost 80 per cent of working children are working in the agricultural sector. The other major sectors of employment include the service industries (11.8 per cent), followed by wholesale and retail trades (4.2 per cent), mining (0.7 per cent) and manufacturing (0.4 per cent).

The Analytical Report estimates that there are 98,518 domestic child workers in Kenya. Many children enter this type of work with assistance from family members, including parents and relatives³, while others are linked to employers by agents or friends, sometimes on the promise of better jobs, suggesting a linkage to trafficking. In 2006, the proportion of working children in Eastern Province was 9.1 per cent, in Western Province it was 7.7 per cent and in Coast Province it was 3.5 per cent. However, there are intra-province variations with some districts like Busia, Kitui and Kilifi presenting above provincial average percentages.

A study carried out by UNICEF in 2006 estimated that there are between 10,000-30,000 Kenyan children being sexually exploited. The Child Labour Analytical Report of 2008 showed that most children involved in Commercial Sexual Exploitation of Children (CSEC) are girls, but increasingly more boys are also becoming involved. Earlier studies by ILO/IPEC had indicated that children living and working in the streets are exposed to many hazards including handling contaminated waste, physical and sexual abuse and accidents. Child trafficking is also a challenge in Kenya, with the major channels of trafficking being employment bureaus and through children's homes. Orphans and children from poor families are particularly exposed to the risk of trafficking. Many other children are trafficked from rural areas to urban areas to work as domestic labourers, and may also be sexually and physically abused. Other forms of child labour in Kenya include children working in mines and quarries, stone crushing, sand harvesting, *boda boda* (bicycle taxis), push carts, touting and hawking. These forms of child labour involve carrying heavy loads, use of dangerous tools, noise and dust.

1.2 ILO-IPEC

The ILO's International Programme on the Elimination of Child Labour (IPEC) was created in 1992 with the overall goal of eliminating child labour, which would be achieved through strengthening the capacity of countries to deal with the problem and promoting a worldwide movement to combat child labour. IPEC currently has operations in 88 countries, Kenya being one of them.

IPEC is driven by the understanding that child labour not only prevents children from acquiring the skills and education they need for a better future, but also perpetuates poverty and affects national economies through losses in competitiveness, productivity and potential income. Withdrawing children from child labour, providing them with education and assisting their families with training and employment opportunities contribute directly to creating decent work for adults; this is in line with the ILO's Decent Work Agenda.

³ ILO International Programme on the Elimination of Child Labour (IPEC) Project Document 2009.

While the goal of IPEC remains the prevention and elimination of all forms of child labour, the priority targets for immediate action are the worst forms of child labour, which are defined in the ILO Convention on the worst forms of child labour, 1999 (No. 182)⁴ as: 1) all forms of slavery or practices similar to slavery such as 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; 2) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; 3) 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 4) 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.

1.3 ILO-IPEC in Kenya

The ILO-IPEC has been active in Kenya since 1992 and considerable advances have been made in a number of different areas, child labour nevertheless persists and is starting to show some signs of getting worse due to the convergence of a number of different crises – food, finance, jobs and political – despite the continued stated national commitment to eliminate the worst forms of child labour by 2015⁵.

The ILO/ IPEC SNAP project in Kenya slated to run from 2009 to 2013 proposes to support the tripartite partners (MOL, COTU, FKE) and other stakeholders for the delivery of the following outputs: (i) Harmonization and enforcement of relevant national policies, programmes and legislation with the National Action Plan to Eliminate Child Labour; (ii) Enhancement of the capacity of national and local authorities and social partners to support the effective implementation of the National Action Plan; and (iii) Testing and documentation of effective models for establishing child labour free areas in three districts. The project has national coverage with direct interventions in three districts of Busia, Kitui and Kilifi.

Busia is situated in Western Province of Kenya bordering Uganda and, according to the 2009 Kenya National Population Census it has a population of about 488,075. About 60 per cent of its population is living below poverty line. The district is mainly an agricultural area with a vibrant trade with Uganda. Away from Busia Town, the district's economy is heavily reliant on fishing and agriculture. In addition to subsistence crops, sugar cane is grown as a commercial crop. The town is also a commercial hub with boarder trade where goods are transported from Kenya to Uganda, Democratic Republic of the Congo and Rwanda. Transition rate from primary to secondary schools in Busia⁶ is 45 per cent. Kitui District on the other hand is situated in Eastern Province and is in the Arid and Semi-Arid (ASAL) part of the country. The larger Kitui County has a population of 1,012,709. (2009 Census) and is a relatively poor district with 60 per cent-70 per cent of its population living below the poverty line. The major economic activity is subsistence farming with livestock keeping. Kitui town within the district is the main commercial town. Transition rate from

⁴ ILO Convention, 1999 (No. 182).

⁵ ILO International Programme on the Elimination of Child Labour (IPEC) Project Document 2009.

⁶ Busia District Development Plan 2008-2012. (June, 2009).

primary to secondary schools in Kitui⁷ District is 43 per cent with primary school drop-out rate estimated at 1.2 per cent for girls and 4.5 per cent for boys. The third district, Kilifi, is in Coast Province of Kenya and is equally poor with about 70 per cent of the population living below the poverty line. The larger Kilifi County has a population of 1,109,735 (2009 Census), with Kilifi Town having a population of 74,000. The district has a long coast line along which major tourist hotels have been built. The main economic activities in the area are tourism, commercial agriculture for sisal and horticulture, and subsistence agriculture, as well as fishing and trade. Transition rate from primary to secondary schools in Kilifi⁸ District is 43 per cent, with primary school drop-out rate estimated at 8.3 per cent for both girls and boys.

The strategies slated for use by the project in contributing to wider development frameworks include integrating child labour aspects into policies and programmes for government, implementing partners and other stakeholders. In order to address the scale and complexity of the problem of child labour, the project intends to work with government ministries and departments, social partners, NGOs, and international organisations. The overall involvement and activities of the government are being coordinated by the Ministry of Labour (MOL) through its Child labour Division (CLD) and the National Steering Committee (NSC). The key ministries and government departments envisaged to work in close partnership with the MOL and through membership of the NSC include: Ministry of Gender, Children's Affairs and Social Development and its structures including the National Council for Children's Services; Ministry(ies) responsible for Education, Science and Technology; Ministry of Youth Affairs and Sports; Ministry of Health; Ministry of Special Programmes including its structures like the National Aids Control Council (NACC); Ministry of Agriculture; Ministry of Environment and Natural Resources; and Ministry of National Planning and Vision 2030 including its structures like the Kenya National Bureau of Statistics. The project also intends to work closely with the FKE and other associations in the agricultural and informal economy such as Kenya National Federation of Agricultural Producers, Jua-Kali Federation/Associations, and Kenya Nation Federation of Cooperatives.

The project also intends to engage workers through COTU as well as other key sectorial trade unions, including Kenya Union of Plantation and Agricultural Workers; Kenya Sugar Plantation Workers Union; Kenya National Union of Teachers; Kenya Union of Domestic, Hotel, Education Institutions, Hospitals and Allied Workers. Also earmarked for engagement are international organisations such as UNICEF for protection of children, FAO/WFP for expansion of school feeding programmes, World Bank for Cash Transfer interventions for orphans and vulnerable Children, UNDP for poverty reduction projects and as coordinator of the UN joint programmes, IOM for children of migrant workers and migrant children, UNESCO/UNEVOC for quality of education provided under the Free Primary Education programme and the support for secondary schools. Civil Society Organizations (CSO) such NGOs, Faith Based Organisations (FBOs), and Community Based Organisations (CBOs), media, research and training institutions are also earmarked for engagement. All the partners and government structures are to be engaged both at national and decentralised levels where applicable.

⁷ Kitui District Development Plan 2008-2012. (June, 2009).

⁸ Kilifi District Development Plan 2008-2012. (June, 2009).

2. Objectives of the baseline study

The success of the implementation of the NAP will depend on how well child labour issues are mainstreamed in the local policies and programmes and how well relevant laws (and by-laws) are enforced at the local / district levels. It is therefore imperative that gaps that exist in Kenya's policy and legislative framework especially at local level are identified and highlighted. This will enable the project to design appropriate action programmes that will provide relevant support to prepare the government and other social partners to better programme for children affected by child labour as well as enforcement of the relevant laws. Further to that, the specific objectives of the study were:

- to assess the existing capacity of policy institutions and structures by assessing the legal achievements and existing gaps, as well as capacity gaps of the enforcement structures in the three districts of Busia, Kilifi and Kitui;
- to identify local/ district level policies and legal instruments where child labour can be mainstreamed;
- to identify possible referral organizations for direct intervention and networks and assess their capacities;
- to assess the capacity of local structures including the Area Advisory Councils (AAC) and District Child Labour Committees (DCLCs) and their ability to promote and sustain the elimination of child labour;
- identify possible partners including life skills training organizations which the project can partner with.

The project aims to support the development of a conducive policy and legislative environment as well as to strengthen the capacity of the local authorities/structures to deliver services to children affected by child labour, their families and the communities surrounding them. Further the SNAP project supports the tripartite and implementing partners to ensure that child labour concerns are mainstreamed / integrated into national and local development agendas. A baseline study to capture child labour local response capacity in Busia, Kitui and Kilifi districts, as well as policy and legislative framework in relation to child labour was therefore necessary. This would inform mainstreaming of child labour issues in the local policies and programmes as well as enforcement of relevant laws (and by-laws) by the local/ district authorities.

3. Study design and methodology

The study employed both secondary and primary data collection methods. The former entailed extensive literature review on the subject matter especially focusing on relevant documents to help in highlighting policy/regulatory issues that exist in support of child labour response, as well as the issues that require further action.

Primary data collection entailed mainly in-depth interviews with key informants as well as focused group discussions with selected NGO and CBO staff. Field visits were made to the three project districts of Busia, Kitui-Central and Kilifi and informant in-depth interviews as well as FGDs conducted with key stakeholders in the districts.

Key-informant interviews (KIIs) were conducted with among others government district departmental heads in the departments of planning, education, labour, children, agriculture, administration, probation, and social services. Relevant local authority was also interviewed including Community Development Officers (CDA). Others were social partners, NGOs, and district structures such as DCLCs and AACs which were, targeted for organizational capacity assessment. The qualitative data from KIIs and FGDs were analysed thematically. Themes were developed to aid in the categorization of the information.

The in-depth interviews, FGDs and capacity assessments brought out the nature of child labour elimination efforts in the mission and objectives of the organizations and government structures, and the opportunities for scaling up response. Most importantly, it also brought out technical competence and ability of potential partner organizations and government institutions to continuously raise awareness on child labour issues, facilitate social as well as resource mobilization, provide focused skills training, and establish and sustain referral systems and networks that would benefit children affected by child labour as well as their families. Stakeholder (AAC, DCLC and civil society organizations) expectations regarding child labour response were also determined.

4. Findings and discussions

This section is divided into five sub-sections highlighting the focus areas of study objectives. The sub-sections are:

- capacity of policy institutions and structures to promote and sustain the elimination of child labour;
- legal achievements and existing gaps;
- local/ district level policies and legal instruments where child labour can be mainstreamed;
- recommendations on possible partners; and
- recommendations on possible referral organizations for direct intervention and networking.

4.1 Capacity of policy institutions and structures, and district level implementation gaps

Kenya is committed to international obligations under various international and regional instruments, which spell out the basic human rights of all children and seek to protect these rights by setting standards. The **ILO Convention No. 138 of 1973** on Minimum Age⁹ of Admission to Employment, ratified in 1979, calls upon countries to set minimum age for admission to employment and the types of work children may perform. It urges countries to progressively rise the minimum age of entry into employment and ultimately eliminate child labour. In **1998, the ILO Declaration on the Fundamental Principles and Rights at Work** included the elimination of child labour as one of its four fundamental principles, which ILO members, including Kenya, undertook to respect regardless of whether they had ratified the relevant Conventions or not. **ILO Convention No. 182 of 1999**¹⁰ on the Elimination of Worst Forms of Child Labour, ratified in 2001, called for effective measures to secure the prohibition and elimination of Worst forms of Child Labour. Kenya also ratified the **UN Convention on the Rights of the Child (CRC)**¹¹, which spells out the basic human rights of all children and seeks to protect these rights by setting standards. Kenya has also adopted the **Millennium Development Goals (MDG)**, which currently guide its development initiatives and activities. All the eight MDG goals are relevant, however the most applicable goals are: Eradication of extreme poverty and hunger; achievement of universal primary education; promotion of gender equality; combating HIV/AIDS, malaria and other diseases; and developing a global partnership for development.

At Africa level, Kenya has ratified the **African Charter on the Rights and Welfare of the Child**, which provides for protection against all forms of abuse, discrimination, neglect and exploitation of children. Under this Charter, African Countries endeavour to enhance the

⁹ ILO Convention No. 138: Minimum Age Convention, 1973.

¹⁰ ILO Convention No. 182: Worst Forms of Child Labour Convention, 1999.

¹¹ UN Convention on the Rights of the Child (CRC), 1989.

protection of children's rights and to put in place mechanisms which will allow children to exercise their rights.

The **economic and social development policies** pursued in post-independence Kenya have focused on alleviation of poverty, improvement of literacy levels, and reducing incidence of disease. The Sessional Paper No. 10 of 1965 focused on the elimination of poverty, disease and ignorance. The paper also supported a policy of rapid economic growth in order to generate resources. Subsequent National Development Plans, the Poverty Reduction Strategy Papers, the Economic Recovery Strategy have pursued goals that were closely focused on growth, poverty reduction, employment and general well-being of the people. Kenya's long term economic blueprint, the Vision 2030, and its first Medium Term Plan 2008-2012 go a step further to identify regional development priorities¹².

In implementing the foregoing strategies, and in an attempt to specifically achieve the MDGs, the following successes have been realized on the ground in the three districts:

- social protection schemes such as *Kazi Kwa Vijana* and the Cash Transfer programmes which provide non-skilled job opportunities for youth to enable them earn a living. These programmes have helped to increase income for the youth;
- economic Stimulus Programme which intends to increase productivity through among others provision of funds for fish farming and provision of fertilizer and seeds through the National Accelerated Agricultural Input Programme has resulted in increased agricultural productivity thus making food and supplementary income available to community members;
- building of agricultural wholesale markets in rural areas has aided in marketing and distribution of agricultural produce;
- continued implementation of the Free Primary Education Policy and the waiving of tuition fees in public secondary schools, to increase access to basic education for both boys and girls;
- the implementation of Women Enterprise Fund to facilitate availability of funds and training of opportunities to women entrepreneurs; this trickle down to their families.

Despite these initiatives and progress, child labour is still rampant in Kenya with over 1.01 million children subjected to child labour, nearly half (47.8 per cent) of whom are aged 15-17, with majority found in the rural areas. The Child Labour Analytical Report, 2008¹³ showed that in 2006, of the total 1.01 million working children, 909,323 (89.8 per cent) were in the rural areas compared to 102,861 (10.2 per cent) in the urban areas. The phenomenon is largely associated with poverty and related household resource constraints, limited access to education, inadequate or lack of social security system, adverse effects of HIV and AIDS, unstable family units and other entrenched social and cultural practices. It has also been recognized that the interplay between the supply and demand sides in specific

¹² Summary Report on the Progress towards Achievement of the Millennium Development Goals (MDGs) in Kenya (2010).

¹³ Kenya Integrated Household Budget Survey 2005/06 – Child Labour Analytical Report (June 2008).

situations contribute to child labour. Child labour cuts across various sectors and requires cross-sectorial policy response in order to realize sustainable reductions¹⁴. A number of policy provisions have been put in place including the National Child Labour Policy, National Policy on Orphans and Vulnerable Children, the Economic Recovery Strategy for Wealth and Employment Creation (ERS), the Kenya Vision 2030, the Policy for Alternative Provision of Basic Education and Training, and the Kenya Education Sector Support Programme [KESSP].

The main aim of the **draft National Child Labour Policy** is to ensure protection of all children in Kenya from all forms of harmful child labour practices, and to safeguard a wholesome development of the child socially, psychologically, and physically. The thrust of the policy is based on the premise that sustainable reduction of child labour rests on prevention and protection measures.

One of the strong pillars of the draft Child Labour Policy is that achieving sustainable reductions in child labour also requires supportive national political, legal and institutional environment. The effective implementation requires reliable information, an appropriate legal and regulatory framework, functioning coordination structures, capable institutions and an enabling environment that includes a mobilized society. A major policy institution in this regard is the Ministry of Labour, with its national and decentralized structures, and is expected to undertake advocacy and implementation strategy to enhance the infrastructure for protection services, increase access to a wider range and better quality services, and increase the investment for protection of children from child labour. However, there exists a major disconnect between the provisions of this draft policy and the reality on the ground, as manifested in the three project districts of Busia, Kilifi and Kitui. Currently the envisaged coordination structures like the District Child Labour Committees (DCLCs) are largely not effective, and where they are somehow operational like in Busia District, the desired leadership from the District Labour Office and the district leadership in general is largely lukewarm. In terms of enforcement, even though the legislative provisions as indicated in the Employment Act mandate District Labour Officers to prosecute employers of children the same way the Children's Act empowers the District Children's Officers to prosecute, the former appear not to have exploited the provisions in the execution of their work. The result has been that the District Labour Offices in all the three districts have not specifically focused on addressing child labour issues. They have simply been involved with children in situations where there are disputes on payment. Further, apart from being largely one-person offices, they don't have any decentralized structures to work with in monitoring, identification and reporting of child labour. Hopefully, once the DCLCs and LCLCs are established and strengthened, they will help in tracking child labour incidences.

The **National Policy on Orphans and Vulnerable Children (OVC)**¹⁵ is another policy document that provides for protection of orphans and other vulnerable children from discrimination, abuse, exploitation, violence and trafficking. It is intended to ensure that every Kenyan child who is orphaned or vulnerable is protected and supported in order to achieve their full potential. Specifically it emphasizes the institution of long term preventive measures such as poverty alleviation, combating HIV transmission, and creating public awareness. Its objectives are: 1) To ensure that orphans and vulnerable children have their

¹⁴ Draft Kenya National Child labour Policy, April 2009.

¹⁵ Kenya National Policy on Orphans and Vulnerable Children.

basic survival needs met; 2) To support orphans and vulnerable children to develop to their full potential; 3) To protect orphans and vulnerable children from all forms of abuse, exploitation and discrimination; and 4) to ensure the full and meaningful participation of orphans and vulnerable children in all matters affecting their lives.

The implementation of the OVC Policy requires that all stakeholders be involved at all levels. While there is success in certain areas such as Cash Transfer that aims at ensuring that OVC are not only enrolled in but also complete basic education, there is some disconnect between other policy provisions and district-level experiences in the three project districts. For example in the education sector, the policy provisions for school feeding and shelter interventions are largely absent. The desired implementation of the bursary provision for OVC to attend secondary schools is only reaching a small proportion of OVC. Similarly initiating flexible schooling options and reviewing school attendance requirements, like uniforms as provided for in the policy is still not being implemented, with the only assumption being that the Cash Transfer programme would cater for all OVC needs. Apart from the inadequate actions on the OVC Policy provisions at the district level, there is also limited awareness of the policy.

The **Free Primary Education** (FPE) initiative in 2003 is a notable achievement towards attainment of the second Millennium Development Goal of Universal Primary Education (UPE) by 2015. The KESSP¹⁶ is based on the rationale of the overall policy goal of achieving Education for All (EFA). The broad objective is to give every Kenyan the right to quality education and training no matter their socio-economic status. This is to be achieved through the provision of an all-inclusive quality education that is accessible and relevant to all Kenyans.

The continued implementation of the Free Primary Education policy, combined with the waiving of tuition fees in public secondary schools has increased access to basic education for children. However, in all the three districts namely Busia, Kilifi and Kitui there exists a big gap between the numbers of pupils that enrol in class one and those that sit for Kenya Certificate of Primary Education (KCPE) in class eight. Transition rate from primary to secondary schools in Busia District is estimated at 45 per cent while Kilifi and Kitui districts have a transition rate of 43 per cent. A large number drops out and some are employed as child labourers. To reduce the gap, the decentralized government structures in the three districts, and especially the provincial administration through the DOs and chiefs are closely monitoring school attendance. In liaison with school heads, the chiefs are encouraged to take action on parents/ guardians that are not taking their children to school. Opportunities such as barazas are used to reinforce the need to take children to school. In addition, the implementation of the FPE is complemented by the ban on corporal punishment that is aimed at reducing school drop-out and enhancing retention and completion of primary school education. The Ministry of Education's uniform guidelines for primary schools to the extent that pupils can be allowed to be in school even without uniform if it is determined that there are resource challenges at family level is also aimed at enhancing school retention and performance. The government through the Department of Education has also prohibited forced repetition of class since it contributes to drop-out. To improve the learning

¹⁶ Kenya Education Sector Support Programme 2005 – 2010.

environment, the department, through KESSP is supporting refurbishment of physical facilities. This initiative has also been boosted by the development of the National School Health Policy and Guidelines.

The **National School Health Policy**¹⁷ (2009) addresses the four pillars of children's rights namely survival, development, protection, and participation rights. The policy recognizes the need to educate students on sexual and reproductive health (SRH) and provide them with the necessary skills to prevent unwanted pregnancies, disease or sexual violence. It aims to strengthen children's capacity to fulfil/demand their right to health, and education by for instance improving their access to health related information; creating awareness on different forms of exploitation and violence towards children; enhancing access to complaint mechanisms for abuses as well as to rehabilitative/ counselling measures; developing structures which protect children from abuses; and facilitating children's active participation in decisions regarding their health and education. The policy requires the support given to students to be responsive to their particular needs, with special attention given to vulnerable children such as girls, orphans or students with disability. Some of the recommended measures for promoting equity/eliminating discrimination are: adapting facilities to the needs of different age groups, boys and girls and children with special needs; and ensuring HIV positive learners, are not discriminated against and have access to treatment. The policy also underscores the right of the girl to continue her classes as long as possible and seek re-admission to the same or another school after pregnancy. Any discrimination against the teenage mother is prohibited.

In order to further strengthen and mainstream response to child labour in the education system, the Kenya Institute of Education [KIE] has infused issues related to child labour in the books it is publishing also in the broadcast to school radio programme. Government policy also allows for re-entry of the girl-mother back to school. The District Education Office is able and expressed willingness to continue facilitating admission into alternate schools should a girl mother be uncomfortable with her previous school.

At secondary school level, apart from waiver on tuition fees, (Free Day Secondary Education Fund) the government is issuing bursaries to needy children. It has also initiated a talents academy in Nairobi to accommodate children who have talent in areas other than academics.

Through devolved funds like Local Authority Transfer Fund (LATF), the municipal councils in Busia, Kilifi and Kitui are focusing on strengthened early Childhood Development (ECD) centres. In Busia, there is collaboration with the Ministry of Education on development projects in schools. Opportunities for further intervention include helping children from vulnerable families to meet basic needs that force them to drop out of school.

The **Policy for Alternative Provision of Basic Education and Training** on the other hand acknowledges the needs of children who have been unable to access formal education despite government interventions, including the FPE. The current national policy recognizes that all children, youth and adults are entitled to basic quality education as a right. However,

¹⁷ The National School Health Policy (2009) was developed by the Ministry of Public Health and Sanitation, and the Ministry of Education.

despite the implementation of the FPE initiative, it is estimated that nearly one million children and youth have been unable to access education through our formal delivery channels. In addition, according to the 2007 Kenya National Adult Literacy Survey, 7.8 million Kenyans are illiterate, with youth aged between 15 and 30 years constituting 35 per cent of them. This problem is particularly acute in informal urban settlements, ASAL and pockets of poverty across the country. It is mainly in these environs that NFS/NFEC have emerged as viable channels to respond to the education needs of children, youth and adults who are unable to join formal education institutions.

The Adult Education Department in the three districts target adult learners, some of whom are young care givers to promote basic literacy. The opportunity of engaging with the adult learners can also be used to sensitize them on child labour.

Achieving Education for All (EFA) is hinged on the ability to universalize primary education for school age children as well as augment alternative basic education provisions for the youth and older populations. Alternative basic education and training covers basic literacy and skills training for learners aged 11 to 18 years.

Another important government initiative has been the formulation of the **Economic Recovery Strategy for Wealth and Employment Creation (ERS)** in 2003 to accelerate the fight against poverty, and improved macro-economic management opening various windows for funding development. And in 2008 **Kenya Vision 2030** was formulated providing strong social content well intended for the child labour agenda. To operationalize the journey towards realizing Vision 2030 is the first **Medium Term Plan¹⁸ (MTP)**, which highlights child labour as a major challenge that may hamper Kenya's ability to compete in the global arena. Among the programmes and projects planned in the MTP period 2008 – 2012 include: construction and equipping of primary and secondary schools; recruitment of school teachers; integration of Early Childhood Development and Education Programme; and introduction of Special Needs Education into basic education. The target set in the MTP is to raise the primary to secondary school transition rate to 75 per cent by 2012; as at 2010 it was at 71 per cent. Further, the MTP provides for establishment of an efficient legal system to help protect the rights of vulnerable individuals and groups such as OVC, and reduce human rights violations on them. The MTP also provides for training of young people in technical, vocational and entrepreneurial skills to equip them with relevant skills to participate fully in productive activities. Youth polytechnics would be revitalized, the Youth Enterprise Fund increased, and youth employed in labour intensive road projects, tree planting programmes and other productive activities.

All the policy provisions mentioned above are captured in the spirit of the **National Action Plan (NAP)** on elimination of child labour in Kenya. The overall approach of the NAP¹⁹ is the acceleration of action so as to pursue the fight against child labour more assertively with the government in firmer control using existing institutions. The objectives of NAP include increased awareness creation among the parents, children, communities and the public, at large on child labour and its impact towards the realization of the rights of

¹⁸ First Medium Term Plan (2008 - 2012).

¹⁹ National Action Plan for the Elimination of Child Labour in Kenya 2004 -2015 (Revised 2008).

children; and strengthening of the commitment and need for immediate elimination of worst forms of child labour with the aim of criminalizing them.

4.2 Legal achievements and district level implementation gaps

Several Acts of Parliament have been put in place and mutually contribute towards the protection and enhancement of the wellbeing of children. These Acts include the Children's Act, the Employment Act, and the Sexual Offences Act, the Anti-Trafficking in Persons Act, the penal Code, and the Kenya Constitution 2010. The Children's Act (2001)²⁰ has provisions for among others parental responsibility, maintenance, guardianship, care and protection of children, and defines the framework for administration of children's institutions and gives effect to the principles of the Convention on the Rights of the Child as well as the African Charter on the Rights and Welfare of the Child. It provides for domestication of the ILO Convention 138 on Minimum Age of Employment and Convention 182 on Worst Forms of Child Labour.

In 2005, the protection of the rights and enhancement of the welfare of children in institutions were supported through the gazettment of the Children (Charitable Institutions) Regulation, 2005.

The **Children's Act** defines child labour as any situation where a child provides labour in exchange for payment for instance as an assistant to another person and his labour is deemed to be the labour of that other person for the purposes of payment; or where a child's labour is used for gain by any individual or institution whether or not the child benefits directly or indirectly; and where there is a contract for services and the party providing the services is a child whether the person using the services does so directly or by agent.

The Children's Act has several provisions aimed at preventing child labour. According to the Act, it is the responsibility of the government and the family to ensure the survival and development of the child. Local authorities are also expected to safeguard and promote the rights and welfare of children within their jurisdiction and promote the good up-bringing of children by their families, through the establishment of suitable family-oriented programmes, and through the creation of a department to deal with the rights and welfare of children, public awareness and the co-ordination of relevant programme support initiatives from different social sub-sectors. Evidence from the three districts indicates that all the local authorities have not done much specifically to advance the welfare of children; there are no interventions specifically aimed at addressing child labour. Response to child labour by all the local authorities is a matter of chance and not a function of systematic intervention, and such response is largely indirect, especially through social services and education departments. The Education Departments are responsible for, among others, Early Childhood Education (ECD). These departments link volunteers with the National Centre for Early Childhood Education (NACECE) for training. The ECD centres can be exploited for sensitization of parents and guardians of children on child labour issues. The

²⁰ Children's Act - Revised Edition 2007 (2001).

Education Departments in the councils can be engaged to facilitate sensitization through their structures, including the ECD centres.

According to the Children's Act, every child is entitled to education and the government and parents have the responsibility of providing the same. In deed every child is entitled to free basic and compulsory education in accordance with Article 28 of the United Nations Convention on the Rights of the Child. Every child should be protected from economic exploitation and from any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development. Every child is entitled to protection from physical and psychological abuse, neglect and any other form of exploitation including sale, trafficking or abduction by any person, and should be protected from sexual exploitation and use in prostitution, inducement or coercion to engage in any sexual activity, and exposure to obscene materials.

Remedial actions in the Children's Act include separation of the child from his immediate environment including the parent if it is determined that his continued stay in with the parents would jeopardize his development, provided the best alternative care available is accessed for the child. And, where a child is separated from his family without the leave of the court, the government has the responsibility of providing assistance for reunification of the child with his family. Further, any child who becomes the victim of abuse should be accorded appropriate treatment and rehabilitation. Notwithstanding penalties contained in any other law, any person who infringes any of the rights of a child is liable to a term of imprisonment not exceeding twelve months, or to a fine not exceeding fifty thousand shillings or to both such imprisonment and fine. The punishments, however, appear lenient given that a child's future will have been compromised. Besides, where separation of the child from his immediate environment is advanced as the best remedial action, there are no alternative institutions within the three districts of Busia, Kilifi and Kitui where the children can be taken. Other options for care and guardianship are also not readily available.

The **Education Act**²¹ Cap 211 of 1968 (Revised in 1970, 1980) is the main legal document in Kenya governing education. It covers administration issues, management and curriculum development. It also protects children from all forms of exploitation including sexual harassment. The Teachers Service Commission (TSC) Act Cap 212 of 1967 not only covers remuneration and other administration issues but also stresses on professional conduct of teachers. It also protects children from exploitation including sexual harassment. This has been implemented with mixed results in the three districts. Cases of teachers engaging school pupils in coerced domestic labour, and having sex with them, sometimes resulting into pregnancy have been reported in the three districts. There is thus need to re-look at the existing mechanisms for enforcing these Acts, more so because once girls become pregnant, quite a good number drop out and never go back to pursue their education. Such girls end up being employed as domestic labourers among others even though most of them are usually still in their early teens.

²¹ Education Act, 1968.

The **Employment Act**²² is the principle statute on labour issues in Kenya and sets out rules for employment of children and prohibits the employment of children in certain places. The Employment Act, in part IV, specifically accords special protection to children from exploitative and inhuman labour. A child is defined as any person who has not attained the age of 18 years. In part VII, the Act provides for the protection of children by prohibiting worst forms of child labour, and empowers labour officers to cancel and prohibit contracts that subject children to abuse. Employment Act, however, provides for employment of children between 13 and 16 years, albeit under special conditions including the fact that the employment must not be potentially harmful to the child's health or development, and must not prejudice the child's attendance at school or participation in vocational training programme. The Employment Act, as the principle statute on labour issues in Kenya acknowledges the spectre of child labour in Kenya as it makes provisions for children employed in industrial undertakings. It is however silent on children employed in other undertakings. Of concern specifically is employment in the agricultural sector that accounts for over 70 per cent of child labour in the country.

The **Sexual Offences Act**²³, in sections 7 through to section 19, the Act defines possible situations where children could be exploited or subjected to sex work and provides deterrent punishment aimed at preventing sexual exploitation of children. It highlights and provides punishment for such acts as defilement, indecent acts with children, child trafficking, child sex tourism, child prostitution, and child pornography. The Act also protects children from custody by ex-male convicts of sexual offences. However, the Sexual Offences Act is inadequate in so far as handling of parents who defile their children is concerned. It is also inadequate in so far as defence those accused of defiling children have the option of claiming that they were deceived by the child regarding their age. This defence can be referred to by any accused person.

With the adoption of the Children Act, 2001, it was generally understood that children should be protected from child labour, including its worst forms. In the Employment Act, the regulations for juveniles, minors under 18, are as follows: Children under 16 should not be employed in any industrial undertaking or to attend machinery, unless they are apprentices or learners. "Industrial undertaking" means any of the following: any activity which relates to surface or underground extraction (like mines and quarries), any factory and any form of construction and installation (like buildings, railways, roads, tunnels, bridges, canals, sewers, drains, gas work, telegraphic, telephonic or electrical installations, or water works), and to transportation and handling of passengers or goods by road, rail or inland waterway. Section 24 (2) (a)-(d) thereby covers most of the potentially hazardous working conditions. Young persons under 18 must not be employed in any industrial undertaking at night except in cases of emergencies. Employers engaging juveniles (under the age of 18) are required to keep a register (section 31): the labour officer may cancel or prohibit the employment (section 34), or order the medical examination of the juvenile (section 32). There is need to explore how the Sexual Offences Act, the Education Act and the Teachers Service Commission Act can be harmonized to ensure greater protection for female pupils that sometimes are forced to drop out of school and drift into child labour due to

²² Employment Act, 2007.

²³ The Sexual Offences Act, 2006.

pregnancies occasioned by teachers. The current approach of addressing the issue using TSC systems seem not to provide adequate deterrent measures.

The **Anti-Trafficking in Persons Act 2010** seeks to establish the necessary institutional mechanisms for the protection and support of trafficked persons and to ensure just and effective punishment of traffickers. It outlines the offence of trafficking in persons and related offences and is comprehensive enough in curbing various forms of exploitation that occur within the chain process of human trafficking namely recruiting, transporting, transferring, harbouring and receiving. It specifically defines child trafficking as adopting, fostering and offering guardianship to a child for human trafficking purposes. The Act forbids child labour, forced detention for exploitative purposes such as labour and sexual exploitation of women and children.

The Act takes into account acts of trafficking committed internally within the borders of Kenya or internationally across the borders of Kenya, and considers irrelevant the consent of the trafficked person. If found guilty one is liable to fifteen years imprisonment or to a fine of five million shillings or to both; the ultimate penalty is life imprisonment in subsequent convictions.

The Act empowers the minister in charge of gender to formulate plans for the provision of appropriate coping services for victims of trafficking. Unfortunately so far, there are many challenges in Kenya, and specifically in the three focus districts of Busia, Kilifi and Kitui as far as victim assistance is concerned. The legal system is slow in cases of this nature thus making it potentially burdensome for a victim waiting for justice. Reintegration and issues of psycho social accompaniment in order to help the victim deal with the aftermath effects of trauma are important, however, they are currently unavailable in the three districts.

The Government has also established a number of **devolved funds** and given local people the authority to identify beneficiaries from the funds. These include the Constituency Development Fund (CDF), Poverty Eradication Loan Fund (PELF), Local Authority Transfer Fund (LATIF), Constituency Bursary Loan Fund, and Community and Youth Enterprise Development Fund through Constituency Youth Enterprise Scheme. These funds are being used in poverty eradication programs which provide income earning opportunities to poor families thereby raising incomes at the household level. For example, the CDF Act²⁴ emphasizes the need for community projects that benefits local inhabitants, including children. Also of particular importance to children are other devolved funds that enable them to remain in school such as the Secondary Education Bursary Scheme, the secondary school tuition waiver and the Constituency Youth Enterprise Scheme. For the unemployed youth, it assists them start their own businesses. CDF also has been instrumental in developing school infrastructure e.g. classrooms and toilets which are important in keeping children in school.

The Kenya **Penal Code**²⁵ provides for punishment of people who subject children to harmful practices. Section 262 of the Penal Code protects children from kidnapping or

²⁴ Constituencies Development Fund Act, 2003.

²⁵ The Penal Code, Chapter 63, Section 240 (2008).

abduction and offenders are liable to imprisonment for seven years. The major weakness of the Penal Code is that some of the punishments are light compared to the life-threatening effects of the offences. Another challenge with implementation of the provisions of the Penal Code is the fact that some prosecutors at district level as reported in Busia District are either not well versed with these provisions or deliberately draft faulty charge sheets, thereby occasioning either dismissal or loss of cases against individuals who engage children in child labour. There is need to strengthen the legal framework, improve co-ordination within the child rights sector and build institutional capacities within the justice system for protecting the rights of children. This implies a child-friendly legal infrastructure, including child-friendly courts and empowered prosecutors.

The **Constitution of Kenya (2010)**²⁶ is one other recent development that protects children from child labour including its worst forms. In the constitution, “child” means an individual who has not attained the age of eighteen years. It emphasizes that it is the duty of the state to observe, respect, protect, promote and fulfil the rights and fundamental freedoms in the Bill of Rights, which include addressing the needs of vulnerable groups within society such as children. The constitution recognizes that every child is entitled to a number of rights including **free and compulsory basic education**; shelter and health care; protection from abuse, neglect, violence, and inhuman treatment; protection from hazardous or exploitative labour; and parental care and protection. The constitution further protects every person including children from being held in slavery or servitude or being required to perform forced labour. Every person has the right to fair labour practices. The Constitution of Kenya 2010, therefore, provides a good basis for enhancing response to child labour in Busia, Kilifi and Kitui.

4.3 Gaps in implementation of policy and legislative provisions

A major policy institution in regard to the draft **National Child Labour Policy** is the Ministry of Labour, with its national and decentralized structures. There exists a major disconnect between the provisions of this draft policy and the reality on the ground, as manifested in the three project districts of Busia, Kilifi and Kitui. Currently the envisaged coordination structures like the District Child Labour Committees (DCLCs) are largely not effective.

In terms of enforcement, the legislative provisions as indicated in the **Employment Act** though mandating the District Labour Officers to prosecute employers of children have not been fully exploited. The result has been that the District Labour Offices in all the three districts have not specifically focused on addressing child labour issues. They have simply been involved with children in situations where there are disputes on payment. Further, apart from being largely one-person offices, they don’t have any decentralized structures to work with in monitoring, identification and reporting of child labour instances. Hopefully, once the DCLCs and LCLCs are established and strengthened, they will help in tracking child labour incidences.

²⁶ The Constitution of Kenya (2010).

The implementation of the **National Policy on OVC** requires that all stakeholders be involved at all levels. While there is success in certain areas such as Cash Transfer that aims at ensuring that OVC are not only enrolled in but also complete basic education, there is some disconnect between other policy provisions and district-level experiences in the three project districts. For example in the policy, provisions for school feeding and shelter interventions are largely absent. The desired implementation of the bursary provision for OVC to attend secondary schools is only reaching by a small proportion of OVC. Similarly initiating flexible schooling options and reviewing school attendance requirements, like uniforms as provided for in the policy is still not being meaningfully implemented in the three districts, with the only assumption being that the Cash Transfer programme would cater for all OVC needs; this assumption is misplaced. Apart from the inadequate actions on the provisions of the National Policy on OVC at the district level, there is also limited awareness of the policy amongst government staff who should be championing its implementation.

The continued implementation of the **Free Primary Education policy**, combined with the waiving of tuition fees in public secondary schools has increased access to basic education for children. However, in all the three districts namely Busia, Kilifi and Kitui there exists a big gap between the numbers of pupils that enrol in class one and those that sit for Kenya Certificate of Primary Education (KCPE) in class eight. A large number drops out and some are employed as child labourers.

Despite its progressive nature, the **Children's Act**, fall short of fully complying with international law standards on the rights of the child on a number of issues; including the lack of a comprehensive social security scheme for all children from low-income families and the enactment of overly-lenient penalties for child abuse, neglect and other violations of children's rights; these issues require further action. In practice, the reality of enactment of the Children's Act varies, hence revealing both prospects and challenges to the implementation process. Besides, where separation of the child from her/his immediate environment is advanced as the best remedial action, there are no alternative institutions within the three districts of Busia, Kilifi and Kitui where the children can be taken. Other options for care and guardianship are also not readily available.

The Children's Act also requires local authorities to safeguard and promote the rights and welfare of children within their jurisdiction and promote the good up-bringing of children by their families, through the establishment of suitable family-oriented programmes, and through the creation of a department to deal with the rights and welfare of children, public awareness and the co-ordination of relevant programme support initiatives from different social sub-sectors. Evidence from the three districts indicate that all the three local authorities still have a lot of unexploited opportunities to specifically to advance the welfare of children. Whereas all the local authorities have established a social services department, facilitated provision of education and health care, they could still take lead in facilitating partnerships for more aggressive response to child labour, and especially realizing their mandate as provided for in the Children's Act. Currently, response to child labour by all the local authorities appears to be a matter of chance and not a function of systematic intervention.

The **Education Act** protects children from exploitation including sexual harassment. However, cases of teachers engaging school pupils in coerced domestic labour, and having sex with them, sometimes resulting into pregnancy have been reported in the three districts. There is thus need to re-look at the existing mechanisms for enforcing this Act, more so because once girls become pregnant, quite a good number drop out and never go back to pursue their education. Such girls end up being employed as domestic labourers among others even though most of them are usually still in their early teens.

The **Employment Act**, as the principle statute on labour issues in Kenya acknowledges the spectre of child labour in Kenya as it makes provisions for children employed in industrial undertakings. It is however silent on children employed in other undertakings. Of concern specifically is employment in the agricultural sector that accounts for over 70 per cent of child labour in the country.

There is need to explore how the **Sexual Offences Act**, the Education Act and the **Teachers Service Commission Act** can be harmonized to ensure greater protection for female pupils that sometimes are forced to drop out of school and drift into child labour due to pregnancies occasioned by teachers. The current approach of addressing the issue using largely TSC system mechanisms seem not to provide adequate deterrent actions.

The **Anti-Trafficking in Persons Act** empowers the minister in charge of gender to formulate plans for the provision of appropriate compensatory services for victims of trafficking. Unfortunately so far, there are many challenges in Kenya, and specifically in the three focus districts of Busia, Kilifi and Kitui as far as victim assistance is concerned. The legal system is slow in cases of this nature thus making it potentially burdensome for a victim waiting for justice. Reintegration and issues of psycho social accompaniment in order to help the victim deal with the aftermath effects of trauma are important, however, they are currently unavailable in the three districts.

A major weakness of the **Penal Code** is that some of the punishments are light compared to the life-threatening effects of child labour offences. Another challenge with implementation of the provisions of the Penal Code is the fact that some prosecutors at the district level as reported in Busia District, are either not well versed in their work or deliberately draft faulty charge sheets, thereby occasioning either dismissal or loss of cases against individuals who engage children in child labour. There is need to strengthen the legal framework, improve co-ordination within the child rights sector and build institutional capacities within the justice system for protecting the rights of children. This implies a child-friendly legal infrastructure, including child-friendly courts and empowered prosecutors.

4.4 Enforcement Structures and their Capacity Gaps

The Government has implemented policies and programmes that support the fight against child labour through creation of relevant institutions in a number of Ministries and departments. Of relevance at district level include the Police, the Area Advisory Committees and District and Local Child Labour Committees.

Part V of the Children's Act provides for **Children's Courts** that are mandated to hear charges against any person accused of among others, engaging children in child labour.

Part VII of the Employment Act also provides for intervention by the Industrial Court to confirm or set aside any cancellation of child employment contract by a labour officer and the court's decision is final. The Employment Act empowers labour officers including **District Labour Officers** to terminate or cancel any contract of service, which has been entered into by a child with an employer if the nature of the employment constitutes worst forms of child labour or for any other form of child abuse. On the other hand, the Children's Act empowers the Director of Children's Services and his designees that include **District Children's Officers** to prosecute those who abuse children's rights, including those who engage children in child labour. Both the Employment Act and the Children's Act empower **police officers** to intervene in situations where any child is employed in any activity which constitute worst form of child labour.

The police have collaborated with both District Children's Department and District Labour Department to identify and prosecute people who engage children in child labour. These prosecutions have been with mixed results; in some cases convictions are made while in others cases are lost due to what is perceived to be deliberate drafting of faulty charge sheets by the police officers. This has no doubt slowed down the child labour response pace. Some of these faulty charge sheets are drawn based on inadequate understanding of child labour issues. According to the DCO in Busia, there is limited understanding of child labour issues even by senior district staff like DOs and even District Commissioner. Another challenge, as was the case in Kitui, the provincial administration deny that child labour exist at all in the district; this is partly a function of limited understanding of child labour.

Across the three districts, the police have reportedly played a key role in referring withdrawn children, especially those withdrawn from the streets to Children's Department for assistance.

Within the **Police Department**, the government is facilitating on-going programme where child protection units are being set up in police stations. In the three project districts, there are Women and Children's Desks. However, staffing for these designated service points is a challenge. In Kitui and Busia for example, the designated Women and Children's Desks are most of the times unmanned, implying that those who require services go unattended. In Kilifi, there is a Tourist Police Unit, though the staff is yet to be sensitized on child labour issues.

Local Authorities are expected to fulfil the functions specified in the Children's Act. It is the general duty of every local authority to safeguard and promote the rights and welfare of children within its jurisdiction; and to promote the good up-bringing of children by their families, through the establishment of suitable family-oriented programmes, and through the creation of a department to deal with the rights and welfare of children, public awareness and the co-ordination of relevant programme support initiatives from different social sub-sectors. Any local authority may incur expenditure in or about the temporary care of any child in need of care including his maintenance in a place of safety or in the return of any such child to his parent or guardian or to the area of the appointed local authority. Despite these requirements, the three local authorities of Busia, Kilifi and Kitui do not have any children specific by-laws. Children's issues are handled within the broader Social Services Department that largely focuses on registration of self-help groups. Though the council staff report that they follow up children withdrawn from the streets and link them to transitional

homes, there are no records of numbers and no systematic way of doing the same. Further, there are no specific budgets for children. The councils appear to reach children through the self-help groups but not in any structured and systematic way. The councils do not even have safe houses for transitioning children; children arrested from the streets, like in Busia are taken to police stations/cells, which unfortunately are not conducive environments for holding children. Apart from the social services department, another department within the councils that can be engaged to maximize its potential for child labour response is the Education Department. In all the three districts, the education departments are responsible for, among others, Early Childhood Education (ECD) and do link volunteers with the National Centre for Early Childhood Education (NACECE) for training. The department can be engaged and strengthened to facilitate sensitization of parents and guardians of children on child labour issues through their structures, including the ECD centres.

In the NAP, the government has underscored the need to nurture a close partnership with other actors, which include among others, Employers and Workers Organizations, Non-Governmental Organizations, religious groups and development partners. The Child Labour Division of the Ministry of Labour is designated as the focal point in policy implementation, coordination, monitoring and evaluation. District Child Labour Committees (DCLCs) and Local Child Labour Committees (LCLC) are expected to be formed and/or strengthened. The DCLCs as sub-committee of District Area Advisory Councils (AACs) are expected to coordinate implementation of policies and programmes at the grassroots level. Through these institutions, the implementation of policies and programmes on advocacy, awareness creation, social mobilization, resource mobilization, identification and withdrawal, and rehabilitation of affected children are expected to be coordinated. Children's Help Desks (CHDs) are also provided for and at the community level, Local Child Labour Committees (LCLCs) are expected to be established and/or strengthened. Children's participation in child labour issues in their communities and schools are envisaged through appropriate forums at all levels, as well as establishing children's clubs such as Child Right Clubs to promote their interests.

While AACs exist in all the three project districts, DCLC is only operational in Busia, with a largely inactive one in Kilifi. There are no LCLCs except 2 in Busia. As such, the involvement of DCLCs and LCLCs in enforcing policy and legislative provisions has not started. There is therefore urgent need to establish and strengthen DCLCs and LCLCs so that they can start executing their mandate of fighting child labour. AACs on the other hand are more active and are benefiting from the grass-root structures that the Children's Department has, including Volunteer Children's Officer that help in sensitizing communities on child labour issues. Further support is needed for district-level AACs to establish divisional and location AACs for more effective response to child labour issues.

4.5 Local / district level policies and legal instruments where child labour can be mainstreamed

In the three districts of Busia, Kilifi and Kitui, there are a number of policies that have been localized and are being implemented, and which can be exploited for mainstreaming child labour response.

4.5.1 Policies and legal instruments in all the three districts

- In all the three districts of Busia, Kilifi and Kitui, the project can exploit the **Local Authorities Transfer Fund (LATF)** planning processes that culminate in the development of **Local Authority Development Action Plan (LASDAP)**. Relevant projects in the LASDAP can be influenced to mainstream child labour response. The process should be to encourage local partners to participate more actively in the preparation of annual LASDAP, and in order for their activities to be accommodated for funding then they should start engaging actively with the local authority this year.
- In all the three districts, the **CDF Act 2003** is actively being implemented through projects in schools and communities. Engagement with the CDF committees to mainstream child labour response in CDF supported projects can go a long way in eliminating child labour. Dissemination of child labour messages in the CDF supported projects can ensure greater awareness about child labour.
- The **Economic Stimulus Programme (ESP)** supported interventions have provided opportunities for communities in enhancing their wellbeing through interventions such as construction of **fish ponds** by the Fisheries Department. For example in Busia District, a total of 200 fish-ponds have so far been established in and the ministry is complementing the provision of fingerlings and fish food. Engagement with the Fisheries Department can help in exploiting opportunities created during meetings with fisheries project beneficiaries to address child labour issues. Further, the Industrialization Ministry has supported the construction of **Jua Kali sheds** which provide a good entry point for awareness creation on child labour. The local Jua Kali Association can be mobilized and engaged as monitors and paralegals to act against child labour.
- In all the three districts, the Department of Agriculture is mitigating the effects of poverty through the **Njaa Marufuku Kenya (NMK) Project** where seeds and fertilizer are given to farmers to improve agricultural production. This intervention provides good opportunities for mainstreaming child labour response and reaching farmers with prevention messages.
- The **Kazi Kwa Vijana (KKV)** programme is being implemented by the Department of Youth Affairs in the three districts to create employment opportunities for youth. The department also oversees the **vocational training support project** being implemented through youth **polytechnics** where the government is paying Kshs 15,000 for every youth admitted in the polytechnics and pursuing technical courses. All these opportunities can be used to mainstream child labour response. Further, through the **Youth Enterprise Development Fund**, loans are provided for enhancing youth managed business. The process of channelling funds can be exploited to reach out to beneficiaries and sensitize them on child labour. Trainings targeted at the beneficiaries can be used to mainstream child labour messaging.
- The Department of Gender and Social Development in the three districts is also implementing **social protection interventions for the aged**. Child labour response can be mainstreamed to reach the beneficiaries and their family members.

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- The Department of Children is implementing the **Cash Transfer programme**, which can be exploited to mainstream child labour. Meetings with beneficiaries and their relatives can be used as fora for awareness creation on child labour issues.
 - The **Free Primary Education Programme** can be exploited to mainstream the concept of child labour into school syllabus. When children are aware of child labour issues they will be able to report child labour cases in their environs. Already the Kenya Institute of Education (KIE) has started infusing child labour issues in some of its books; having the same in the syllabus will go a long way in advancing the fight against child labour.
 - The Ministry of Special Programs is implementing **TOWA programme** in which HIV/AIDS funds are distributed to selected civil society organizations including local NGOs and CBOs to implement HIV prevention, care and support interventions. The SNAP project can engage with the District Technical Committee under the leadership of the DDO to mainstream child labour messages in intervention carried out by funded organizations.
 - In the three districts, the government through the District Education Department is supporting the **Free Secondary Day Education (FDSE)**. The funds include payments of about Kshs 10,265 per child per year to enable children acquire secondary education. SNAP can exploit this by promoting messaging on the value of education as a means of preventing child labour.
 - There is also the **Constituencies Bursary Fund** that targets bright but needy students, including OVC to enable them acquire secondary school education.
 - In the districts, the government has set aside **Poverty Reduction Fund** and is working through the local authorities to implement water, education, health interventions. The projects are listed in LASDAP, and are implementable in 12 months. SNAP can exploit the opportunity provided by the supported activities to mainstream child labour interventions.
 - In the three districts of Busia, Kilifi and Kitui, the **Roads 2000 Programme** strategy for the maintenance of the Kenya public road network is being implemented; it uses local resources and labour methods wherever these are cost effective. The Roads 2000 strategy fits well within the country's Economic Recovery Strategy for Wealth and Employment Creation (ERS) in that the emphasis is to improve and maintain the country's road network using labour based methods. The benefits of adopting this strategy are that Kenya has a big number of un-employed work force which can be used for the improvement and maintenance of the county's infrastructure. By utilizing labour based methods, the strategy can create job opportunities, thereby reducing unemployment and creating wealth for the poor.

4.5.2 Policies and legal instruments specific to Busia district

- In Busia District, the Department of Agriculture is implementing the **National Livestock Extension Program (NALEP)** which targets the rural resource poor and vulnerable groups, and focuses on ensuring inclusion of men and women, children, youth, HIV/AIDS affected, disabled and elderly. Child labour issues can be

mainstreamed in the process of transferring skills on appropriate technical packages in agriculture and livestock.

- The Department of Agriculture is also implementing the **Kenya Agricultural Productivity Program (KAPP)** by is facilitating **agricultural extension and farmer and other stakeholders empowerment**. The objective is to support the broad implementation of the National Agricultural Sector Extension Policy (NASEP). It lays the foundation for sustainable agricultural production systems through farmers' access to demand-driven support services and the empowerment of farmers and other stakeholders. This can also be exploited by SNAP to mainstream child labour issues.
- The **Programme for Agriculture and Livelihoods in Western Communities** in Kenya (**PALWECO**) is also being implemented by the Department of Agriculture in the district. The programme aims at contributing to poverty reduction in selected districts of Western Kenya through improving living standards and livelihoods of the poor, men and women alike, their capacity to influence structures and processes affecting them and increasing wealth from farming and non-farming activities in a sustainable way. This will be improved through improved household food security, environmental sanitation and household and community capacity to manage community-level projects.
- The Forestry Department is **planting seedlings** of suitable trees and availing the same to locals for planting free of charge. This opportunity can be exploited to engage communities and create awareness about child labour.

4.5.3 Policies and legal instruments specific to Kilifi district

- In Kilifi District, the Department of Agriculture is implementing the **Kenya Agricultural Productivity Program (KAPP)** by facilitating **agricultural extension and farmer and other stakeholders empowerment**. The objective is to support the broad implementation of the National Agricultural Sector Extension Policy (NASEP). It lays the foundation for sustainable agricultural production systems through farmers' access to demand-driven support services and the empowerment of farmers and other stakeholders. This can also be exploited by SNAP to mainstream child labour issues.

4.5.4 Policies and legal instruments specific to Kitui district

- In Kitui District, the Department of Agriculture is implementing the **National Livestock Extension Program (NALEP)** which targets the rural resource poor and vulnerable groups, and focuses on ensuring inclusion of men and women, children, youth, HIV/AIDS affected, disabled and elderly. Child labour issues can be mainstreamed in the process of transferring skills on appropriate technical packages in agriculture and livestock.

4.6 Capacity of Local Structures

4.6.1 Busia district

In Busia District, there is a District Child Labour Committee (DCLC) in place. Though not very active, there is commitment by DCLC members that include International Child Support [ICS], Kenya Orphan Rural Development Programme [KORDIP], ADEO, Human Support Organization [HUSO], FLEP, Compassionate Home, Mama Leah and Innovation for Poverty Action [IPA]. LCLCs have also been launched and two are currently functional. During DCLC meetings, strategies to intervene in addressing child labour issues are discussed and joint action plan developed by all participating stakeholders who include GoK departments and NGOs with child-focused interventions. The major challenge has been affecting the action plans.

The Busia District AAC is also in place and is active. AAC members identify with its mandate and there are routine issues to discuss. Membership includes the DC, DCO, DPO, DSO, ICS, KORDP, and municipal and county councils. The AAC needs to be strengthened through training /updating of members, more so because government departmental heads, who are the majority members are often transferred. The AAC membership initially left out some of the key departments like agriculture and livestock which are actually implementing some critical programs like the Njaa Marufuku Kenya, and which address household poverty and have huge potential of preventing child labour.

Sensitization of communities on child labour issues has been initiated and is being sustained, especially where the LCLCs have been formed and active child-focused organizations operate. In these areas paralegals have been trained and help with sensitization as well identification and withdrawal of children from child labour. The DCLC through the District Children's Department is working closely with the police and the court. Child abusers are being arrested and prosecuted, especially within the town where access is easier. For example, a chief who had employed a child was arrested and locked in a cell. This sent a strong message about the fight against child labour in the area. The Children's Department, the Police and the Court have devised punitive additional punitive measures to deter potential abusers of children. For example, when children are found offloading a truck, punishment for the truck operator also include impounding the truck and packing it at the police station. The loss of revenue occasioned by impounding, even if for two days only, is a good deterrent to potential employers of children. The same approach is applied on hoteliers who employ children; their hotels are closed for some days. The biggest challenge still remains the involvement of children in hawking / selling merchandise. According the DCO, despite sensitization and warnings there has been minimal change. The response currently entails confiscating the merchandize. The department has an arrangement with court and maximum sentence for children engaged in selling merchandize is 2 days. For prevention, the Children's Department has structures on the ground that can be exploited for awareness creation activities at local level even as the LCLCs are being established.

A major challenge for child labour response in Busia is the fact that withdrawing the children from child-labour but not providing alternative sustainable livelihoods support structures sometimes renders the efforts futile. There is need to link the affected households with some of viable alternative sources of livelihoods and vocational training.

Despite the current existing response by the DCLC and AAC, there is significant need for capacity building on child labour issues so as to enhance understanding on the subject, and also to allow for better management/coordination of the activities of the two committees.

4.6.2 Kilifi district

In Kilifi District, there is a DCLC in place but it is very weak. One of the reasons why it is weak is because there is no regular District Labour Officer (DLO) to coordinate its activities. The current DLO serves 5 expansive districts that include Tana River and Malindi, and is available in Kilifi for only one day every week. Revamping of the committee would require establishment of reliable leadership. Further, the district does not have any Local Child Labour Committee (LCLC), and as such there is need to not only strengthen the DCLC but also facilitate it to roll-out LCLCs in the district.

There is a district level AAC and it is fairly active. The AAC needs to be strengthened through training /updating of members, more focused sensitization of communities on child labour issues should also be intensified.

Response to child labour in the district entails prosecution of offenders by both the Children's department as well as the Tourist Police. However, response to child labour associated with trafficking of children is still low. The majority of DCLC membership does not have specific details about the Anti-Trafficking in Persons Act and as such has not been proactively involved in its response. The DCLC through the District Children's Department is working closely with the police and the court. Child abusers are being arrested and prosecuted, especially within the town where access is easier.

A major challenge is transitional institutional care for children withdrawn from child labour.

4.6.3 Kitui district

Though previously formed, the DCLC in Kitui District has been largely dormant. There are no LCLCs and as such child labour issues have generally been handled by the broader AAC. Unfortunately the AAC, though active, has tended to focus more on the general issues of child rights and therefore not giving special attention to child labour specific issues. AAC member NGOs and even government departments indirectly respond to child labour within the broader realm of child rights. The government designated office on labour issues, the District Labour Office, does not appear to have prioritized child labour issues. To strengthen the DCLC, there is need to reconstitute it and induct members on their mandate and responsibilities. The committee's leadership should also be strengthened. Likewise, Local Child Labour Committees (LCLCs) should be established and strengthened.

The AAC is in place and is fairly active. It is active partly because the leadership is proactive, and also because the membership do identify with its mandate. Members of the AAC are the District Commissioner [DC], District Children Officer [DC], District Probation Officer [DPO], Public Health Officer [PHO], District Statistics Officer [DSO], District Registrar of Persons [DRP], Civil Society organizations [CSO] namely Child Welfare Society of Kenya [CWSK], Kitui Development Centre [KDC] and Catholic Diocese of Kitui [CDK], municipal and

county councils, and the Kenya Union of Domestic, Hotels, Educational Institutions, Hospitals and Allied Workers [KUDHEIHA].

There is appreciation of the relationship between drop-out from school and engagement in child labour. As such, the District Commissioner's office, using its structures such as the chief is enforcing the implementation of compulsory Free Primary Education; there is close monitoring of attendance in school.

There is lobbying for retention of pupils from poor families in school. The District Probation Office, which is represented in the AAC, engages with school authorities to be accommodative and lenient with kids from families where parents/guardians are irresponsible. The department is also facilitating rehabilitation and reintegration of children withdrawn from child labour back into the community. The police are also involved in the fight against child labour. The Women's and Children's Desk at Kitui Police Station is handling a number of tasks including counselling of children withdrawn from child labour, referral to District Children's department, referral to approved schools, and prosecution of abusers. The police also traces homes/ places of origin of children withdrawn from child labour and facilitate re-union.

Even though withdrawal from child labour is good it has not been sustainable in the area since it is not fully appreciated by families who think that they are being punished. Custody or temporary holding places are a challenge – cells are not conducive for children, and feeding them and attending to their psychosocial needs remains a big challenge.

The following 3 tables present the capacity situation of government structures at district level.

Table 4.1: Kitui district: Summary of capacity situation of government structures

In Kitui District, child labour is mainly prevalent amongst poor families especially where there are single parents, or where parents are drunkards and manifests in the district in a number of areas including: brick works, herding, sex work, farm labour, trafficking of children for domestic work from Kitui to other towns/areas, collection of stones along rivers, quarrying, house help work, touting and stage agents, commercial sexual exploitation of children.

Structure	Observation	Recommendation / Comment
District Child Labour Committee	- There is no DCLC in place. Efforts are being made by the local ILO office to establish a DCLC - There is reported commitment by stakeholders but resources are limited. Resource issue is mainly affecting participation by government departmental heads who are accustomed to refreshments and in some cases allowances are paid for attending meetings. Training of members should probably help in addressing this problem	- One of the reasons why the DCLC is not active is because the designate members are not clear on what they should be discussing. Besides, the District Labour Officer does not appear enthusiastic about the committee unless his office is facilitated financially. Revamping of the committee requires strong leadership and unless there is a clear plan to invest in efforts that will radically change the attitude of the DLO, then it might be worthwhile entrusting the District Children's Office with the task of steering the DCLC - Similarly, efforts should be made to establish Locational Child Labour Committees (LCLCs) that are currently absent - The respective district offices should be sensitized to explore ways of reaching the grassroots

Structure	Observation	Recommendation / Comment
Area Advisory Committee	• AAC in place and strong – partly because members identify with it and share its mandate. There are routine issues to discuss and there is also commitment by stakeholders • It meets once every quarter. Membership includes the DC, DCO, DPO, MOH/PHO, DSO, DRP, CSOs (CWSK, KDC, CDK), municipal and county councils, KUDHEIHA	• To strengthen the AACs, there is need to establish and train members at the location level • District level AAC can also be strengthened through training because government Heads of Department are routinely changed • AACs can be active if leadership is strong and if they have issues for discussion in their agenda • To strengthen AACs there is need to focus on mobilization; share issues • Engagement with the media can be helpful • The respective district offices should be sensitized to explore ways of reaching the grassroots to enhance sensitization • The committee can be facilitated to engage local media for sensitization, more so interactive media sessions • There is need to capacity build the AAC on the whole package of child protection • There is need to demystify resource implications for meetings; stakeholders should be able to support their participation in meetings without any major additional funding
District Labour Office	• Response by the department includes enforcement of labour law and spot check inspections of workplaces to ensure adherence to Employment Act • The department engages closely with the offices of the DCO, DEO, judiciary, and the police	• Facilitate district structures to reach the grassroots • Strengthen supportive infrastructure within the office of the DLO to enable more effective coordination
District Children's Office	• Major stakeholders in the district in the area of child-related interventions include APHIA, Catholic Diocese of Kitui (CDK), Child Welfare Society of Kenya (CWSK), Kitui Development Centre (KDC), AMREF, Kitui Paralegal Organization (an arm of CDK, St. John Hudes Rehabilitation Centre, Baby home • There is erroneous prevalent perception that the relative is helping the child when linking with an "employer" (abuser?) • Withdrawal from child labour and supervision are prioritized • Even though withdrawal from child labour is good it has not been sustainable in the area since it is not fully appreciated by families who think that they are being punished. It is mainly common among children from poor families	• The office is very active and has potential of effectively contributing to the elimination of child labour. It has structures on the ground that can be exploited for awareness creation at location level even as the LCLCs are being established • Cash transfer programme should probably focus on households and not OVC as is currently the case
District Adult Education Office	• Targets adult learners, some of whom are care givers to promote basic literacy • People not concerned about child labour	• Since people are not adequately sensitized on child labour, there is need for intense sensitization on child labour issues • Need to have people at the grassroots specifically dealing with child labour

Structure	Observation	Recommendation / Comment
District Gender, Social Services Office	- The department is partnering with stakeholders to ensure all children attain primary school education - The department, through its decentralized structures monitors and reports cases of child abuse as well as drop out from school	This is a strategic department in the response to child labour. Its structures can be exploited to enhance response, especially information dissemination
District Youth Office	The department targets Youth – 15 – 35 and has a number of interventions including promotion of talent academies, youth enterprise scheme, and training in youth polytechnics	- The department is strategic for sensitization of youth who drop out of school as well as provision of training opportunities through the village youth polytechnics - In some cases, the grants extended to older youth can also trickle down to other vulnerable children in households
District Agriculture Office	- The department is implementing many programmes including NALEP that addresses child labour issues as part of the cross-cutting issues - Njaa Marufuku programme also targets resource poor households	The department is strategic for mainstreaming of child labour messaging in routine agricultural support activities sensitization of youth who drop out of school as well as provision of training opportunities through the village youth polytechnics
District Commissioner's Office	- Significantly appreciates drop out from school as being a major driver of child labour - Compulsory Free Primary Education is enforced. There is monitoring of attendance in school. Chiefs get reports of school attendance	- This is a very strategic office for close engagement if child labour is to be eliminated. It is also the force behind realization of active DCLCs and AACs - In order to eliminate child labour, there is need to strengthen the legal system to have judgments that are deterrent - There is also need for rehabilitation centres at the lowest level within the community
District Probation Office	Engages with school authorities to be accommodative and lenient with kids from families where parents/guardians are irresponsible	The department is strategic not only in lobbying for retention of pupils from poor families in school but also for rehabilitation and reintegration of children withdrawn from child labour back into the community
District Statistical Office	- This tracks prevalence of child labour pre-disposing factors such as poverty, as well as instances of child labour in liaison with Children Department - It is important in generation of evidence	Is supportive office and strategically placed to provide evidence of child labour and / or effects of response interventions
District Trade Development Office	Is not directly involved in child labour response but can be engaged for mitigated response	- The department, though not strategic, can be useful in reaching the private sector, including those who may be employing children - The loans provided to businesses can also empower vulnerable households
Kitui Police Station: Gender and Children's Office	- Handles a number of tasks including counselling of children withdrawn from child labour, referral to children's department, referral to approved schools, and prosecution - Tracing of places of origin since children tend to lie. Some children do not know the names of their parents thus making tracing very difficult - Custody or temporary holding places is a challenge – cells are not conducive for children, and feeding them and attending to their psychosocial needs a challenge	- Training and updates – in the areas of child rights, sexual offences, counselling - Support for professional counsellors - Resources for tracing including transport - Infrastructure for holding children including recreational facilities like TV

Structure	Observation	Recommendation / Comment
Kitui County Council	Works through Community Development Assistants and engages with women groups and other self-help groups	Is not actively involved in child labour response. Seem to be more active in facilitating registration of groups and should be capacity built to be more proactive in child labour response
Kitui Municipal Council	Works through Community Development Assistants and engages with women groups and other self-help groups	- Reports mobilizing street children from the streets and following them up - Is not actively involved in child labour response. Seem to be more active in facilitating registration of groups and should be capacity built to be more proactive in child labour response

Table 4.2: Busia district: Summary of capacity situation of government structures

In Busia District, child labour mainly manifests in video show rooms, sugar-cane plantations, brick making, work in the jaggeries, sand harvesting, house help, washing cars, offloading trucks, hawking, smuggling, CSEC.

Structure	Observation	Recommendation / comment
District Child Labour Committee	- There is a DCLC in place - There is commitment by stakeholders that include ICS, KORDIP, ADEO, HUSO, FLEP, Compassionate Home, Mama Leah and Innovation for Poverty Action - Meets bi-monthly - CLCs are also currently functional in two the locations – LCLCs - Strategies to intervene in addressing child labour issues are discussed and a joint action plan developed by all participating stakeholders, GoK departments and NGOs with child focused programmes - Continuous sensitizations of communities about engagement of children in labour activities - Many times children have been reintegrated back. For sale of merchandise [bananas, onions]...sensitization efforts targeting the Uganda women. Confiscating the merchandise, taking the employer and child to court and charge them directly - Paralegals - Take the business community members to become ambassadors for rolling out sensitizations - Impound the trucks and take them to the police stations – the financial cost of losing business while trucks are packed at the police station is by itself deterrent - Hoteliers- the same	- Build capacity of the DCLC members to among others appreciate the contributions of each of the departments in addressing child labour issues - Awareness creation/ sensation and education activities about child labour issues through community barazas and other public joint events
Area Advisory Committee	- AAC is in place and active – partly because members identify with its mandate. There are routine issues to discuss and there is also commitment by stakeholders - Membership includes the DC, DCO, DPO, DSO, CSOs - ICS, KORDP - municipal and county councils	- To strengthen the AACs, there is need to establish and train members - District level AAC can also be strengthened through training because government Heads of Department are routinely changed

Structure	Observation	Recommendation / comment
District Labour Office	• Response by the department includes enforcement of labour law and spot check inspections of workplaces to ensure adherence to Employment Act • Also participates in the DCLC	• The office is committed and can be capacity built to mainstream child labour prevention in routine activities
District Children's Office	• Withdrawal from child labour and supervision are prioritized • Even though withdrawal from child labour is good it has not been sustainable in the area since it is not fully appreciated by families who think that they are being punished. It is mainly common among children from poor families • The Children's Office participates in AAC s and DCLCs. It is also represented in other important structures like District Diversion core-team [police, courts- a community support]; District OVC support committee; CCIs- Charitable Children's institutions committee • Anti-Child Trafficking committee spearheaded by the police is in place • Children's courts committee	• Withdrawing the children from child-labour but not providing alternative sustainable livelihoods support structures sometimes renders efforts futile. There is need to identify some of the viable alternative sources of livelihoods and vocational training • There is urgent need to cascade down the supports from DCLCs to the LCLCs • The office is very active and has potential of effectively contributing to the elimination of child labour. It has structures on the ground that can be exploited for awareness creation at location level even as the LCLCs are being established • There is need to establish proper targeting Systems/mechanisms for identifying most needy children • Use existing structures for more cost effective support and reach more beneficiaries • Proposal to use an integrated approach to synergize and secure an interlinked support • Other Priorities that ILO could consider for strengthening • Capacity Building sessions with Judicial and prosecuting officers to be on the same page so that cases are not lost • AAC- Require remedial Trainings on specifics; • AAC Membership- initially left out some of the key departments/people e.g. Agriculture, Livestock who are actually implementing some of the critical programs like the Njaa Marufuku which addresses households poverty related issues and has a huge potential for preventing child labour • Focus in strengthening the prosecutor processes [based on lost cases- defilement cases need to build enough grounds • Ministry of Health Medical superintendents to have a more serious focus on the P3 forms which provide the legal basis for putting a strong case • Participation in ceremonies- e.g. Burial ceremonies, World Orphans International days, World AIDS day, International day of the older people- all these provide a good platform for the communities to learn [through performance kits for example]

Structure	Observation	Recommendation / comment
District Development Office	• Active participation both in AAC and DCLC • Prioritized interventions to reduce poverty and improve food production • Department of Agriculture through the Sida funded NALEP programme, Njaa Marufuku Kenya Project, Heifer International livestock production programme • Department of Youth Affairs through Kazi Kwa Vijana, youth polytechnics where the government is paying Kshs 15,000 for every youth admitted in the polytechnics and pursuing technical courses • Department of Cooperative Development through marketing societies especially around agriculture • Department of Gender and Social Development through social protection interventions for the aged • Department of Children through Cash Transfer programme • Department of Education through Free Primary Education programme • CDF that has reduced some burden from parents in supporting projects as well as through bursaries • Economic stimulus programme through Fisheries Department's promotion of fish ponds; Industrialization Ministry through Jua-kali sheds • Food aid distribution	• Is supportive office and strategically placed to assist in steering both the DCLC and the AAAC
District Statistical Office²⁷	• This tracks prevalence of child labour pre-disposing factors such as poverty, as well as instances of child labour in liaison with DCO's office • It is important in generation of evidence	• Is supportive office and strategically placed to provide evidence of child labour and / or effects of response interventions
District Education Office	• A number of interventions are implemented through the department • The department is issuing bursaries to needy children • The government has banned corporal punishment to enhance retention and completion of primary school • KESSEP – used to refurbish physical facilities to create a better learning environment • KIE has infused issues related to child labour in its books • The uniform guidelines are such that pupils can be allowed to be in school without uniform if it is determined that there are resource challenges at family level • Repetition of class levels – the Ministry of Education is against repetition as it contributes to drop-out • The government has initiated a talents academy in Nairobi to accommodate children who have talent in areas other than academics	• There is need to exploit the education system and sensitize children about child labour. This should start with sensitization of teachers

²⁷ The District Statistical Officer has for a long time been acting as the District Development Officer; the Current DDO was recently posted.

Structure	Observation	Recommendation / comment
	Government policy allows for re-entry of the girl-mother back to school. The District Education Office is able to facilitate admission into an alternate school should the girl mother be uncomfortable with her previous school	
District Gender, Social Services Office	- The department is partnering with stakeholders to ensure all children attain primary school education - The department, through its decentralized structures monitors and reports cases of child abuse as well as drop out from school	This is a strategic department in the response to child labour. Its structures can be exploited to enhance response, especially information dissemination
District Youth Office	- A number of interventions to reduce instances of child labour e.g. - Kazi kwa Vijana - Youth Polytechnics- the government has provided an allocation of KES 15,000 annually to support those enrolled in polytechnics; parents are only requested to top up the tuition with about KES 3,000 for those enrolled in the polytechnics - The department targets Youth – 15 – 35 and has a number of interventions including promotion of talent academies, youth enterprise scheme, and training in youth polytechnics	- The department is strategic for sensitization of youth who drop out of school as well as provision of training opportunities through the village youth polytechnics - In some cases, the grants extended to older youth can also trickle down to other vulnerable children within the household
District Agriculture Office	- The department is implementing many programmes including NALEP that addresses child labour issues as part of the cross-cutting issues. There are sensitizations through trainings, follow-up with provincial administration. NALEP focuses on resource poor communities who are also normally the ones most vulnerable in terms of engagement in child labour - Njaa Marufuku programme also targets resource poor households	The department is strategic for mainstreaming of child labour messaging in routine agricultural support activities sensitization of youth who drop out of school as well as provision of training opportunities through the village youth polytechnics
Busia County Council	Works through Community Development Assistants and engages with women groups and other self-help groups	Is not actively involved in child labour response. Seem to be more active in facilitating registration of groups and should be capacity built to be more proactive in child labour response
Busia Municipality Council	- Through devolved funds like LATF, the council has strengthened ECDs/ primary school support over the FPE currently supported by the government. There is collaboration with the Ministry of Education on development projects in schools - Again, the council has adopted a multi-sectorial approach in rolling out its programs at the field/divisional level to include networking and partnerships building with like-minded partners on the ground and other key GOK structures like the location child labour committees where they exist. This has so far worked successfully in ensuring a coordinated approach to implementation of programs	- There is need for intense lobbying to waive school fees payment for children/ OVCs who cannot be in school...including vocational training for those who are currently out of school - There is need to strengthen partnerships with NGOs - Strengthen the councils department of social services which for a long time has been neglected / non-prioritized

Table 4.3: Kilifi district: Summary of capacity situation of government structures

In Kilifi District, child labour manifests mainly in trafficking of children for domestic work, quarrying, house help work, touting and stage agents, commercial sexual exploitation of children, selling of merchandise such as wares, ground-nuts, second-hand clothes, off-loading of trucks, manual work at the construction sites, tour-guiding, working in tea/coffee cafes, cooking in the hotels or serving clients, dish-washing, entertainment of tourists [dancers], peddling of hard-drugs, salt mines, fishing /net fishing, herding of cattle/livestock.

Structure	Observation	Recommendation / Comment
District Child Labour Committee	There is a DCLC in place but it is very weak	- One of the reasons why the DCLC is not active is because there is no regular DLO. The current DLO handles 5 expansive districts and is available in Kilifi only on Wednesdays - Revamping of the committee requires reliable leadership - Similarly, efforts should be made to establish local Child Labour Committees (LCLCs) that are presently absent
Area Advisory Committee	AAC in place and strong – partly because it is fully owned and reliably led. There are routine issues to discuss and there is also commitment by stakeholders	- To strengthen the AACs, there is need to establish and train members at the location level - To strengthen AACs there is need to focus on mobilization; share issues – plan together - There is need to capacity build the AAC on the whole package of child protection - There is need to establish decentralized level AACs e.g. divisional and locational AACs
District Labour Office	Response by the department includes enforcement of labour law and spot check inspections of workplaces to ensure adherence to Employment Act	The DLO is largely absent from the district since he has to attend to 4 other districts including Tana River. As such there is inadequate attention
District Children's Office	The Office implements both prevention and protection interventions. These include sensitization of communities and withdrawal from child labour	The office is active and has structures on the ground that can be exploited for awareness creation at location level even as the LCLCs are being established
District Gender, Social Services Office	The department, through its decentralized structures monitors and reports cases of child abuse as well as drop out from school	This is a strategic department in the response to child labour. Its structures can be exploited to enhance response, especially information dissemination
District Youth Office	The department targets Youth – 15 – 35 and has a number of interventions including promotion of talent academies, youth enterprise scheme, and training in youth polytechnics	The department is strategic for sensitization of youth who drop out of school as well as provision of training opportunities through the village youth polytechnics
District Education Office	- A number of interventions are implemented through the department - The department is issuing bursaries to needy children - KESSEP – used to refurbish physical facilities to create a better learning environment - Repetition of class levels – the Ministry of Education is against repetition as it contributes to drop-out - Government policy allows for re-entry of the girl-mother back to school.	There is need to exploit the education system and sensitize children about child labour. This should start with sensitization of teachers
Kilifi Tourist Police Station:	Handles a number of tasks including protection	Additional interventions would include training and

Structure	Observation	Recommendation / Comment
Gender and Children's Office	of children from abuse by tourists by working with hoteliers	updates – in the areas of child rights, sexual offences, counselling
Kilifi County Council	Works through Community Development Assistants and engages with women groups and other self-help groups	- Is not actively involved in child labour response. Seem to be more active in facilitating registration of groups and should be capacity built to be more proactive in child labour response - LATIFF allocations- provision for OVC support could be reviewed and increased to retain children in school - CDAs Training on issues of child-rights and child labour to be adequately equipped to address the issues at community level. Most of the CDAs focus has been on women in the past and neglected children
District Probation Office	- Engaging with parents for good parenting to identify the root causes of the problem i.e. guidance on good parenting. The department is trying to make the parents understand and appreciate that they have the key role to play in upbringing of the children - Referral to the children's office	The department is strategic not only in lobbying for retention of pupils from poor families in school but also for rehabilitation and reintegration of children withdrawn from child labour back into the community

4.7 Recommendations on possible partner organizations

Table 4.4: Recommendations on possible partner organizations

Kitui district: Possible partner organizations		
Organization / Institution	Observation	Recommendations / comments
KUDHEIHA - Kitui Branch	- Is a Trade Union, legally registered since 1971 - Has an office in Kitui Town - Has a management committee comprised of 12 individuals - Has an independent account, with four signatories; any 3 can transact business - A major strength is ability to handle labour issues	- Does not have capacity to implement or manage funds, but can be engaged for their strategic value given the people that they reach – the employers. The structure is largely amorphous and has inadequate technical capacity, save for ability to lobby for improved salaries - Can facilitate awareness creation amongst employers, e.g. hotel workers, withdrawal of children from child labour - Referral of withdrawn children - Weak capacities but interesting potential, especially with support from their head office in Nairobi
Catholic Diocese of Kitui	- Is part of the Catholic Church in Kenya - Has secretariat in Kitui Town - Has management structure under the bishop - It targets orphans and vulnerable children under 18 years. The vulnerable children include neglected children, street children, as well as those with parents or guardians that are terminally sick - General care and support including education, health, protection (including legal support), nutrition, shelter, and psychosocial support - Child labour falls under protection, mainly prevention of child labour through education on child rights. OVC are reached through the	Is a strong institution that can be engaged by IPEC to - Create awareness on child labour in the community - Promote prevention of child labour under the broader child rights interventions - Withdrawal of children from child labour - Facilitate referral of children withdrawn from child labour to holding/ rehabilitation institutions - Linkage with vocational training institutions - Facilitate IGAs for households - Also targets other children in the household to reduce vulnerability to child labour - Has a rehabilitation centre for street children - Strong capacities to work on child labour issues

Kitui district: Possible partner organizations

Organization / Institution	Observation	Recommendations / comments
	HBC programme especially through care givers. They are also reached through churches and chiefs' barazas Is funded by among others CAFOD, APHIA, Friends of Kitui in Ireland, Chello Foundation in the UK (mainly sponsoring education for children in school)	
Kitui Development Centre	- Is a national NGO with a management board and is located within Kitui Town - OVC care and support: community based project focuses on the household and includes psychosocial support; school fees, uniforms and medication; mitigation including IGAs - Advocacy targeting leaders and the community at large psychosocial support through the care given - Withdrawal from child labour - Rehabilitation and facilitation of linkages with other stakeholders including Children's Department - Rehabilitation and linkage through counselling and linkage with relevant institutions such as Nyumbani Village and St. Hudes both in Kitui - Direct support of children who are withdrawn from child labour; support with school uniforms and other levies; medication through facilitation of linkages with health facilities and payment of selected bills; skills training through linkage with vocational training institutions as well as Jua Kali for specialized skills; economic empowerment through provision of seeds to care givers and introduction to savings and credit through linkage with KWFT, KREP and Equity Bank	- Strong capacities to work on child labour issues - Has both organizational and technical capacity to deliver child labour interventions. - Staff members who are on board are up to date regarding child labour issues. - Has systems in place and has previously implemented a project funded by ILO. It also has other projects funded by donors. - Prevention of child labour through a number of activities including awareness creation, strengthening of community structures and - Additional areas of focus would be support for children withdrawn from child labour and qualify for secondary school i.e. facilitation of school fees for secondary education - Address the period between withdrawal from child labour and linkage with care and support institution/family/community/government department – need to establish a rescue centre - Is a member of DCLC - Establishment and strengthening formation of LCLCs - Mainstreaming of child labour issues in all projects - Training and facilitation of community volunteers on child labour issues - Use of local FM radio stations to sensitize community members on child labour issues - Supported by other partners including EU which supports vocational training
Child Fund, Kitui Branch	- Is an international NGO with structures in place - Child labour response through child rights clubs in school - Rights magnified include right to education, food, protection - Can add value through - Advocacy for prevention of child labour - Promotion of enforcement of Children's Act	- Strong capacities to work on child labour issues - Can respond by focusing on the family. For example, most kids peddling drugs are sent/used by parents - Targeted BCC interventions - Work with NACADA closely - Has community structures for mobilization and advocacy at the village level - Child Fund can be brought on board if contracting is done within Kitui District to allow for close monitoring by Kitui based programme office
Child Welfare Society of Kenya, Kitui Branch	- Office started in 2009 - Routine programmes started in 2010 - Office managed by a branch management committee - Interventions include: - OVC support focusing on children dropped out of school - Support for vocational training - The society partners with other organization to	- Strong capacities to work on child labour issues - There is need to bring together child focused organizations so that they can work well and be better coordinated, This can be enhanced by supporting and mainstreaming District Child Protection Stakeholders Committee

Kitui district: Possible partner organizations

Organization / Institution	Observation	Recommendations / comments
	- realize its mandate - Chiefs trained on child protection; - Health care workers and police officers trained - Has established child protection committees - In partnership with Ministry of Education, established ROC clubs in schools - Some children are withdrawn from boda boda, scrap metals work	

Busia district: Possible partner organizations

Organization / Institution	Observation	Recommendation / comment
Human Support Organization	- Is a registered NGO, but has inadequate structures include office, financial management system - As an organization, it has no history addressing child labour, but is a member of DCLC and has worked on protection issues. Individual members appear to have technical capacity	- The organization has inadequate administrative and management structures but medium capacities which need to be strengthened - The NGO works in children related activities in the district and has good appreciation of child labour issues
REEP	- REEP is a registered NGO that has been in existence since 1998 - REEP has been involved in campaigns against child labour, including withdrawal of children - It has structures and systems, as well as the technical capacity to deliver - REEP has engaged provincial administration on issues of video shows which exposes the children to child-pornography; sexual exploitation - It conducts aggressive school outreaches [6 schools targeted currently] and a case in point is Manyole primary where previously there were rising cases of pregnancies and school drop outs. This year, for the first time, there were no pregnancies cases for those sitting primary eight compared to 2009 when there were a total of 15 cases of pregnancies making the girls not to sit for their exams. This could be attributed to the efforts that REEP has put in its outreach activities and deliberations with schools and with the support of the provincial administration	Strong capacities to work on child labour issues
International Child Support	- Implements child rights and child protection programs - The UNHCR Child Rights in School Improvement Program (CRiSIP) provides the activity programming context for all the ICS interventions - ICS also works within the African Charter which provided the overall framework for the development of the Kenyan Children's Act	- Strong capacities to work on child labour issues - The organization has structures and systems that can be relied on for implementation of child labour response interventions

Busia district: Possible partner organizations

Organization / Institution	Observation	Recommendation / comment
	which currently outlines child-right programming in Kenya • The other organizational core values; best interest; Non- discrimination against children • Children Act 2002, provides for children rights to participation	
KORDP	• NGO formed in 1996 • The NGO does not even have a strategic plan • It focuses on HBC but has no history of involvement in child labour	• Weak capacities but interesting potential • The organization has no structures and is managed by individuals based in Nairobi

Kilifi district: Possible partner organizations

Organization / Institution	Observation	Recommendation / comment
Upendo Orphans Support Group	• Is a registered CBO that has structures • It also has a day care centre and can also be used as a referral organization	• Medium capacities to work on child labour issues
Plan International	• Is an international child-focused organization and has experience and structures on the ground	• Plan can be a strategic partner, however, there could be challenges in contracting since several offices including those based outside Kilifi would be involved
Jua Kali Association	• Is registered as an association and appear committed to the work	• Medium capacities to work on child labour issues. However, care should be taken in the way funds are disbursed because the structures are not strong.
SOLWODI	• Is an established organization and has experience and structures for facilitation of child labour response. • It has implemented several programmes aimed at preventing and mitigating child labour	• Strong capacities to work on child labour issues
TRACE Kenya	• Is mainly an anti-trafficking organization and has no experience in direct mitigation of child labour • The management structure is also not very clear.	• Weak capacities but interesting potential .However, possible collaboration in addressing trafficking of children can be considered
SCOPE	• Is a local NGO and has local presence. It is mainly strong in facilitating health interventions and has no experience in addressing child rights and child protection issues – including child labour	• Strong capacities to work on child labour issues because of the strong local presence as well as the management systems that are in place. However, their engagement should be accompanied with close technical support
Moving the Goal Posts (MTG)	• This is a CBO that is mainly involved in empowering girls through football. It involved in empowering girls through sports, returning children to schools and sponsoring them	• Strong capacities to work on child labour issues. Their engagement should also be accompanied by close technical support
Kesho Project	• Is a registered CBO that has structures • It has a day care centre and can also be used as a referral organization	• Medium capacities to work on child labour issues

4.8 Recommendations on referral institutions

Table 4.5: Recommendations on referral institutions

Kitui district: Possible referral institutions		
Organization / Institution	Observation	Recommendations / comments
Rehabilitation Centre - Catholic Diocese of Kitui	Provides temporary stay for street children or those withdrawn from child labour	Referral institution that can be engaged through Catholic Diocese of Kitui
St. Hudes Rehabilitation Centre	Provides temporary stay for street children or those withdrawn from child labour	Possible referral institution
Mulango Children's Home	- Has a sponsorship programme with 5 programmes namely - Focus Family (Triple "F") that deals with children within the home and which is now being phased out - Family of Hope (FOH) programme that deals with OVC - HIV/AIDS programme that provides VCT, care and support services as well as economic empowerment focused on support groups - Apprenticeship programme targeting older OVC - Rescue programme that handles children referred by police, chief, teachers, pastors, etc.	- Possible referral institution In case of partnerships it can focus on capacity building of communities, follow-up and reintegration of children - Additionally, there is need to facilitate linkages between possible referral facilities like Mulango and the Gender and Children's Desk at the police station
Busia district: Possible referral institutions		
Organization / Institution	Observation	Recommendation / comment
Mama Orphans	Mainly for temporary holding of children withdrawn from Child labour	Possible referral institution
Compassionate Home	Mainly for temporary holding of children withdrawn from Child labour	Possible referral institution
Family Life Education Programme (FLEP)	Mainly for temporary holding of children withdrawn from Child labour	Possible referral institution
Kilifi district		
Organization / Institution	Observation	Recommendation / comment
Upendo Orphans Support Group	- Is a registered CBO that has structures - It has a care centre for children and can be used for referral	Strong capacities to work on child labour issues as well as possible referral institution

Conclusions

Poverty remains a major challenge as many families are unable to send their children to school and instead send them to work as a source of family income. It is also negatively affecting efforts directed at withdrawing children from child labour since as long as the conditions at home remain hostile; the temptation to drift into child labour is always strong. Adverse effects of HIV and AIDS remain a major challenge to efforts towards elimination of child labour. As a result of the pandemic many orphans are forced to drop out of school and join the labour market as a survival strategy.

To address the problem of child labour, it is necessary to strengthen awareness raising and community mobilization, networking and linkages. Rehabilitative measures and withdrawal of children from hazardous and exploitative work and redirecting them back to school are also key. There is also need to institute and intensify preventive measures, such as poverty reduction, advocacy on children's rights and capacity building. Above all, the deterrent measures already in place should be strengthened to effectively deal with cases of exploitative child labour, including the elimination of child labour.

Finally, the policy and legislative provisions currently in place are largely adequate. Albeit with a few areas for further advocacy; it is the implementation frameworks that need to be strengthened.

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Annex: List of individuals consulted

Kitui district

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Elias Waki	District Social Development Officer
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Francis Kyalo	Deputy District Children's Officer
Francis Mboo	Community Development Officer, Kitui County Council
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Jacinta Mwongeli	District Trade Development Officer
Janet Mumo	Programme Coordinator, Kitui Development Centre
Joseph Musomba	Gender and Children's Officer, Kitui Police Station
Josephine Paul	Child Welfare Officer, Catholic Diocese of Kitui
Joshua Wambua	Organizing Secretary, KUDHEIHA
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Lucy Muthoni	District Agriculture Office
Norman Muraya	Deputy District Education Officer
Mary Mweni	Social Development Assistant, Kitui Municipal Council
Peter Wairagu	District Labour Officer
Peter Njuguna	Administrator, Child Welfare Society of Kenya, Kitui
Richard Koko	District Statistics Office
Sosi Kilonzo	District Trade Development Assistant
William Kimeu	District Adult Education Officer

Busia district

Name and Surname	Position
Abel Otieno	Programme Officer, ICS
Aston Maungu	District Children Officer
Charles Kimani	District Development Officer
Chris Amakove	Head of Finance, KORDP
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Everlyne Ayako	District Gender and Social Development Officer
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Kennedy Chanzu	Deputy District Education Officer

Name and Surname	Position
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Margaret Oduori	District Labour Officer
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Kilifi district

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