

In 2018, Kenya made a minimal advancement in efforts to eliminate the worst forms of child labor. The government greatly increased the number of labor inspectors, inspections conducted, and child labor violations identified. However, children in Kenya engage in the worst forms of child labor in commercial sexual exploitation. Children also engage in child labor in agriculture. Kenya has yet to ratify the UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography. In addition, the minimum age for work law does not protect children working outside the scope of a formal employment contract or in circumstances in which children derive no benefit from their labor. The government has also not committed sufficient resources to child labor enforcement.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Kenya engage in the worst forms of child labor in commercial sexual exploitation, sometimes as a result of human trafficking. Children also engage in child labor in agriculture. (1,2) Table 1 provides key indicators on children's work and education in Kenya. Data on some of these indicators are not available from the sources used in this report.

Table 1. Statistics on Children's Work and Education

Children	Age	Percent
Working (% and population)	5 to 14	35.6 (3,736,030)
Attending School (%)	5 to 14	85.8
Combining Work and School (%)	7 to 14	23.0
Primary Completion Rate (%)		102.0

Source for primary completion rate: Data from 2016, published by the UNESCO Institute for Statistics, 2019. (3)

Source for all other data: International Labor Organization's analysis of statistics from Population and Housing Census, 2009. (4)

Based on a review of available information, Table 2 provides an overview of children's work by sector and activity.

Table 2. Overview of Children's Work by Sector and Activity

Sector/Industry	Activity
Agriculture	Farming,† including the production of tea, coffee, <i>miraa</i> ,† rice, sisal, sugarcane, tobacco, corn, flowers, and cotton (1,5-8)
	Herding livestock† (1,5,6,8)
	Fishing,† including for tilapia, sardines, and other fish (8-13)
	Burning wood to produce charcoal (1,5)
Industry	Construction,† including carrying heavy loads (1,5,6,8)
	Quarrying,† including for stones and coral (1,5,8)
	Harvesting sand† (1,5,6,8,14,15)
	Making bricks† (1,6,8)
	Mining† for gold, tsavorite, tanzanite, ruby, sapphire, and salt (1,5,6,8)
Working in slaughterhouses,† including disposal of after-products and cleaning (1,16)	
Services	Domestic work† (1,5,8-11,16)
	Street work, including vending (1,2,6,8,16)
	Transporting goods† and people† by bicycle, motorcycle, and handcart† (1,5,8)
	Scavenging† for scrap materials (1,5,8,12,16)
	Begging† (1,5,8,13,17)

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Table 2. Overview of Children’s Work by Sector and Activity (Cont.)

Sector/Industry	Activity
Categorical Worst Forms of Child Labor†	Commercial sexual exploitation, sometimes as a result of human trafficking (1,5,17-22)
	Use in illicit activities, including drug trafficking (1,6,23)
	Begging, street vending, domestic service, herding livestock, fishing, and work on tobacco farms, sometimes as a result of human trafficking (1,5,18,21,22,24,25)

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

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

Kenyan children are victims of human trafficking within and outside the country, and they are exploited to engage in domestic work, agricultural work, fishing, begging, and street vending. Children are also victims of commercial sexual exploitation in tourism-heavy areas, such as Nairobi and Kisumu, and on the coast in informal settings. (22,26,27) In rural areas, poverty drives some families to engage in trafficking children to urban centers for domestic work. (28) Children are also victims of commercial exploitation in drug production sites (*khat*), near gold mines, and along major highways; and they are sexually exploited by fishermen on Lake Victoria. (22) In addition, children in Kenya scavenge dumpsites and streets for scrap material, including metal and glass. (5) These children earn about \$1 to \$2 per day by sorting through waste, while often risking injury and exposing themselves to infectious diseases, such as tetanus. Evidence suggests that these children are also exposed to mercury due to e-waste recycling and gold mining. (5) Reports also indicate that children ages 10 to 17 mine or harvest sand and work in Busia, Homa Bay, Kilifi, Kitui, Machakos, and Nakuru counties increasing their likelihood of developing aggravated asthma, lung or heart disease, and cancer. (10, 14, 29) Most children who are engaged in child labor, including commercial sexual exploitation, are girls; however, boys are also involved. (5, 30)







Kenyan law mandates free education and prohibits schools from charging tuition fees. However, the cost of unofficial school fees, books, and uniforms prevents some children from attending school. (14,31-35) The Births and Deaths Registration Act mandates birth registration; however, many children living in the country are not registered at birth. As a result, non-registered children have difficulty accessing services such as education because they must provide a birth certificate before enrolling in school or sitting for exams. (36-38) Teacher and school shortages further hinder children’s access to education. (1) Sources indicate that sexual abuse by teachers also negatively affects children’s school attendance. (39-41) In addition, in isolated cases, some school administrators deny pregnant girls admittance to schools. (42-44)

The government, in coordination with UNICEF, has previously published data on child poverty and its potential to increase vulnerability to engage in child labor. (8,45) The last national child labor survey was conducted in 2000. (4) As a result, data may no longer accurately reflect the current child labor situation in Kenya.

II. LEGAL FRAMEWORK FOR CHILD LABOR

Kenya has ratified most key international conventions concerning child labor (Table 3).

Table 3. Ratification of International Conventions on Child Labor

Convention	Ratification
 ILO C. 138, Minimum Age	✓
 ILO C. 182, Worst Forms of Child Labor	✓
 UN CRC	✓
 UN CRC Optional Protocol on Armed Conflict	✓
 UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
 Palermo Protocol on Trafficking in Persons	✓

In 2000, Kenya signed but has not yet acceded to the UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography. Commercial sexual exploitation of children continues to be a serious problem in Kenya. (40)

The government has established laws and regulations related to child labor (Table 4). However, gaps exist in Kenya's legal framework to adequately protect children from the worst forms of child labor, including the gap between the compulsory education age and minimum age for work.

Table 4. Laws and Regulations on Child Labor

Standard	Meets International Standards	Age	Legislation
Minimum Age for Work	No	16	Section 56 of the Employment Act; Section 12 of the Employment (General) Rules; Section 10.4 of the Children Act (34,46,47)
Minimum Age for Hazardous Work	Yes	18	Sections 2 and 53.1 of the Employment Act; Sections 2 and 10.1 of the Children Act (34,46)
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Section 12 and the Fourth Schedule of the Employment (General) Rules; Section 10.1 of the Children Act (34,47)
Prohibition of Forced Labor	Yes		Article 30 of the Constitution; Sections 4.1 and 53.1 of the Employment Act; Sections 174 and 254–266 of the Penal Code; Article 3 of the Counter-Trafficking in Persons Act; Article 13 of the Sexual Offences Act; Section 13.1 of the Children Act (34,46,48-51)
Prohibition of Child Trafficking	Yes		Article 3 of the Counter-Trafficking in Persons Act; Article 13 of the Sexual Offences Act; Section 13.1 of the Children Act; Section 53.1 of the Employment Act; Sections 174 and 254–263 of the Penal Code (34,46,49-51)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Articles 8–9, 11–12, and 14–16 of the Sexual Offences Act; Sections 2 and 53.1 of the Employment Act; Section 15 of the Children Act (34,46,51)
Prohibition of Using Children in Illicit Activities	Yes		Sections 2 and 53.1 of the Employment Act; Section 16 of the Children Act (34,46)
Minimum Age for Voluntary State Military Recruitment	Yes	18	Section 10.2 of the Children Act; Article 243 (1) of the Kenya Defence Forces Act (34,52)
Prohibition of Compulsory Recruitment of Children by (State) Military	N/A*		Article 243 (1) of the Kenya Defence Forces Act (52)
Prohibition of Military Recruitment by Non-state Armed Groups	Yes		Article 3 of the Counter-Trafficking in Persons Act (50)
Compulsory Education Age	No	14‡	Sections 28 and 30 of the Basic Education Act (33)
Free Public Education	Yes		Section 7.2 of the Children Act; Sections 28–29 and 32 of the Basic Education Act; Article 53(b) of the Constitution (33,34,48)

* No conscription (52)

‡ Age calculated based on available information (53)

In 2018, Kenya began implementing free secondary education for all Kenyans. (40) In 2017, the Parliament drafted the Children Bill; however, during the reporting period, it had not yet come into effect. (40) The proposed law prohibits child labor, hazardous work for children, the use of children in armed conflict, and the use, procurement, and offering of children for forced labor, slavery, and debt bondage. (54) However, the proposed bill has the same gap as the current law regarding coverage of children working without a formal contract. (54) The current Children Act does not prohibit child labor for children employed outside of the scope of a contractual agreement or in circumstances in which children derive no benefit from their work directly or indirectly. (34,46) In addition, the Employment Act applies only to workers who perform work under a formal employment agreement, which does not conform to international standards that require all children to be protected by the minimum age. (46)

The government has reported that children are required to attend school only until age 14, making children ages 14 and 15 vulnerable to child labor because they are not required to attend school, yet cannot legally work. (53)

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III. ENFORCEMENT OF LAWS ON CHILD LABOR

The government has established institutional mechanisms for the enforcement of laws and regulations on child labor (Table 5). However, gaps exist within the operations of the Ministry of Labor, Social Security and Services (MLSSS); the National Police Service; and the Office of the Director of Public Prosecutions that may hinder adequate enforcement of their child labor laws.

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Ministry of Labor, Social Security and Services (MLSSS)	Enforces labor laws, including those related to child labor, through county labor officers in Kenya's 47 counties. (5,55) Directs activities to eliminate child labor through its Child Labor Division. Coordinates services provided to children to ensure that child protection activities are being implemented countrywide, and maintains records on children and the services provided to them. (5)
National Police Service	Enforces laws related to the worst forms of child labor. (5) Includes a unit focused on the prevention of commercial sexual exploitation of children, child trafficking, and the use of children in illicit activities. (40) The Tourism Police Unit addresses commercial sexual exploitation of children in the tourism industry. (8)
Office of the Director of Public Prosecutions	Enforces laws through the prosecution of criminal offenses, including labor-related offenses. (1)

Labor Law Enforcement

In 2018, labor law enforcement agencies in Kenya took actions to combat child labor (Table 6). However, gaps exist within the operations of the MLSSS that may hinder adequate labor law enforcement, including the authority to assess penalties.

Table 6. Labor Law Enforcement Efforts Related to Child Labor

Overview of Labor Law Enforcement	2017	2018
Labor Inspectorate Funding	Unknown (8)	Unknown (40)
Number of Labor Inspectors	84 (8)	112 (40)
Inspectorate Authorized to Assess Penalties	No (2)	No (2,46)
Initial Training for New Labor Inspectors	N/A (8)	Unknown (40)
Training on New Laws Related to Child Labor	Yes (8)	Unknown (40)
Refresher Courses Provided	Unknown (8)	Yes (40)
Number of Labor Inspections Conducted	9,214 [†] (8)	39,890 [‡] (40,56)
Number Conducted at Worksite	9,214 [†] (8,57)	39,890 [‡] (40,56)
Number of Child Labor Violations Found	1,215 [†] (8,57)	10,708 [‡] (40,56)
Number of Child Labor Violations for Which Penalties Were Imposed	N/A (8)	N/A (40)
Number of Child Labor Penalties Imposed that Were Collected	N/A (8)	N/A (40)
Routine Inspections Conducted	Yes (8)	Yes (40)
Routine Inspections Targeted	Yes (8)	Yes (40)
Unannounced Inspections Permitted	Yes (8)	Yes (40)
Unannounced Inspections Conducted	Yes (8)	Yes
Complaint Mechanism Exists	Yes (8)	Yes (40)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Yes (8)	Yes (40)

[†] Data are from July 1, 2016 to June 30, 2017.

[‡] Data are from July 1, 2017 to June 30, 2018.

The number of labor inspectors is likely insufficient for the size of Kenya's workforce, which includes more than 19 million workers. According to the ILO's technical advice of a ratio approaching 1 inspector for every 15,000 workers in developing economies, Kenya would employ about 1,321 labor inspectors. (58-60) Reports suggest that the MLSSS budget is inadequate and may hamper the labor inspectorate's capacity to enforce child labor laws. (2,5,40,61) Labor inspectors cannot issue fines or penalties, but they can send a compliance letter to employers stipulating how long the employer has to correct the violation. (2) In May 2018, MLSSS reported conducting capacity training for 30 labor inspectors. Between July 1, 2017, and June 30, 2018, MLSSS hired 25 new labor inspectors with plans to have at least 1 labor inspector in each county. (40) The government operates

an emergency, toll-free, nationwide child hotline to report child abuse, including child labor, and refers callers to organizations for social protection services. (5,62) The government did not provide information about its labor inspectorate funding and training for inclusion in this report. (40)

Criminal Law Enforcement

In 2018, criminal law enforcement agencies in Kenya took actions to combat child labor (Table 7). However, gaps exist within the operations of the National Police Service and the Office of the Director of Public Prosecutions that may hinder adequate criminal law enforcement, including investigation planning.

Table 7. Criminal Law Enforcement Efforts Related to Child Labor

Overview of Criminal Law Enforcement	2017	2018
Initial Training for New Criminal Investigators	Yes (8)	Yes (40)
Training on New Laws Related to the Worst Forms of Child Labor	Yes (8)	Unknown (40)
Refresher Courses Provided	Unknown (8)	Yes (40)
Number of Investigations	Unknown (8)	Unknown (40)
Number of Violations Found	Unknown (8)	Unknown (40)
Number of Prosecutions Initiated	Unknown (8)	Unknown (40)
Number of Convictions	Unknown (8)	Unknown (40)
Imposed Penalties for Violations Related to The Worst Forms of Child Labor	Unknown	Unknown
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (8)	Yes (40)

Reports indicate that during the 2017 elections, women and girls were subjected to gender-based violence, including sexual exploitation, and that the government has still not properly investigated nor prosecuted suspected perpetrators. (63-65) In past years, the government allocated funds to anti-human trafficking efforts; however, no allocation was made to address child labor. Information on funding is not available for the reporting period. (8,40)

The government did not provide complete information on its criminal enforcement efforts for inclusion in this report. (40)

IV. COORDINATION OF GOVERNMENT EFFORTS ON CHILD LABOR

The government has established mechanisms to coordinate its efforts to address child labor (Table 8). However, gaps exist that hinder the effective coordination of efforts to address child labor, including efficacy in accomplishing mandates.

Table 8. Key Mechanisms to Coordinate Government Efforts on Child Labor

Coordinating Body	Role & Description
National Steering Committee on Child Labor	Oversees efforts to eliminate child labor. (5) Comprising government agencies, private employers, workers' organizations, and civil society organizations. Chaired by the Permanent Secretary, with coordination duties performed by the MLSSS Child Labor Division. (16) Research could not determine whether the committee met during the year.
National Council for Children's Services	Coordinates government efforts on child-related issues, including child labor. (5) Operates the National Children Database, which collects comprehensive data on children, including child labor. (5) Research could not determine whether the committee met during the year.
National Labor Board	Advises the Cabinet Secretary of Labor, Social Security and Services on all issues related to labor and employment, including legal and policy issues. (16) Research could not determine whether the committee met during the year.
Counter-Trafficking in Persons Advisory Committee	Coordinates the implementation of policies related to human trafficking and provide prevention and protection services to victims under the Counter-Trafficking in Persons Act. (50) Comprising multiple government agencies, private employers, workers' organizations, and civil society organizations. (26) Research could not determine whether the committee met during the year.
Local, Advisory, and District Child Labor Committees	Coordinate activities to eliminate child labor at the local level. (5) Research could not determine whether the committee met during the year.

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Although the government has coordination mechanisms, research could not find information about their accomplishments during the year.

V. GOVERNMENT POLICIES ON CHILD LABOR

The government has established policies related to child labor (Table 9). However, policy gaps exist that hinder efforts to address child labor, including funding and mainstreaming child labor issues into relevant policies.

Table 9. Key Policies Related to Child Labor

Policy	Description
National Policy on the Elimination of Child Labor (2016)	Proposes strategies to prevent, identify, withdraw, rehabilitate, and reintegrate children involved in child labor, including its worst forms. (66) Under this policy, the government has established 12 out of 13 desired child labor-free zones. (28) Research was unable to determine whether activities were undertaken to implement the National Policy on the Elimination of Child Labor during the reporting period.
National Employment Policy (2017)	Mandates reporting on the number of children withdrawn from child labor and the progress of child labor-free zones. (40) Research was unable to determine whether activities were taken to implement the National Employment Policy during the reporting period.
Framework for the National Child Protection System for Kenya (2011)	Describes the laws and policies that protect children from violence and exploitation, and the roles and responsibilities of the government to protect children from exploitative work. (67) Research was unable to determine whether activities were undertaken to implement the Framework for the National Child Protection System for Kenya during the reporting period.
County Integrated Development Plans	Serves as a guide for a county's development planning processes. Required of all counties in Kenya. (68) For example, 2013-2017 plans addressed child labor on coffee and tea estates in Kiambu County and the issue of street children in Turkana County; however, research could not determine if updated plans covering 2018-2022 address child labor. (69,70,71) Research was unable to determine whether activities were undertaken to implement County Integrated Development Plans during the reporting period.

‡ The government had other policies that may have addressed child labor issues or had an impact on child labor. (72)

The National Plan of Action Against Sexual Exploitation of Children in Kenya did not include a corresponding budget. (62) Child labor elimination and prevention strategies do not appear to be integrated into the UN Development Assistance Framework, the Policy for Alternative Provision of Basic Education and Training, the Kenya National Social Protection Policy, or the National Education Sector Support Program. (2,73,74)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2018, the government funded and participated in programs that include the goal of eliminating or preventing child labor (Table 10). However, gaps exist in these social programs, including the adequacy of programs to address the full scope of the problem.

Table 10. Key Social Programs to Address Child Labor

Program	Description
Projects to Combat Child Labor and Increase Education Access†	Government programs that aim to combat child labor, including its worst forms, such as commercial sexual exploitation of children and child trafficking. Child Protection and Rescue Centers temporarily house child victims and provide counseling and reintegration services for children; Kitui County Child Rescue Center withdraws and rehabilitates child laborers and provides counseling and life skills training. (2) The School Meals Program serves hot lunch to 2 million vulnerable children, resulting in improved school attendance. (1,5,75) The Government of Kenya provided safe custody of children in need of special protection. Services were provided for children who were abandoned, sexually abused, rescued from trafficking, and in need of rehabilitation. (8)
National Safety Net Program for Results†	Includes \$411 million, government-funded, 5-year cash transfer and social safety net program, with support from the World Bank. Benefitted 353,000 households by assisting families of working children, orphans, and vulnerable children to meet their basic needs and pay for school-related costs. For fiscal years 2017 and 2018, the government allocated \$93 million for orphans and vulnerable children. (8)
USDOL-Funded Projects to Combat Child Labor and Support Youth Apprenticeships	USDOL-funded projects to combat child labor and support youth apprenticeships. Includes \$3 million Better Utilization of Skills for Youth (BUSY) Through Quality Apprenticeships (2016–2020), and \$1.4 million Promoting Apprenticeship as a Path for Youth Employment in Kenya Through Global Apprenticeship Network (GAN) National Networks (2016–2018). Additional information is available on the USDOL website.

Table 10. Key Social Programs to Address Child Labor (Cont.)

Program	Description
UN Agency-Implemented Projects	Humanitarian Assistance Program, UNICEF-implemented program provided educational services to 156,000 children and nutritional services to 189,000 children in 2018. (76) The Ministry of Public Service, Youth, and Gender Affairs collaborates with the UN Population Fund to establish gender-based violence recovery centers for victims, including children. (8)
Child Labor Free Supply Chain Certifications	Government program supported by the EU and Cesvi, an NGO. Develops child labor-free supply chain certifications. (5,8,77)

† Program is funded by the Government of Kenya.

‡ The government had other social programs that may have included the goal of eliminating or preventing child labor. (1,78-80)

Although Kenya has programs that target child labor, the scope of these programs is insufficient to fully address the extent of the problem, especially the commercial sexual exploitation of children.

VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor in Kenya (Table 11).

Table 11. Suggested Government Actions to Eliminate Child Labor

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ratify the CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.	2013 – 2018
	Ensure that minimum age laws apply to children working in non-contractual employment.	2011 – 2018
	Raise the compulsory education age to 16 to be equivalent to the minimum age for work.	2013 – 2018
Enforcement	Authorize labor inspectors to assess penalties for labor law violations.	2010 – 2018
	Publish information about labor inspectorate funding, training provided to labor inspectors on the worst forms of child labor, and the number of child labor violations imposed and penalties collected.	2009 – 2018
	Ensure the Ministry of Labor, Social Security and Services has sufficient financial and human resources to address labor violations.	2017 – 2018
	Publish information about criminal law enforcement's efforts to investigate, prosecute, and convict perpetrators of the worst forms of child labor, and training held related to the worst forms of child labor.	2009 – 2018
	Increase the number of labor inspectors to meet the ILO's technical advice.	2015 – 2018
Coordination	Publish information about child labor coordination activities, including meetings during the year, and efforts to address child labor issues.	2016 – 2018
Government Policies	Ensure that child labor policies are implemented, and publish information about activities under these policies, such as the National Plan of Action Against Sexual Exploitation of Children in Kenya.	2017 – 2018
	Ensure that County Integrated Development Plans address child labor.	2018
	Integrate child labor elimination and prevention strategies into the UNDAF, National Education Sector Support Program, Kenya National Social Protection Policy, and Policy for Alternative Provision of Basic Education and Training.	2013 – 2018
	Include a budget in the National Plan of Action Against Sexual Exploitation of Children in Kenya.	2013 – 2018
Social Programs	Update data on child labor by conducting a national child labor survey.	2014 – 2018
	Ensure that children can attend primary school, either by ensuring that school is free of fees or by subsidizing or defraying the cost of school fees, books, and uniforms.	2010 – 2018
	Improve access to education by training new teachers, ensure that pregnant girls can remain in school, address sexual abuse by teachers in schools, and increase birth registrations for children.	2010 – 2018
	Expand existing programs to address the scope of the child labor problem, including children engaged in commercial sexual exploitation.	2009 – 2018

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