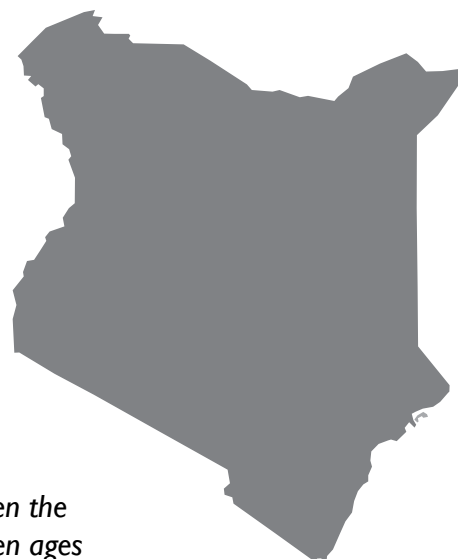


In 2019, Kenya made a moderate advancement in efforts to eliminate the worst forms of child labor. The Kenyan National Police launched a cyber-center to respond to crimes involving online exploitation of children, including child trafficking. The government also expanded an information system for collecting and aggregating data related to child protection, including cases related to the worst forms of child labor, and drafted new procedures and guidelines for law enforcement's handling of cases involving children. However, children in Kenya engage in the worst forms of child labor, including in domestic service and commercial sexual exploitation, each sometimes as a result of human trafficking. Children also engage in child labor in agriculture. Kenya has yet to ratify the UN Convention on the Rights of the Child Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography. In addition, the gap between the compulsory education age and minimum age for work leaves children ages 14–16 vulnerable to the worst forms of child labor. The government also has not committed sufficient resources to child labor law enforcement.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Kenya engage in the worst forms of child labor in domestic service and commercial sexual exploitation, each 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.

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 (%)		99.7

Source for primary completion rate: Data from 2016, published by the UNESCO Institute for Statistics, 2020. (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, khat (<i>miraa</i>),‡ rice, sisal, sugarcane, tobacco, corn, flowers, and cotton (5-8)
	Herding livestock† (5,7-9)
	Fishing,† including for tilapia, sardines, Nile perch, and other fish (7,8,10,11)
	Burning wood to produce charcoal (5)
Industry	Construction,† including carrying heavy loads (5,7,8)
	Quarrying,† including for stones and coral (5,7)
	Harvesting sand† (5,7)
	Making bricks† (5,7)
	Mining† for gold, gemstones, and salt (5,7,8,12,13)
Services	Working in slaughterhouses,† including disposing of after-products and cleaning (5,8,14)
	Domestic work† (1,2,10,15,16)
	Street work, including vending (1,2,5,7,15,17)
	Transporting goods† and people† by bicycle, motorcycle, and handcart† (5,7,15)

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

Sector/Industry	Activity
Services	Scavenging† for scrap materials (5,7,8,14)
	Begging† (5,7,8,18)
Categorical Worst Forms of Child Labor‡	Commercial sexual exploitation, sometimes as a result of human trafficking (1,18-22)
	Use in illicit activities, including drug trafficking (5,23)
	Begging, street vending, domestic service, herding livestock, fishing, and work on tobacco farms, each sometimes as a result of human trafficking (5,24,25)

† 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, both within and outside the country. They are exploited for domestic work, agricultural work, fishing, begging, and street vending, each sometimes as a result of human trafficking. (2,19) Both boys and girls are victims of commercial sexual exploitation in tourism-heavy areas on the Kenyan coast, and in Nairobi and Kisumu. (2,20,21,26) Commercial sexual exploitation of children also occurs in drug production sites (*miraa*), near gold mines, along major highways, and in fishing areas on Lake Victoria. (2,19,22) Children from East Africa and South Sudan are subject to forced labor in domestic service and agriculture, in addition to commercial sexual exploitation. (19,27) A report also found that children are trafficked from Ethiopia to northern Kenya and exploited for work in domestic service, carrying goods, and street work. (15)

Children work at informal gold mining sites in western Kenya, which involves using pickaxes and other dangerous tools, working underground, and carrying heavy loads. (1,12,13,28) Some children working on these sites have been trapped in collapsed mines, suffocated, or exposed to mercury poisoning. (12,13) In addition, children participate in the harvesting and processing of khat (*miraa*), an addictive stimulant. (2,29-31)

The government, in coordination with UNICEF, has previously published data on child poverty and its potential to increase vulnerability to child labor; however, the last national child labor survey was conducted in 2000. (4,7,32) As a result, data may no longer accurately reflect the current child labor situation in Kenya.




Kenyan law mandates free basic education and prohibits schools from charging tuition fees. (22,33,34) However, the cost of unofficial school fees, books, and uniforms prevents some children from attending school. (35,36) The Births and Deaths Registration Act requires birth registration; however, many children living in the country are not registered at birth. As a result, non-registered children have difficulty accessing services, including education, because they must provide a birth certificate before enrolling in school or sitting for exams, despite the Education Act stipulating that no child be denied admission to school for lack of proof of age. (37-39) An insufficient number of schools and teachers, a lack of hygiene facilities and products for girls, and sexual abuse within schools further contribute to children in Kenya dropping out of school and becoming vulnerable to the worst forms of child labor. (5,8,40,41) In addition, in isolated cases, school administrators deny pregnant girls admittance to schools. (42-45)

Children seeking asylum or of refugee status are often restricted to living in designated areas, such as the Kakuma and Dadaab refugee camps. (45) These camps have an insufficient number of schools and existing facilities lack adequate educational materials, such as textbooks, electricity, and latrines. (2,46,47) These conditions likely contribute to heightened vulnerabilities of refugee children to the worst forms of child labor, including commercial sexual exploitation and human trafficking. (19,45,48)

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. (8)

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 the minimum age for work.

Table 4. Laws and Regulations on Child Labor

Standard	Meets International Standards	Age	Legislation
Minimum Age for Work	Yes	17	Section 56 of the Employment Act; Section 12 of the Employment (General) Rules; Section 10.4 of the Children Act (33,49,50)
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 (33,49)
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Section 12 and the Fourth Schedule of the Employment Act (General) Rules (50)
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 (33,49,51-54)
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 (33,49,52-54)
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 (33,49,54)
Prohibition of Using Children in Illicit Activities	Yes		Sections 2 and 53.1 of the Employment Act; Section 16 of the Children Act (33,49)
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 (33,55)
Prohibition of Compulsory Recruitment of Children by (State) Military	N/A*		Article 243 (1) of the Kenya Defence Forces Act (55)
Prohibition of Military Recruitment by Non-state Armed Groups	Yes		Article 3 of the Counter-Trafficking in Persons Act (53)
Compulsory Education Age	No	14‡	Sections 28 and 30 of the Basic Education Act (34)
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 (33,34,51)

* No conscription (55)

‡ Age calculated based on available information (85)

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Kenya permits light work activities for children ages 13 through 16, including agricultural and horticultural work not exceeding 2 hours, though it does not establish limits on the number of hours for other identified activities. (50) Also, children are required to attend school only until age 14. This standard makes children ages 14–16 vulnerable to child labor because they are not required to attend school and yet cannot legally work. (34,58)

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 and Social Protection (MLSP), the National Police Service (NPS), and the Office of the Director of Public Prosecutions (ODPP) that may hinder adequate enforcement of child labor laws.

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/ Agency	Role
Ministry of Labor and Social Protection (MLSP)	Conducts labor inspections and enforces labor laws, including those related to child labor. (1) Comprises both the State Department for Labor and the State Department for Social Protection. Directs activities to promote awareness and withdraw children from child labor through the State Department for Labor's Child Labor Division. (1,59) Provides services to children in need of social protection, including responding to cases of child exploitation, through the Department of Child Services (DCS) under the State Department for Social Protection. (60) Each of Kenya's 47 counties staffs a County Coordinator to provide information and coordinate with the DCS on cases involving child exploitation. (2)
National Police Service (NPS)	Investigates and enforces laws related to the worst forms of child labor, in coordination with the MLSP and the ODPP. (1) Includes Child Protection Units, located within police stations, which are focused on the prevention of commercial sexual exploitation of children, child trafficking, and the use of children in illicit activities. (8,61) The Tourism Police Unit addresses commercial sexual exploitation of children in the tourism industry. (7)
Office of the Director of Public Prosecutions (ODPP)	Enforces laws through the prosecution of criminal offenses, including labor-related offenses. ODPP directs the NPS to investigate cases. (1)

Labor Law Enforcement

In 2019, labor law enforcement agencies in Kenya took actions to combat child labor (Table 6). However, gaps exist within the operations of the MLSP that may hinder adequate labor law enforcement, including financial resource allocation.

Table 6. Labor Law Enforcement Efforts Related to Child Labor

Overview of Labor Law Enforcement	2018	2019
Labor Inspectorate Funding	Unknown (8)	Unknown (1)
Number of Labor Inspectors	112 (8)	85 (1)
Inspectorate Authorized to Assess Penalties	No (17,49)	No (49)
Initial Training for New Labor Inspectors	Unknown (8)	No (1)
Training on New Laws Related to Child Labor	Unknown (8)	No (1)
Refresher Courses Provided	Yes (8)	No (1)
Number of Labor Inspections Conducted	Unknown (8)	8,160 (1)
Number Conducted at Worksite	Unknown (8)	8,160 (1)
Number of Child Labor Violations Found	35 (8)	Unknown (1)
Number of Child Labor Violations for Which Penalties Were Imposed	N/A (8)	Unknown (1)
Number of Child Labor Penalties Imposed that Were Collected	N/A (8)	Unknown (1)
Routine Inspections Conducted	Yes (8)	Yes (1)
Routine Inspections Targeted	Yes (8)	Yes (1)
Unannounced Inspections Permitted	Yes (8)	Yes (1)
Unannounced Inspections Conducted	Yes (8)	Yes (1)
Complaint Mechanism Exists	Yes (8)	Yes (1)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Yes (8)	Yes (1)

During the reporting period, the size of the labor inspectorate was reduced from 112 to 85 inspectors, partly due to retirements within the inspectorate. (1) 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. (62-64) Moreover, the MLSP's budget is inadequate and hinders the labor inspectorate's capacity to enforce child labor laws. (1,8,17,65)

The government did not provide information about its labor inspectorate funding, number of child labor violations found, and penalties imposed and collected for inclusion in this report. (8)

The Department of Labor refers cases involving child labor to the Department of Child Services (DCS), within the MLSP, for placement of victims in social services. (1) The DCS developed a Child Protection Information Management System that collects, aggregates, and reports on child protection data, including child labor violations, to assist child protection officials to track and report on child protection activities. (8,45) After piloting the system in 2017, in 2019 the DCS expanded it to all of Kenya's 47 counties. (1) The MLSP reported 578 separate cases of child labor through the Information Management System; however, it remains unclear the number of cases that were identified through labor inspections. (66)

Criminal Law Enforcement

In 2019, criminal law enforcement agencies in Kenya took actions to combat child labor (Table 7). However, gaps exist within the operations of the NPS that may hinder adequate criminal law enforcement, including resource allocation and regional distribution of services.

Table 7. Criminal Law Enforcement Efforts Related to Child Labor

Overview of Criminal Law Enforcement	2018	2019
Initial Training for New Criminal Investigators	Yes (8)	Yes (1)
Training on New Laws Related to the Worst Forms of Child Labor	Unknown (8)	Unknown (1)
Refresher Courses Provided	Yes (8)	Unknown (1)
Number of Investigations	Unknown (8)	18 (2,66,67)
Number of Violations Found	Unknown (8)	138 (2,66,67)
Number of Prosecutions Initiated	Unknown (8)	7 (1,66,67)
Number of Convictions	Unknown (8)	Unknown (1)
Imposed Penalties for Violations Related to The Worst Forms of Child Labor	Unknown (8)	Yes (66)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (8)	Yes (1)

The government did not provide disaggregated information regarding the number of prosecutions, convictions, and sentences imposed related to cases involving the worst forms of child labor. (2) An NGO reported two cases related to forced begging from previous years that were concluded during the reporting period, resulting in the conviction and imposition of sentences of over 3 years and 30 years, respectively, for the offenders. (66) In addition, criminal law enforcement authorities raided a bar in Mombasa that was connected to forced labor and commercial sexual exploitation, resulting in the rescue of two minors; the case is currently undergoing criminal proceedings. (2,68)

In 2019, the NPS, with the support of the Government of the United Kingdom and the UNODC, opened a cyber-center that investigates cases related to online child sexual exploitation. The cyber unit receives tips related to child exploitation and child trafficking, and refers cases for law enforcement action. (2,69) The unit responded to 10 cases of cyber-trafficking and sexual exploitation of children, resulting in 5 prosecutions. (67) The government also partnered with an NGO to provide training on legal aspects of child protection related to human trafficking, including referral mechanisms for child victims, for at least 50 local magistrates, police, probation officers, prosecutors, and other officials who use the court system. (2)

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A report by the National Council on the Administration of Justice found that the number and distribution of Child Protection Units (CPUs) within police stations was insufficient to provide services to all Kenyans; there are only 23 CPUs, distributed across 16 of Kenya's 47 counties. Moreover, magistrates lacked specialized knowledge in children's laws, policies, and rights, including the Sexual Offenses Act and the Children Act. (61)

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. (1,14) Comprises government agencies, private employers, workers' organizations, and civil society organizations. Chaired by the Permanent Secretary, with coordination duties performed by the MLSP Child Labor Division. (14) Research could not determine whether the committee met during the reporting period. (1)
National Council for Children's Services	Coordinates government efforts on issues related to child rights and welfare, including child labor. Comprises a chairperson, appointed by the President, and council members drawn from ministries, departments, agencies, and civil society. (70,71) Research could not determine whether the committee met during the reporting period. (1)
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. (14) The National Labor Board met in December 2019. (1)
Counter-Trafficking in Persons Advisory Committee	Coordinates the implementation of policies related to human trafficking and provides prevention and protection services to victims under the Counter-Trafficking in Persons Act. Led by the State Department of Social Protection of the MLSP and comprises human trafficking and child protection specialists from multiple government agencies and NGOs. (2) The committee met four times in 2019, working with NGOs on law enforcement interventions related to human trafficking and the referral of victims to social services. (2,66)
Local, Advisory, and District Child Labor Committees	Coordinate activities to eliminate child labor at the local level. (1) Research could not determine whether the committees met during the year. (1)

Although the government has coordination mechanisms, research could not find information about their accomplishments during the reporting period. A lack of funding and resources limited activities of coordinating bodies in 2019. (1)

A Special Task Force on Children under the Administration of Justice published a status report on the justice system's ability to provide for the special needs of children, including victims of exploitation. Among other actions, the task force drafted new protocols for the handling of cases involving children and developed procedural guidelines to improve the ability of CPUs within the NPS to respond to the needs of child victims. (61,72)

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 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	Proposes strategies to prevent, identify, withdraw, rehabilitate, and reintegrate children involved in child labor, including its worst forms. Establishes child labor free zones, which are geographical areas in which children are systematically removed from work and reintegrated into schools or vocational training programs. (73) Research was unable to determine whether activities were undertaken to implement the National Policy for the Elimination of Child Labor during the reporting period. (1)
National Plan of Action for Children in Kenya (2015–2022)	Provides an operational framework for coordination, planning, implementing, and monitoring programs for children's welfare. Outlines programs, community awareness, and research with the goal of reducing child labor and other child exploitation cases by 50 percent by 2022. (70) Research was unable to determine whether activities were undertaken to implement the National Plan of Action for Children in Kenya during the reporting period. (1)
MLSP Strategic Plan (2018–2022)†	Establishes blueprints for implementation of MLSP activities, programs, and projects, including the elimination of child labor. Proposes an updated child labor survey, development of a database on child labor, and creation of child labor free zones. (74) The government drafted the Strategic Plan in 2018 to cover the period 2018–2022, but launched the policy in 2019. (75)
National Employment Policy (2017)	Mandates reporting on the number of children withdrawn from child labor and the progress of child labor free zones. (8) In 2019, the government took steps to operationalize the policy by establishing a National Employment Authority that will oversee implementation of the policy. (1)

† Policy was approved during the reporting period.

‡ The government had other policies that may have addressed child labor issues or had an impact on child labor. (8,80,81)

The government has not included child labor elimination and prevention strategies into the UN Development Assistance Framework. (81)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2019, 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. (17) The School Meals Program serves hot lunches to 2 million vulnerable children, resulting in improved school attendance. (5,17,82) Research was unable to determine whether activities were undertaken to implement other projects during the reporting period. (1)
National Safety Net Program (2013–2026)†	\$411 million, government-funded, 5-year cash transfer and social safety net program, with support from the World Bank. (8) Research was unable to determine whether activities were undertaken to implement the National Safety Net Program during the reporting period. (1)
Child Labor Free Supply Chain Certifications†	Government program supported by the EU and Cesvi, an Italian NGO. Develops child labor free supply chain certifications. (7,8) Research was unable to determine whether activities were undertaken to implement the Child Labor Free Supply Chain Certification program during the reporting period. (1)
USDOL-Funded Projects to Combat Child Labor and Support Youth Apprenticeships (2016–2020)	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). Additional information is available on the USDOL website.
UN Humanitarian Assistance Program	UNICEF-implemented program to provide educational and nutritional services to children. (83)

† 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. (5,8,84,85)

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.

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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 – 2019
	Ensure that light work provisions limit the number of hours for all light work activities.	2019
	Raise the compulsory education age to 17 to be equivalent to the minimum age for work.	2013 – 2019
Enforcement	Ensure that all labor inspectors receive training on child labor laws, including refresher courses.	2019
	Increase the number of labor inspectors to meet the ILO's technical advice.	2015 – 2019
	Ensure the Ministry of Labor and Social Protection has sufficient financial and human resources to address labor violations.	2017 – 2019
	Authorize labor inspectors to assess penalties for labor law violations.	2010 – 2019
	Publish information about labor inspectorate funding and the number of child labor violations found, including penalties imposed and collected.	2009 – 2019
	Publish information about criminal law enforcement training, including refresher courses and new laws related to the worst forms of child labor, and prosecutions and convictions for offenses related to the worst forms of child labor.	2009 – 2019
	Increase the number and improve regional distribution of Child Protection Units to ensure adequate coverage across all areas of Kenya.	2019
	Ensure that magistrates receive training on laws protecting children from the worst forms of child labor.	2019
Coordination	Ensure coordinating bodies are active and have sufficient resources to carry out their intended mandates.	2016 – 2019
Government Policies	Ensure the implementation of child labor policies, including the National Policy for the Elimination of Child Labor and the Framework for the National Child Protection System for Kenya.	2017 – 2019
	Integrate child labor elimination and prevention strategies into the UN Development Assistance Framework.	2013 – 2019
Social Programs	Collect and publish updated data on the extent and nature of child labor to inform policies and programs.	2014 – 2019
	Improve access to education by increasing the number of schools and teachers, addressing sexual abuse in schools, increasing birth registrations for children, and eliminating or defraying the cost of school fees, books, and uniforms.	2010 – 2019
	Enhance efforts to eliminate barriers and make education accessible for all children, including girls and children of refugee status, by ensuring that pregnant girls can remain in school, improving access to hygiene facilities and products within schools, and increasing the number of schools and improving educational facilities in refugee camps.	2010 – 2019
	Ensure the implementation of government-funded social programs.	2019
	Expand existing programs to address the scope of the child labor problem, including children engaged in commercial sexual exploitation.	2009 – 2019

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