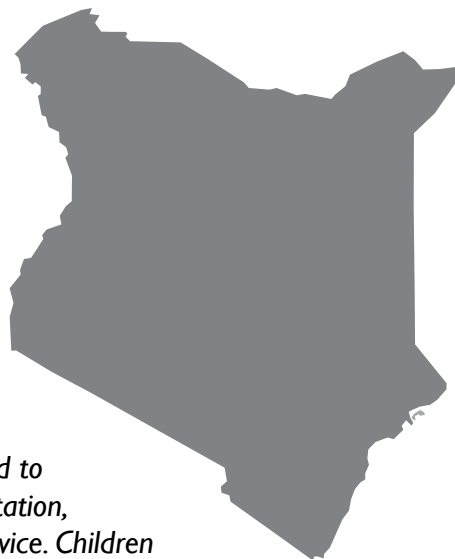


MINIMAL ADVANCEMENT – EFFORTS MADE BUT CONTINUED PRACTICE THAT DELAYED ADVANCEMENT

In 2021, Kenya made minimal advancement in efforts to eliminate the worst forms of child labor. Local child labor officers in Nairobi facilitated trainings for police officers and users of the court system related to key laws protecting children from the worst forms of child labor. In addition, the government published updated information on child labor prevalence in Kenya. However, Kenya is assessed as having made only minimal advancement because it continued to implement a practice that delays advancement to eliminate child labor. Elements within the Kenyan Defense Forces provided various forms of in-kind support—including harboring, training, intelligence-gathering, and payment of salaries—to a Somali federal member state that is strongly implicated in the recruitment and use of child soldiers. Children in Kenya are subjected to the worst forms of child labor, including in commercial sexual exploitation, sometimes as a result of human trafficking, and forced domestic service. Children also perform dangerous tasks in agriculture. Key coordinating committees related to elimination of child labor lack adequate resources to carry out their mandates and the labor inspectorate does not have sufficient financial and human resources, affecting its ability to ensure that child labor laws are enforced.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Kenya are subjected to the worst forms of child labor, including commercial sexual exploitation, sometimes as a result of human trafficking, and forced domestic service. Children also perform dangerous tasks in agriculture. (1,2) During the reporting period, the government published and validated analysis of its 2019 Household Budget Survey to generate up-to-date data on child labor in Kenya; according to the new data, agriculture and services are the sectors in which child labor most frequently occurs. (3) Table 1 provides key indicators on children’s work and education in Kenya.

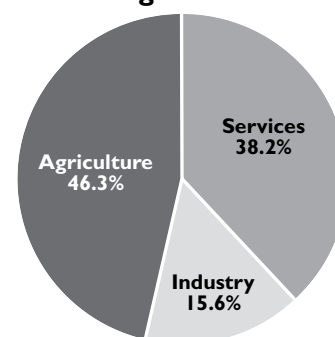
Table 1. Statistics on Children’s Work and Education

Children	Age	Percent
Working (% and population)	5 to 14	11.6 (1,468,203)
Attending School (%)	5 to 14	93.9
Combining Work and School (%)	7 to 14	11.5
Primary Completion Rate (%)		99.7

Source for primary completion rate: Data from 2016, published by the UNESCO Institute for Statistics, 2022. (4)

Source for all other data: International Labor Organization’s analysis of statistics from Household Budget Survey (HBS), 2019. (5)

Figure 1. Working Children by Sector, Ages 5-14



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 (6-15)
	Herding livestock† (3,11,12,16,17)
	Fishing,† including for tilapia, sardines, Nile perch, and other fish (3,16,18-20)
	Cutting trees and burning wood to produce charcoal (12,20,21)

Kenya

MINIMAL ADVANCEMENT – EFFORTS MADE BUT CONTINUED PRACTICE THAT DELAYED ADVANCEMENT

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

Sector/Industry	Activity
Industry	Construction,† including carrying bricks and heavy loads (11,16)
	Quarrying,† including crushing rocks and stones, and harvesting coral (11,14,18)
	Harvesting sand‡ (3,11,18,22-24)
	Making bricks† (12,18)
	Mining† for gold, gemstones, and salt (1,16,25-27)
Services	Domestic work,† including caregiving (1,19,27-29)
	Street work, including vending (1,3,11,28)
	Transporting goods and people by bicycle,† motorcycle,† and handcart† (11,18,27,28)
	Garbage scavenging,† including for scrap materials (15,27,30-32)
	Begging† (16,27,33)
Categorical Worst Forms of Child Labor‡	Commercial sexual exploitation, sometimes as a result of human trafficking (12,27,33-39)
	Use in illicit activities, including in drug trafficking, intelligence gathering to plan for criminal operations, and providing security for criminal operations (15,27,40-43)
	Forced labor in slaughterhouses, sand harvesting, begging, street vending, domestic work, herding livestock, fishing, and agricultural work (2,15,28,34,39,44-46)

† 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.

Human traffickers exploit Kenyan children in forced labor, including in domestic work, and commercial sexual exploitation, sometimes as a result of human trafficking, both within and outside the country. (39,45,46) Both boys and girls are subjected to commercial sexual exploitation in tourism-heavy areas on the Kenyan coast, and in Nairobi and Kisumu. (35,36,39,47,48) A report by International Justice Mission and other NGOs observed that commercial sexual exploitation of children is often hidden, and is facilitated by hotel and lodge owners, bar owners, local tour guides, transportation providers, and sometimes young local women who act as recruiters for younger girls. (38) Commercial sexual exploitation of children also occurs in drug production sites, near gold mines, along major highways and resting stops, and in fishing areas on Lake Victoria and the Turkana region. (27,37-39,49) There has been an increase in children subjected to the worst forms of child labor in Kenya, resulting from school closures during the COVID-19 pandemic, particularly in commercial sexual exploitation, including online sexual exploitation, and forced begging. (15,22,31,39,50,51)

Traffickers exploit children from neighboring East African countries and South Sudan to forced labor in domestic work, slaughterhouses, agriculture, and in commercial sexual exploitation. (15,52) Children with LGBTQI+ identities, moreover, are vulnerable to sexual abuse and commercialized sexual exploitation. Refugee children who identify as LGBTQI+ are particularly vulnerable to these forms of exploitation. (39,48) Moreover, traffickers increasingly exploit children with disabilities from Tanzania and other neighboring countries in forced labor, including begging. (39)

Children work at informal gold mining sites in western Kenya, using pickaxes and other dangerous tools, working underground, and carrying heavy loads. (1,25,26,53) In some instances, children working at mining sites have been trapped in collapsed mines, suffocated, or exposed to mercury poisoning. (25-27) In addition, children working in domestic work are subjected to long work hours and physical and sexual abuse. (45) Research indicates rising cases of children working in the harvesting of sand, which sometimes involves exploitation under criminal syndicates. (15,23,24) Furthermore, children participate in the harvesting and processing of khat (*miraa*), an addictive stimulant. (1,10)

Local elements of the Kenyan Defense Forces (KDF) maintain ongoing support of Jubbaland Security Forces (JSF), a federal member state group in Somalia, that the UN and other organizations report as recruiting and using children in armed conflict. Such support has included training, provision of transportation (including armed vehicles), intelligence sharing, payment of salaries of JSF combatants, and allowing JSF regiments to garrison in northern Kenya, near the border with Somalia, during the early months of 2021. (54-57) The UN verified at

MINIMAL ADVANCEMENT – EFFORTS MADE BUT CONTINUED PRACTICE THAT DELAYED ADVANCEMENT




least 21 separate cases of child soldiers within the ranks of the JSF, in addition to 165 cases of child soldier use and recruitment reported from 2016 to 2020. (58-60) Local NGOs and community leaders in both northern Kenya and Jubbaland have likewise observed recruitment by the JSF, sometimes even occurring on the Kenyan side of the border, with some KDF elements providing direct training to child recruits. (57,61) Research cannot identify any screening or mitigation procedures within the KDF to ensure that children recruited by the JSF and their respective units are not benefiting from Kenyan training and other forms of tactical support. Reports also indicate that criminals involved in terrorist organizations lure children in Kenya to Somalia for use in armed conflict. (39)

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. (62-64) Kenya law mandates free basic education and prohibits schools from charging tuition fees. (37,62,65) However, the cost of unofficial fees levied by local schools, and the cost of books and uniforms, prevents some children from attending school, particularly at the secondary level. (66-69) Long travel distances, teacher and staff shortages, 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. (16,70-73) In addition, children seeking asylum or of refugee status are often restricted to living in designated areas, such as the Kakuma and Dadaab refugee camps. (39,74) These camps have an insufficient number of schools and existing facilities lack sufficient teachers, textbooks, electricity, and latrines. (2,27,75,76) These conditions likely contribute to heightened vulnerabilities of refugee children to the worst forms of child labor, including commercial sexual exploitation and human trafficking. (39,45,74) Moreover, although Kenya has a re-entry policy for girls who become pregnant to return to school after giving birth, in some cases school administrators continue to expel pregnant girls, increasing their vulnerability to the worst forms of child labor. (74,77) In early 2021, schools fully reopened, following closures in response to the pandemic. Research, however, indicates that many children, particularly girls, have not returned to school. (78) As of October 2021, nearly 1.8 million children in Kenya were not accounted for in the school system. (79)

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. However, during the reporting period, ratification of the Optional Protocol was formally introduced for consideration by the National Assembly, marking a significant step towards ratification. (15)

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	16	Section 56 of the Employment Act; Section 12 of the Employment (General) Rules; Section 10.4 of the Children Act (65,80,81)
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 (65,80)
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Section 12 and the Fourth Schedule of the Employment Act (General) Rules (81)
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 (65,80,82-85)
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 (65,80,83-85)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Articles 13–16 of the Sexual Offences Act; Sections 2 and 53.1 of the Employment Act; Section 15 of the Children Act (65,80,83)
Prohibition of Using Children in Illicit Activities	Yes		Sections 2 and 53.1 of the Employment Act; Section 16 of the Children Act (65,80)
Minimum Age for Voluntary State Military Recruitment	Yes	18	Section 10.2 of the Children Act; Article 243 (1) of the Kenya Defense Forces Act (65,86)
Prohibition of Compulsory Recruitment of Children by (State) Military	N/A*		Article 243 (1) of the Kenya Defense Forces Act (86)
Prohibition of Military Recruitment by Non-state Armed Groups	Yes		Article 3 of the Counter-Trafficking in Persons Act (85)
Compulsory Education Age	Yes	18	Sections 28 and 30 of the Basic Education Act (62)
Free Public Education	No		Section 7.2 of the Children Act; Sections 28, 29, and 32 of the Basic Education Act; Article 53(b) of the Constitution (65,62,82)

* Country has no conscription (86)

Kenya permits light work activities for children ages 13 to 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. (81) As the minimum age for work is lower than the compulsory education age, children may be encouraged to leave school before the completion of compulsory education. (62,80,81,87) Moreover, although the Basic Education Act establishes free basic education and stipulates that children should not be denied admission to school on account of not paying fees, the law does not meet international standards because it permits schools to levy tuition for children who reside in Kenya but do not have Kenyan citizenship. (62)

The government is currently undertaking a review of regulations identifying hazardous forms of work for children under age 18. The updated list intends to highlight emerging hazardous work conditions that affect children, especially as a result of the pandemic and other situational factors. (3)

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 enforcement agencies that may hinder adequate enforcement of child labor laws.

MINIMAL ADVANCEMENT – EFFORTS MADE BUT CONTINUED PRACTICE THAT DELAYED ADVANCEMENT

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Ministry of Labor (MOL)	Conducts labor inspections and enforces labor laws, including those related to child labor. (1) Directs activities to promote awareness and withdraw children from child labor through its Child Labor Division. (1, 15,88)
National Police Service	Investigates and enforces laws related to the worst forms of child labor, in coordination with MOL and the Office of the Director of Public Prosecutions. (1) Includes the Anti-Human Trafficking and Child Protection Unit, which carries out investigations related to commercial sexual exploitation of children, child trafficking, and other worst forms of child labor. (2, 16,89,90)
Office of the Director of Public Prosecutions	Enforces laws through the prosecution of criminal offenses, including labor-related offenses. The Office of the Director of Public Prosecutions directs the National Police Service to investigate cases. (1)

During the reporting period, the Ministry of Labor and Social Protection was renamed to the Ministry of Labor (MOL). The State Department for Social Protection, which formerly fell under the Ministry of Labor and Social Protection, was moved to the Ministry of Public Service, Gender, Senior Citizen Affairs, and Special Programs, under the new name of State Department for Social Protection, Senior Citizen Affairs, and Special Programs. (15) The State Department for Social Protection, Senior Citizen Affairs, and Special Programs includes the Department of Children Services, which provides services to children in need of social protection, including responding to cases of child exploitation. (91)

Labor Law Enforcement

In 2021, labor law enforcement agencies in Kenya took actions to address child labor (Table 6). However, gaps exist within the operations of the MOL that may hinder adequate labor law enforcement, including insufficient financial resource allocation.

Table 6. Labor Law Enforcement Efforts Related to Child Labor

Overview of Labor Law Enforcement	2020	2021
Labor Inspectorate Funding	Unknown (34)	Unknown (15)
Number of Labor Inspectors	Unknown (34)	130 (92)
Mechanism to Assess Civil Penalties	Yes (93)	Yes (93)
Initial Training for New Labor Inspectors	No (34)	Yes (15)
Training on New Laws Related to Child Labor	N/A (34)	N/A (15)
Refresher Courses Provided	No (34)	Yes (15)
Number of Labor Inspections Conducted	4,236† (94)	3,458‡ (95)
Number Conducted at Worksite	4,236† (94)	3,458‡ (95)
Number of Child Labor Violations Found	Unknown (34)	Unknown (15,23)
Number of Child Labor Violations for Which Penalties Were Imposed	Unknown (34)	Unknown (15)
Number of Child Labor Penalties Imposed that Were Collected	Unknown (34)	Unknown (15)
Routine Inspections Conducted	Yes (34)	Yes (15)
Routine Inspections Targeted	Yes (34)	Yes (15)
Unannounced Inspections Permitted	Yes (93)	Yes (15)
Unannounced Inspections Conducted	Yes (96)	Yes (15)
Complaint Mechanism Exists	Yes (34)	Yes (15)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Yes (34)	Yes (15)

† Data are from July 1, 2019 to June 30, 2020.

‡ Data are from July 1, 2020 to June 30, 2021.

The government published limited information on labor law enforcement efforts for inclusion in this report. (94) The government reported that it had removed 2,793 children from child labor; however, research could not confirm that these interventions were in response to findings from labor inspections, as opposed to other government entities involved in child protection. (95) While the number of labor inspectors is unknown, according to the ILO's technical advice of a ratio approaching 1 inspector for every 15,000 workers in developing economies, Kenya would need to employ roughly 1,314 labor inspectors as its workforce consists of over 19 million workers. (97,98) Insufficient human resources likely constrained the labor inspectorate's capacity to

Kenya

MINIMAL ADVANCEMENT – EFFORTS MADE BUT CONTINUED PRACTICE THAT DELAYED ADVANCEMENT

meet its inspection targets, and several counties had only one labor officer to handle all matters concerning employment. (97,99) The MOL hired 95 additional labor inspectors in 2021, nearing its 2021 hiring goal of 100 new inspectors. (92) The MOL's insufficient number of labor inspectors and inadequate financial resources likely hindered their capacity to enforce labor laws, including those related to child labor. (1,94)

A high-ranking municipal official in Nairobi admitted, during a televised interview in 2020, that he employed street children for work on road construction projects in Nairobi, including overnight work. (100) The incident generated public criticism and the MOL made an informal intervention, advising the official against any further similar activity; however, no formal remedial action was taken. (96)

During the reporting period, 17 labor officers participated in trainings, facilitated by the ILO, on concepts related to child labor and human trafficking. (3)

Criminal Law Enforcement

In 2021, criminal law enforcement agencies in Kenya took actions to address child labor (Table 7). However, gaps exist within the operations of enforcement agencies that may hinder adequate criminal law enforcement, including lack of training.

Table 7. Criminal Law Enforcement Efforts Related to Child Labor

Overview of Criminal Law Enforcement	2020	2021
Initial Training for New Criminal Investigators	Yes (34)	Unknown (15)
Training on New Laws Related to the Worst Forms of Child Labor	N/A (34)	N/A (15)
Refresher Courses Provided	No (96)	Yes (15)
Number of Investigations	2 (2)	38 (101)
Number of Violations Found	5 (2)	Unknown (15)
Number of Prosecutions Initiated	20 (2)	22 (101)
Number of Convictions	3 (2)	Unknown (15)
Imposed Penalties for Violations Related to the Worst Forms of Child Labor	Yes (2)	Yes (101,102)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (34)	Yes (15)

The government did not provide information regarding its training of new inspectors, the total number of violations related to the worst forms of child labor, and number of convictions for inclusion in this report. The government, however, increased the number of investigations and prosecutions related to the worst forms of child labor from the previous reporting period. (101) Also, in 2021, a court in Malindi sentenced a man to 30 years imprisonment for trafficking 7 Somali nationals, 5 of them children, from the Daddab refugee camp. (102)

A report by the National Council on the Administration of Justice (NCAJ) found that magistrates lacked specialized knowledge in children's laws, policies, and rights that relate to the worst forms of child labor, including the Sexual Offenses Act and the Children Act. (89) During the reporting period, the NCAJ held country-level trainings in Nairobi on issues related to commercial sexual exploitation, human trafficking, and other child labor issues, reaching 120 police officers and users of court systems. (15) Also, the ILO trained 18 police officers in supervisory roles on concepts related to child labor and forced labor. Following the training, the officers, in coordination with the MOL, implemented a rehabilitation campaign targeting street children in Nairobi, rescuing 200 children from the worst forms of child labor and referring them to rehabilitative services. (3)

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 inefficacy in accomplishing mandates.

MINIMAL ADVANCEMENT – EFFORTS MADE BUT CONTINUED PRACTICE THAT DELAYED ADVANCEMENT

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

Coordinating Body	Role & Description
National Steering Committee on Child Labor	Oversees efforts to prevent and eliminate child labor and comprises government agencies, private employers, and workers' organizations. Chaired by the Principal Secretary for Labor, with coordination duties performed by the MOL's Child Labor Division. (15) The technical team of the National Steering Committee on Child Labor engaged in planning meetings during the reporting period, but produced no tangible new deliverables. (92)
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. (103,104) The National Council for Children's Services met during the reporting period to develop the National Care Reform Strategy for Children in Kenya (2022–2032) and to develop the National Plan of Action to Tackle Online Child Sexual Exploitation and Abuse in Kenya (2022–2026). (92)
Children Area Advisory Councils	Coordinate county-level activities to eliminate child labor and related labor abuses, including forced labor and human trafficking. (3,105) Include local labor officers and child protection officials that coordinate with civil society organizations and NGOs, workers unions, and private employers. (106) During the reporting period, to strengthen local coordination around child labor, the government began harmonizing child labor issues into the work of Children Area Advisory Councils, starting with Kajiado, Kwale, and Nairobi, by integrating previously separate county-level child labor councils as subcommittees. (3,106) The Nairobi County Child Labor Coordinators also conducted case management and referral guideline training for 64 children's officers, 70 police officers, and 31 court users' committees. (15)
Counter-Trafficking in Persons Advisory Committee	Coordinates the implementation of policies related to human trafficking and provides prevention and protection services to survivors under the Counter-Trafficking in Persons Act. Led by the Counter-Trafficking in Person's Secretariat under the Ministry of Public Service, Gender, Senior Citizens, and Special Programs, and includes human trafficking and child protection specialists from multiple government agencies and NGOs. (2) During the reporting period, the Counter-Trafficking in Persons Advisory Committee met quarterly, working on draft amendments to the Counter-Trafficking in Persons Act. (101) It also participated in the development of the National Plan of Action for Children in Kenya (2022–2027). (15)

Research indicates that a lack of sufficient funding likely inhibited coordinating bodies from meeting and undertaking activities according to their mandates. (1)

The Department of Children Services maintains a Child Protection Information Management System that collects, aggregates, and reports on child protection data, including child labor violations, to assist child protection officials in tracking and reporting on child protection activities. (16,74) In 2021, approximately 237 cases of child labor were reported in the Child Protection Information Management System. However, research could not determine the number of cases that resulted from findings from labor inspections. (107) Furthermore, the number of child labor cases reported through the Child Protection Information Management System is inconsistent with other government reporting citing 2,793 children removed from child labor during the 2020–2021 fiscal year. (15,95) Research indicates that this discrepancy is the result of gaps in coordination between the Department of Children Services, responsible for rehabilitation, and the Child Labor Unit at the MOL. In many cases, children in child labor are not referred to the Department of Child Services for rehabilitation, and these cases are often not reflected in the Child Protection Information Management System. (107)

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 a lack of implementation.

Table 9. Key Policies Related to Child Labor

Policy	Description
National Policy on the Elimination of Child Labor	Proposes strategies to prevent and eliminate child labor, including its worst forms, while providing support and rehabilitation for children removed from child labor. Includes measures to establish child labor-free zones, increase financial support for labor law enforcement, raise awareness, improve accessibility to education and social protection programs, and integrate child labor into corporate responsibility programs. (108) The government continued to support, but did not take measures to implement the National Policy on the Elimination of Child Labor during the reporting period. (92)

Kenya

MINIMAL ADVANCEMENT – EFFORTS MADE BUT CONTINUED PRACTICE THAT DELAYED ADVANCEMENT

Table 9. Key Policies Related to Child Labor (Cont.)

Policy	Description
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, awareness-raising activities, and research with the goal of reducing child labor and other child exploitation cases by 50 percent by 2022. Other areas of interest include sexual exploitation of children, child trafficking, street work, online safety, and protecting children with disabilities. (104,105,109) During the reporting period, the government concluded work on an updated National Plan of Action for Children in Kenya for 2022–2027, which is awaiting presidential launch. A public version of this policy is not yet available. (15)
National Prevention and Response Plan on Violence Against Children in Kenya (2019–2023)	Identifies goals and multi-sectoral actions to address violence against children, including commercial sexual exploitation, child trafficking, and other worst forms of child labor, through laws and policies, family support, education and life skills, community awareness, response and support, and coordination. (96,111) Responsibility for implementing the National Prevention and Response Plan on Violence Against Children in Kenya was given to the Department of Children Services. In 2021, the responsible unit within the Department of Children Services launched a violence against children survey fact sheet and continues to implement other programs with development partners. (92)

‡ The government had other policies that may have addressed child labor issues or had an impact on child labor. (16,109,112,113)

Insufficient resources for public institutions have led to delays in both the development of new policies and the implementation of existing policies to eliminate the worst forms of child labor in Kenya. (109)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2021, 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 inadequacy 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-funded programs that aim to address child labor, including its worst forms, such as commercial sexual exploitation of children and child trafficking. Child Protection and Rescue Centers temporarily house child survivors and provide counseling and reintegration services. (114) Includes the Presidential Secondary School Bursary Scheme, which provides educational assistance to orphans and vulnerable children. The Presidential Secondary School Bursary Scheme continued to be supported by the government in 2021, but it did not receive applications due to school closures during the pandemic. (15,92)
3rd Generation Decent Work Country Program (2021–2024)*‡	Government of Kenya- and ILO-supported programming to assist with employment creation, sound labor relations, social protection, and gender equality at work. (115) Outlines strategies to eliminate child labor in Kenya, including the development and implementation of an updated child labor national action plan, a child labor survey, and an expanded Child Labor Division within the MOL. (115) The government has not yet begun its work implementing the third Decent Work Country Program, though other tri-partite stakeholders including the Federation of Kenya Employers and the Congress of Trade Unions have started implementation. (92)
National Safety Net Program (2013–2026)†	Government-funded social safety net program, with support from the World Bank. (16) During the reporting period, 117,314 vulnerable and drought-affected households at high risk for child labor received support through cash transfers. (15)
USDOL-Funded Programs	USDOL-funded projects to address child labor, build government capacity, and support youth apprenticeships. Includes Capacity Strengthening of Governments to Address Child Labor and/or Forced Labor, and Violations of Acceptable Conditions of Work in Sub-Saharan Africa (CAPSA) (2019–2022), a \$5.25 million project to build the capacity of the governments of Kenya and Uganda to enforce labor laws and regulations related to child labor and forced labor and approve services for survivors. In 2021, the CAPSA project supported the training of Kenyan MOL officers on concepts related to child labor, forced labor, human trafficking, and other violations of acceptable conditions of work and provided child labor concepts trainings to Children Area Advisory Councils based in Kajjado, Kwale, and Nairobi counties. In 2022, through a cost increase, the project will extend ongoing work on policy development and capacity building in Kenya to the regional level, through engagement with the East African Community and government of Uganda. (3) Also includes Better Utilization of Skills for Youth (BUSY) through Quality Apprenticeships (2016–2021), a \$3 million program that established and expanded workplace-based training programs for youth vulnerable to the worst forms of child labor. (117,118) The BUSY project, in collaboration with the MOL, the Federation of Kenya Employers, and the Central Organization of Trade Unions–Kenya, developed a draft National Skills Development Policy to support equitable access and participation of vulnerable and disadvantaged groups in skills development as part of a national sustainable workforce development program. (119) For additional information, please see our website.

* Program was launched during the reporting period.

† 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. (16)

MINIMAL ADVANCEMENT – EFFORTS MADE BUT CONTINUED PRACTICE THAT DELAYED ADVANCEMENT

The government operates five child rescue centers to support survivors of human trafficking and other crimes in Nairobi, Machakos, Garissa, Thinka, and Kisumu. (109) However, 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.

Since 2018, Kenya has been implementing a 100 Percent Transition Policy, boosting educational spending and undertaking an educational awareness and enrollment campaign aimed at universalizing the transition of children from primary to secondary education. (13,120) Research indicates the policy contributed to a substantial increase in secondary school enrollment from 2016 to 2020. (120-122) School enrollment, however, dropped when schools reopened following pandemic closures. (78,121,122) To address this concern, the Ministry of Education undertook a campaign to identify children not attending secondary school and return them to the classroom during the reporting period. (123,124) However, constraints in school infrastructure, auxiliary educational costs, and lack of sufficient teachers may hinder the implementation of the policy. (120,122,123)

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	Accede to the CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.	2013 – 2021
	Ensure that light work provisions limit the number of hours for all light work activities.	2019 – 2021
	Raise the minimum age of work to align with the compulsory education age of 18 and ensure that children up to the compulsory education age are covered by the light work provisions.	2020 – 2021
	Ensure that laws providing free basic education cover all children in Kenya, including non-citizens.	2020 – 2021
Enforcement	Publish information about labor law enforcement efforts, including the funding of the labor inspectorate, the number of child labor violations, and the number of child labor violations for which penalties were imposed and collected.	2009 – 2021
	Increase the number of labor inspectors to meet the ILO's technical advice.	2015 – 2021
	Ensure that the Ministry of Labor has sufficient financial and human resources to address labor violations.	2017 – 2021
	Ensure that measures are taken to investigate and impose penalties for violations of child labor by government officials.	2020 – 2021
	Ensure that criminal law enforcement investigators receive trainings, including training for new investigators.	2020 – 2021
	Publish information about criminal law enforcement efforts related to the worst forms of child labor, including the number of violations found and convictions achieved.	2021
Coordination	Ensure that magistrates receive training on laws protecting children from the worst forms of child labor.	2019 – 2021
	Strengthen coordination between the Child Labor Unit and the Department of Children Services, including sharing of child protection data and referral of child laborers for rehabilitation services.	2021
Government Policies	Ensure that all coordinating bodies receive sufficient funding to carry out their intended mandates.	2016 – 2021
	Ensure that all policies are implemented according to their mandates, including the National Policy on the Elimination of Child Labor, and publish results from activities implemented during the reporting period.	2017 – 2021
Social Programs	Provide sufficient resources for public institutions mandated for developing and implementing child labor policies.	2021
	Take measures to ensure that armed groups recruiting and using children are not receiving financial, training, transportation, and other forms of in-kind support from Kenyan Defense Forces, and hold perpetrators of the worst forms of child labor, including child soldiering, accountable.	2020 – 2021
	Take measures to expand birth registration to improve accessibility to education and social services protecting children from child labor.	2021
	Enhance efforts to eliminate barriers and make education accessible for all children, including girls and refugee children, by ensuring that pregnant girls can remain in school, improving access to birth registration documents, increasing the number of schools, and improving existing educational facilities in refugee camps.	2010 – 2021

Table 11. Suggested Government Actions to Eliminate Child Labor (Cont.)

Area	Suggested Action	Year(s) Suggested
Social Programs	Improve access to education by increasing the number of schools and teachers, addressing sexual abuse in schools, and eliminating or defraying the cost of school fees, books, and uniforms.	2010 – 2021
	Expand existing programs to address the scope of the child labor problem, including for children engaged in commercial sexual exploitation.	2009 – 2021

REFERENCES

- U.S. Embassy- Nairobi. Reporting. January 17, 2020.
- U.S. Embassy- Nairobi. Reporting. February 11, 2021.
- ILO. Technical Progress Report, Strengthening Capacity of Governments to Address Child Labor and Forced Labor and Violations of Acceptable Conditions to Work in Sub-Saharan Africa (CAPSA), April 30, 2021–October 30, 2021. October 30, 2021. Source on file.
- UNESCO Institute for Statistics. Gross intake ratio to the last grade of primary education, both sexes (%). Accessed March 2022. For more information, please see “Children’s Work and Education Statistics: Sources and Definitions” in the Reference Materials section of this report. <http://data.uis.unesco.org/>
- ILO. Analysis of Child Economic Activity and School Attendance Statistics from National Household or Child Labor Surveys. Original data from Household Budget Survey (HBS) 2019. Analysis received March 2022. For more information, please see “Children’s Work and Education Statistics: Sources and Definitions” in the Reference Materials section of this report.
- Chepkoech, Anita. Minors engaged in hard labour in tea farms. Daily Nation, December 6, 2019. <https://nation.africa/kenya/news/minors-engaged-in-hard-labour-in-tea-farms-230078>
- KNA. Children Working as Scarecrows in Mwea Rice Fields. Business Today, September 12, 2019. <https://businesstoday.co.ke/child-labour-on-the-rise-in-the-rice-fields-of-mwea/>
- King, William. Surviving Covid-19 - Children Now Forced Into Casual Labour. October 2, 2020. <https://nation.africa/kenya/news/surviving-covid-19-children-now-forced-into-casual-labour-2454860>
- Gathigah, Miriam. Nobel Laureates and Global Leaders Call for Urgent Action to Prevent COVID-19 Child Rights Disaster. Inter Press Service. September 4, 2020. <http://www.ipsnews.net/2020/09/nobel-laureates-and-global-leaders-call-for-urgent-action-to-prevent-covid-19-child-rights-disaster/>
- Bearak, Max and Tato, Luis. The Wild Ride of East Africa’s Favorite Stimulant. The Washington Post, January 17, 2020. <https://www.washingtonpost.com/graphics/2020/world/amp-stories/miraa-east-africa-favorite-stimulant/>
- ANPPCAN. Impact of COVID-19 on Children in Busia, Loitoktok, Marsabit and Nairobi - Kenya 2021. <http://www.anppcan.org/wp-content/uploads/2014/11/Study-on-the-Impact-of-Covid-19-on-Children-4.pdf>
- Agimba, George. Migori: A County Where Child Labour Thrives. Kenya News Agency. December 21, 2020. <https://www.kenyanews.go.ke/migori-a-county-where-child-labour-thrives/>
- ILO. Mapping of initiatives and services addressing child labour, forced labour and human trafficking with a focus on the agricultural sector (coffee, fish, miraa, rice, sand, sisal, sugarcane, tea and tobacco supply chains): A report from the CAPSA Project. October 2021. Source on File.
- Wasike, Andrew. Child labor soars in Kenya during pandemic. AA, June 11, 2021. <https://www.aa.com.tr/en/africa/child-labor-soars-in-kenya-during-pandemic/2270287>
- U.S. Embassy- Nairobi. Reporting. January 14, 2022.
- U.S. Embassy- Nairobi. Reporting. January 24, 2019.
- Mbugua, Sophie. In Kenya’s Drylands, Education is an Insurance Policy, but Only for Some. The New Humanitarian, June 29, 2017. <http://www.thenewhumanitarian.org/feature/2017/06/29/kenya-s-drylands-education-insurance-policy-only-some>
- U.S. Embassy- Nairobi. Reporting. February 13, 2018.
- Schallhorn, Kaitlyn. In Kenya, educators are becoming the front line of defense against child trafficking. The Blaze, April 18, 2017. <http://www.theblaze.com/news/2017/04/18/in-kenya-educators-are-becoming-the-front-line-of-defense-against-child-trafficking>
- U.S. Embassy- Nairobi official. E-mail communication to USDOL official. June 5, 2020.
- OCHA. Drought in Kenya: The Cost of Inaction. November 21, 2021. https://reliefweb.int/sites/reliefweb.int/files/resources/ROSEA_20211209_KenyaDrought_CostOfInaction_def.pdf
- Gettleman, Jeffrey and Raj, Suhasini. As Covid-19 Closes Schools, the World’s Children Go to Work. The New York Times. September 27, 2020. <https://www.nytimes.com/2020/09/27/world/asia/covid-19-india-children-school-education-labor.html>
- World Wildlife Federation. Sand Mafias: Environmental Harm, Corruption and Economic Impacts. June 2021. <https://www.worldwildlife.org/pages/tncr-blog-sand-mafias-environmental-harm-corruption-and-economic-impacts>
- The Star. Underage Children engaged in sand harvesting illegally in Magarini. Youtube. July 14, 2021. https://www.youtube.com/watch?v=vC_F5EP5pYQ
- Nandiemo, Vivere. Migori Mines Take a Toll on Schooling. The Daily Nation, March 31, 2018. <https://www.nation.co.ke/counties/migori/Migori-mines-take-a-toll-on-schooling/1183306-4366676-2hnp3z/index.html>
- Odeny, Manuel. Migori Gold Rush Wrecks Lives and Destroys Land. The Star, February 1, 2019. <https://www.the-star.co.ke/counties/nyanza/2019-02-01-migori-gold-rush-wrecks-lives-and-destroys-land/>
- UNICEF. Situation Analysis of Children and Women in Kenya, 2017. Published April 2018. <https://www.unicef.org/kenya/reports/situation-analysis-children-and-women-kenya-2017>
- Mohammed, Hussein. Tale of Child Trafficking at the Kenya-Ethiopia Border. October 6, 2019. <https://www.standardmedia.co.ke/ktnnews/video/2000177782/a-tale-of-child-trafficking-at-the-kenya-ethiopia-border-servitude>
- ILO Committee of Experts. Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Kenya (ratification: 2001). Published 2020. https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:4020283:NO
- Lerner, Sharon. Africa’s Exploding Plastic Nightmare. The Intercept. April 19, 2020. <https://theintercept.com/2020/04/19/africa-plastic-waste-kenya-ethiopia/Odula, Tom. From ‘role models’ to sex workers: Kenya’s child labor rises. The Associated Press. October 20, 2020. https://apnews.com/article/virus-outbreak-africa-united-nations-kenya-nairobi-4c0fa9421409d2a8e79045ba896f4db7>
- VOA. Nairobi street children find savior. December 16, 2020. <https://www.voaswahili.com/a/watoto-wa-mitaani-nairobi-wapata-mwokozi/5702301.html>

MINIMAL ADVANCEMENT – EFFORTS MADE BUT CONTINUED PRACTICE THAT DELAYED ADVANCEMENT

- 33 Mkongo, Malemba. Students fight sex slavery and forced labour among children in Mombasa. *The Star*, November 3, 2017. Source on file.
- 34 U.S. Embassy- Nairobi. Reporting. January 13, 2021.
- 35 Wesangula, Daniel. Culture and Greed Fueling Child Sexual Exploitation. *The Standard*, December 21, 2020. <https://www.standardmedia.co.ke/article/2001353966/culture-and-greed-fuelingchild-sexual-exploitation>
- 36 Bhalla, Nita. Child Sex for a Dollar on Kenya's Palm-Fringed Beaches. *Reuters*, June 14, 2018. <https://www.reuters.com/article/us-kenya-tourism-prostitution/child-sex-for-a-dollar-on-kenyas-palm-fringed-beaches-idUSKBN1JA2NE>
- 37 ILO Committee of Experts. Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Kenya (ratification: 2001). Published 2020. https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:PI3100_COMMENT_ID:4020287:NO
- 38 International Justice Mission, et. al. Commercial Sexual Exploitation of Children in Kenya. 2020. Source on file.
- 39 U.S. Department of State. Trafficking in Persons Report- 2021: Kenya. Washington, D.C., July 1, 2021. <https://www.state.gov/reports/2021-trafficking-in-persons-report/kenya/>
- 40 Mwangi, James. Nairobi drug dealers employ street kids to sell guns, heroin. *The Standard*, November 2018. <https://www.standardmedia.co.ke/entertainment/city-news/2001303713/nairobi-drug-dealers-employ-street-kids-to-sell-guns-heroin>
- 41 Gumba, Deo. Drug trafficking / Armed gangs are perpetuating Mombasa's narco-city image. *ENACT*, September 9, 2020. <https://enactafrica.org/enact-observer/armed-gangs-are-perpetuating-mombasas-narco-city-image>
- 42 Kenya 24 News. Juvenile gangs wreaking havoc in Mombasa. September 3, 2021. <https://www.kenya24news.com/kenya/juvenile-gangs-wreaking-havoc-in-mombasa/193650-news>
- 43 Vidija, Patrick. Promise of easy money lures idle kids to gangs. *The Star*, October 28, 2020. <https://www.the-star.co.ke/news/big-read/2020-10-28-promise-of-easy-money-lures-idle-kids-to-gangs/#:~:text=Recruits are tasked with sending calls to the unsuspecting victims>
- 44 Kaberia, Judie. The Agony of Child Labor Trafficking in Kenya. *Capital News*, September 13, 2020. <https://www.capitalfm.co.ke/news/2020/09/the-agony-of-child-labor-trafficking-in-kenya/>
- 45 ILO Committee of Experts. Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Kenya (ratification: 2001). Published 2021. https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:PI3100_COMMENT_ID:4056504
- 46 Okumu, Willis and Annette Kirabira. Girls from Karamoja sold for US\$5 and trafficked to Nairobi. *Enacted*, July 21, 2021. <https://enactafrica.org/enact-observer/girls-from-karamoja-sold-for-us5-and-trafficked-to-nairobi>
- 47 Kenya Alliance for Advancement of Children. Sexual Exploitation of Children in Kenya, Submission for the Universal Periodic Review of the Human Rights situation in Kenya. July 18, 2019 <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=7430&file=EnglishTranslation>
- 48 Women's Refugee Commission. "We Have a Broken Heart": Sexual Violence against Refugees in Nairobi and Mombasa, Kenya. October 2019 <http://www.womensrefugeecommission.org/research-resources/we-have-a-broken-heart-sexual-violence-against-refugees-in-nairobi-and-mombasa-kenya/>.
- 49 Etyang, Hesborn. Child labour fuels spread of HIV in Turkana. *The Star*, February 17, 2020. <https://www.the-star.co.ke/news/2020-02-17-child-labour-fuels-spread-of-hiv-in-turkana/>
- 50 Bhalla, Nita. Kenya orders probe into rise in violence against women and girls during pandemic. *Reuters*, July 6, 2020. <https://www.reuters.com/article/us-health-coronavirus-kenya-women-trfml/kenya-orders-probe-into-rise-in-violence-against-women-and-girls-during-pandemic-idUSKBN2472ER>
- 51 Odula, Tom. A pandemic atlas: Kenya's youth suffer collateral damage. *The Associated Press*, December 16, 2020. <https://apnews.com/article/pandemics-nairobi-coronavirus-pandemic-east-africa-africa-071a272cf781527c6d82f996d74827d3>
- 52 U.S. Department of State. Trafficking in Persons Report- 2020: Kenya. Washington, D.C., June 25, 2020. <https://www.state.gov/reports/2020-trafficking-in-persons-report/kenya/>
- 53 Wasike, Andrew, and Mukami, Magdalene. Kenya: Children Descend into Hard Earth to Dig for Gold. *AA*, June 12, 2019. <https://www.aa.com.tr/en/africa/kenya-children-descend-into-hard-earth-to-dig-for-gold/1501861>
- 54 Makori, Abuga. Jubaland minister lands in Kenya after escaping from Mogadishu jail. *Garowe*, February 1, 2020. <https://www.garoweonline.com/en/news/somalia/somalia-jubaland-minister-lands-in-kenya-after-escaping-from-mogadishu-jail>
- 55 Day, Adam. Hybrid Conflict, Hybrid Peace: How Militias and Paramilitary Groups Shape Post-Conflict Transitions. New York: United Nations University, 2020 <https://cpr.unu.edu/research/projects/hybrid-conflict.html#outline>
- 56 Valar Frontier Solutions. Gedo at the Crossroads: Factionalism, Resectorization, and Divided Loyalties. July 28, 2018. Source on File.
- 57 ICF Consultant. Phone communication with USDOL officials. June 1, 2022.
- 58 UN. Children and Armed Conflict in Somalia. March 4, 2020. <https://reliefweb.int/sites/reliefweb.int/files/resources/N2005820.pdf>
- 59 UN Security Council. Report of the Secretary-General on Children and Armed Conflict, A/75/873–S/2021/437. May 6, 2021. https://www.un.org/ga/search/view_doc.asp?symbol=S/2021/437&Lang=E&Area=UNDOC
- 60 UN Security Council. Report of the Secretary-General on Children and Armed Conflict, A/76/871-S/2022/493 June 23, 2022. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/344/71/PDF/N2234471.pdf>
- 61 Shabelle TV. 15 jir kamid ahaa Ciidamadii Wasiir Janan oo sheegay in lagu soo qalday Dagaalkii Balad Xaawo. February 7, 2021. <https://www.youtube.com/watch?v=GBCsFVNxGwE>
- 62 Government of Kenya. The Basic Education Act, 14. Enacted: January 14, 2013. <http://ilo.org/dyn/natlex/docs/ELECTRONIC/94495/117651/F-1505056566/KEN94495.pdf>
- 63 Government of Kenya. The Births and Deaths Registration Act. Enacted: 2010. Source on file.
- 64 Freytsis, Maria, et. al. Development of a Mobile, Self-Sovereign Identity Approach for Facility Birth Registration in Kenya Frontiers in Blockchain. February 15, 2021. <https://doi.org/10.3389/fbloc.2021.631341>
- 65 Government of Kenya. The Children Act, 141. Enacted: 2010. https://bettercarenetwork.org/sites/default/files/The Children's Act, Kenya_0.pdf
- 66 Morris, Tanasia. Building A High School for Girls in Kenya. *Fordham News*, June 8, 2017. <https://news.fordham.edu/faith-and-service/building-a-high-school-for-girls-in-kenya/>
- 67 Jena, Nalin. Making textbooks affordable and available for every student in Kenya. *World Bank Blogs*, March 22, 2018 <https://blogs.worldbank.org/education/making-textbooks-affordable-and-available-every-student-kenya>
- 68 Mutegi, Reuben Gitonga. Demand for Education in Kenya: The Effect of School Uniform Cost on Access to Secondary Education. *European Journal of Educational Sciences*, June 2018. <https://eric.ed.gov/?id=EJ1235977>

MINIMAL ADVANCEMENT – EFFORTS MADE BUT CONTINUED PRACTICE THAT DELAYED ADVANCEMENT

- 69 Muchunguh, David. Headache for Parents as Schools Demand Fees. AllAfrica, September 27, 2021. <https://allafrica.com/stories/202109270109.html>
- 70 UN Committee on the Elimination of Discrimination against Women. Summary record of the 1547th meeting. November 14, 2017: CEDAW/C/SR.1547. http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/SR.1547&Lang=en
- 71 Oduor, Augustine. Study Reveals Shocking Rate of Sex Crimes in Schools. June 6, 2018. <https://www.standardmedia.co.ke/article/2001283031/study-reveals-shocking-rate-of-sex-crimes-in-schools>
- 72 White, Rochelle. Access to primary schools and quality of education in Kenya Arcgis. December 15, 2020 <https://storymaps.arcgis.com/stories/ea450696c6524c23aba3903095f7e6ae/print>
- 73 Muchunguh, David. Kenya: Schools in Need of 60,000 Teachers As Form One Double Intake Looms. AllAfrica. 2021. <https://allafrica.com/stories/202102180081.html>
- 74 U.S. Department of State. Country Reports on Human Rights Practices-2020: Kenya. Washington, D.C., March 2021. <https://www.state.gov/wp-content/uploads/2021/03/KENYA-2020-HUMAN-RIGHTS-REPORT.pdf>
- 75 Matengo, Dinah. For Dadaab's Children, Access to Education is Still Limited. CGTN Africa, June 10, 2019. <https://africa.cgtn.com/2019/06/10/for-dadaabs-children-access-to-education-is-still-limited/>
- 76 Butrymowicz, Sarah. Refugee girls want to improve the world. Will we let them do so? Hechinger Report, January 9, 2019. <https://hechingerreport.org/refugee-girls-want-to-improve-the-world-will-we-let-them-do-so/>
- 77 Human Rights Watch. Leave No Girl Behind in Africa: Discrimination in Education against Pregnant Girls and Adolescent Mothers. 2018. <https://www.hrw.org/report/2018/06/14/leave-no-girl-behind-africa/discrimination-education-against-pregnant-girls-and>
- 78 Mlaba, Khanyi. Thousands of Children in Kenya Failed to Return to School This Week. Global Citizen, Jan 8, 2021. <https://www.globalcitizen.org/en/content/children-missing-out-on-school-kenya-covid/>
- 79 Oduor, August. Shock of counties with 1.8m missing school children. The Standard, October 18, 2021. <https://www.standardmedia.co.ke/education/article/2001426738/shock-of-counties-with-18m-missing-school-children>
- 80 Government of Kenya. The Employment Act, 11. Enacted: October 22, 2007. Source on file.
- 81 Government of Kenya. The Employment (General) Rules, 2014. Enacted: March 2014. Source on file.
- 82 Government of Kenya. The Constitution of Kenya. Enacted: 2010. Source on file.
- 83 Government of Kenya. The Sexual Offences Act, 3. Enacted: July 21, 2006. Source on file.
- 84 Government of Kenya. Penal Code, 63. Enacted: 2009. Source on file.
- 85 Government of Kenya. Counter-Trafficking in Persons Act. Enacted: 2010. Source on file.
- 86 Government of Kenya. Kenya Defence Forces Act. Enacted: 2012. Source on file.
- 87 ILO Committee of Experts. Direct Request concerning Minimum Age Convention, 1973 (No. 138) Kenya (ratification: 1979) Published 2020. https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:4020686:NO
- 88 Government of Kenya. State Department for Labour, Labour Department. Accessed February 25, 2020. <https://labour.go.ke/wp-content/uploads/2019/10/Labour-Department-Brochure.pdf>
- 89 Government of Kenya. Status Report on Children in the Justice System in Kenya. 2019. <https://www.judiciary.go.ke/download/status-report-on-children-in-the-justice-system-in-kenya/>
- 90 Government of Kenya. Anti-Human Trafficking and Child Protection Unit (AHTCPU). Directorate of Criminal Investigations. Accessed March 12, 2021. <https://www.cid.go.ke/index.php/sections/investigationunits/anti-human-trafficking-child-protection-unit-ahtcpu.html>
- 91 Government of Kenya. Department of Children's Services. Accessed February 25, 2020. <https://www.socialprotection.go.ke/children-services/>
- 92 U.S. Embassy- Nairobi Official. Written communication with USDOL Official. June 29, 2022.
- 93 Government of Kenya. Labour Institutions Act. Enacted: 2007, Revised edition 2012. https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/78260/83539/F-1091781562/KEN78260_2012.pdf
- 94 Government of Kenya. Social Protection, Culture and Recreation Sector Report 2021/22-23/24. November 2020. <https://www.treasury.go.ke/wp-content/uploads/2021/05/SOCIAL-PROTECTION-CULTURE-AND-RECREATION-SECTOR-REPORT.pdf>
- 95 Government of Kenya Social Protection, Culture, and Recreation Sector Report 2022/2023-2024/2025. October 2021. <https://www.treasury.go.ke/wp-content/uploads/2021/05/SOCIAL-PROTECTION-CULTURE-AND-RECREATION-SECTOR-REPORT.pdf>
- 96 U.S. Embassy- Nairobi official. E-mail communication to USDOL official. May 27, 2021.
- 97 UN. World Economic Situation and Prospects. 2021 Statistical Annex. New York, 2021. Please see "Labor Law Enforcement: Sources and Definitions" in the Reference Materials section of this report. https://www.un.org/development/desa/dpad/wp-content/uploads/sites/45/WESP2021_ANNEX.pdf
- 98 ILO. Labor Force Statistics (LFS)—Population and labour force. Accessed February 7, 2022. Labor force data is government-reported data collected by the ILO. Please see "Labor Law Enforcement: Sources and Definitions" in the Reference Materials section of this report. <https://ilostat.ilo.org/data/>
- 99 CIA. The World Factbook. Accessed April 2, 2021. Please see "Labor Law Enforcement: Sources and Definitions" in the Reference Materials section of this report. <https://www.cia.gov/the-world-factbook/countries/kenya/>
- 100 Musyoka, Michael. Badi Faces Backlash for Employing Children. Kenyans, October 31, 2020. [https://www.kenyans.co.ke/news/58747-badi-faced-backlash-hiring-street-children#:~:text=Nairobi Metropolitan services \(NMS\) boss Mohammed Badi has faced backlash,Grogan Road in Nairobi CBD](https://www.kenyans.co.ke/news/58747-badi-faced-backlash-hiring-street-children#:~:text=Nairobi Metropolitan services (NMS) boss Mohammed Badi has faced backlash,Grogan Road in Nairobi CBD)
- 101 U.S. Embassy- Nairobi. Reporting. February 4, 2022.
- 102 Lwanga, Charles. Man Jailed for 30 Years for Human Trafficking. The People Daily, December 9, 2021. Source on file.
- 103 Government of Kenya. Performance Contract Between the Government of Kenya Through the Ministry of Labour and Social Protection and the Council of Directors of the National Council for Children's Services. 2018. http://www.childrenscouncil.go.ke/images/documents/Policy_Documents/NCCS-performance-contract-2018-19.pdf
- 104 Government of Kenya. National Plan of Action for Children in Kenya. 2015. <https://bettercarenetwork.org/sites/default/files/2020-10/National-Plan-of-Action-for-Children-in-Kenya-2015-2022.pdf>
- 105 ILO. Strengthening Government's Capacity to Address Child Labor and/or Forced Labor and Violations of Acceptable Work Conditions in Sub-Saharan Africa. 2020: Technical Progress Report. Source on file.
- 106 Government of Kenya official. Interview with USDOL official. March 22, 2021.
- 107 U.S. Embassy- Nairobi official. E-mail communication to USDOL official. February 16, 2021.

MINIMAL ADVANCEMENT – EFFORTS MADE BUT CONTINUED PRACTICE THAT DELAYED ADVANCEMENT

- 108 Republic of Kenya, Ministry of Labour, Social Security and Services. Sessional Paper No. 1 of 2015 on the National Policy on Elimination of Child Labour. 2013. Source on file.
- 109 ILO. Mapping of the existing labour law and policy framework, enforcement structures, systems and processes relating to child labour, forced labour, human trafficking, and violations of acceptable conditions of work in Kenya. October 2021. Source on file.
- 110 Government of Kenya. Ministry of Labour and Social Protection Strategic Plan, 2018–2022. September 17, 2019. https://labour.go.ke/wp-content/uploads/2019/09/MLSP-Strategic-Plan-2018-2022_17.09.2019.pdf
- 111 Government of Kenya. National Prevention and Response Plan on Violence Against Children in Kenya, 2019–2023. June 2020. [https://www.unicef.org/kenya/media/1526/file/National Prevention & Response Plan on VAC.pdf](https://www.unicef.org/kenya/media/1526/file/National_Prevention_&_Response_Plan_on_VAC.pdf)
- 112 Government of Kenya. Session Paper No. 4 of 2013 on Employment Policy and Strategy for Kenya. 2013. https://edmsp1.ilo.org/edmsp1/groups/public/documents/6008/cdff/mtc0/~edisp/edmsp1_174609.pdf
- 113 Government of Kenya. The Framework for the National Child Protection System for Kenya. Nairobi: The National Council for Children's Services, November 2011. <http://resourcecentre.savethechildren.se/sites/default/files/documents/5429.pdf>
- 114 U.S. Embassy- Nairobi. Reporting. February 13, 2017.
- 115 Government of Kenya. Third Generation Decent Work Country Program. November 2021. https://www.ilo.org/wcmsp5/groups/public/---ed_mas/---program/documents/genericdocument/wcms_829831.pdf
- 116 UNICEF. Kenya- 2019 Appeal. Accessed August 2, 2019. Source on file.
- 117 U.S. Department of Labor. CAPSA- Capacity Strengthening of Governments to Address Child Labor and/or Forced Labor, and Violations of Acceptable Conditions of Work in Sub-Saharan Africa. Accessed April 7, 2021. <https://www.dol.gov/agencies/ilab/capsa-capacity-strengthening-governments-address-child-labor-and-or-forced-labor-and>
- 118 U.S. Department of Labor. Better Utilization of Skills for Youth (BUSY) through Quality Apprenticeships. Accessed April 7, 2021. <https://www.dol.gov/agencies/ilab/projects/kenya-apprenticeships>
- 119 ILO. Technical Progress Report, Better Utilization of Skills for Youth through Quality Apprenticeships (BUSY) Project, December 2021 Source on file.
- 120 Auma Otieno, Monica and Joan Achieng Ochieng. Impact of 100 Per Cent Transition Policy on Public Secondary Schools in Machakos Sub-County, Kenya: Focusing on Coping Strategies. Journal of Education and Practice. 2020. <https://iiste.org/Journals/index.php/JEP/article/view/53861#:~:text=The study results found 100,to cope with the situation>
- 121 Abuya, Benta. Secondary Education: Kenya Needs to Think Beyond 100% Transition. The Elephant, October 1, 2021. <https://www.theelephant.info/data-stories/2021/10/01/secondary-education-kenya-needs-to-think-beyond-100-transition/#:~:text=Secondary Education: Kenya Needs to Think Beyond 100% Transition,-October 1, 2021&text=Overall, a secondary education levels,a higher standard of living>
- 122 Kibaara, Janerose Mutegi. Kenya's education goals face the challenges of affordability, traditions and COVID-19. The Conversation, October 3, 2021. <https://theconversation.com/kenyas-education-goals-face-the-challenges-of-affordability-traditions-and-covid-19-168113>
- 123 Shatuma, Laura. Officials to hunt for truant Form 1s. The Star, August 21, 2021. <https://www.the-star.co.ke/news/2021-08-21-officials-to-hunt-for-truant-form-1s/>
- 124 UNICEF. New drive launched to get 250,000 out-of-school children back to class in 16 counties. October 19, 2021. <https://www.unicef.org/kenya/press-releases/new-drive-launched-get-250000-out-school-children-back-class-16-counties>