



REPUBLIC OF KENYA



THE SECOND AND THIRD STATE PARTY PERIODIC REPORT 2012- 2017

ON

THE AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF THE CHILD

PRESENTED TO THE AFRICAN UNION

NOVEMBER, 2018

This is the Periodic Report by Kenya on the implementation of the African Charter on the Rights and Welfare of the Child submitted to the Committee of Experts as required under Article 43 of the Charter

ABBREVIATIONS AND ACRONYMS

AAC	Area Advisory Council
ACRWC	African Charter on the Rights and Welfare of the Child
ACERWC	African Committee of Experts on the Rights and Welfare of the Child
ART	Anti-Retroviral Therapy
ASALs	Arid and Semi-Arid Lands
ASRH	Adolescent Sexual Reproductive Health
AU	African Union
CBOs	Community Based Organizations
CCIs	Charitable Children’s Institutions
CEC	County Executive Committee
CIDPs	County Integrated Development Plans
CHWs	Community Healthcare Workers
COTU	Central Organization of Trade Unions
CSEC	Commercial Sexual Exploitation of Children
CSHP	Comprehensive School Health Programme
DAC	Day of the African Child
DCS	Department of Children Services
DNA	Data Not Available (or Accessible) during reporting
DLP	Digital Learning Programme
EARC	Education Assessment Resource Centre
FBOs	Faith Based Organizations
FGM	Female Genital Mutilation
FTSE	Free Tuition in Secondary Education
EAC	East African Community
ECDE	Early Childhood Development and Education
EFA	Education for All
ERS	Economic Recovery Strategy for Employment and Wealth Creation

EMTCT	Elimination of Mother to Child Transmission
FKE	Federation of Kenya Employers
GoK	Government of Kenya
HMIS	Health Management Information Systems
IDPs	Internally Displaced Persons
ILO	International Labour Organization
ICT	Information Communication and Technology
KIHBS	Kenya Integrated Household Budget Survey
KDHS	Kenya Demographic and Health Survey
KESSP	Kenya Education Sector Support Programme
KHRC	Kenya Human Rights Commission
KNBS	Kenya National Bureau of Statistics
KNCHR	Kenya National Commission on Human Rights
LDD	Learners Digital Devices
MTP	Medium Term Plan
MOH	Ministry of Health
MUHURI	Muslims for Human Rights
NACADA	National Authority for Campaign against Alcohol and Drug
NCCS	National Council for Children’s Services
NESSP	National Education Sector Support Programme
NGOs	Non-governmental Organizations
NIMES	National Integrated Monitoring and Evaluation System
NPA	National Plan of Action
OVC-CT	Orphans and Vulnerable Children Cash Transfer
PEP	Peace Education Program
PTA	Parents Teachers Association
PMTCT	Prevention of Mother to Child Transmission
PWDs	Persons with Disabilities
SDGs	Sustainable Development Goals
SNE	Special Needs Education
TDD	Teacher Digital Devices

TNGB	Total National Government Budget
TSC	Teachers Service Commission
TPAD	Teachers Performance Appraisal Development
TVET	Technical Vocational and Education Training
UNCRC	United Nations Convention on the Rights of the Child
UNHCR	United Nations High Commission for Refugees
UNICEF	United Nations International Children's Emergency Fund
WHO	World Health Organization

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EXECUTIVE SUMMARY

The Republic of Kenya is obligated to promote, protect and fulfil the rights outlined under the African Charter on the Rights and Welfare of the Child (ACRWC) ratified in the year 2000. The State Party presents the combined Second and Third Periodic Reports in fulfilment of the requirements of the Charter. The Report contains responses to the Concluding Observations of the Committee of Experts; State Party progress on the implementation of the Charter and Evidence on Integration of Sustainable Development Goals (SDGs) and “Agenda 2040 – Fostering an Africa fit for Children” towards implementation of the Charter.

The process of developing this report was participatory and consultative. It was coordinated by the National Council for Children’s Services (NCCS). A Multi - Stakeholder Technical Working Group comprising of State and Non-State Actors was constituted to draft the report. Several forums were also held where stakeholders across the country submitted their views on the implementation of the Charter. A national validation workshop consisting of children and stakeholders was convened for purposes of endorsement of the report.

The State Party has continued to enforce the provisions of the Charter which form part of the law as enshrined under Article 2(5) of the Constitution. The principle of the child’s best interests has been provided for under Article 53(2) of the Constitution. The State Party has developed child friendly procedures to guide the courts on determination of children matters. In addition, guidelines and programmes have been established to protect children against harmful cultural practices as well as those under vulnerable situations in order to safeguard their economic and social rights.

The State Party has also enhanced budgetary allocation for government agencies dealing with children matters for effective service delivery. For instance, the budget for healthcare services increased by 31% during the reporting period.

The State Party continued to train Children Officers, Probation Officers, Prison Officers, Police, Judicial Officers, Health workers and Teachers to enhance care and protection of children. Access to essential services such as education and healthcare was enhanced through provision of free primary education, suitable facilities for the disabled children and procurement of medical equipment under the devolved

system of government. Child participation was also strengthened through community forums at school levels and children assemblies at both levels of government.

Kenya is committed to implementation of the Charter to ensure protection and fulfilment of Children rights.

CHAPTER 1: GENERAL INFORMATION ABOUT THE STATE PARTY

1.1 INTRODUCTION

Kenya ratified the African Charter on the Rights and Welfare of the Child in in the year 2000. The Charter obligates State Parties to promote, protect and fulfil the rights provided for under the instrument. It further requires the State Parties to submit reports to the African Committee of Experts on the Rights and Welfare of the Child (**ACERWC**) on the measures that have been adopted to give effect to the provisions of the Charter. This report is submitted pursuant to Article 43 of the Reporting Procedure of the Charter.

The State Party has endeavoured to work towards the implementation of the Charter through domestication of its aspirations under the Constitution and other legislation such as the Children Act, No. 8 of 2001 as well as in the National Plan of Action for Children. In addition, the State Party continues to implement the Sustainable Development Goals and “Agenda 2040: Fostering an Africa fit for Children” by integrating them in policies and government development plans.

The State Party submitted its initial report in 2007 and continued to implement the recommendations from the Committee of Experts. In 2014, the First Periodic Report addressed concluding observations from the Initial State Party report and highlighted the progress made in promoting children’s rights and welfare from 2008 to 2011. The Committee made concluding observations and recommendations which the State Party has considered and responded to in this Report.

The reporting exercise was spearheaded and coordinated by the NCCS in collaboration with State and Non-State actors. This report covers the period between the year 2012 and 2017.

1.2 METHODOLOGY

The approach used to compile this Report was by collection of primary and secondary data. Primary data was collected through interviews, consultations and focus group discussions during the validation forum of children and stakeholders countrywide. Secondary data was obtained from desk review of documents and reports within the State, Civil Society Organisations and United Nations Agencies. In addition, the review included consideration of previous State Party reports.

The methodology is summarised as follows:-

a) Establishment of a National Steering Committee

A National Steering Committee (NSC) on reporting was constituted under the leadership of the Ministry responsible for children matters comprising of Government Ministries, Departments and Agencies as well as Non-Governmental Organizations (NGOs) dealing with children. The Committee met on a bi-weekly basis to plan and review progress in development of the Report. The Committee mapped out the country into regions of focus to support the collection of information and data. The process involved participation of children and other relevant stakeholders.

b) Regional Consultations

The State and Non-State Agencies collected data and information from all the regions in the country.

c) Focus Group Discussions (FGDs)

FGDs were convened with adults and children to inform the process from case experiences. During the consultations, children were divided into groups and responded to the following issues:-

1. What the State has done to implement the provisions of the Charter;
2. What the State has not done; and
3. What they recommend the State to do.

d) Tools used to collect data from Children

Child-friendly tools such as drawing materials and role plays were used to collect data from children. The information was analysed and incorporated into this Report.

e) National Validation Workshops

Two concurrent validation workshops involving adults and children stakeholders were conducted. The participants were drawn from all regions in the country.

1.3 DEMOGRAPHIC CHARACTERISTICS

Kenya's population is estimated at 49.6 million with a growth rate of 3% per year as per the Kenya National Bureau of Statistics (KNBS, 2017), 51% are children (Figure 1).¹According to the Kenya Demographic Household Survey (KDHS), the average composition of a household is 3.9 members; 43% being under the age 15.²

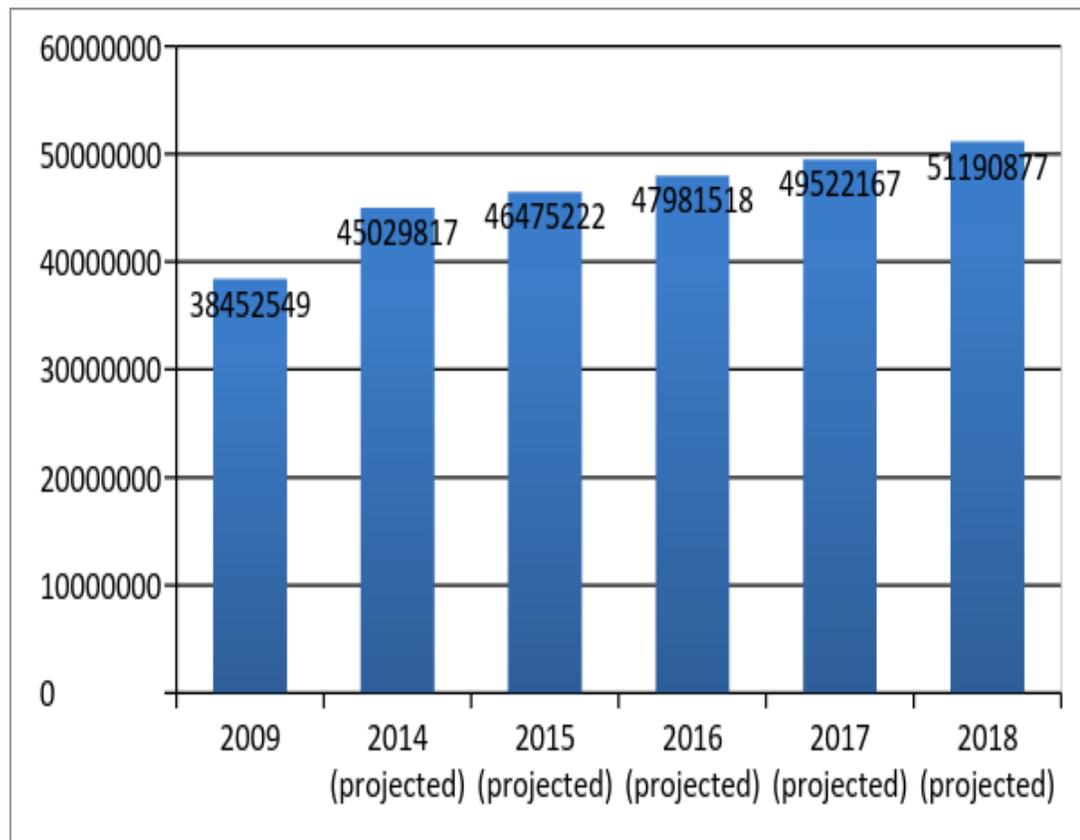


Figure 1 Kenya Projected Population, KNBS 2017

¹ "Child Poverty in Kenya - unicef." <https://www.unicef.org/esaro/2017-UNICEF-Kenya-Child-Poverty.pdf>. Accessed 30 Jun. 2018.

² "Kenya Demographic and Health Survey 2014 - The DHS Program." <https://dhsprogram.com/pubs/pdf/fr308/fr308.pdf>. Accessed 30 June 2018.

1.5 GOVERNANCE STRUCTURE

The Constitution of Kenya introduced the devolved system of governance and established two levels of government- the National and 47 County governments. The Devolved system of governance was operationalized in 2013 resulting in the transfer of some functions on children matters to the Counties. The County Government is composed of a County Assembly which is the legislative arm and a County Executive headed by a Governor.



Figure 2 : Map of Kenya representing 47 counties

1.6 DEVELOPMENT PLANS

a) Vision 2030

The State Party established the Vision 2030 development blueprint which is divided into three pillars namely Economic, Social and Political. Children fall under the social pillar which aims at building a just and cohesive society in a clean and secure environment. The Vision also emphasises on the principle of equity in all its economic, social and political programmes. Special attention has been given to investment in the Arid and Semi-Arid Lands (ASALs), communities with high incidences of poverty, unemployed youth, women and vulnerable groups. The sectors under the social pillar are; Education & Training, Health, Environment, Water & Sanitation, Labour, Youth & Human Resource Development and Population, Urbanization and Housing.³

b) Sustainable Development Goals

The 2030 Agenda for Sustainable Development was adopted by United Nations Member States at the Sustainable Development Summit in New York on the 25th of September 2015. The outcome document of the post-2015 process lists 17 Sustainable Development Goals (SDGs) and 169 subsequent targets.⁴

Kenya is a signatory to the global goals that aim at creating a peaceful, prosperous and sustainable planet for all people. In that regard, the State Party has developed an implementation road map of the global goals with seven areas namely mapping of stakeholders and establishing partnerships, advocacy and sensitization, domestication/localization, mainstreaming and accelerating implementation, resource mobilization, tracking and reporting and capacity building.⁵

The country has embraced and adopted the human rights based approach principle in its development plans. It has also mainstreamed the SDGs in its national agenda towards implementation of the Charter.

³ "PILLARS - e-ProMIS Kenya." <<http://e-promis.treasury.go.ke/portal/development-strategy/vision-2030/pillars/>> accessed 1 July 2018

⁴ "Transforming our world: the 2030 Agenda for Sustainable" <<https://sustainabledevelopment.un.org/post2015/transformingourworld>> accessed 1 July 2018

⁵ "Localizing Sustainable Development Goals in Kenya - Building on" <<http://www.ke.undp.org/content/dam/kenya/docs/SPAU/Localizing%20Sustainable%20Development%20Goals%20in%20Kenya%20-%20Building%20on%20lessons%20learnt%20from%20MDGs.pdf?download>> accessed 1 July 2018

c) County Integrated Development Plans

The County Integrated Development Plans facilitate the services of the County Governments in a systematic method in order to improve the quality of people's lives and contribute towards sustainable development.⁶ In addition, the Counties prioritize Early Childhood Development and Education (ECDE) and child health programmes in the plans.

⁶ "Kenya: Key Questions About Your County Integrated Development"
<https://www.internationalbudget.org/publications/kenya-key-questions-county-integrated-development-plan/>. Accessed 1 Jul. 2018.

CHAPTER 2: GENERAL MEASURES OF IMPLEMENTATION (ART. 1(1) AND DEFINITION OF A CHILD (ART. 2)

2.1 GENERAL MEASURES OF IMPLEMENTATION

COMMENTS OF THE COMMITTEE OF EXPERTS

The Committee urged the State Party to expedite the amendment process of the Children Act as the Act is important for protecting and promoting Children's rights. The Committee also urged the State Party to urgently finalize the adoption of other laws undergoing revision or a process of adoption; establish an independent organ which has the sole mandate to monitor the implementation of children's rights or Create an independent Commission for children or create child specific office in the Kenya National Commission on Human Rights (KNCHR) and the National Gender and Equality Commission.

STATE PARTY RESPONSE

The State Party has developed a draft Children Bill, 2017 in order to align the Children Act No. 8 of 2001 with the provisions of the Constitution and harmonize it with relevant legislation on Children's rights. The Bill seeks to introduce diverse frameworks for the best interest of the child and has been presented to the Office of the Attorney General for refining and eventual enactment.⁷

The Amendment of the Children's Act through the Statute Miscellaneous (Amendment) Act of April, 2017 made the National Council for Children's Services (NCCS) autonomous and mandated it to supervise, plan, finance and coordinate child rights and welfare activities in the country.⁸

⁷ "National Council for Children's Services." <<http://www.childrencouncil.go.ke/resources/downloads.html>> accessed 30 June. 2018.

⁸ "About Us - National Council for Children's Services." <<http://www.childrencouncil.go.ke/about-us.html>> accessed 1 July 2018.

The Kenya National Commission on Human Rights (KNCHR) has established an office and designated a senior officer (focal point person) within the institution to attend to children matters. The commission continues to ensure matters concerning children rights are mainstreamed in all its programs.

2.2 MEASURES TAKEN ON IMPLEMENTATION OF ARTICLE 1(1)

Policy and Legal Framework

Policy Measures

The State Party has developed various guidelines, policies and plans within the reporting period which include:-

- I. The National Plan of Action 2015- 2022, that provides a framework to guide the process of implementation, coordination, monitoring and evaluation of programmes that promote and protect children's rights.
- II. Guidelines on registration of births for orphans and vulnerable children, 2017 (**OVC's**)
- III. The National Plan of Action on combating human trafficking- (2013-2017)
- IV. The National Plan of Action against Commercial Sexual Exploitation of Children (2013-2017)
- V. Psycho Social Support Guidelines for orphans and vulnerable children in Kenya, 2015

Legal Framework

The Constitution

The Constitution embodies provisions relating to protection of the rights and welfare of children. The provisions have been incorporated in various statutes.⁹ Specifically;

- i. Article 2 (6) of the Constitution 2010 states that **“Any treaty or convention ratified by Kenya shall form part of the law of Kenya under this Constitution”**. The Charter therefore forms part of the law of Kenya regardless of whether it was ratified on or before the promulgation of the Constitution.

⁹ "Constitution of Kenya, 2010 - Kenya Law." <<http://www.kenyalaw.org/lex/actview.xql?actid=Const2010>> accessed 30 June 2018.

- ii. Article 14 (1) states that a Child born of a Kenyan citizen, whether or not the child is born in Kenya, if either the mother or father is a Kenyan citizen, the child is a citizen by birth.
- iii. Article 14(4) of the Constitution further provides that any unknown Child found in Kenya who is or appears to be eight (8) years of age is presumed to be a citizen by birth.
- iv. Article 53 (1) (e) assigns parental responsibility to both parents whether they are married to each other or not. This provides for protection of Children born out of wedlock.
- v. Article 56 of the Constitution specifically provides for the protection of the minority and marginalized groups which includes children.

New Legislation

The State Party enacted the following legislation during the reporting period; the Victim Protection Act, No. 17 of 2014, Protection against Domestic Violence Act No. 2 of 2015, The Legal Aid Act No. 6 of 2016, Anti-Doping Act No. 5 of 2016, Prevention of Torture Act No. 12 of 2017, and Health Act No. 21 of 2017. These laws protect the rights and welfare of children as follows:

Victim Protection Act No. 17 of 2014: - This is an Act of Parliament that gives effect to Article 50 (9) of the Constitution. It provides for protection of victims of crime and abuse of power, gives information and support services to provide for reparation and compensation to victims. It also provides for special protection to vulnerable victims.¹⁰

Protection Against Domestic Violence Act No. 2 of 2015: - This is an Act of Parliament that provides for the protection and relief of victims of domestic violence. It also provides for the protection of a spouse and any children or other dependent persons.¹¹

¹⁰ "No. 17 of 2014 - Kenya Law." <<http://www.kenyalaw.org/lex/actview.xql?actid=No.%2017%20of%202014>> accessed 30 June 2018.

¹¹ "Protection Against Domestic Violence Act - Kenya Law." 19 May. 2015, <http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/ProtectionAgainstDomesticViolenceAct_2015.pdf> accessed 30 June 2018.

The Legal Aid Act No. 6 of 2016: - This is an Act of Parliament to give effect to Articles 19 (2), 48, 50 (2) (g) and (h) of the Constitution to facilitate access to justice and social justice. It establishes the National Legal Aid Service and provides funding for its operations.¹²

Anti-Doping Act, No. 5 of 2016: - This Act provides and applies to;

Section 3 (b) the following persons' **whether or not they are minors** —

- i. athletes and athlete support personnel who are members or licence holders of any national federation in Kenya, or of any member or affiliate organisation of any national federation in Kenya including any clubs, teams, associations or leagues;
- ii. other persons present in Kenya over whom the Convention, Code, International Standards or the Anti-Doping Rules give the Agency jurisdiction;¹³

Prevention of Torture Act No. 12 of 2017: - This Act applies to the offences of torture and other cruel, inhuman or degrading treatment or punishment.¹⁴

Health Act No. 21 of 2017: - This is an Act of Parliament to establish a unified health system, to coordinate the inter-relationship between the National and County governments' health systems, to provide for regulation of healthcare service and healthcare service providers, health products and health technologies.¹⁵

Other monitoring frameworks on children's rights include:-

- i. A Child Protection Information Management System (CPIMS) has been developed to capture disaggregated data into 36 different case categories including sex, disability, geographical

¹² "Legal Aid Act - Kenya Law."

<http://kenyalaw.org/lex/rest/db/kenyalaw/Kenya/Legislation/English/Acts%20and%20Regulations/L/Legal%20Aid%20Act%20No.%206%20of%202016/docs/LegalAidAct6of2016.pdf> accessed 30 June 2018.

¹³ "Anti-doping Act - Kenya Law."

<http://kenyalaw.org/lex/rest/db/kenyalaw/Kenya/Legislation/English/Acts%20and%20Regulations/A/Anti-Doping%20Act%20-%20No.%205%20of%202016/docs/Anti-DopingAct5of2016.pdf> accessed 30 June 2018.

¹⁴ "Prevention of Torture Act, No 12 of 2017 - Kenya Law." 20 April 2017

<http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/PreventionofTortureAct2017.pdf> accessed 30 June 2018.

¹⁵ "Health Act, 2017 - Kenya Law." 23 June 2017

<http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/HealthActNo.21of2017.pdf> accessed 30 June 2018.

location, family earning and parental status for programming, policy and planning. The system has been rolled out in 15 counties and plans are underway to roll out to the remaining 32 counties.

- ii. The National Council on the Administration of Justice special taskforce on children matters was appointed vide Gazette Notice No. 369 of 29th January, 2016 with a mandate to address gaps regarding the administration of child justice. It is required to deliver on the foregoing thematic areas; legislative, policy, procedural, practice directions reforms, survey; data compilation on all matters of children; training, infrastructure and coordination of all the actors in child justice.
- iii. The Anti-Female Genital Mutilation Board spearheads the eradication of Female Genital Mutilation. The functions of the Board include developing and reviewing the national policy and strategy on Anti-FGM; building the capacity of stakeholders to act as agents of change; promoting change of attitude on FGM issues; promoting collaboration and partnerships with stakeholders on anti-FGM; and tracking of implementation of Anti-FGM policies and programmes.
- iv. The National Council for Persons with Disabilities (NCPWD) promotes the rights of persons with disability in Kenya and mainstreams disability issues into all aspects of national development. Specifically, the Council is mandated to formulate and develop measures and policies designed to achieve equal opportunities for PWDs; register persons with disability, institutions and organizations providing services to PWDs; conduct inquiries into any matter relating to the welfare and rehabilitation of persons with disability; capacity building of persons with disabilities organizations in economic empowerment for their participation in nation building; recommend measures to prevent discrimination against PWDs and raise public awareness regarding PWDs.¹⁶

¹⁶ "Social Protection, Culture and Recreation Sector Report - 16 Sep. 2016"

<<http://www.treasury.go.ke/component/jdownloads/send/127-2017/236-social-protection-culture-and-recreation-sector-report.html>> accessed 1 July 2018

Budget Allocations

The State Party has continued to provide budgetary allocation to programmes related to children services and child rights activities. The programmes are implemented through the Department of Children Services and State Agencies as seen in the table below¹⁷.

Table 1 : Budget Allocation for safeguarding the rights and welfare of the child from 2012-2017 in Billions and Millions

State Program/Agency	2014/2015	2015/2016	2016/2017	2017/2018
Child Community Support Services	2B	2B	2B	2B
Child Rehabilitation & Custody	411M	377M	433M	414M
Family Protection	275 M	270 M	265M	265M
The Anti FGM Board	-	-	92M	92M
National Council for Children Services	70M	70M	70M	50 M
National Council for Persons With Disabilities (NCPWDs)	-	1.7M	1.7M	1.7 M
Social Assistance to Vulnerable Groups			6.6M	20M
Child Welfare Society of Kenya	400M	761M	881M	1B
TOTAL BUDGETARY ALLOCATIONS	3.156B	3.479B	3.749B	3.842B

¹⁷ Social Protection, Culture and Recreation Sector Report - 16 Sep. 2016”
<http://www.treasury.go.ke/component/jdownloads/send/127-2017/236-social-protection-culture-and-recreation-sector-report.html>> accessed 1 July 2018

Dissemination of the Charter

The State Party compiled the concluding observations into a user-friendly version and disseminated to stakeholders. The State Party has also partnered with various child focused organizations to develop compendiums of children laws that include the Charter which has been disseminated to many schools in the Country. The State Party has partnered with media outlets to create awareness and promotion of children rights as stipulated in the Charter.

2.3 DEFINITION OF A CHILD (Art. 2)

COMMENTS OF THE COMMITTEE OF EXPERTS

The Committee called upon the State Party to adopt the draft Child Justice Bill of 2012 in order to raise the minimum age of criminal responsibility to 12 from 8 years of age.

STATE PARTY RESPONSE

In Kenya, the minimum age of criminal responsibility is 8 years. However, this has been raised to 12 years under the proposed Children Bill, 2017. The provisions of the Child Justice Bill have been incorporated in the Children Bill, 2017

CHAPTER 3: GENERAL PRINCIPLES (ARTS. 3, 4, 5, AND 26)

3.1 NON-DISCRIMINATION (ART. 3 & 26)

COMMENTS OF THE COMMITTEE OF EXPERTS

The Committee urged the State Party to fully implement the Citizenship and Immigration Act, 2011 and address the position of the children of Nubian descent, accommodate children with disabilities, particularly autistic children and ensure that there is no discrimination against children with albinism as well as train and educate communities to change their perceptions on children with disabilities.

STATE PARTY RESPONSE

The State Party addressed the issue of the children of Nubian descent substantively during the 29th Session of the Committee of Experts meeting held in May, 2017 in Maseru, Lesotho.

The Basic Education Act, No. 14 of 2013 specifically makes it a responsibility of the State to ensure that children belonging to marginalized, vulnerable or disadvantaged groups are not discriminated. The Act has also created several criminal offences to deter persons from discriminating against such children.

The State ensures that Children with Autism are admitted in the educational institutions through an assessment centre called the Education Assessment Resource Centre (EARC). The Special Needs Education (SNE) Policy has been reviewed to accommodate the needs of all learners with various disabilities including those with autism and albinism.

The State Party observes disability awareness days for all forms of disabilities to sensitize the public on the rights of persons with disabilities and to minimize discrimination. Other fora for community sensitization include annual sports days for Children living with disabilities, conferences and barazas.

Article 27 of the Constitution of Kenya outlaws direct or indirect discrimination by the State against any person on any ground, including race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth. This provision is strengthened further by Article 10 (2) (b) of the Constitution which lists the State's national values and

principles to include human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalized.

3.2 BEST INTEREST OF THE CHILD PRINCIPLE [ART. 4]

COMMENTS OF THE COMMITTEE OF EXPERTS

The Committee urged the State Party to give attention to the best interests of the child in custody cases where the children are confiscated by their fathers only for child support and maintenance reasons. It also recommended the State Party to take measures to ensure that sexual offenders are prosecuted to protect the girl victim of sexual offences, deterrence of other potential offenders and reduce forced child marriages.

STATE PARTY RESPONSE

The State has enshrined the principle of the best interest of the child in the Constitution under Article 53 (2) by providing that the *best interest of the child* is of paramount importance. The Constitution limits marriage to adults of opposite sex under Article 45 (2). The Marriage Act, No. 4 of 2014 provides for a minimum age of marriage at the age of 18 years and makes void any marriage that is conducted if either party is below the prescribed minimum age.

The State Party continues to prosecute sexual offenders of child victims through the Office of the Director of Public Prosecutions (ODPP). The State Party has put in place a court annexed mediation as an alternative dispute resolution mechanism to address civil matters, custody and succession cases. It fast tracks children matters while considering the best interest of the child as well as reducing the cost of litigation. The mechanism has been applied to settle cases where the fathers have kept actual custody of the child (ren) to evade payment of maintenance and child support.

MEASURES TAKEN TO SAFEGUARD THE BEST INTEREST OF THE CHILD

The State Party has increased special infrastructure for children such as Child Protection Units (CPU's). These have been constructed within police stations to accommodate children who are in contact or in conflict with the law. Currently, there are 23 CPU's countrywide.

The State Party has established six (6) Child Protection Centres (CPC's) which are one stop shop for rescue, legal, counselling, psychosocial and referrals for medical care services. These are located in Nairobi, Siaya, Nakuru, Malindi, Kakamega and Garissa.

The State Party has gazetted all Magistrates as Children Court Magistrates and trained them on children rights for efficient and expeditious determination of cases. Child friendly holding areas have been established within the courts where children are held separately from adults. In addition, the State Party has included an elaborate provision on the best interest child in the Children Bill, 2017. The State Party has developed a Bail and Bond Policy to guide courts in determining all cases including child offenders.

3.3 RESPECT FOR THE VIEWS OF THE CHILD (ART. 4):

COMMENTS OF THE COMMITTEE

The Committee congratulates the State Party for establishing children's assemblies in all counties. The Committee encourages the State Party to give due consideration to the views of children in policy making as well as budgeting. The Committee encourages the State Party to provide children in contact with the justice system with state funded legal aid and facilitate the legal representation of children by NGOs to realize their participation in the administration of justice to the fullest.

STATE PARTY RESPONSE

The State Party has continued to conduct sensitization programmes for children, parents and the community on the significance of children's participation in decision making through the Area Advisory Councils (AAC's) and non-state actors. In developing a rehabilitation or supervision plan, the views of children are incorporated as a matter of principle. The courts consider the views of children during the hearing of their cases.

Their views are collated through the Children Assemblies, Child right clubs in schools, Children Councils and Day of the African Child and incorporated in budget, policy and legislation processes since 2014. The children are members of the Area Advisory Committees at Ward level.

The children participated in the development of the Children Bill, 2017 through the regional forums and national validation meetings. Participants were drawn from children’s institutions, those living with disabilities and others from street families. The views of children were incorporated during the development of this Report.

The State Party enacted the Legal Aid Act, No. 6 of 2016 which established a legal and institutional framework to provide legal aid through the National Legal Aid Service. The object of the Act is to promote access to justice through the provision of affordable, accessible, sustainable, credible and accountable legal aid services to indigent persons in Kenya including children.

Section 35 of the Act states that; *“The Service shall provide legal aid services at the expense of the State to persons who qualify for legal aid services under this Act”* In view of this provision, the State Party implements *pro-bono* lawyer’s scheme to facilitate legal representation for children.

3.4 SURVIVAL AND DEVELOPMENT [ART. 5]

COMMENTS OF THE COMMITTEE OF EXPERTS

The Committee urged the State Party to increase the budget allocated for healthcare services, intensify efforts to train and educate health staff, continuously strive to provide better health facilities and take necessary steps to reduce teenage pregnancy by educating them and their parents. The State Party was also urged to devise and plan strategies which can efficiently address the issue of malnutrition in Arid and Semi-arid Lands (ASAL)

STATE PARTY RESPONSE

The State Party allocation to health has expanded gradually and almost proportionate to the expansion of the National Government Budget. The Total National Government Budget (TNGB) rose from US\$ 10,533,134.03 in FY 2013/14 to US\$ 11,778,774.29 in FY 2014/15 and to US\$ 14,997,505.72 in FY 2015/16 whereas the budget allocation to health increased from US\$ 358,744,394.62 in FY 2013/14 to US\$ 468,360,737.42 in 2014/15 and to US\$ 587,942,202.29 in FY 2015/16. This represents an increase in the proportion allocated to health, at 3.4 percent, 4.0 percent, and 3.9 percent of the total national government budget over the same period (*Annex I*)

This depicts an annual average growth of 28 percent for the health budget, as compared with 20 percent for the national government budget.

The State Party has trained various health workers to improve service delivery. The total medical trainees increased by 13.4 per cent from 7,989 in 2015/16 to 9,058 in 2016/17. The trainees in diploma courses accounted for 72.9 per cent of the total students. The highest number of medical trainees at the diploma level was enrolled for Community Health Nursing in 2016/17, a critical cadre for health service delivery. **(Annex 2)**

The number of undergraduate and postgraduate medical students increased by 41.9 per cent from 13,798 in 2016/17 to 19,583 in the academic year of 2017/18 **(Annex 3)**

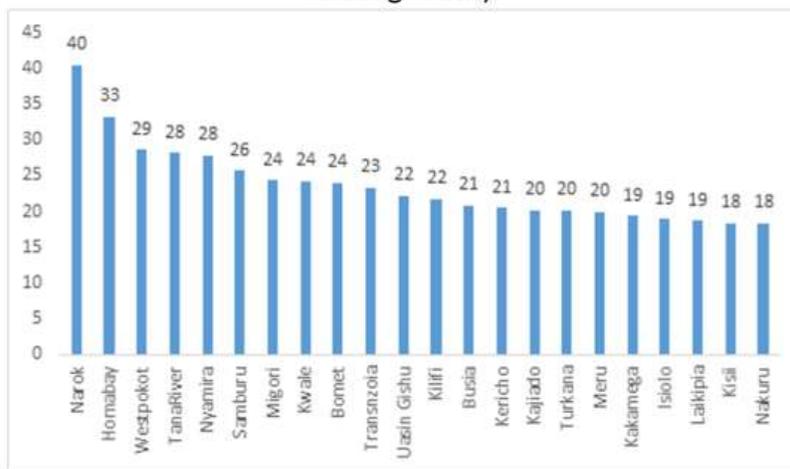
In addition, 59,000 health workers were trained on malaria case management, 8000 on Integrated Management of Childhood Illnesses (IMCI) and another 10,325 on Emergency Obstetric & New-born Care **(EmONC)** Guidelines **(Annex 4)**

The State Party has continued to improve medical facilities by supplying high-tech equipment for cancer diagnosis, radiological, theatre and renal equipment in 94 hospitals across the country.

Measures taken to reduce teenage pregnancies:

The State Party acknowledges the high teenage pregnancies across the county as shown in the table.

Counties with the highest burden of teenage pregnancies (National average 18%)



The State Party has therefore put the following measures to mitigate against teenage pregnancies: -

- i. Signed the Ministerial Commitment on Comprehensive Sexuality Education and Sexual Reproductive Health Services (SRH) for Adolescents and Young People in Eastern and Southern Africa (ESA, 2013);
- i. Formulated policies and enacted various laws to address Sexual Reproductive Health (SRH) issues. These include;
 - The Constitution of Kenya (2010);
 - Sexual Offences Act (2006);
 - Prohibition of FGM Act (2011);
 - Marriage Act (2014);
 - The National Reproductive Health Strategy covering the period 2009 to 2015;
 - Sessional Paper No. 3 on Population Policy for National Development (2012);

- Kenya Health Policy (2012-2030);
 - Kenya Health Sector Strategic and Investment Plan (2013-2017);
 - Education Sector Policy on HIV and AIDS (2013);
 - National Gender-Based Violence (2014) and
 - Kenya Vision 2030.
- ii. Developed the National Adolescent Sexual and Reproductive Health Policy 2015 which aims to enhance SRH status of adolescents in Kenya and contribute towards the realization of their full potential in national development.
 - iii. Mainstreamed adolescent sexual and reproductive health and rights issues into its health and development agenda.
 - iv. Developed guidelines and standards such as National Adolescent Youth Friendly Services (AYFS) Guidelines, Reproductive Health (RH) Policy, Menstrual Health Management Policy and Guidelines.
 - v. Trained 235 medical workers as trainer of trainers (T.O. T's) on provision of Adolescent Youth Friendly Services in all counties.
 - vi. Developed information, education and communication (IEC) materials to educate girls, parents and communities on dangers of teenage pregnancies.
 - vii. Created awareness on ASRH through the County Health Management teams (CHMT) and MCAs to ensure allocation of adequate funds for the prevention and reduction of teenage pregnancies.
 - viii. Expanded the Cash Transfer Programs to vulnerable families.
 - ix. Expanded the Free Primary Education to retain girls in school particularly those from poor and vulnerable communities.
 - x. Established Presidential Day Public Secondary Bursary Scheme to keep vulnerable students in School.

- xi. Establishing eight (8) centres of excellence for youth friendly services in the country.

The State party has taken the following measures to curb malnutrition among children in Arid and Semi-Arid Lands by: -

- i. Signing the “Scale Up Nutrition Movement (SUN)” in November 2012 as the 30th Country.¹⁸
- ii. Development of the National Nutrition Plan of Action 2012 to 2017, National Food and Nutrition Security Policy 2012 to enhance Legal and Policy Framework.
- iii. Mobilizing resources from development partners such as World Bank, EU and DFID amounting to 52million USD.
- v. Procuring the required nutrition supplements (i.e. RUTF and RUSF) and treatment of severe acute malnutrition.
- vi. Admitting 100,000 children below five years into the nutrition program in 2013 ¹⁹.
- v. Building capacity of health care workers and Community Health Extension Workers to improve management of malnutrition and other related conditions. (**Annex 5**)

The views of children on implementation of the ACRWC

During the consultations, children acknowledged that the State Party has made progress in realization of some of the rights. For example, free primary education has improved access to education while provision of sanitary towels has enabled them to attend school regularly.

Children with disabilities access buildings safely through assistive devices like ramps in buildings. Those with visual impairment have been provided with braille machines in schools for learning purposes. The children stated that family planning services have controlled the size of families thereby reducing poverty. However, the children reported some of the constraints experienced with the free primary education include low Student-Teacher ratio due to over-population in some public schools.

¹⁸ Ministry of health Scaling up Nutrition periodic report

¹⁹ National nutrition action plan 2012- 2017

Comments from Children

“Imagine in my class we are 60 and we have only one teacher; how are we expected to hear what the teacher is saying when sitting at the back?”

“I walk for 10 kilometres every day to school. I have to get home before dark and do my homework and I am expected to concentrate in class..... is this really fair?”

The children felt that there was need by for the State to improve security for children especially in the North Eastern region where students are being recruited to dangerous groups such as al Shabaab and teachers being attacked leading to massive transfers without replacement.

CHAPTER 4: CIVIL RIGHTS AND FREEDOMS (ARTS. 6-10 AND 16)

COMMENTS OF THE COMMITTEE OF EXPERTS

The Committee recommended that the State Party intensifies the campaign on birth registration, including creating awareness that registration is free, making registration easily accessible in all areas of the country and expediting the process of making registration of vital events digital.

The Committee raised a concern on the issue of children of Nubian descent and emphasized on the non-implementation of its decision of 2011. It called upon the State Party to urgently implement the decision on the communication and grant Nubian children nationality.

The Committee was also concerned about the registration of all children including transgender and intersex children by the State Party as there were cases being brought before the courts in that regard. The Committee recommended that the State Party adopts a registration model which specifies the registration of transgender and intersex children.

STATE RESPONSE

Nationality and Registration of Children of Nubian Descent

The Constitution in Articles 14, 15 and 16 provide for the right to nationality in Kenya by birth or registration and dual citizenship. Article 53 of the Constitution guarantees every child the right to a name and nationality from birth. In this regard, birth registration is not tied to citizenship and therefore children of Nubian descent born in Kenya are accorded birth registration.

The Kenya Citizenship and Immigration Act No. 12 of 2011 on the other hand, provides for matters relating to citizenship. It makes provision for citizenship and residency. It also provides for citizenship by birth, dual citizenship, and citizenship by presumption for foundlings who are or appear to be less than eight years old, citizenship by marriage, stateless persons, migrants and descendants of stateless persons and migrants. Children of Nubian descent born in Kenya are accorded citizenship as per the provision of this Act in so far as they meet the required measures set out.

The State Party has implemented the Integrated Population Registration System which will be a database of all the details of an individual including information on birth and death, marriage and citizenship status. In March 2015, the system had recorded information for 16 million Kenyans and 200,000 refugees.

Measures taken in relation to registration of Transgender and Intersex Children

During the reporting period, a Task Force on Policy, Legal, Institutional and Administrative Reforms regarding Intersex Persons in Kenya was established in March 2017. This was in response to a judgment of the High Court of Kenya in the case of *Baby 'A' (Suing through the Mother E A) & Another versus Attorney General & 6 Others (2014)* directing the Attorney General to provide information on agencies responsible for collecting data on inter-sex children. The Attorney General was also required to provide information on the status of the laws regulating gender categorization and corrective surgeries of inter-sex persons.

The work of the Taskforce is on-going and is expected to capture comprehensive data regarding the number, distribution and challenges of intersex persons. It will examine the existing policy,

institutional, legislative, medical and administrative structures as well as systems governing intersex persons and recommend comprehensive reforms to safeguard their rights.

4.1 MEASURES TAKEN TO ENHANCE BIRTH REGISTRATION

The State Party has continued to enhance registration of births in the country by undertaking the following measures:

- Conducting public awareness and sensitization on free birth registration within the first six (6) months after birth through easily accessible information, education and communication (IEC materials), websites, public barazas and distribution of posters.
- Collaborating with the Ministry of Health to ensure all births that occur in the health facilities are registered and the unregistered births occurring outside health facilities are captured during child immunization at the earliest contact with the health facility within the first six (6) months.
- Revision of the circular (2015) explaining the modalities of the Mother Child Registration (MCR) Strategy circulated to the 47 county health directors in 2013 to enhance the process of birth registration.
- Sensitizing mothers at the Mother Child Health (MCH) clinics on notification of births.
- Sensitizing the local administration on free birth registration strategies to avoid double registration.
- Collaborating with the Ministry of Education to ensure that all school going children obtain birth certificates and making it mandatory to maintain birth registers in all schools.
- Revision of guidelines for registration of births for Orphans and Vulnerable Children (OVC) in 2017.
- Ensuring all orphans and vulnerable children who are under the OVCT programme receive certificates of birth in collaboration with the Department of Children Services.

4.2 FREEDOM OF EXPRESSION (ART. 7)

COMMENTS OF THE COMMITTEE OF EXPERTS

The Committee urges the State Party to implement the decision of its Supreme Court which addressed the rights of children who were deprived of education and healthcare because of the belief of their parents.

The Committee called upon the State Party to create collaboration among child protection services in order to protect the privacy of children.

STATE PARTY RESPONSE

The State Party enforces the provisions of the law by rescuing the children whose rights are violated and prosecuting the parents. The children are also sensitized on their rights which includes the rights to privacy in various children forums. The State Party through the Area Advisory Councils (AAC's) and other stakeholders, continues to conduct sensitization programmes for children, parents and the community on the protection of the rights of the child including the right to privacy.

MEASURES TAKEN TO ENHANCE FREEDOM OF EXPRESSION

The State Party has developed several structures to enhance child participation. Some of the structures are the Kenya Children Assembly (KCA) and the children governments. These structures allow children to participate in various activities from the local to the national level. The Council of Governors (COG) has established a framework to engage children in devolution matters through round table meetings, workshops and policy formulation.

In 2017 a mentorship training was conducted for the leadership of the KCA. During the forum, parents and guardians were sensitized on the purpose of the KCA and the need to give consent for children to participate in various meetings.

The Council of Governors hosted 180 children representatives from 47 counties during the Devolution Conference in February 2017 where the children submitted a communiqué to the council. The theme of the conference was "*Devolution works*". The objective was to take stock of devolution gains and to ensure that the voices of children are heard on governance issues.

The Guidelines for Formation and Operation of Area Advisory Councils (2015) were reviewed to align them to the devolved government structures. The State Party has increased the number of Area Advisory Councils from 175 to 270.²⁰ The State Party has also mainstreamed child participation in all child rights programmes and activities.

4.3 THE RIGHT NOT TO BE SUBJECTED TO TORTURE (ART. 16)

COMMENTS OF THE COMMITTEE OF EXPERTS

The Committee urged the State Party to adopt the Prohibition of Torture Bill as it can be the legal and normative basis for the prevention of abuse against children. It encouraged the State Party to properly prosecute violators in schools, families and religious places. The Committee further recommended the State Party to raise awareness of the community on the issues so that they discontinue abuse and torture; and to embrace alternative disciplinary measures.

STATE PARTY RESPONSE

The Constitution of Kenya embodies provisions that protect children against all forms of torture and inhuman treatment. Article 53(1)(d) provides that *“a child has a right to be protected from abuse, neglect, harmful cultural practices, all forms of violence, inhuman treatment and punishment, and hazardous or exploitative labour”*; whereas articles 53(1)(f) provides that *“every child has a right not to be detained, except as a measure of last resort, and when detained, to be held for the shortest appropriate period of time and separate from adults and in conditions that take account of the child’s sex and age”*. Further to this, Article 25 has provisions with regard to freedom from torture and cruel, inhuman or degrading treatment or punishment, Article 28 on the respect and protection of human dignity and Article 29 on freedom of security of the person which applies to children.

²⁰ "Social Protection, Culture and Recreation Sector Report - The National" 16 Sep. 2016, <<http://www.treasury.go.ke/component/jdownloads/send/127-2017/236-social-protection-culture-and-recreation-sector-report.html>> accessed 1 July 2018

The State Party has in addition enacted the Prevention of Torture Act No. 12 of 2017, which provides a clear platform to actualise several fundamental provisions of the Constitution. The Act ensures accountability of all state agencies and officials with regards to torture, cruelty, inhuman or degrading treatment or punishment, and provides clear penalties for such atrocities.

MEASURES TAKEN FOR THE PROTECTION AGAINST CHILD ABUSE AND TORTURE

The State Party developed a Code of Conduct for teachers in Kenya during the reporting period which emphasises that no teacher shall subject a child to any form of torture including corporal punishment.

The State Party is in the process of developing alternative forms of discipline guidelines to assist teachers maintain discipline in schools.

The Kenya National Commission on Human Rights has continued to monitor torture cases in the country. The National and County governments are collaborating towards strengthening structures for community participation in the protection and care of children through AACs, *Nyumba kumi* (Community policing in a radius of ten households) initiative and public *barazas* (*locational*).

CHAPTER 5: ECONOMIC, SOCIAL AND CULTURAL RIGHTS (ARTS. 11-12 AND 14)

COMMENTS OF THE COMMITTEE OF EXPERTS

The Committee urged the State Party to ensure access to education for children with disabilities by training teachers in special needs education, providing and improving basic infrastructure suitable to children with disabilities and preparing teaching materials which can be utilized by children with disabilities.

It further recommended that the education system should accommodate girls who get pregnant while in school and called the State Party to improve the quality of education, especially in public schools, considering the desired learning outcomes. It encouraged adoption of a code of conduct for teachers to ensure non-absenteeism, high ethics and professionalism; undertake monitoring of private education, as well as assessment of the impact of privatization; develop minimum standards for all education institutions and monitor pre-schooling so that it is not solely left to the private sector. The Committee further encouraged the State Party to provide children with the time and materials for play giving due consideration to children with disabilities, and to monitor schools and their environment.

STATE PARTY RESPONSE

The State Party has taken various measures to enhance access to education for children with special needs, pregnant girls, quality of education in public schools, provision of teaching equipment and materials for the children with special needs. In particular, the State party has;

- i. Trained Special Needs Education (SNE) teachers and 30 trainer of trainers (T.O.T's) to upscale the trainings.
- ii. Allocated funds to be used for infrastructure designed for SNE for both Primary and Secondary schools to ensure schools have disability friendly structures (*Annex 6*).

- iii. Provided appropriate technology in SNE schools such as specialised instructional materials, supportive services such as specialised assessment centres for children with disability, Integrated ICT and Assistive technology to learners with special needs.
- iv. Increased recruitment of teachers including intern teachers to attain the acceptable teacher-pupil ratio 1:40.
- v. Introduced provision of laptops in public primary and secondary schools to improve the quality of education.
- vi. Established a central procurement system for text books to progressively attain the recommended ratio of 1:1.
- vii. Introduced new pedagogical approaches such as early grade mathematics, *Priede, Tusome* and *great united* to enhance the quality of education in the lower primary cadre.
- viii. Initiated an appraisal system called Teachers Performance Appraisal Development (TPAD) to monitor and evaluate the performance of the teachers.
- ix. Reviewed the code of regulation for teachers and strengthened quality assurance directorate which monitors all schools including private schools.
- x. Established a directorate of Early Childhood Development to monitor pre-school or early childhood education across the country. A policy requiring all public schools to have an Early Childhood Development and Education (ECDE) unit is in place.
- xi. Embraced recognition of sports and creative activities as subjects and has incorporated them in the competent-based curriculum.
- xii. Encouraged use of locally available materials for Child Communication Development.
- xiii. Incorporated co-curricular activities at school, county, zonal, national and regional levels.²¹

²¹ "Education Sector Report For the Medium Term Expenditure"
<http://www.treasury.go.ke/component/jdownloads/send/194-2018/705-education-sector-report.html>.
Accessed 25 Jul. 2018.

5.1 MEASURES TAKEN TO ENHANCE ACCESS TO EDUCATION (ARTICLE 11)

Policy and Legal Framework

Article 53(1) (b) of the Constitution of Kenya states that every child has a right to free and compulsory basic education. In addition, Article 55 (a), provides that the State shall take measures, including affirmative action programmes, to ensure that the youth access relevant education and training. Article 56 (b) states that minorities and marginalized groups have a right to be provided with special opportunities in education and economic fields.

The Basic Education Act No. 14 of 2013 gives effect to Article 53 of the Constitution, promotes and regulates free and compulsory basic education. Some key provisions of the Act include:

- i. Accreditation, registration, governance and management of institutions of basic education and for the establishment of the National Education Board.
- ii. Parents who fail to send their children to school risk jail for one year or paying a fine of Kenya Shillings 100,000/= (USD 1100)
- iii. It is the responsibility of every parent or guardian to admit or cause to be admitted his or her child to a basic education institution.
- iv. Stipulates among other measures and provisions that learning is also compulsory from pre-school to primary school and secondary school.
- v. Prohibition against employment of a child of compulsory school-going age, prohibition of holding back and expulsion, and prohibition against physical punishment and mental harassment.²²

The Teachers Service Commission Act No. 20 of 2012, makes provision for the Teachers Service Commission to hire teachers in all public schools. The Commission is mandated to register trained teachers and review the standards of training and education. The Act requires that only trained and registered teachers will be allowed to teach in both public and private

²² "basic education act - Kenya Law."

<http://kenyalaw.org/lex/rest/db/kenyalaw/Kenya/Legislation/English/Acts%20and%20Regulations/B/Basic%20Education%20Act%20No.%2014%20of%202013/docs/BasicEducationActNo14of2013.pdf>. Accessed 25 Jul. 2018.

schools. TSC currently exercises disciplinary control over teachers outside TSC employment particularly in relation to registration and de-registration. The Act also requires teachers who are registered to continuously undertake career progression and professional development²³.

The Education Policy and Curriculum.

The State Party has developed a National Education Policy which has improved the National Education curriculum. The policy introduced a competence-based curriculum to impart a combination of knowledge, skills, values and attitudes.

Other policies, guidelines and regulations developed to enhance delivery of education include:

- National Education Sector Support Programme (NESSP).
- Child Health Policy.
- Education Sector Policy for Peace Education (2015).
- Education of Sustainable Development Sector Policy.
- Code of Regulations for Teachers (2015).
- Early Childhood Development Education Policy.
- Gender Based Violence Policy.

MEASURES TAKEN TO PROVIDE EARLY CHILDHOOD AND PRE-PRIMARY SCHOOLING

In order to provide early childhood and pre-primary education, the State Party has steadily increased the number of ECDE Centres from a total of 39,758 in 2012 to 41,779 in 2017.

The increment in enrolment in 2017 can be attributed partly to accelerated investment in new ECDE centres by County Governments following the devolution of pre-primary education.

The number of ECDE teachers has steadily increased over the years, rising by 18% from 101,062 in 2013 to 118,276 in 2017. Trained ECDE teachers grew by 32% from 83,814 in 2013 to 106,938 in 2017. (**Annex 7**)

²³ "2012 Teachers Service Commission Act - Kenya School for Integrated"
http://www.kenyaschoolforintegratedmedicine.org/wp-content/uploads/2014/09/Teachers-Service-Commission-Act_No20-of-2012.pdf. Accessed 25 Jul. 2018.

Further, the State Party has increased the number of teachers trained in ECDE during the reporting period. This has led to an increase in the enrolment of learners in ECDE Centres. **(Annex 8)**

MEASURES TAKEN TO PROVIDE FREE AND COMPULSORY BASIC EDUCATION

The State Party provides funding for free and compulsory basic education in all public schools in the country. It allocated a total of US\$ 124,364,723.47 (KSh.12.48 billion) in 2014/15, US\$ 12,595,942.99 (KSh.12.64 billion) in 2015/16 and US\$ 125,361,235.68 (KSh.12.58 billion) in 2016/17 FY to support learning in public primary schools.

During the reporting period the State Party allocated funds for construction and renovation of classrooms to provide a conducive environment for learning. Consequently, 900 classrooms were renovated, while 622 classrooms were constructed. To enhance the education for special needs children 34 special needs primary schools were constructed and 6 SNE classrooms were renovated.²⁴

The number of schools receiving FPE support grew from 21,302 in 2014/15 to 21,676 in 2015/16 FY and further to 21,953 in 2016/17 FY. Correspondingly, enrolment in public primary schools increased from 8,876,458 in 2014/15 to 8,903,973 in 2015/16 before dropping to 8,879,685 in 2016/17.

The disparities in the figures is attributed to the stringent measures taken by the government including physical mapping of the schools and stringent data collection and verification.²⁵

²⁴ "Education Sector Report For the Medium Term Expenditure"
<<http://www.treasury.go.ke/component/jdownloads/send/194-2018/705-education-sector-report.html>>
Accessed 23 July 2018.

²⁵ "Education Sector Report For the Medium Term Expenditure"
<<http://www.treasury.go.ke/component/jdownloads/send/194-2018/705-education-sector-report.html>>
Accessed 23 July 2018

The total enrolment in primary schools (public and private) increased from 9.97 million in 2014 to 10.1 million in 2015 and further to 10.3 million in 2016 reaching 90% of public schools.²⁶
(Annex 9)

MEASURES TAKEN IN IMPROVING QUALITY OF FREE BASIC EDUCATION

Integrating ICT into Teaching and Learning

The State Party prioritized deployment of ICT equipment to all public primary schools. Under this program, a total of 882,765 Learners Digital Devices (LDDs), 43,777 Teacher Digital Devices (TDDs), 21,133 Content Access Point (CAP) and 19,409 projectors were supplied to primary schools.

A disbursement of US\$ 597.91 (Kshs 60,000) to each public primary school including Special Needs Education (SNE) to improve ICT infrastructure (storage facilities, wiring of Standard One classrooms and procurement of desks) was carried out. The sector also integrated ICT and assistive technology to learners with special needs, with a focus to capacity building of teachers, digitization of content and supply of SNE accessible devices and technologies. In addition, Mathematics and English e-content materials were developed for class 4 to 7. Adaptation of DLP materials for class 1-2 for the Visually Impaired (VI) and Hearing Impaired (HI) learners is ongoing and online distribution of books and content has been developed and tested for implementation.

Connection to electricity: Over 22,000 primary schools were connected to electricity across the country and strong rooms/stores were built for storing the ICT equipment. During the children consultation, the children identified that the rural electricity program has assisted them in studying late:-

‘‘Now we are able to study late, without fearing the paraffin is going to run out’.

²⁶ "Education Sector Report For the Medium Term Expenditure"
<<http://www.treasury.go.ke/component/jdownloads/send/194-2018/705-education-sector-report.html>>
Accessed 23 July 2018.

Training of educational professionals

Under the DLP, a total of 91,526 education professionals were trained to support the full implementation of the program. In total, 63,484 teachers were trained representing 69% of the total number of those trained, while 31% of trainees who are members of the sector are expected to provide technical support during the implementation of the program.

The State Party is also *implementing various programs* to improve the quality of education in the country. Some of these programs are:

1. *Tusome*: This project was established to improve early grade reading for class one and two in all public primary schools in Kenya²⁷.
2. *Primary Education Development Project (PRIEDE)*: The project addresses key priorities in the National Education Sector Plan (NESP) 2013-2018 on improving the quality of primary education²⁸.
3. *National Volunteer Program (G-United)* - is a program that promotes primary outcome through provision of remedial support to class one and two learners . The program is in its third year of implementation, having recruited over 800 Volunteer Graduate Assistants (VGAs). These VGAs have been deployed in 19 counties, serving 230 schools and reaching over 10,000 children²⁹.

The State Party has rolled out the *National Education Management Information System (NEMIS)* to aid in digital registration of all ECDE, Primary and Secondary school children in 120,000 learning institutions. Registered students will have Unique Personal Identifier (UPI) number to enhance monitoring , evaluation, quality assurance, budgeting and allocation of resources, policy and planning³⁰.

²⁷ "TUSOME - Ministry of Education." <<http://www.education.go.ke/index.php/programmes/tusome>> Accessed 23 July 2018.

²⁸ "Kenya Primary Education Development (PRIEDE) Project." http://www.education.go.ke/images/GPE_PRIEDE/Newsletter_April.pdf. Accessed 23 July 2018.

²⁹ "G-United." <http://www.g-united.or.ke/>. Accessed 23 Jul. 2018.

³⁰ "National Education Management Information System | Ministry of" <https://nemis.moe.gov.lk/>. Accessed 23 July 2018.

MEASURES TAKEN TO PROGRESSIVELY MAKE SECONDARY SCHOOL EDUCATION FREE AND ACCESSIBLE TO ALL

During the reporting period the Head of State gave an executive order to make day secondary school education free, ensuring that most children who could not afford secondary school fees have access to post-primary education. The executive order showed political good will and provided an environment for implementation. This was seen in the increased capitation per child in day secondary schools from Kshs. 10,265 to Kshs. 22,244 in the financial year 2017/2018.

In the reporting period, US\$ 115,166,915.79 (Ksh.11.557 billion) was spent on infrastructure improvement in the 7,131 schools and US\$ 54,519,182.86 (Kshs 5.471 billion) was disbursed to 2,660 school for expansion of infrastructure, thus increase in number of secondary schools from 6,310 in 2012 to 8,512 in 2017. Enrolment increased from 1,764,531 in 2012 to 2,450,745 in 2017. One (1) in four (4) of the beneficiary schools was strictly from ASAL and pockets of poverty where the State undertook infrastructure improvement, equipment as well as repair and maintenance.³¹

To ensure access to post primary education by all children, The State party regulated the amount of school fees chargeable by institutions to a ceiling of US\$ 533.67 (Kshs. 53,554).³²

MEASURES TAKEN TO MAKE VOCATIONAL AND HIGHER EDUCATION ACCESSIBLE TO ALL

Increase Access and Equity to Technical and Vocational Education Training (Tvet)

The enrolment in Technical and Vocational Institutions increased between the years 2014 and 2016 from 55,945 in 2013 to 100,862 in 2015/2016. This is attributed to the establishment of new Technical Training Institutes (TTIs) and expansion of the existing ones in the Country. In addition, the reforms in the TVET sector such as the enactment of the TVET Act (2013) and efforts made to popularize TVET through outreach programmes.

³¹ "Education Sector Report For the Medium Term Expenditure"

<http://www.treasury.go.ke/component/jdownloads/send/194-2018/705-education-sector-report.html>. Accessed 23 Jul. 2018.

³² "Education Sector Report For the Medium Term Expenditure"

<http://www.treasury.go.ke/component/jdownloads/send/194-2018/705-education-sector-report.html>. Accessed 23 Jul. 2018.

The enrolment in youth polytechnics grew by 5.1 per cent from 73,695 in 2014 to 77,465 in 2015 through the expansion of the youth polytechnics and infrastructure development by the County Governments, development and introduction of YP curriculum, in-servicing of instructors, State's effort to rehabilitate, modernize and expand the YPs, and the introduction of the Subsidized Youth Polytechnic Tuition (SYPT) Scheme.

TVET Special Needs Institutions

As a means of enhancing equity, four (4) TVET Special Needs Institutions were fully integrated in TVET. Other affirmative action measures included enhancing the budget for the special needs' institutions.

Infrastructure Improvement and Equipping of TVET Institutions

During the period under review, the State Party constructed 130 Technical Training Institutes (TTIs) in constituencies without TTI. Currently, a total of 65 public TVET institutions are operational.

Access to Higher Education: *Access to University Education*

The State Party increased the number of institutions for higher education, (public and private) from 67 in 2014/15 to 70 in 2015/2016 and to 71 in 2016/17. These comprise thirty (30) public chartered universities, five (5) Public University Constituent Colleges, 18 private chartered universities, 13 universities operating with Letters of Interim Authority (LIA) and five (5) private university constituent colleges. This led to an increased enrolment of students pursuing university education in both public and private universities to stand at 421,152 in 2014/2015; 539,749 in 2015/2016; and 628,369 in 2016/17. The number of students receiving university loans in 2014/2015 was 167,861. The total amount of funds disbursed was US\$ 85,660,189.34 (Kshs. 8.596 billion) in 2016/2017.

Expanding Access and Equity

Enrolment in the university sector grew rapidly from 240,551 in 2012 to 539,747 students in 2016, comprising 317,278 males and 222,471 females. The enrolment consisted of 461,820 students in Public Universities (86%) and 77,929 students in Private Universities (14%). Studies by the British Council have rated Kenya as the country with the fastest growing college-aged population in the world. The reporting period saw to the number of State-sponsored students

admitted to universities grow from 56,938 in 2013 to 88,541 in 2017. This enrolment was further boosted by the placement of State-sponsored students in Private Universities. The first cohort of 12,096 students was placed in 29 private Universities in 2016 while the second, comprising 17,000 students were placed to various programmes in Private Universities in 2017.

MEASURES TAKEN TO ENCOURAGE REGULAR ATTENDANCE AND RETENTION AT SCHOOLS AND THE REDUCTION OF DROP-OUT RATES

To encourage regular attendance and retention the State Party: -

- (i) Implemented the hand washing program, to reduce communicable diseases and infections among students.
- (ii) Provided supplements through the Weekly Iron and Folic Acid Supplementation Program for students in upper primary.
- (iii) Implemented deworming activities and provided vitamin A supplements to students. The target for deworming among school going children (World Health Organization Target 75%) was achieved in the 2012/2013 with 9,429,880 school going children dewormed (78% of the target). In 2013/2014 the program reached 6,928,963 (78% of the target) and in 2014/2015 6,167,847 school going children were dewormed (83% of the target).
- (iv) Waived examination registration fees for primary and secondary candidates in private and public institutions.
- (v) Procured text books on a ratio of 1:1 for Grade Three, Seven and Eight and Form One students.
- (vi) Implemented school feeding program. During the period under review, the number of learners benefiting from the RSMP increased from 568,925 in 2014/15 to 665,251 in 2015/16 and to 1,143,548 in 2016/17 FY.
- (vii) Implemented the Sanitary Towel Program targeting girls who are at risk of absenteeism.

- (viii) Implemented programs by distributing ten million shoes to tackle jiggers menace.

SPECIAL MEASURES TAKEN TO ENSURE EQUAL ACCESS TO EDUCATION FOR ALL SECTIONS OF THE COMMUNITY ESPECIALLY FOR FEMALE CHILDREN, CHILDREN WITH DISABILITIES AND CHILDREN BELONGING TO MINORITY AND INDIGENOUS COMMUNITIES

Minority and Indigenous Children

The State Party established: -

- (i) The National Council for Nomadic Education in Kenya (NACONEK) in 2015 to address the educational needs and aspirations of the marginalized communities in Kenya.
- (ii) 426 Low-Cost Boarding (LCB) and 117 mobile schools and rehabilitated a total of 22 LCB primary schools in ASAL areas.
- (iii) 224 feeder schools and equipped 180 LCBs were equipped through UNICEF funding.
- (iv) Recruited teachers annually to improve the level of staffing in both primary and secondary schools.

During the reporting period there was significant expansion of middle level colleges across ASAL regions. The national government established 60 new technical training colleges across the country including in 14 ASAL counties where there were none previously. In addition, a minimum of three vocational training centres have been established by county governments in each of the arid counties of Turkana, Wajir, Mandera, Garissa, Lamu, Isiolo, Marsabit and Tana River.

Budgetary allocation has also increased significantly for ASAL through the NCDF and county government bursaries. Further, 286 mobile school teachers and School Management Committees (SMCs) were trained on financial management while 57 mobile school teachers received training on multi-grade pedagogy.

Children with disabilities

On access and quality of special needs institutions, the State Party has trained Special Needs Education (SNE) teachers. In addition to this, the Directorate of SNE in collaboration with the Kenya Society for the Blind has trained 30 teachers as trainers of trainers (T.O.T) to upscale the trainings.

The State Party further: -

- i. Disbursed US\$ 4,583,955.75 to improve infrastructure for SNE in Primary schools and US\$ 5,879,131.85 to Secondary schools in 2016/17.
- ii. Reviewed the Special Needs Education Policy to accommodate the emerging needs of all learners with different disabilities.
- iii. Ratified the Marrakesh Treaty which facilitates access of published materials in alternative format for the visually impaired including children with albinism, while protecting them from copyright infringement claims.
- iv. Issued education bursaries to a tune of US\$ 533,209.74 (Kshs. 53,507,597M).³³

MEASURES TAKEN TO ENSURE THAT A CHILD WHO IS SUBJECTED TO SCHOOL OR PARENTAL DISCIPLINE IS TREATED WITH HUMANITY AND RESPECT

The State Party emphasizes guidance and counselling as a measure of discipline. Parents and Teachers' Associations and Board of Management of schools set rules and sensitize children on acceptable behaviour to uphold discipline. Children are involved in setting these rules as a mode of awareness creation. The Board of Management determines pupils discipline cases, ensures facilitation of guidance and counselling to all learners and encourage of dialogue and participatory democratic governance in schools.

³³ "Education Sector Report For the Medium Term Expenditure"
<http://www.treasury.go.ke/component/jdownloads/send/194-2018/705-education-sector-report.html>.
Accessed 23 Jul. 2018.

5.2 LEISURE, RECREATIONAL AND CULTURAL ACTIVITIES (ART. 12):

Policy and Legal Framework

Article 11 (1) of the Constitution recognises culture as a foundation of the nation and as the cumulative civilization of the Kenyan people and nation. Sub-article (2) (a) stipulates that the State shall promote all forms of national and cultural expression through literature, arts, traditional celebrations, science, communication, information, mass media, publications, libraries and other cultural heritage. Further, Article 56 (d) stipulates that the State shall put in place affirmative action programmes designed to ensure that minorities and marginalized groups develop their cultural values, languages and practices.

MEASURES TAKEN TO ENSURE ENJOYMENT OF LEISURE, RECREATION AND CULTURAL ACTIVITIES

The State Party has incorporated sports and creative activities in the Competence Based Curriculum (CBC). The State Party continues to support physical education activities and allocated funds towards the observance of disability sporting events in the SNE institutions.

5.3 HEALTH AND WELFARE (ART. 14)

COMMENTS OF THE COMMITTEE OF EXPERTS

The Committee urged the State Party to make health care free for all children and all mothers including caesarean and complicated birth delivery to guarantee life and survival of all children. The Committee further recommended that the State Party should consider a policy for the counties to provide such services for free and reclaim the fee from the central government instead of making the mother bearer of the costs of birth. In addition, the Committee urged the State Party to focus on feeding programs and children's growth to address malnutrition as well as to promote exclusive breast feeding. The State Party was implored upon to give attention to children with disabilities, particularly autistic children, and adopt an inclusive structure of receiving health care. The Committee also urged the State Party to improve healthcare services at the county levels by pushing the county governments to increase the budget they allocate for healthcare services; improve the managerial systems of the county governments through capacity building and incentives

and, improve the medical facilities available within the healthcare centres.

STATE PARTY RESPONSE

The State party is implementing the Universal Healthcare Program and has introduced Free Maternity Services also known as *the Linda Mama Programme* which provides a free cover for caesarean section, complicated delivery and cover for the baby for up to 1 year; Elimination of user fee for primary care to address financial barriers; increased subsidies for the elderly and people with special needs/disability and enhanced coverage of services offered through the National Hospital Insurance Fund.

The State Party has provided free health care services for all children through the National Hospital Insurance Fund (Annex 16) shows the number of registered NHIF users both in the formal and informal sectors.

The State has incorporated special subsidies program for children with disabilities including those with autism in all health centres and has specifically introduced a database for persons with albinism. Special funding for sunscreens, chemotherapy and radiology is available for persons with albinism including children.

The State Party is implementing school meals programme particularly in ASAL areas. Specifically, for Turkana and Garissa Counties, it has introduced micro-nutrients (using Ready-to-use nutrients) reaching 150,000 children. Section 6 of the Breast Milk Substitutes (Regulation and Control) Act No. 34 of 2012 outlawed advertisement and marketing of breast milk substitutes to the public as a way of promoting exclusive breast feeding and adequate nutrition for infants.

The State Party has also ensured that the National & County Governments have signed a Collective Bargaining Agreement (CBA) with the health workers' unions to address health workers grievances and to improve working conditions. This has provided for increased remuneration and allowances for health workers in terms of extraneous allowance, risk allowance, leave allowance, commuter allowance and uniform allowances (for nurses). Doctors can now benefit from schemes such as the loans and housing schemes for civil servants. Some

of the nurses and social workers have been trained on sign language across the country to facilitate access to healthcare.

The State Party has in some counties, progressively increased the health budget significantly above the Abuja Declaration threshold from 21.5 per cent in the year 2014/ 2015 to 23.4 per cent in the year 2015/2016 to 25.2 per cent in the year 2016/2017. The counties that have enhanced budgetary allocation above 30% or more include Nyeri, Embu, Baringo, Kiambu, Siaya, Elgeyo Marakwet, Kirinyaga and Kericho. However, some counties are still below the threshold (**Annex 17**)

MEASURES TAKEN TO PROMOTE HEALTH AND WELFARE

Policy and Legal Framework

Article 43 of the Constitution provides that everyone has a right to life, reproductive health, and other attributes of good health as well as the highest attainable standards of health. The Bill of Rights targets special groups such as women, youth, children, persons with disabilities, minorities and marginalized groups.

Further, every citizen has right to emergency treatment, to be free from hunger, to have quality food, clean, safe and adequate water, reasonable standards of sanitation and a clean environment.

The State Party has enacted the Health Act No. 21 of 2017 whose main objective is to protect, respect, promote and fulfil the health rights of all persons in Kenya to the progressive realization of their right to the highest attainable standard of health, including reproductive health care and the right to emergency medical treatment.

The Cancer Prevention and Control Act No. 15 of 2012 was enacted to address the prevention, treatment and control of cancer as one of the diseases that is prevalent in the country that affects adults and children whose management and treatment is out of reach for most Kenyans.

The Kenya Health Policy 2014-2030 gives direction to ensure significant improvement in overall status of health in Kenya in line with the Constitution. It demonstrates the health sector's commitment under the Government stewardship to ensuring that the country attains the highest possible standards of health in a manner responsive to the needs of the population.

The Kenya AIDS Strategic Framework 2014/2015 to 2018/2019 provides guidance to addressing HIV and AIDS in Kenya. The framework emphasizes a multi-sectorial approach to tackling HIV and AIDS in the country. The framework sets clear targets of reducing new HIV infections by 75%, reduce AIDS mortality by 25%, reduce HIV related stigma and discrimination by 50% and increase domestic financing of the HIV response to 50%. In regards to HIV transmission from mother to child, the strategic framework aims at reducing HIV transmission rates from mother to child from 14% to 5%³⁴.

The Kenya Reproductive, Maternal, New-born, Child and Adolescent Health (RMNACH) Investment Framework 2016 provides for a casted framework that lays out Kenya's RMNACH vision.

The Kenya Framework for Elimination of Mother to Child Transmission of HIV and Syphilis 2016-2021 has also been adopted³⁵. The framework aims at eliminating AIDS and Syphilis among mothers and children as well to ensure access to treatment.

The National guidelines for the diagnosis, treatment and prevention on Malaria were revised in 2016 and 59,500 health workers were trained.

MEASURES TAKEN TO REDUCE INFANT AND CHILD MORTALITY

The State Party has:

- i. Operationalized the implementation of various policies and guidelines such as Kenya Action Plan for Prevention of Pneumonia & Diarrhoea (KAPPD) Strategy, Kangaroo Mother Care and Chlorhexidine Guidelines;
- ii. Increased ante-natal care coverage where up to 92% of women now receive care from a skilled health care provider (doctor, nurse or midwife). The recommended 4 ante-natal care visits have increased from 47% (2008/09) to 57% (2014).³⁶

³⁴ "Kenya Aids strategic Framework | 2014/2015 – 2018/2019." http://nacc.or.ke/wp-content/uploads/2015/09/KASF_Final.pdf. Accessed 23 Jul. 2018.

³⁵ "PMTCT LIBRARY – NASCOP." <http://www.nascop.or.ke/?p=1050>. Accessed 23 Jul. 2018.

³⁶ "Kenya Demographic and Health Survey 2014 - The DHS Program." <https://dhsprogram.com/pubs/pdf/fr308/fr308.pdf>. Accessed 23 Jul. 2018.

- iii. Improved immunization coverage for children with 79 % of children aged 12-23 months receiving all basic vaccinations in the year 2014. During the 2010-2015 period, 75 percent of children less than five years of age were fully vaccinated. 97% of children have received the BCG vaccination; 87% measles vaccination; 90 % the recommended three doses of DPT-Hep B-Hib; 90 % the recommended three doses of polio, and 85% the 3 doses of pneumococcal vaccine. This has reduced mortality rates from pneumonia alone from 19,000 (2012) to 10,507 (2016)
- iv. The State Party has also introduced the ROTA Virus vaccination in the year 2014 to reduce prevalence of diarrhoea in children³⁷. **(Annex 18)**
- v. Continued to distribute insecticide treated nets towards reducing malarial deaths. 65% of households in Kenya own at least one mosquito net of any type; 59% own at least one Insecticide Treated Net (ITN) and 57% owning at least one Long Lasting Insecticide Treated Net (LLITN)³⁸**(Annex 19)**

The above measures have resulted in the decline in infant mortality rate from 52/1000 live births in 2008/09 to 39 deaths per 1,000 live births (*Source: 2014 KDHS*). Additionally, under 5 mortality also significantly declined from 74/1000 live births (2008/09) to 52/1000 live births in 2014.³⁹

³⁷ "HEALTH SECTOR WORKING GROUP REPORT - The National Treasury." 18 Nov. 2017, <http://www.treasury.go.ke/component/jdownloads/send/194-2018/731-health-sector.html>. Accessed 23 Jul. 2018.

³⁸ "HEALTH SECTOR WORKING GROUP REPORT - The National Treasury." 18 Nov. 2017, <http://www.treasury.go.ke/component/jdownloads/send/194-2018/731-health-sector.html>. Accessed 23 Jul. 2018.

³⁹ "HEALTH SECTOR WORKING GROUP REPORT - The National Treasury." 18 Nov. 2017, <http://www.treasury.go.ke/component/jdownloads/send/194-2018/731-health-sector.html>. Accessed 23 Jul. 2018.

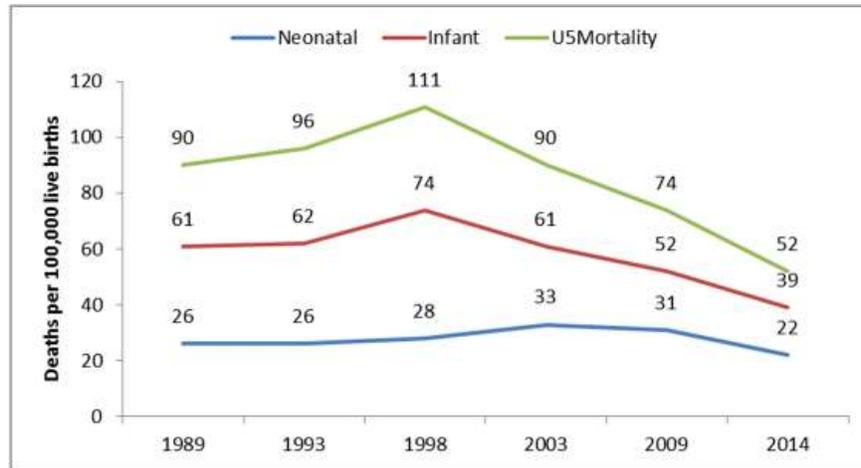


Figure 3: Summary of child mortality trends, KDHS 2014

FURTHER MEASURES TAKEN TO ENSURE ACCESS TO PRIMARY HEALTHCARE SERVICES

The State Party has:-

- (i) Increased funding to the health care services from US\$ 591.2 million (ksh 60.3 billion) in 2014/15 to US\$ 597 (ksh 60.9 billion) million in the year 2016/17 FY and will increase in the medium term to US\$ 606.9 million (Ksh 61.9 billion). (**Annex 1**)⁴⁰
- (ii) Developed a roadmap for Universal Health Coverage in order to realize health for all with the goal of leaving no one behind.⁴¹

⁴⁰ "HEALTH SECTOR WORKING GROUP REPORT - The National Treasury." 18 Nov. 2017, <http://www.treasury.go.ke/component/jdownloads/send/194-2018/731-health-sector.html>. Accessed 23 Jul. 2018.

⁴¹ "KENYA:Government roadmap outlines plans to raise Sh543b for" 6 May. 2018, <http://universalhealth2030.org/2018/05/06/kenyagovernment-roadmap-outlines-plans-raise-sh543b-universal-health/>. Accessed 23 Jul. 2018.

MEASURES TAKEN TO ENSURE THE PROVISION OF ADEQUATE NUTRITION AND SAFE DRINKING WATER

The State Party has reduced the stunting rates from 35% in 2008/09 to 26% in 2014 and underweight from 16% in 2008/09 to 11% in 2014 (**Annex 19**)

The proportion of children younger than 6 months who are exclusively breastfed has remarkably increased from 32 % in 2008-09 KDHS to 61% in 2014.

The majority (71 per cent) of households in Kenya have access to an improved source of drinking water (**Annex 20**)

Twenty-three per cent of households have an improved toilet facility that is not shared with other households (**Annex 21**)

MEASURES TAKEN TO ENSURE APPROPRIATE HEALTHCARE FOR EXPECTANT AND NURSING MOTHERS AND PARTICULARLY MEASURES TAKEN TO ELIMINATE HIV TRANSMISSION FROM MOTHER TO CHILD (EMTCT)

The State Party in partnership with stakeholders has made tremendous strides towards an AIDS-free generation. In this endeavour the State Party has:

- i. Increased health expenditure for HIV/AIDS from 18.8% in KFY 2012/13 to 20.9% in KFY 2015/16. The Kenya AIDS Strategic Framework further sets a target of 50% of domestic health financing to be directed towards health expenditure for HIV/AIDS.
- ii. Successfully executed the new 90-90-90 guidelines in 2016 by scaling up care and treatment efforts in counties which held 90% of the national HIV burden. The State Party has also implemented World Health Organization “Test and Start” guidelines which doubled the number of new patients starting ART.
- iii. Developed national guidelines for same day treatment initiation for HIV infected persons and task shifting to better meet patients’ needs and streamline service delivery.

In regards to preventing mother-to-child transmission (PMTCT), the State Party has adopted the 2012-2015 Framework on Elimination of Mother-to-Child Transmission of HIV and ‘keeping mothers alive’. The framework provides for interventions such as ARV Prophylaxis during pregnancy, delivery and breastfeeding, care and treatment for HIV + pregnant women and mothers.

The State Party has also:

- i. Increased ART coverage among children to 82% compared to 63% among adults, has increased from 750,000 in 2014/2015 to 1,069,220 in 2017/2018 during which period. In 2016, 49,396 infants (less than 12 months of age) were tested for HIV in some sites contributing to 66% national coverage.
- ii. Focused on reaching women accessing antenatal care services so as to identify HIV exposed children early and provide prophylaxis. Among those tested, 66% were tested within 6-8 weeks aligned as per the Kenya National Health Policy.
- iii. Continued to increase the proportion of pregnant women receiving PMTCT services from 73.5% (2012) to 76.8% (2016).

These efforts have led to a drastic reduction in the rate of HIV transmission from mother to child, from 16 percent in 2012 to less than 5 per cent by the end of 2015. Between 2013 and 2015, the State Party reduced the number of new infections among children by 49% from 12,826 to 6,613 and has increased access to Paediatric treatment from 32% to 76%, resulting in a reduction of AIDS-related deaths. In addition, there has been substantial reduction in the estimated number of children (<15 years) living with HIV from 159,731 to 98,170 (2015) (**Annex 22**).

MEASURES TAKEN TO ENSURE MEANINGFUL PARTICIPATION OF NON-GOVERNMENTAL ORGANIZATIONS, LOCAL COMMUNITIES AND THE BENEFICIARY POPULATION IN PLANNING AND MANAGEMENT OF BASIC SERVICE PROGRAMMES FOR CHILDREN

The State Party has continuously engaged non-state actors in decision-making processes from the county to the national level. To ensure communication among the different stakeholders, the State Party has established different forums at the county and national levels, for instance, the Nairobi Child Protection Team, The Kajiado Child Protection Network and the Kisumu Children Network. In addition, the State Party has established Area Advisory Councils at sub-county and county levels. The AACs are multi-stakeholders' forums which monitor the implementation of child rights at the local level.

The State Party has further established technical working groups at the national level, made up state and non-state actors at the national level, for instance, the Research Technical working group, the child protection technical working group, the children in emergencies technical working group among others. The State Party has been very deliberate in involving non-State actors in developing national plans and policies, for instance, the National Plan of Action, the Psycho Social Support Guidelines and the Children Bill, 2017.

Appreciated the State program on insurance for secondary school children, they said this will help children access health services and reduce the cost at the household levels-

CHILDREN VOICES

CHAPTER 6: FAMILY ENVIRONMENT AND ALTERNATIVE CARE (ARTS. 18-20 AND 24)

COMMENTS OF THE COMMITTEE OF EXPERTS

The Committee encouraged the State Party to expedite the adoption of the Family Protection Bill; Raise awareness on the value and importance of family for the wellbeing of children and tackle the current decline of the family; Raise the budget allocated for the protection of the family in accordance with its need; Prevent breakdown of families by providing mediation and addressing the root causes of family breakdown;

STATE PARTY RESPONSE

6.1 ARTICLE 18: PROTECTION OF THE FAMILY

The State Party enacted the Protection against Domestic Violence Act No. 2 of 2017 which replaced the Family Protection Bill. The Act seeks to protect the well-being of the family through the provisions for the protection of victims of domestic violence, a spouse, any children or other dependent persons and relief of victims.

The State Party has established the Social Protection Fund to give effect to Article 43 of the Constitution in order to support and strengthen families through cash transfer programmes which include the Orphans and Vulnerable Children –Cash Transfer (OVC-CT), Persons with Severe Disability (PWD), Older Persons Cash Transfer programmes, and the Hunger Safety Net programme.

The number of households benefiting from the programmes has also progressively increased from 223,434 to 717,914 beneficiary households within the reporting period. The social economic status of the vulnerable population was improved through the development of the Family Promotion and Protection Policy while beneficiaries under the Cash Transfers programmes cumulatively reached 710,000; OVCs covered under Presidential Bursary Scheme were 22,000; a total of 21,889 PWDs were assisted through the various initiatives under the National Development Fund for Persons with Disabilities.

Further, the bursary fund provides financial support to needy children as a safety net to prevent children from poor families facing the risk of dropping out of school, engaging in child labour and other forms of abuse. Bursaries are also provided for under the Constituency Development Fund and other stakeholders.

The State Party has developed Alternative Family Care Guideline adopted in 2015 which provides for guardianship, kinship care, adoption and Kafaalah. The guideline has been piloted in Kisumu County before roll out to the remaining 46 Counties. The State Party has also initiated the process of de-institutionalization of children in order to reintegrate them back to the family set up and the community at large.

6.2 ARTICLE 19: PARENTAL CARE AND PROTECTION

MEASURES TAKEN TO ENHANCE PARENTAL CARE AND PROTECTION OF CHILDREN

The State Party has 318 operational children offices and deployed 404 children's officers to safeguard the rights and welfare of the children. The State Party has continued to provide mediation among families to promote reconciliation. The State Party continues to conduct assessment of children in need of care and protection and provide counselling, guidance and other support services for them and their families.

The State Party issued a moratorium on registration of new Charitable Children Institutions (CCIs) as a measure to promote alternative family care as opposed to institutional care of children.

MEASURES TAKEN TO SAFEGUARD CHILDREN SEPARATED FROM THEIR PARENTS

Article 53(1) (e) of the Constitution provides that every child has a right to parental care and protection which includes equal responsibility of the father and mother whether they are married to each other or not. The Children Act, 2001 states that children separated from their parents are considered to be in need of care and protection.

The State Party rescues and places separated children in places of safety as it undertakes tracing

and re-unification with their parents. The State Party in collaboration with stakeholders has;

- i. Enhanced tracing and reunification of children who have been separated from their parents.
- ii. Increased social protection cash transfer programs for poor households with orphans to reduce their vulnerability.
- iii. Utilized social media platforms in the reunification of children with their families.
- iv. Developed guidelines to be used by stakeholders in handling missing and lost children.

6.3 ARTICLE 20: PARENTAL RESPONSIBILITIES

COMMENTS OF THE COMMITTEE OF EXPERTS

The Committee encouraged the State Party to effectively enforce maintenance orders, take measures to ensure both parents bear equal responsibility for their children and avoid any practice to the contrary. It also recommended that effective measures be taken against parents who fail to discharge their parental responsibilities.

STATE PARTY RESPONSE

The State Party facilitated the signing of 77,953 parental responsibility agreements during 2016-2017 FY to uphold the principle of equal parental responsibility. The State Party monitors these agreements to ensure compliance. In the event a party defaults, the matter is taken to Court for maintenance orders.

In addition, the State Party has gazetted all Magistrates as Children Magistrates for efficient and expeditious determination of Children matters. It also established 10 law Courts between 2011 and 2017 which include Mavoko, Engineer, Kakuma, Githogo, Mbita, Jomo Kenyatta International Airport , Ngong', Mpeketoni, Loitoktok and Tononoka Law Courts.

The following table illustrates the number of Magistrates recruited during the reporting period:

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Table 2: Number of Magistrates recruited between 2012 and 2017

Year	2012	2013	2016	2017	Total
Number	109	54	30	43	206

6.4 ARTICLE 24: ADOPTION

COMMENTS OF THE COMMITTEE OF EXPERTS

The Committee recommended that the State Party expedite the registration of the Charitable Children Institutions which operate without being registered. In addition, the Committee encouraged an escalated regulation and monitoring of these institutions and setting minimum standards which need to be observed by the Charitable Children Institutions.

The Committee urged the State Party to refer to the UN Guidelines for the Alternative Care of Children and the Guidelines for Action on Inter-Country Adoption of Children in Africa.

STATE PARTY RESPONSE

The State Party has escalated monitoring and regulation of Charitable Children Institutions (CCI's) by developing a National Standards for best practices in Charitable Children's Institutions 2013 which have incorporated the provisions of the UN guidelines for Alternative Care. A Training Manual for Charitable Children's Institutions in Kenya 2013 was developed to standardise the operations of Charitable Children Institutions. The operation and monitoring of CCI's is done quarterly.

The State Party also issued a moratorium to curb the registration of new Charitable Children Institution and streamline their operations. The purpose was to promote alternative family care as opposed to institutional care.

The State Party issued a moratorium on inter country and resident adoption in November 2014 to protect children from abduction, trafficking or other forms of exploitation and to encourage local adoption.

The State Party also developed the Alternative Family Care Guidelines 2014 to enhance the legal framework and existing practices for children without parental care and those at risk of being separated from their parents.

MEASURES TAKEN ON NATIONAL AND INTER-STATE ADOPTION

The State Party observes the International Month of Adoption in November every year where continuous public education on adoption is undertaken.

The Children Bill, 2017 has proposed a mechanism of transition of children from foster care to other forms of alternative care in the best interest of the child. The Bill further proposes to establish institutional machinery to monitor the well-being of the children which include creation of institutions such as the National Adoption Committee designated as the Central Authority.

During the reporting period a total of 1,747 adoption matters were registered.

Table 3 : Number of children adopted between 2012 and 2017

2012	2013	2014	2015	2016	2017	Total
232	327	329	282	266	311	1747

Source: Office of the Attorney General and Department of Justice

CHAPTER 7: PROTECTION OF CHILDREN IN MOST VULNERABLE SITUATIONS (ARTS. 13, 22-23 AND 25)

COMMENTS OF THE COMMITTEE OF EXPERTS

The Committee urged the State Party to develop measures to; accommodate children with disabilities, particularly autistic children in the education system; take measures to ensure there is no discrimination against children with albinism; train and educate communities to change their perception of children with disabilities and combat all forms of discrimination insofar as this falls under the State Party's mandate to ensure the respect for and the promotion of the rights of children under the Charter. (Rec. 15 b& c)

STATE PARTY RESPONSE

The State Party has ratified the Marrakech Treaty which facilitates reproduction of published materials in alternative format for the visually impaired including children with albinism, while protecting them from copyright infringement claims. The Special Needs Education Policy was reviewed to accommodate the needs of all learners with disabilities including autism and albinism. Currently learners with disabilities are admitted to educational institutions after an assessment conducted by the Education Assessment Resource Centre (EARC).

The State Party has implemented the provisions of Persons with Disabilities Act No. 14 of 2003 by ensuring that a sign language interpreter, inset or subtitles is available during all newscasts, educational programs and children's functions to facilitate access to information by the deaf. The State Party has continued to conduct capacity building for all staff in the education sector regarding the importance of inclusivity through the Ministry of Education.

MEASURES TAKEN TO PROVIDE BASIC SERVICES TO CHILDREN LIVING WITH DISABILITIES

The State Party has developed a National Plan of Action (2015-2022) to promote the implementation of the rights of persons with disabilities as provided for in the Act No. 14 of 2003.

The State party has mainstreamed disability concern in the performance contracting system in the public sector. This is also extended to the private sector to further protect the rights of persons with disabilities. Currently, private institutions are expected to set targets under their performance contracting system to ensure the rights are specifically addressed.

The State Party established forty-seven (47) field offices to provide protection services to children against all forms of violations within the country. In addition, the State party ensures that all new buildings and structures conform to the accessibility standards set out in the Act through the Ministry of Planning and Housing.

The State Party has established National Development Fund for Persons with Disabilities to support the following programmes: -

- i. Education assistance which has increased the enrolment of learners with disabilities through the provision of bursaries at all levels of education. A total of 5123 learners have benefited during the 2016/2017 FY
- ii. In the FY 2014/2017 a total amount of US\$ 2,650,432. 30 was allocated to improve infrastructure in special schools in which a total of 144 relevant equipment was distributed.
- iii. During the reporting period, a total of 38,304 persons with disabilities were provided with assistive devices.
- iv. A Cash Transfer for Persons with Severe Disabilities has been implemented in collaboration with State and non-State actors which provides beneficiaries with a monthly stipend of Kshs. 2,000(US\$ 20). The programme has reached a total of 42,560 households having children with severe disabilities.

- v. Persons with Albinism Support program has provided protective clothing and sunscreen lotions to 3156 persons. The State Party has also equipped public hospitals with cryotherapy equipment.
- vi. Training programme for workers in Kenyan Sign Language has been undertaken to improve access to services by the deaf community. A total of 284 nurses, police and social workers offering essential services have been trained.
- vii. Observance of the International Disability Awareness Month for all forms of disabilities to sensitize on the rights of PWDs and combat discrimination.

7.1 ARTICLE 15: CHILD LABOUR

COMMENTS BY THE COMMITTEE OF EXPERTS

The Committee recommended the State Party to further regulate Child labour, enforce the law both in the formal and informal sector and undertake all necessary measures to reduce child labour

THE STATE PARTY RESPONSE

The State Party formulated the National Policy on Elimination of Child Labour in 2016 which incorporates various strategies that bring in new measures to combat child labour. A list of hazardous work and light work for children was gazetted in February, 2014 providing a legal framework for enforcement on issues regarding children working in hazardous environments. **(Annex 23).**

MEASURES TAKEN TO PROTECT CHILDREN FROM CHILD LABOUR

Policy and Legal framework

Article 53 (1) (d) of the Constitution provides that every child has the right to be protected from abuse, neglect, harmful cultural practices, all forms of violence, inhuman treatment and punishment, and hazardous or exploitative labour.

National Policy on Elimination of Child Labour, 2015 was developed and it aims at prevention, identification, withdrawal, rehabilitation, and reintegration of children involved in all forms of child labour with a vision for child labour free society.

The National Plan of Action for the Elimination of the Worst Forms of Child Labour 2009-2013.

The State has continued to implement the National Plan of Action which aims at promoting close collaboration among international and national partners to reduce the incidence of the worst forms of child labour in Kenya. The plan aimed at strengthening and enforcing national policies, programs & legislation on child labour to ensure coherence and effective implementation. It also provides for the capacity building of employers, workers, organizations, key role players (parents and guardians of targeted children) and other stakeholders to help implement the plan.

The Basic Education Act, No. 14 of 2013 under Section 38 prohibits employment of a child of compulsory school going age.

7.2 ARTICLE 22: ARMED CONFLICTS

COMMENTS BY THE COMMITTEE OF EXPERTS

The Committee called upon the State Party to develop an action plan to prevent recruitment of children by gangs and armed groups and to reintegrate those already recruited as required by the Charter.

STATE PARTY RESPONSE

The State Party through the National Police Service conducts disarmament programs in areas where there is conflict. The program ensures that illegal firearms are surrendered back to the

State and the perpetrators including children are rehabilitated and re-integrated into the community through the existing structures.

MEASURES TAKEN TO PROTECT CHILDREN FROM RECRUITMENT INTO ARMED GANGS AND GROUPS

Legal and Policy Framework

The State Party has in addition to enacting the Prevention of Organised Crimes Act No. 6 of 2010, amended the Penal Code Cap 63 and enacted the Prevention of Terrorism Act No. 30 of 2012. These laws are aimed at enhancing the prevention, investigation, and punishment of organised crimes in the country. The laws further prohibit children from being recruited in armed forces/armed groups or being engaged in active combat directly or indirectly.

MEASURES TAKEN TO PROTECT CHILDREN INVOLVED IN ARMED CONFLICT

The State Party implements a Disarmament, Demobilization, Rehabilitation and Reintegration programme (DDRR) which disarm and ban illegal armed groups across the country.

The State Party provides free medical services to children who have been sexually violated or subjected to violence during armed conflicts.

The DDRR programme refers youth and children who have surrendered arms, to institutions such as Probation and Aftercare Service, Children Services, Prison and Civil societies for psychosocial support, rehabilitation and empowerment. The community is sensitized against armed conflict involving children as a preventive measure through Nyumba Kumi Initiative and community policing programme.

7.3 ARTICLE 23 REFUGEE, CHILDREN SEEKING ASYLUM AND INTERNALLY DISPLACED CHILDREN

COMMENTS BY THE COMMITTEE OF EXPERTS

The Committee encouraged the State Party to continue its effort to enhance protection of asylum seeking, abandoned and unaccompanied children. The State was also urged to provide such children with basic education, health care and protection.

STATE PARTY RESPONSE

The State Party has continued to enhance security in refugee camps such as Dadaab ,Kakuma/Kalobeyi for the protection of children against sexual exploitation and violence. Gender Desks have been established at the Police posts within the refugee camps to deal with Children issues.

The State Party in collaboration with UNHCR and UNICEF implements an Emergency Education and Protection Response programme for refugee children in the camps. The programme reached a total population of 417,002 in which 58 % are children.

The State Party has continued to facilitate the registration of refugee Children and sensitization on their rights within the refugee camps. The State party also provides care and protection to unaccompanied and separated children in collaboration with non- state actors.

The State party has taken over Refugee Status Determination procedures from UNHCR to further enhance protection measures

MEASURES TAKEN TO PROTECT THE REFUGEES AND INTERNALLY DISPLACED CHILDREN

The State Party has put measures in collaboration with non- State Actors to provide protection and humanitarian assistance to refugee, asylum seeking and internally displaced children.

The Kenya Red Cross Society and IOM in partnership with the State are facilitating Family Tracing Reunification for unaccompanied and separated children. This include cross border tracing where a child's family is traced to the other countries.

The State Party in collaboration with partners and refugees' community have continued to

undertake Alternative care arrangement for unaccompanied children through foster care placement programme where about 849 foster parents have been recruited and 1189 children placed under foster care.

The State Party continues to involve refugee children in child participation forums such as the Kenya Children's Assembly and Children's Councils. They are also involved in the Children's calendar of events like Day of the African Child, World Orphans Day, World International Day of the Girl Child, International Day of persons with Disability, World Breastfeeding Week and World Refugee Day celebrations as well as marking Adoption Month in November every year.

7.4 STREET CHILDREN

COMMENTS OF THE COMMITTEE OF EXPERTS

The Committee encouraged the State Party to strengthen its efforts in rehabilitation of street children, to reunify them with their birth parents or extended family or facilitate their adoption in order to provide them with a family environment which is essential for their optimal growth and development.

The committee also urged the State Party to establish measures to address the root causes of separation such as poverty and family displacement.

STATE PARTY RESPONSE

The Street Family Rehabilitation Trust Fund (SFRTF) Board of Trustees through the secretariat has continued to coordinate rehabilitation activities for street families and children. In the last five (5) years (2013-2017) the Fund disbursed over half a billion shillings to over 45 partner institutions to conduct rescue, rehabilitation, reintegration, educational and vocational programmes for street families.

The State Party has continued to support families through the various cash transfer programmes.

7.5 ARTICLE 27: SEXUAL EXPLOITATION

COMMENTS OF THE COMMITTEE OF EXPERTS

The Committee urged the State Party to fully implement the Counter-Trafficking in Persons Act and take effective measures to combat child prostitution as well as rehabilitating and reintegrating child prostitutes.

STATE PARTY RESPONSE

The State Party has reviewed the National Plan of Action against Sexual Exploitation of Children 2013- 2017. The Action Plan outlined measures to build the capacity of all the stakeholders including the community in the prevention, detection, reporting, rehabilitation and reintegration of victims of sexual exploitation and child prostitution.

MEASURES TAKEN TO PROTECT CHILDREN AGAINST ALL FORMS OF SEXUAL EXPLOITATION

The State Party has signed the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. Some of the provisions of the protocol have been incorporated in the Country's legislation dealing with sexual offences such as the Sexual Offences Act No. 3 of 2006 and the Kenya Information and Communications (Consumer Protection) Regulations, 2010.

The State Party has trained Prosecutors on the Prosecution's Manual on the Sexual Offences Act which was developed in the last reporting period. The Directorate of Criminal Investigations has established a cybercrime unit which investigates cases of cybercrimes including child online abuse. During the reporting period, the State Party enacted the Computer Misuse and Cybercrimes Act No. 5 of 2018

Additionally, the Office of the Director of Public Prosecutions has established a Sexual and Gender-Based Violence unit which prosecutes sexual offences committed by offenders. The unit trains prosecutors and stakeholders on sexual offences and gender-based violence cases.

The ODPP has created a Children Victims and Witness Support division which handles prosecution and diversion of children and juveniles who have committed offences under the Sexual Offences Act, Penal Code and other laws. It oversees care and protection matters where Children are victims or witnesses and trains prosecutors on juvenile justice and forensic interview of child witnesses.

The State Party has established an Anti-Child Sexual Exploitation and Abuse (CSEA) unit under the Directorate of Criminal Investigations (DCI) which investigates, advises, monitors CSEA reported cases. It coordinates and liaises with INTERPOL and other non-State actors in identifying and rescuing sexually abused children. Since its inception in 2016, the unit has handled over 500 cases. The unit conducts sensitization and trainings of key stakeholders such as the tourism police, service providers and the community on, detection of child sexual tourism in prevalent areas such as the coastal region.

The State Party launched the National Policy for Prevention and Response to gender-based violence (GBV), which seeks to strengthen existing GBV-related policies, laws, and action plans, as well as enhance the coordination and effectiveness of GBV initiatives.

The State Party has established Children Rescue Centres and Child Protection Centres in different parts of the country namely Thika, Nairobi, Machakos, Garissa, Nakuru and Malindi. These centres take care of children who have been rescued from different forms of abuse including those at risk of trafficking and prostitution.

7.6 ARTICLE 28: CHILDREN IN SITUATIONS OF DRUG ABUSE MEASURES TAKEN TO PROTECT CHILDREN FROM USING DRUGS AND PSYCHOTROPIC SUBSTANCES

The State Party recognizes alcohol and drug abuse as a major threat to the life of its citizens and national development, hence it has devolved alcohol and drug control to the Counties for effective regulation. The sale of illicit brews, drugs and alcohol to children is strictly prohibited and punishable by law. The State Party conducted nationwide campaigns through closure of

production areas and confiscation of illicit brews.

In the year 2015, the State Party reviewed The Narcotic Drugs and Psychotropic Substances Act, 1994 which sets out the legal framework for drug control in Kenya. During the same year, there was destruction of ships laden with illicit drugs that were captured on the Kenyan Coast which has contributed to deterrence of drug trafficking in Kenya.

The State Party carried out a baseline survey to ascertain the status of alcohol and drug abuse in the Coastal Region where drug and substance abuse is prevalent. Treatment and rehabilitation centres have been set up and strengthened to provide medical and counselling services to drug abusers.

7.7 ARTICLE 29: SALE, TRAFFICKING AND ABDUCTION MEASURES TAKEN TO PREVENT ABDUCTION, SALE OF AND TRAFFICKING OF CHILDREN

The state party continues to implement the Counter-Trafficking in Persons Act No. 8 of 2010. A National Plan of Action for combating Human Trafficking of 2013- 2017, was developed by the government. The Plan provides for cooperation between different stakeholders from all sectors in Kenya and lay the ground work for closer cooperation in other countries in the region and beyond.

The National Referral Mechanism guidelines were launched in December 2016, the guidelines provided a system of identification, referral, holistic support and assistance based on gender, age, specific needs and reintegration of victims of trafficking in Kenya.

The State Party has developed a data collection mechanism to improve tracking of anti-trafficking efforts across 47 counties. Training of 50 trainers of trainers from key anti-trafficking law enforcement officials was conducted on social protection, national laws and mechanisms for victim identification and referral. Further, Standard Operating Procedures for Police and prosecutors manual were developed.

In addition the members of the Counter Trafficking in Persons Advisory Committee and the National Assistance Trust Fund for assisting victims of trafficking were gazetted in 2014 and 2015 respectively.

The State Party has trained Government officials from the Police, Judiciary and Children Department, Kenya National Commission on Human Rights and Prosecutors on counter-trafficking in persons. Trafficking in persons and anti-trafficking law have been included in police basic training curricula. The State Party also developed the Kenya Immigration Border Procedure Manual which provides guidelines for tackling migration challenges including human trafficking.

*The children appreciated the states effort of having laws and policies that protect them. They mentioned that children acts have ensured that society don't abuse them because "... they will be given hefty penalties for abusing children". The children also **Children** appreciated the state's efforts of building institutions for children in need of care and protection and providing job opportunities for parents- **Children Voices***

CHAPTER 8: HARMFUL CULTURAL PRACTICES (ARTS. 1(3) AND 21)

COMMENTS OF THE COMMITTEE OF EXPERTS

The Committee recommended the State Party to continue raising awareness on issues of harmful cultural practices and establish rescue centers to provide children who flee from the threat of harmful traditional practices particularly of FGM and child marriage or who are rescued with the appropriate shelter.

STATE PARTY RESPONSE

Female Genital Mutilation and Child Marriage

The State Party established the Anti-FGM Board in 2014 to design, supervise and coordinate public awareness programmes against the practice of female genital mutilation. The Board advocates for the eradication of Female Genital Mutilation through capacity building of duty bearers; community sensitization; encouraging alternative rites of passage with support from partners or individual parents for sustainability.

MEASURES TAKEN FOR THE PROTECTION FROM HARMFUL PRACTICES

The State Party has incorporated female genital mutilation content in the school curriculum. The State Party has also established the Anti-FGM and Child Marriage Prosecution Units to fast-track the prosecution of FGM and child marriage cases within the Office of the Director of Public Prosecutions. Prosecution Counsel have been trained on FGM prevention and response.

Children were concerned that despite the laws and advocacy children are still undergoing negative cultural practices, “....Our friends are being cut and being married off early”-

Children Voices

CHAPTER 9: CHILD JUSTICE (ART. 17)

COMMENT OF THE COMMITTEE OF EXPERTS

The Committee encouraged the State Party to continue taking actions towards a child friendly justice system and recommended the State Party to consult the Guidelines on Action for Children in the Justice System in Africa, employ measures for the separation of children from adults in pre-trial and trial, train and sensitize the Police on how to deal with children in conflict with the law to minimize violation of their rights.

STATE PARTY RESPONSE

The State Party ensures that children in conflict with the law are held in children cells at the police stations as a matter of standard operating procedures before committal to children remand homes by the courts.

The State Party has through the Judiciary designated special holding facilities for children attending court proceedings. The Bail/Bond and Sentencing policy implemented by the Judiciary ensures that the children in conflict with the law are not unnecessarily kept in custody. In addition, children matters are conducted in camera or in chambers.

The NCAJ Special Taskforce on Children Matters has established a service week program for all courts to clear backlog of children cases.

MEASURES TAKEN TO PROTECT THE RIGHTS OF CHILDREN IN THE CRIMINAL JUSTICE

The Legal and Policy framework

The State Party constituted a Special Taskforce on Children Matters with the mandate of recommending policy, legal and infrastructural measures to enhance service delivery in children matters.

The Probation of Offenders Act Cap 64 and Community Service Orders Cap 93 provides for Probation Orders and Community Service Orders which are non-custodial measures to divert children from detention facilities. The Children's Act No. 8 of 2001 under Section 191 further provides for placement of children under probation orders, community service orders and admission to probation hostels as one of the means of dispensing with children matters.

Other Measures

The State Party held an international conference in August, 2016 whose theme was "*Best interest of the child in the justice system*" The objective of the conference was to promote the best interest of the child in the justice system, enhance networking among practitioners in the justice system and the justice sector. It also identified the challenges to realisation of the best interest of the child in the justice system.

MEASURES TAKEN TO DIVERT CHILDREN FROM DETENTION FACILITIES

The State Party has transformed probation hostels to enable the children access education and care while awaiting their return back to their homes once the environment is conducive. During the reporting period a total of 31,844 (**Annex 24**) children were placed on non- custodial sentences.

The State Party through the courts is progressively using alternative dispute resolution mechanisms such as reconciliation, compensation and placement on non- custodial sentences as opposed to custodial measures in the best interest of the child (**Annex 25**)

To reduce the period of institutionalization of children, the borstal institutions and rehabilitation schools release children on licence upon expiry of one year subject to supervision of probation or children officers. The State Party also applies imposition of fines on parents and placement of the offender under a qualified counsellor as an alternative to sentencing.

MEASURES TAKEN TO ENSURE THAT CHILDREN DEPRIVED OF THEIR LIBERTY ARE NOT SUBJECTED TO TORTURE OR ANY OTHER FORM OF PHYSICAL OR PSYCHOLOGICAL VIOLENCE

The State Party established child protection units and children cells at police stations which are separate facilities for care and protection of Children.

Whether children are separated from adults in their place of detention or imprisonment;

The State Party has probation hostels, borstal institutions and rehabilitation schools which are holding facilities that offer child friendly programmes to reform children in conflict with the law (Annex 26 & 27).

Whether children accused of a criminal offence are afforded legal assistance and fair trial guarantees;

The State Party established the National Legal Aid Service to facilitate access to justice, social justice and provide for legal aid to children in conflict and in contact with the law either as witnesses or victims. During the reporting period, the State Party processed over 10,000 children cases which were facilitated through the judicial children service weeks.

Whether the press and the public are prohibited from the trial of children;

The State Party ensures that children matters are heard in chambers or in camera and prohibits participation of the public or press.

Whether the minimum age below which children are presumed not to have the capacity to infringe the penal law is prescribed;

The State Party has prescribed the age of criminal responsibility under the Penal Code Cap 63 to be eight (8) years which is being reviewed to (12) twelve years under the Children Bill, 2017

MEASURES TAKEN TO TRAIN LAW ENFORCEMENT, PRISON WARDENS AND JUDICIAL OFFICERS ON CHILD JUSTICE;

The State Party has continued to train the police, probation officers, prosecutors, children officers, prison officers and judicial officers on child protection and access to justice for children.

Measures taken to ensure that children deprived of their liberty access essential services including education and health services.

The probation hostels, borstal institutions and rehabilitation schools which are holding facilities offer education, vocational training, health care and all the other essential services to children as a constitutional right.

9.1 ARTICLE 30: CHILDREN OF IMPRISONED MOTHERS

COMMENTS OF THE COMMITTEE OF EXPERTS

The Committee urged the State Party to devise a mechanism in which the State can provide children of incarcerated parents or caregivers who are beyond the age of 4 years the necessary care and support where they cannot be placed with family members and urged the State Party to provide further guidance on children incarcerated with their mothers.

STATE PARTY RESPONSE

The State Party places the children under alternative family care for protection and care taking into consideration the best interest of the child. Charitable children institutions are considered as a last resort. In addition, the State Party has established a female probation hostels to rehabilitate female adults accompanied by their children as an alternative to imprisonment where the children access education and essential services.

MEASURES TAKEN TO ENSURE CHILDREN DETAINED WITH THEIR MOTHERS' ACCESS ESSENTIAL SERVICES AND EDUCATION

Policy and legal framework

The State Party enacted the Persons Deprived of Liberty Act No. 23 of 2014 which provides that mothers with infant children be accommodated in separate facilities and receive nutritional supplements for the growth and development of the child.

MEASURES TAKEN TO ENSURE CHILDREN DETAINED WITH THEIR MOTHERS' ACCESS ESSENTIAL SERVICES AND EDUCATION

The State Party has allocated resources to provide nutritional diet for children, pregnant women, and lactating mothers in prison. The State party has also established early childhood development centres, health care facilities and child friendly spaces in prisons.

CHAPTER 10: RESPONSIBILITIES OF THE CHILD [Art. 31]

COMMENTS OF THE COMMITTEE OF EXPERTS

The Committee recommended that the State Party educate children about their responsibility towards their families and their national community. The committee also recommended that the state party should empower children to contribute to the solidarity and integrity of their nation. The Committee encouraged the State Party to avoid any cultural barriers which disregard the responsibilities of the child and to empower children so that they can meaningfully discharge their responsibilities.

STATE PARTY RESPONSE

The State Party sensitizes the children on their duties and responsibilities through the child right clubs and children assemblies, Day of the African Child celebrations, children council forums and religious institutions. The children are made aware of their responsibilities towards family, community and country, maintaining a clean environment, upholding peace, respect for their parents and elders, protection of family property, preservation of positive cultural values and upholding social and national solidarity.

ANNEXES

Children Voices Recording

<https://drive.google.com/drive/folders/1sLT0RMzY8kqv3b6kNOrC10BNQoD54Y27?usp=sharing>

Annex 1 : Table 2. Budget allocation to Health services

	Kshs in Millions			Increase in budget allocation(%)between FYs 2014/15 and 2013/2014	Average Annual Growth
MOH	36,219	47,363	59,184	25%	28%
National Government	1,057,274	1,182,432	1,505,492	27%	20%

Source : Kenya National Bureau of Statistics, Economic Survey 2017

Annex 2 Middle Level Medical Trainees in Public Medical Training Colleges by Course, 2012/13-2016/17

Course	2012/13	2013/14	2014/15	2015/16	2016/17*
Certificate in:					
Community Nursing	278	279	280	248	245
Medical Engineering Technology	84	94	80	60	64
Health Records& Information Technology	781	528	712	857	1,125
Nutrition and Dietetics	180	318	317	341	293
Certificate in Orthopedic Plaster Technology	-	30	60	54	106
Environmental Health Sciences	-	-	-	-	104
Subtotal	1,323	1,219	1,449	1,560	1,937
Diploma in:					
Community Health Nursing	2,662	2,708	2,745	2,165	2,848
Nutrition and Dietetics	138	187	317	237	322
Environmental Health Sciences	589	568	520	509	477
Medical Laboratory Science	411	459	459	369	404
Clinical Medicine & Surgery	1,156	1,125	1,140	1,044	991

Medical Engineering Technology	75	118	77	90	93
Community Oral Health	41	47	42	42	45
Dental Technology	39	36	34	32	33
Health Records and Information technology	255	381	381	524	423
Occupational Therapy	44	44	50	42	47
Orthopaedic Technology	35	25	25	20	27
Pharmacy	448	434	444	356	468
Physiotherapy	143	109	169	110	168
Medical Imaging Sciences	165	143	152	159	132
Optometry Health Education & Promotion	18	21	24	22	28
Registered Nursing-Mental	-	-	30	60	-
Health & Psychiatry	50	93	150	150	98
Neurophysiology ⁵	16	-	-	-	-
Sub Total	6,285	6,498	6,759	5,931	6,604
Higher Diploma in:					
Pharmacy	5	-	-	-	-

Environmental Health Sciences ¹	6	4	3	1	5
Medical Laboratory Sciences ²	15	18	13	17	5
Nursing ³	52	163	138	223	251
Clinical Medicine and Surgery ⁴	83	112	124	136	133
Medical Engineering ⁵	27	-	-	-	16
Ultra Sound Image Pattern Analysis	21	36	39	31	40
Radiography (Therapy)	6	3	2	5	6
Community Health & HIV/AIDS Care	58	33	12	19	4
Health Education& Promotion	18	17	11	9	-
Medical Education	17	11	12	27	27
Orthopaedic manual therapy	-	13	15	30	20
Health Systems Management	-	-	-	-	10
SubTotal	308	410	369	498	517
Total	7,916	8,127	8,577	7,989	9,058

**Annex 3 Undergraduate and Post Graduate Medical Students by Course and Sex, 2013/14-2017/Source: Economic Survey
2018**

Medical Course	2013/14		2014/15			2015/16			2016/17			2017/18*			
	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total
Medicine & Surgery	1,784	1,673	3,457	1,706	1,573	3,279	2,068	1,425	3,493	2,394	1,683	4,077	2,579	1,725	4,304
Nursing	1,042	1,531	2,573	1,197	2,781	3,978	1,041	1,841	2,882	1,414	2,411	3,825	1,543	2,561	4,104
Dental Surgery	147	144	291	201	168	369	157	163	320	204	208	412	248	264	512
Environmental Health...	570	473	1,043	571	675	1,246	532	539	1,071	789	801	1,590	890	898	1,788

Pharmac y	389	265	654	550	419	969	544	454	998	822	690	1,512	929	758	1,687
Clinical Medicine	-	-	-	-	-	-	-	-	-	-	-	-	494	378	872
Public Health	-	-	-	-	-	-	-	-	-	-	-	-	338	340	678
Medical Laborato ry Sciences.	-	-	-	-	-	-	-	-	-	-	-	-	887	581	1,468
Nutrition & Dietetics	-	-	-	-	-	-	-	-	-	-	-	-	215	523	738
Physioth erapy	-	-	-	-	-	-	-	-	-	-	-	-	162	157	319
Occupati onal Therapy	-	-	-	-	-	-	-	-	-	-	-	-	25	2	45
														0	

Medical Education/Records	-	-	-	-	-	-	-	-	-	-	-	-	243	250	493
Medical Psychology	-	-	-	-	-	-	-	-	-	-	-	-	48	59	107
Sub- Total	3,9 32	4,08 6	8,018	4,225	5,616	9,841	4,342	4,422	8,76 4	5,623	5,79 3	11,41 6	8,601	8,514	17,11 5
Post Graduate	66 2	461	1,12 3	706	724	1,43 0	1,0 32	670	1,70 2	1,427	955	2,38 2	1,48 6	98 2	2,46 8
Total	4,5 94	4,54 7	9,141	4,931	6,340	11,27 1	5,374	5,092	10,46 6	7,050	6,74 8	13,79 8	10,08 7	9,496	19,58 3

Annex 4 : List Of EmNOC Trained Personal By Year And County : Making It Happen

Region	County	2013/2014	In-Service EmONC Training				Total
			2014/15	2015/16	2016/17	2017/18	
Coast	Lamu	0	60	4	0	12	76
	Kilifi	0	0	219	6	81	306
	Tana River	0	58	0	27	39	124
	Taita Taveta	0	73	0	36	26	135
	Mombasa	0	0	0	299	0	299
	Kwale	0	0	160	23	44	227
Rift valley	Uasin Gishu	0	0	0	194	13	207
	Elgeyo Marakwet	0	0	0	159	22	181
	Nandi	0	64	61	13	2	140
	Narok	0	62	65	11	0	138
	Nakuru	0	64	182	35	3	284
	Bomet	0	33	64	8	0	105

	Turkana	0	92	11	9	2	114
	Laikipia	0	0	103	10	3	116
	Samburu	0	0	27	7	17	51
	Baringo	0	0	0	128	36	164
	Kericho	0	0	14	139	1	154
	Kajiado	0	0	0	192	47	239
	Transzoia	0	0	0	92	13	105
	West Pokot	0	0	0	102	31	133
Eastern	Marsabit County	0	64	0	5	11	80
	Isiolo Conty	0	64	0	3	14	81
	Embu County	0	0	0	192	16	208
	Meru County	0	0	0	238	19	257
	Tharaka Nithi	0	0	182	14	0	196
	Machakos	0	64	195	45	0	304
	Kitui	0	32	128	39	4	203
	Makueni	0	29	124	32	0	185
North Eastern	Garissa	0	193	4	66	64	327
	Mandera	0	64	84	0	32	180
	Wajir	0	61	75	0	31	167
Nairobi	Nairobi	0	663	239	175	4	1081
	University of Nairobi	0	0	0	244	0	244

Nyanza	Kisii	56	128	66	0	0	194
	Kisumu	203	64	55	0	0	322
	Siaya	0	128	63	0	0	191
	Migori	0	128	59	145	0	332
	Nyamira	0	128	5	0	0	133
	Homabay	43	117	73	108	0	341
Western	Bungoma	0	175	108		0	283
	Vihiga	0	168	0	0	0	168
	Busia	0	147	0	0	0	147
	Kakamega	332	137	0		0	469
Central	Nyeri	64	173	0	0	0	237
	Kiambu	58	203	58	0	0	319
	Kirinyaga		32	68	0	0	100
	Muranga	69	96	0	0	0	165
	Nyandarua		113	0	0	0	113
TOTAL	825	3677	2496	2796	587	10325	

Source : Ministry of Health, Division of Family Health

Annex 5: Health workers and Community Health Extension workers trained on nutrition program

	PROGRAM/ TRAINING	COUNTY	NO. OF HCP TRAINED (Specify)	YEAR
1	TOT Training on Vitamin A Supplementation	Kericho, Bomet, Vihiga, Nandi, Embu	152 TOTS & 700 HCP Sensitized	2017
2,	Nutrition Training, including IMAM and MIYCN	Samburu, West Pokot, Wajir, Tana River, Mandera, Kilifi, Kwale	1,085 health facility workers trained	2016-2017
3	Community Health worker trainings on Nutrition Module 8	Samburu, West Pokot, Wajir, Tana River, Mandera, Kilifi, Kwale, Kitui	4,395 community workers trained	2016-2017
4	CHVs trained on nutrition messages for HSNP Households	Wajir, Turkana and Mandera and the North Horr and Moyale of Marsabit	1,544 CHVs trained	2017
5	County Health Staff Training on SURGE model	Wajir, Turkana and Mandera and the North Horr and Moyale of Marsabit	265 health workers trained	2016-2017

Annex 6 Number of enrolments in ECDE centers

		2012	2013	2014	2015	2016	2017
No. of ECDE institutions	Public	24,654	24,702	24,768	24,862	25,175	25,381
	Private	15,104	15,443	15,451	15,913	16,073	16,398
	Sub total	39,758	40,145	40,219	40,775	41,248	41,779
Pupil Enrolment:	Male	1,346,235	1,411,309	1,470,383	1,607,353	1,634,194	1,681,530
	Female	1,364,595	1,454,039	1,543,482	1,560,855	1,565,647	1,612,283
	Sub total	2,710,839	2,865,348	3,019,865	3,167,855	3,199,841	3,293,813
	Gender Parity	1.01	1.03	1.05	0.97	0.96	0.96

Trained Teachers	Male	13,450	13,854	13,908	14,721	15,300	17,746
	Female	67,076	7,070	74,246	75,183	82,353	89,192
	Sub Total	80,526	80,924	88,154	89,904	97,653	106,938
Untrained teachers	Male	4,342	3,430	3,327	2,543	2,006	2,445
	Female	15,021	13,810	11,323	11,441	10,406	8,893
	Sub total	19,363	17,240	14,648	13,984	12,412	11,338
Grand Total: Teachers		99,889	98,164	102,802	103,888	110,065	118,276

Annex 7 ECDE Teachers and ECDE Training Centres

Categories	2012	2013	2014	2015	2016	2017
Number of ECDE Trained Teachers						
Males (Trained)	13,450	13,854	13,968	14,721	15,366	17,746
Females (Trained)	670,76	69,960	74,186	78,185	82,351	89,192
Sub-Total (Trained ECD Teachers)	80,526	83,814	88,154	92,906	97,717	106,938
Number of ECDE Untrained Teachers						
Males (Untrained)	4,342	3,430	3,307	2,840	2,606	2,445
Females (Untrained)	15,021	13,818	13,323	11,441	10,496	8,893
Sub-Total (Untrained ECD Teachers)	19,363	17,248	16,630	14,281	13,102	11,338
Total No. of Teachers	99,889	101,062	104,784	107,187	110,819	118,276
Number of ECDE Training Colleges						
Public	20	22	25	25	26	41
Private	105	109	115	118	121	235
Total	125	131	140	143	147	276

Source: Kenya Economic Survey, 2017

Annex 8: Number of Primary School Institutions, Enrolment and Teachers

		2013	2014	2015	2016	2017
Number of Primary Institutions	Public	21,205	21,718	22,414	22,939	
	Private	6,821	7,742	8,919	10,263	
	Sub Total	28,026	29,460	31,333	33,202	
Enrolment	Male	5,019.7	5,052.5	5,127.9	5,214.5	
	Female	4,837.9	4,898.5	4,962.9	5,054.9	
	Male	5,019.7	5,052.5	5,127.9	5,214.5	
	Sub Total	9,857.6	9,951.0	10,090.8	10,269.4	
Transition Rates	Class 8 to Form 1	74.7%	76.1%	81.9%	81.3%	

Source: Ministry of Education

Annex 9: Primary Schools Distribution Enrolment by County (2016)

County	Schools			Enrolment		
	Public	Private	Total	Public	Private	Total
Baringo	685	104	789	142,995	14,785	157,780
Bomet	677	227	904	211,021	31,907	242,928
Bungoma	795	351	1,146	496,263	52,654	548,917
Busia	443	228	671	230,364	18,455	248,819
Elgeyo Marakwet	387	60	447	111,476	9,631	121,107
Embu	391	186	577	108,599	21,336	129,935
Garissa	207	105	312	54,959	76,306	131,265
Homa Bay	881	323	1,204	284,664	42,727	327,391
Isiolo	114	40	154	29,294	7,555	36,849
Kajiado	429	243	672	123,122	43,926	167,048
Kakamega	913	343	1,256	532,010	43,511	575,521
Kericho	524	271	795	192,499	40,825	233,324
Kiambu	486	524	1,010	234,092	93,372	327,464
Kilifi	576	329	905	270,638	42,726	313,364
Kirinyaga	198	192	390	82,746	26,289	109,035
Kisii	703	422	1,125	269,673	55,752	325,425
Kisumu	618	170	788	244,271	28,142	272,413
Kitui	1,382	214	1,596	322,602	20,443	343,045

Kwale	423	138	561	167,222	19,046	186,268
Laikipia	292	109	401	85,871	14,755	100,626
Lamu	104	41	145	24,770	3,029	27,799
Machakos	862	252	1,114	254,078	35,479	289,557
Makueni	892	125	1,017	258,993	13,617	272,610
Mandera	212	45	257	96,396	9,341	105,737
Marsabit	179	51	230	47,848	10,882	58,730
Meru	726	373	1,099	273,003	52,733	325,736
Migori	607	284	891	272,879	44,070	316,949
Mombasa	96	394	490	67,375	78,266	145,641
Murang'a	516	223	739	188,385	28,012	216,397
Nairobi	216	1,295	1,511	201,078	303,142	504,220
Nakuru	717	416	1,133	374,670	72,444	447,114
Nandi	764	260	1,024	217,301	28,282	245,583
Narok	684	192	876	247,426	27,004	274,430
Nyamira	412	192	604	128,465	25,497	153,962
Nyandarua	351	213	564	124,242	25,990	150,232
Nyeri	392	196	588	107,122	28,833	135,955
Samburu	160	30	190	49,459	3,211	52,670
Siaya	669	164	833	250,040	17,368	267,408
Taita Taveta	212	65	277	60,352	7,757	68,109

Tana River	165	37	202	49,897	4,149	54,046
Tharaka-Nithi	433	130	563	90,307	10,422	100,729
Trans Nzoia	369	214	583	230,393	38,235	268,628
Turkana	408	49	457	181,739	41,993	223,732
Uasin Gishu	484	295	779	178,117	45,241	223,358
Vihiga	390	98	488	163,635	11,598	175,233
Wajir	225	29	254	68,082	6,291	74,373
West Pokot	576	45	621	194,678	8,080	202,758
National	22,945	10,287	33,232	8,595,111	1,685,109	10,280,220

Annex 10: Number of Secondary Schools, Enrolment and Average School Sizes by County (2016)

County	Schools			Enrolment		
	Public	Private	Total	Public	Private	Total
Baringo	163	10	173	37,155	1,405	38,560
Bomet	256	8	264	65,209	1,249	66,458
Bungoma	363	21	384	124,946	2,523	127,469
Busia	156	6	162	50,657	616	51,273
Elgeyo Marakwet	113	1	114	32,654	286	32,940
Embu	191	14	205	44,422	2,005	46,427
Garissa	32	30	62	10,245	9,112	19,357
Homa Bay	316	25	341	81,494	2,827	84,321
Isiolo	25	7	32	4,458	912	5,370
Kajiado	82	65	147	21,341	8,013	29,354
Kakamega	401	29	430	130,404	4,438	134,842
Kericho	199	14	213	60,853	2,012	62,865
Kiambu	303	112	415	113,844	12,217	126,061
Kilifi	146	60	206	45,801	9,103	54,904
Kirinyaga	141	13	154	43,644	1,455	45,099
Kisii	353	24	377	115,520	3,603	119,123
Kisumu	224	29	253	72,186	3,743	75,929
Kitui	421	10	431	83,559	1,018	84,577

Kwale	87	11	98	27,333	1,492	28,825
Laikipia	112	19	131	30,252	2,170	32,422
Lamu	22	3	25	5,577	428	6,005
Machakos	356	75	431	93,842	11,145	104,987
Makueni	382	25	407	99,462	3,117	102,579
Mandera	46	14	60	13,537	2,304	15,841
Marsabit	38	7	45	6,651	782	7,433
Meru	374	19	393	93,838	3,315	97,153
Migori	253	27	280	72,529	2,876	75,405
Mombasa	38	99	137	16,507	16,920	33,427
Murang'a	307	28	335	101,209	5,064	106,273
Nairobi	87	222	309	49,709	36,348	86,057
Nakuru	333	124	457	107,282	21,582	128,864
Nandi	242	7	249	59,173	1,146	60,319
Narok	134	10	144	30,164	1,978	32,142
Nyamira	189	6	195	51,195	845	52,040
Nyandarua	167	57	224	50,736	6,272	57,008
Nyeri	218	24	242	66,027	3,576	69,603
Samburu	33	3	36	7,396	635	8,031
Siaya	239	4	243	76,115	366	76,481
Taita Taveta	81	10	91	21,259	996	22,255

Tana River	25	3	28	6,456	321	6,777
Tharaka-Nithi	148	11	159	42,177	2,051	44,228
Trans Nzoia	233	11	244	68,352	1,115	69,467
Turkana	48	11	59	17,051	7,943	24,994
Uasin Gishu	215	36	251	58,942	8,372	67,314
Vihiga	159	4	163	60,512	383	60,895
Wajir	40	6	46	12,154	783	12,937
West Pokot	118	3	121	28,914	275	29,189
National	8,609	1,357	9,966	2,512,743	211,137	2,723,880

Primary Sub-Sector for the period 2013-2017.

Kenya has made tremendous strides in terms of access to primary education. Over the period 2013-2017, total enrolment in primary rose by 5 percent from 9.8 million to 10.4 million. With a national NER of 91 percent, only 9 percent of children who are expected to be in primary are not enrolled in school. National GPI shows that Kenya is about to close the gender gap in primary enrolment and in fact, in some regions, there are more girls enrolled than boys. Close to 8 out of 10 children who enrol in grade 1 complete grade 8 and almost the same number transit to secondary. However, the difference between GER and NER means that learners are coming into primary at the 'wrong' age- this is a policy challenge. Over-age primary enrolments coupled with high repetition rates (which we discuss later), are likely to cause an enrolment bulge, especially at the lower grades. In addition, the national outcomes masks disparities based on gender, location and socio-economic factors (we discuss this issue later).

Annex 11 Trends of enrolment in the Primary Sub-Sector

	2013	2014	2015	2016	2017
Males (thousands)	5,019.7	5,052.5	5,127.9	5,214.5	5,293.9
Females(thousands)	4,837.9	4,898.5	4,962.9	5,054.9	5,109.8
Total Primary (thousands)	9,857.6	9,950.8	10,090.9	10,280.1	10,403.7
GPI	0.96	0.97	0.97	0.97	0.97
Gross Enrolment Rate (GER), %	105.0	103.5	103.6	104.2	104.4
Net Enrolment Rate (NER), %	88.1	88.2	88.4	89.2	91.2
Primary Completion Rate, %	80.0	79.3	82.7	83.5	83.6

Primary secondary transition rate, %	74.1	76.1	81.9	81.3	81.8
Number of public primary schools	21,205	21,718	22,414	22,939	23,584
Number of private primary schools	6,821	7,742	8,919	10,263	11,858
Total number of schools	28,026	29,460	31,333	33,202	35,442
Average school size	352	338	322	310	294

Source: Economic Survey

Key indicators in Secondary Sub-Sector for the period 2013-2017.

In absolute numbers, enrolments at secondary school level increased from 2.0 million in 2013 to 2.8 million in 2017 partly due to the Free Day Secondary School initiative. In 2017, the secondary GER and NER were estimated at 69 per cent and 51.1 per cent, respectively. This actually means that close to 50 percent of secondary school going age children are not enrolled in secondary schools. There are marked disparities in the access to secondary schools. For instance, secondary completion in North Eastern and Coast regions is about 3 times less than in Central and Nairobi. In the North Eastern and Coast regions, more than 7 out of 10 do not attend up to the end of secondary. While factors that hinder access to secondary school education are similar to those highlighted in the primary section, the main hindrance to secondary school attendance is cost

Annex 12 Trends of enrolment in the Secondary Sub-Sector

	2012	2013	2014	2015	2016	2017
Males (thousands)	1,019.0	1,127.7	1,213.3	1,348.5	1,396.9	1,450.8
Females(thousands)	895.8	967.6	1,118.4	1,210.5	1,323.6	1,380.0
Total Primary (thousands)	1,914.8	2,095.3	2,331.7	2,558.0	2,720.5	2,830.8
GPI	0.88	0.86	0.92	0.90	0.95	0.95
Gross Enrolment Rate (GER), %	50.5	54.3	58.7	63.3	66.7	69

Net Enrolment Rate (NER), %	33.9	38.5	47.4	47.8	49.5	51.1
Number of Public Secondary Schools	6,807	7,686	8,297	8,592	9,111	9,111
Number of Private Secondary Schools	1,027	1,048	1,143	1,350	1,544	1,544
Total Number of Secondary Schools	7,834	8,734	9,440	9,942 ^{aa}	10,655	10,655
Average school size	269	267	271	273	266	266

Annex 13 Primary Pupil Teacher Ratio

	Public		Private	Total Primary
County	TSC	Total public	Total	
Baringo	27	24	14	23
Bomet	43	34	14	28
Bungoma	57	48	16	40
Busia	48	42	14	36
Elgeyo Marakwet	31	27	16	25
Embu	26	24	13	22
Garissa	67	50	40	44
Homa Bay	41	36	16	31
Isiolo	31	28	17	25
Kajiado	41	29	16	24
Kakamega	50	43	14	37
Kericho	39	33	14	26
Kiambu	34	32	16	25
Kilifi	48	41	16	34
Kirinyaga	30	29	15	24
Kisii	35	32	15	27
Kisumu	40	35	18	32
Kitui	35	27	12	25

Kwale	45	36	16	32
Laikipia	33	30	15	26
Lamu	27	24	12	22
Machakos	32	28	15	25
Makueni	34	30	14	28
Mandera	80	59	22	52
Marsabit	39	35	22	31
Meru	34	31	15	26
Migori	46	40	16	33
Mombasa	40	37	16	22
Murang'a	32	30	14	26
Nairobi	40	35	20	24
Nakuru	44	38	17	32
Nandi	38	29	14	26
Narok	51	37	17	33
Nyamira	31	29	15	25
Nyandarua	35	31	13	25
Nyeri	25	24	14	21
Samburu	41	39	14	36
Siaya	41	36	15	33
Taita Taveta	31	26	15	24

Tana River	39	35	13	31
Tharaka-Nithi	26	21	11	20
Trans Nzoia	49	45	18	37
Turkana	92	74	61	71
Uasin Gishu	35	29	15	25
Vihiga	40	35	14	32
Wajir	56	42	26	40
West Pokot	58	38	17	37
National	40	34	17	29

Annex 14: Student Teacher Ratio in Secondary Schools

County	Public		Private	Total
	TSC	Total public	Total	
Baringo	29	18	16	18
Bomet	43	20	14	20
Bungoma	38	22	11	22
Busia	36	21	12	21
Elgeyo Marakwet	29	19	16	19
Embu	24	17	14	17
Garissa	30	21	21	21
Homa Bay	37	20	11	20
Isiolo	20	16	13	15
Kajiado	26	19	12	16
Kakamega	36	21	14	21
Kericho	34	19	15	19
Kiambu	25	20	12	19
Kilifi	35	20	15	19
Kirinyaga	28	21	12	20
Kisii	30	21	14	21
Kisumu	30	20	14	20
Kitui	34	19	11	19

Kwale	33	20	13	20
Laikipia	26	20	13	19
Lamu	22	16	13	16
Machakos	30	20	15	19
Makueni	33	21	13	20
Mandera	36	22	18	22
Marsabit	21	16	13	16
Meru	31	20	14	20
Migori	44	22	11	21
Mombasa	24	19	15	17
Murang'a	26	21	14	20
Nairobi	23	19	15	17
Nakuru	33	22	16	21
Nandi	36	19	14	18
Narok	35	20	17	19
Nyamira	27	19	13	19
Nyandarua	34	22	13	20
Nyeri	24	20	16	19
Samburu	25	19	20	19
Siaya	40	22	11	22
Taita Taveta	30	19	12	19

Tana River	34	22	11	21
Tharaka-Nithi	29	20	16	19
Trans Nzoia	40	22	12	22
Turkana	43	23	36	26
Uasin Gishu	30	19	16	18
Vihiga	34	21	10	21
Wajir	29	22	18	21
West Pokot	37	20	10	20
National	32	20	15	20

Annex 15 : Total number of people enrolled in National Health Insurance Fund

Source Economic Survey 2018

	2012/13	2013/14	2014/15	2015/16	2016/15
Formal sector	2,679,400	2,952,400	3,221,600	3,616,200	3,870,400
Informal sector	1,115,400	1,498,000	2,508,100	2,508,100	2,934,400
Total	3,794,800	4,450,400	5,213,200	6,124,300	6,804,900

Annex 16: Levels and Shares of Allocations to County Health Services by Year

Vote	FY 2014/ 15		FY 2015/ 16	
	Ksh millions	% of total county health budget	Ksh millions	% of total county health budget
Recurrent	48,052	75	60,592	72
Development	15,964	25	23,916	28
Total	64,017	100.0	84,508	100

Source: Republic of Kenya, Office of Controller of Budget. 2015. County Budgets 2013/14 and 2014/2015 and Budget

Implementation Review Report 2015/16. Nairobi: Republic of Kenya.

Annex 17: national immunization coverage

Source of information		DPT-HepB-Hib			Polio				Measles	All basic vaccinations	Pneumococcal			Fully vaccinated	No. vaccinations	No. vaccinations
		1	2	3	0	1	2	3			1	2	3			
Vaccinated at any time before survey	BCG															
Vaccination card	73.2	74.2	73.5	70.9	57.4	74.5	73.7	71.3	65.4	63.0	71.2	69.8	67.1	59.6	0.0	2,820
Mother's report	23.5	23.3	23.5	18.9	8.8	23.6	22.3	18.8	21.7	16.3	22.5	21.1	18.0	15.2	1.6	957

Either source	96.7	97.5	95.8	89.9	66.2	98	96.1	90.0	87.1	79.4	93.7	90.8	85.1	74.9	1.6	3,777
Vaccinated by 12 months of age5	95.9	97.0	94.9	88.3	66.1	97.5	94.9	88.1	78.9	71.3	93.0	90.0	83.2	67.2	2.0	3,777
	95.9	97.0	94.9	88.3	66.1	97.5	94.9	88.1	78.9	71.3	93.0	90.0	83.2	67.2	2.0	3,777

Source: Kenya Demographic Health Survey, KDHS.

Annex 18: Distribution of long lasting insecticide treated nets

DISTRIBUTION OF LONG LASTING INSECTICIDE TREATED NETS - COUNTRYWIDE							
	2012	2013	2014	2015	2016	2017	Total
Routine LLIN distributed	1,532,649	1,518,947	2,138,570	2,224,525	2,215,445	2,275,262	11,905,398
Mass LLIN distributed (million)	10,600,000		13,600,000			15,600,000	39,800,000
Total LLIN distributed							51,705,398
Source: National Malaria Control Program, MOH.							

Annex 19 Table 6.1b: proportion of undernourished children (6-59 months) by residence, age, sex and county (contd)

Residence / county	Height for Age		Weight for Age		Weight for Height		Number of Children (‘000)
	Percentage	Percentage	Percentage	Percentage	Percentage	Percentage	
County							
	26.6	11.9	10.4	2.5	9.7	2.6	
Mombasa	35.5	13.9	10.2	2.5	3.4	0.4	95
Kwale	29.9	10.8	17.4	1.4	4.8	1.3	109
Kilifi.	24.6	11.4	14.7	6.0	8.2	1.6	175
Tana River.	30.9	10.5	17.7	4.3	8.8	1.5	39
Lamu	24.8	10.4	12.1	0.8	7.1	1.9	14
Taita /	8.3	5.0	13.9	4.7	27.6	16.6	35
Taveta.....	24.7	8.3	16.1	1.8	11.6	2.6	50
....	47.6	18.5	43.8	5.8	17.2	6.2	72
Garissa.....	33.0	16.1	30.9	11.5	25.0	11.5	102
.....	22.8	10.5	18.4	5.3	30.0	11.5	44
Wajir.....	36.0	15.3	13.5	4.3	4.7	0.7	19
.....	39.7	14.3	15.5	3.8	6.3	0.6	144
Mandera...	33.0	8.5	16.8	5.3	3.5	0.4	36
.....	29.3	10.4	12.9	1.1	6.3	1.4	50
Marsabit...	39.8	16.9	7.5	1.7	2.7	0.0	112

Annex 20: Percentage distribution of households and the de jure population by source of drinking water

	Households			Population		
Background characteristics	Urban	Rural	Total	Urban	Rural	Total
Source of drinking water						
(I) Improved source	89.8	64.7	75.1	87.5	62.3	70.8
Piped water into dwelling/yard/plot	42.0	11.7	24.2	39.0	9.7	19.6
Piped to neighbour	7.1	5.2	6.0	7.8	4.8	5.8
Public tap/standpipe	14.1	10.6	12.0	13.6	9.5	10.9
Tube well /borehole	7.2	7.5	7.3	6.9	8.0	7.6
Protected dug well	4.8	10.1	7.9	6.4	10.9	9.4
Protected spring	2.2	12.6	8.3	3.0	13.7	10.1
Rainwater	4.0	6.5	5.5	5.1	5.5	5.3

Bottled water	8.6	0.4	3.8	5.7	0.1	2.0
(II) Non Improved Source	9.7	35.1	24.7	12.1	37.6	29.0
Unprotected dug well	0.6	3.7	2.4	0.9	4.1	3.0
Unprotected spring	0.7	3.2	2.2	1.1	3.4	2.6
Tanker truck/cart with drum	4.2	2.5	3.2	4.0	1.8	2.6
Surface water	4.1	25.7	16.8	6.0	28.2	20.7
(III) Other Sources	0.4	0.2	0.3	0.5	0.1	0.3
Total	100.0	100.0	100.0	100.0	100.0	100.0

Source: Malaria Indicator Survey 2015, MOH

Annex 21: Household sanitation facilities

Percent distribution of households and de jure population by type of toilet/latrine facilities, according to residence, Kenya 2015

Type of toilet/latrine facility	Households			Population		
	Urban	Rural	Total	Urban	Rural	Total
(I) Improved, not shared facility	32.9	24.7	28.1	35.6	25.4	28.9
Flush/pour flush to piped sewer system	18.1	0.1	7.5	16.0	0.0	5.4
Flush/pour flush to septic tank	4.6	1.0	2.5	4.7	0.7	2.0
Flush/pour flush to pit latrine	0.9	0.2	0.5	1.1	0.3	0.5

Ventilated improved pit (VIP) latrine	4.5	7.2	6.1	6.6	6.6	6.6
Pit latrine with a slab	4.8	15.8	11.3	7.3	17.4	14.0
Composting toilet	0.1	0.4	0.3	0.1	0.5	0.4
Shared facility	43.3	19.9	29.5	38.1	15.4	23.1
Flush/pour flush to piped sewer system	6.0	0.0	2.5	5.0	0.0	1.7
Flush/pour flush to septic tank	2.3	0.1	1.0	1.9	0.1	0.7
Flush/pour flush to pit latrine	1.9	0.2	0.9	1.6	0.1	0.6
Ventilated improved pit (VIP) latrine	16.6	6.7	10.8	14.8	4.4	7.9

Pit latrine with a slab	16.4	12.7	14.2	15.0	10.7	12.2
Composting toilet	0.0	0.1	0.1	0.0	0.1	0.1
Non- improved facility	23.8	55.4	42.4	26.2	59.1	48.0
Flush/pour flush not to sewer/septic tank/						
Pit latrine	6.2	0.1	2.6	3.3	0.1	1.2
Pit latrine without slab/open pit	15.0	42.7	31.3	18.6	44.7	35.9
Bucket	0.5	0.0	0.2	0.6	0.0	0.2
Hanging toilet/ hanging latrine	0.2	0.1	0.1	0.3	0.1	0.1

No facility /bush /field	1.8	12.4	8.0	3.3	14.1	10.5
Other	0.1	0.1	0.1	0.1	0.1	0.1
Total	100.0	100.0	100.0	100.0	100.0	100.0

Source: Malaria Indicator Survey 2015, MOH

Annex 22: National progress towards Elimination of Mother To Child Transmission of HIV (E-MTCT)

INTERVENTION AREA	2013	2015
Reduce of mother to child transmission rates	16%	8.30%
Reduce number of new child HIV infections	12,826	6,613
Reduce HIV-attributable deaths among children 0-14yrs	10,393	5,004
Reduce HIV incidence in women of reproductive age (15-49)	79,036	39,090
Eliminate unmet FP need among all women (especially HIV positive women)	27%	17.50%
Identify HIV positive pregnant women for PMTCT services	76,074 (96%)	63,778(81%)
Increase provision of ARVs to pregnant women living with HIV	52,180	59,253
Increase skilled birth deliveries	44%	62%
Increase the coverage for early infant diagnosis for HIV	51,758(65%)	54,242(68%)
Access to paediatric ART	71,547	60,141

Source: National Aids Control Program, MOH

Annex 23: Ministry of Labour and ILO draft of the list of hazardous work and light

Work by children in Kenya, 2012i(Excerpt)

Nature of Hazardous Work

- I. Work involving use of electrically powered tools and equipment
- II. Work in rock and stone cutting, crushing and shaping
- III. Working in processes involving hot temperatures as in furnaces and glass making
- IV. Work in processes involving extremely cold temperatures
- V. Any work where there is likely to be exposure to dangerous chemicals
- VI. Fishing and diving offshore in deep sea or lake or dam VII. Work in slaughterhouses

Annex 24: Data on children placed under probation and community service orders (2012-2017).

2012 Probation orders	boys	girls	boys	girls	boys	girls
	90	12	85	13	1952	280
2013 Cso	131	83	143	289	93	15
2013 Probation orders	1183	176	957	610	1478	280
2014 Cso orders	112	47	182	183	33	9
2014 Probation orders	1183	176	957	610	1478	280
2015 Cso orders	169	18	153	40	41	2
2015 Probation orders	784	150	623	517	11679	2112
2016 Cso orders	120	65	54	80	74	13
2016 Probation orders	0	0	0	0	0	0
2017 Cso orders	0	0	0	0	0	0
2017 Probation orders	103	15	88	10	1692	312

Source: Probation and Aftercare Service

Annex 25: Daily average population of children in borstal institutions

YEAR	2014-1015	2015-2016	2016-2017
AGE 15-18 Years			
Boys population	415	450	289
Girls population.	-	16	42
Total	415	466	331

Source: Kenyan Prison Service

Annex 26: Population trends in rehabilitation schools.

	POPULATION TRENDS IN REHABILITATION SCHOOLS.										
2012/2013	Othaya	Likoni	Kericho	Kabete	Wamu	Dagoreti	Kirigiti	Kisumu	Getethuru	Kakamega	TOTAL
Boys	129	99	96	107	141	-	-		424	61	1057
Girls	-		-		-	94	268		-	-	362
TOTAL	129	99	96	107	141	94	268		424	61	1,419
2013/2014	174	164	140	171	177	-	-	30	330	173	1359
Boys											
Girls	-	-	-	-	-	177	158	-	-	-	335
TOTAL	174	164	140	171	177	177	158	30	330	173	1694
2014/2015	135	99	92	60	119	-	-	60	277	92	903
BOYS											
GIRLS	-	-	-	-	-	91	169	-	-	-	260

TOTAL	135	99	92	60	119	91	169	60	277	92	1,163
2015/2016	100	122	67	95	9	57	226	63	124	72	935
BOYS											
GIRLS	23	4	3	20	128	3	7	25	55	2	270
TOTAL	123	126	70	115	137	60	233	88	179	74	1,205

SOURCE: DEPARTMENT OF CHILDREN SERVICES

POPULATION TRENDS IN REMAND HOMES.																
	Nakuru	Likoni	Kericho	Nairobi	Murang'a	Kisumu	Kakamega	Nyeri	Macakos	Malindi	Mandera	Kiambu	Eldoret	Meru	TOTAL	TOTAL
2012/2013 BOYS	1349	330	191	256	151	450	524	178	-	115	254	374	921	-	5,093	3,592
GIRLS	394	144	61	209	66	183	107	53	35	33	107	112	215	-	1,719	1,390
TOTAL	1743	474	252	465	217	633	631	231	35	148	361	486	1136	-	6,812	4,982
2013/2014 BOYS	328	378	198	397	242	409	514	160	77	124	158	219	811	-	3780	

GIRLS	220	14 3	75	23 1	142	18 5	164	51	29	52	42	66	209	-	1609
TOTAL	548	52 1	273	62 8	284	59 4	678	21 1	106	18 6	20 0	285	1020	-	5389
2014/2015BOYS	193	32 3	179	33 4	236	34 5	527	18 4	213	12 7	24 9	244	438	-	3392
GIRLS	154	15 4	73	22 0	65	12 6	193	66	38	60	69	113	120	-	1451

Annex 27 :population trends in remand homes

Populati on TOTAL	347	477	252	554	301	471	720	259	251	187	318	357	558	-	4,843
2015/20 16 BOYS	334	385	180	335	188	278	522	182	110	147	274	264	340	53	3,592
GIRLS	164	116	74	189	72	121	222	52	27	70	86	96	87	14	1,390
TOTAL	498	501	254	524	260	399	744	234	137	217	360	360	427	67	4,982

School based deworming program

CONDITION	CHILDREN /YEAR	2012/13	2013/204	2014/2015	2015/2016	2016/2017
SOIL TRANSMITTED INFECTION	Enrolled	5,193,573	5,767,137	5,619,801	5,900,769	5,594,357
	Non-enrolled	764,493	638,514	548,046	518,165	379,029
SHISTOSOMIASIS	Enrolled	176,578	855,013	77,123	538,961	535,503
	Non-enrolled	14,740	35,446	1,915	17,677	21,136
	TOTAL	6,149,384	7,296,110	6,246,885	6,975,572	6,530,025

Source: National School Based Deworming Program, MOH & MOE.