



ACERWC
African Committee of Experts on
the Rights and Welfare of the Child

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**CONCLUDING OBSERVATIONS AND RECOMMENDATIONS OF THE AFRICAN
COMMITTEE OF EXPERTS ON THE RIGHTS AND WELFARE OF THE CHILD ON
THE THIRD PERIODIC REPORT OF THE REPUBLIC OF KENYA ON THE STATUS
OF THE IMPLEMENTATION OF THE AFRICAN CHARTER ON THE RIGHTS AND
WELFARE OF THE CHILD**

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I. INTRODUCTION

1. The African Committee of Experts on the Rights and Welfare of the Child (ACERWC/the Committee) presents its compliments to the Government of the Republic of Kenya and expresses its appreciation for the submission of the Third Periodic Report on the status of implementation of the African Charter on the Rights and Welfare of the Child (ACRWC/the Charter), in accordance with its obligations under Article 43 of the Charter. The Committee appreciates the State Party for sending its Delegation for the consideration of the Third Periodic Report during the 47th Ordinary Session held from 17-25 April 2026 in Maseru, Kingdom of Lesotho.
2. During the consideration of the Third Periodic Report, the Committee held a constructive dialogue with the State Party's delegation, led by CPA Carren Ageng'o, Principal Secretary, State Department for Children. The Committee expresses its appreciation to the delegation for its engagement and for the responses provided to the questions raised by Members of the Committee. The dialogue afforded the Committee valuable insight into the measures undertaken by the Government of the Republic of Kenya towards the implementation of the Charter, as well as the challenges encountered in that regard.
3. After careful consideration of the Third Periodic Report of the Republic of Kenya, the written replies to the List of Issues, and the information provided during the constructive dialogue, the Committee has developed and adopted the Concluding Observations and Recommendations set out below. The Committee trusts that these recommendations will further guide and support the State Party in giving full effect to the provisions and spirit of the Charter, and in strengthening its ongoing efforts to promote and protect the rights and welfare of children.

II. PROGRESS IN THE IMPLEMENTATION OF THE CHARTER

4. The Committee commends the Government of the Republic of Kenya for the measures undertaken during the reporting period to strengthen the implementation of the Charter. In particular:
 - The enactment of the Persons with Disabilities Act, 2025;
 - The establishment of the State Department for Children Services under Executive Order No. 1 of 2025 and the recruitment of staff for the National Council for Children's Services;
 - The National Care Reform Strategy for Children in Kenya 2022-2032 and the establishment of the Child Welfare Fund;
 - The increase in the health sector budget in the 2025/2026 financial year;
 - The establishment and operation of Child Protection Units and Gender Justice Courts; and
 - The development of measures to prevent and respond to online child sexual exploitation and abuse, including the National Plan of Action on Online Child Sexual Exploitation and Abuse.

III. FURTHER DEVELOPMENTS, AREAS OF CONCERN AND RECOMMENDATIONS

A. General measures of implementation

Legislative measures

5. The Committee commends the Government of the Republic of Kenya for the enactment and operationalisation of the Children Act and for the development of subsidiary legislation intended to give effect to the Act. However, the Committee notes with concern that several Regulations under the Children Act, including the Children (Adoption) Regulations, the Children (Care and Protection) Regulations, the Children (Foster Care Placement) Regulations and the Children (Child Work) Regulations remain in the process of development. The Committee is concerned that delays in enacting these Regulations may limit the effective implementation of the Children Act. The Committee recommends that the State Party:
 - a) Fast-track the gazettal and implementation of all pending Regulations under the Children Act, particularly those already forwarded to the Office of the Attorney General, and provide a clear timeline for the finalisation of the Children (Child Work) Regulations;
 - b) Provide all relevant institutions with the legal, technical, financial and administrative resources required to implement the Children Act and its subsidiary legislation; and
 - c) Provide, in its next periodic report, the titles, scope, legal status and date of entry into force of all Regulations adopted under the Children Act.

6. The Committee notes the information provided by the Government of the Republic of Kenya that the Chief Justice has formulated Rules to guide judicial processes in children's courts. However, the Committee is concerned that limited information was provided on the legal status, scope, dissemination and practical application of these Rules, including their role in addressing delays in cases involving children. The Committee recommends that the State Party ensure the prompt operationalisation, dissemination and implementation of the Rules governing children's courts, including monitoring child-sensitive procedures, access to remedies for children, and delays in cases involving children to ensure justice is served on time.

Allocation of resources

7. The Committee notes the measures taken by the Government of the Republic of Kenya to allocate resources to child-related sectors and welcomes the increase in certain sectoral allocations. The Committee further recommends the State Party to:
 - a) Increase budgetary allocations for the implementation of children's rights to the maximum extent of available resources and taking into account inflation, child population growth, and children's needs assessments;
 - b) Develop and institutionalise a child-responsive budgeting framework to track allocations, expenditure and outcomes for children across national and county-level institutions;
 - c) Ensure predictable and sustained funding for the implementation of the Children Act, the National Care Reform Strategy, the Child Welfare Fund, Child Protection Units and child protection services; and

- d) Strengthen coordination between national and county governments to ensure that child-related allocations are equitably distributed and responsive to the needs of children.

Data collection

8. The Committee acknowledges the existence of the Child Protection Information Management System (CPIMS), however, the Committee is concerned that the system is not yet fully operational in all counties, and that child-related data remains fragmented across sectors. The Committee is further concerned that inadequate disaggregated data limits evidence-based planning and budgeting. The Committee, therefore, recommends that the State Party:
 - a) Develop and implement a concrete timeline for the nationwide rollout and full operationalisation of the CPIMS;
 - b) Ensure interoperability between CPIMS and other relevant sectoral data systems, including education, health, civil registration, social protection, justice and refugee data systems, while maintaining strong child data protection safeguards;
 - c) Establish common indicators and reporting standards for child-related data across national and county institutions; and
 - d) Ensure that future periodic reports include comprehensive and updated data, disaggregated by age, sex, disability, county, nationality, migration status and other relevant grounds, where applicable.

B. General principles

Non-discrimination

9. The Committee welcomes measures taken by the Government of the Republic of Kenya to support children in marginalised areas, including through school meals and social protection programmes. However, the Committee remains concerned that children in Arid and Semi-Arid Lands (ASAL) counties, informal settlements, rural and border areas continue to face systemic disparities in the enjoyment of their rights. The Committee is further concerned that climate change, insecurity, drought, floods, and displacement continue to deepen children's vulnerabilities in these areas. The Committee recommends that the Government of the Republic of Kenya:
 - a) Adopt measurable equity targets to reduce disparities affecting children in ASAL counties, informal settlements, rural and border areas;
 - b) Prioritise these areas in national and county planning, budgeting and service delivery, including through integrated outreach services;
 - c) Integrate child-sensitive climate resilience and emergency preparedness measures into national and county development plans; and
 - d) Use disaggregated data to identify counties and groups of children facing the greatest exclusion, and prioritise them in budgeting, service delivery and monitoring.
10. The Committee welcomes the constitutional and legislative guarantees prohibiting discrimination and notes with appreciation the enactment of the Persons with Disabilities Act, 2025, including its recognition of albinism as a disability. The

Committee is further concerned that the Witchcraft Act remains under review, despite its relevance to the protection of children with albinism from violence, stigma and harmful practices. This delayed statutory harmonisation hinders the State Party's legal capacity to proactively combat and prosecute ritual-related violence against children with albinism. The Committee recommends that Government of the Republic of Kenya:

- a) Fast-track the finalisation of the review of the Witchcraft Act and ensure that harmful practices, attacks and other violations against children with albinism, and other disabilities are effectively criminalised, investigated and prosecuted; and
- b) Strengthen national and county-level awareness programmes to address stigma, myths and harmful beliefs concerning children with albinism, and other disabilities, including through schools, community health structures, religious and traditional leaders, and child protection actors.

11. The Committee further recommends that the State Party be guided by the Guiding Note on Reporting on the Rights and Welfare of Children with Albinism in Africa in implementing these recommendations and in future Periodic Reports.

Child participation

12. The Committee commends the State Party for involving children in the preparation of its report, including through the Kenya Children's Assembly where more than 350 children were consulted and that measures will be taken to expand participation in future reporting processes. The Committee recommends that the Government of the Republic of Kenya:

- a) Finalise, adopt and disseminate the draft Guidelines for Child Participation, and ensure meaningful consultation with children from diverse backgrounds in the process;
- b) Provide adequate funding for the Kenya Children's Assembly at national, county and sub-county levels;
- c) Ensure that child participation mechanisms are accessible to children with disabilities, children in Arid and Semi-Arid Lands. (ASAL) counties, refugee and asylum-seeking children, children in alternative care, children in street situations and other children in vulnerable situations;
- d) Develop child-friendly versions of key laws, policies, programmes and these Concluding Observations and Recommendations, and translate them into accessible languages and formats; and
- e) Ensure that children receive feedback on how their views have been considered.

13. The Committee further recommends that the Government of the Republic of Kenya be guided by the Guidelines on Child Participation in implementing these recommendations.

C. Civil rights and freedoms

Name, nationality, identity and registration at birth

14. The Committee welcomes the measures taken by the Government of the Republic of Kenya to strengthen birth registration, including through mobile and community-based registration initiatives. However, the Committee is concerned that these measures have not yet reversed the decline in birth registration coverage, which fell from 83.1 per cent in 2021 to 70.4 per cent in 2024, with ASAL counties continuing to record the lowest registration rates, indicating persistent barriers to universal birth registration. The Committee recommends that the Government of the Republic of Kenya:
- a) Ensure immediate, free and universal birth registration for all children, without discrimination;
 - b) Remove practical, financial, documentary and geographic barriers to registration, particularly in counties with the lowest registration rates, including enacting a permanent statutory waiver on late birth registration fines;
 - c) Strengthen mobile and community-based registration services, including through health facilities, schools, local administration structures and community outreach;
 - d) Ensure that lack of birth registration does not prevent children from accessing education, health care, social protection, or child protection services;
 - e) Strengthen safeguards against statelessness, particularly for children of refugees, asylum-seekers, migrants, stateless persons, undocumented parents and children and address persistent delays and additional scrutiny in access to identity documents experienced by historically marginalised communities despite the removal of formal vetting procedures; and
 - f) Collect and report disaggregated data on birth registration, including by age, sex, county, disability, nationality, migration or refugee status and place of residence, and use such data to target counties with the lowest registration rates.
15. The Committee welcomes the amendment of the Births and Deaths Registration Rules to give effect to the Children Act with respect to the registration of intersex children. However, it remains concerned about potential barriers to the effective implementation of these reforms, including limited awareness, inconsistent practices, and challenges in accessing registration services for intersex children. The Committee recommends that the State Party take all necessary measures to ensure the effective implementation of the amended Births and Deaths Registration Rules and the Children Act, including through training of relevant officials, public awareness-raising, and the removal of administrative and other barriers that may impede the timely and non-discriminatory registration of intersex children.
16. The Committee further recommends that the Government of the Republic of Kenya be guided by General Comment No. 2 on Article 6 of ACRWC Right to Birth Registration, Name and Nationality in implementing these recommendations.

Freedom of expression

17. The Committee notes the constitutional protection of freedom of expression. However, the Committee is concerned by reports of restrictions on children's ability to freely express their views and participate in artistic, cultural, and other forms of expression, including reports that students of Butere Girls' High School were prevented from

performing a play during the 2025 Kenya National Drama Festivals, despite a High Court order expressly permitting the performance. The Committee is further concerned by reports that force was used in dispersing persons present at the venue. The Committee recommends that the Government of the Republic of Kenya:

- a) Ensure that children can freely and safely participate in school activities, including drama, arts, cultural activities and other forms of expression, in accordance with the Charter and the best interests of the child;
- b) Provide guidance to schools, education officials and law enforcement actors on respecting children's freedom of expression in educational settings;
- c) Ensure that children are protected from violence, excessive use of force and arbitrary detention when exercising their rights to freedom of expression, peaceful assembly, and participation; and
- d) Investigate the reported disruption of the Butere Girls' High School play and ensure accountability where children's rights were violated;

Right to privacy

18. The Committee welcomes the implementation of the National Plan of Action on Online Child Sexual Exploitation and Abuse and the ongoing review of the Computer Misuse and Cybercrimes Act to strengthen penalties for offences such as cyberbullying and online grooming. However, the Committee is concerned that children continue to face risks in the digital environment, including cyberbullying, online grooming, sexual exploitation, privacy violations, and harmful content, among others. The Committee is further concerned by the disclosure and publication of children's images and personal information by media institutions, public authorities and other actors without adequate safeguards for children's privacy and dignity. The Committee further notes that the operational efficiency of the Industry Guidelines for Child Online Protection remains unverified regarding the penalisation of non-compliant ICT providers. The Committee recommends that the Government of the Republic of Kenya:

- a) Strengthen child-friendly, accessible and confidential reporting mechanisms for online harms;
- b) Conduct sustained digital literacy and online safety programmes for children, parents, caregivers, teachers and community leaders;
- c) Ensure that schools, media institutions, online platforms and public authorities respect children's privacy and dignity, including in the publication of images and personal information; and
- d) Strengthen the capacity of the Office of the Data Protection Commissioner and other relevant institutions to protect children's data and respond to violations affecting children.
- e) Establish and provide transparent tracking mechanisms for mandatory age-verification and 'safety-by-design' infractions.

Prevention of torture, inhuman and degrading treatment

19. The Committee is further concerned by reports that children were exposed to violence, serious injury and, in some cases, loss of life during public protests and demonstrations in 2024, including incidents involving the use of force near or within

school environments. The Committee is particularly concerned that children may be exposed to serious harm during public order operations, including where they are not participating in demonstrations but are present in schools, public spaces or surrounding communities. The Committee recommends that the Government of the Republic of Kenya:

- a) Adopt and enforce child-sensitive protocols for law enforcement officers during protests, demonstrations and public order operations, including specific safeguards for children who are bystanders;
- b) Ensure that schools, childcare institutions and other child-sensitive spaces are protected from the use of force and crowd-control measures, including by incorporating clear provisions to this effect in the draft Demonstrations Bill;
- c) Investigate all allegations of violations against children during protests and ensure accountability, remedies and psychosocial support for affected children; and
- d) Train police and other security actors on children's rights, age assessment, de-escalation and child-sensitive public order management.

20. The Committee notes the Government of the Republic of Kenya's information on positive parenting initiatives. However, the Committee remains concerned about the continued social acceptance of corporal punishment and reports of calls to lift the ban in response to school indiscipline. The Committee is further concerned that corporal punishment and other forms of degrading treatment may persist in homes, alternative care institutions, religious settings, child justice institutions and other settings. The Committee recommends that the Government of the Republic of Kenya:

- a) Ensure the effective prohibition of corporal punishment in all settings, including homes, schools, alternative care institutions, religious settings, child justice institutions and other settings where children are cared for or supervised;
- b) Strengthen the implementation of the National Positive Parenting Programme and ensure its availability at national and county levels;
- c) Train teachers, parents, caregivers, religious and traditional leaders, police officers, children's officers and child protection actors on positive discipline and child safeguarding; and
- d) Strengthen child-friendly reporting and referral mechanisms for children subjected to corporal punishment, abuse, torture or degrading treatment.

D. Family environment and alternative care

21. The Committee commends the Government of the Republic of Kenya for the National Care Reform Strategy for Children in Kenya 2022-2032 and for its commitment to transition from institutional care to family and community-based care. The Committee notes the information that a significant number of children in institutions have living relatives who could care for them with appropriate support. The Committee recommends that the Government of the Republic of Kenya strengthen its efforts to protect and promote family environment and alternative care, and in particular:

- a) Fully operationalise and adequately fund the National Care Reform Strategy for Children in Kenya 2022-2032, with clear implementation targets at national and county levels;

- b) Prioritise measures that prevent unnecessary separation of children from their families, including social protection, parenting support, disability-inclusive family support, community-based child protection and access to basic services;
- c) Strengthen family tracing, reunification and reintegration services, including psychosocial support, legal assistance, case management and post-reintegration follow-up;
- d) Expand, regulate and monitor family-based alternative care options, including kinship care, foster care and domestic adoption, ensuring that all placements are based on the best interests of the child and subject to periodic review;
- e) Ensure that institutional care is used only as a measure of last resort, for the shortest appropriate period, and under adequate regulation, inspection and monitoring.

22. The Committee further recommends that the Government of the Republic of Kenya be guided by General Comment No. 10 on Article 25 on Children Without Parental Care in implementing these recommendations.

E. Basic health and welfare

23. The Committee welcomes the establishment of the Social Health Authority and the Government of the Republic of Kenya's efforts to advance universal health coverage, including through the Social Health Insurance Fund and the review of the health benefit package. The Committee further notes the increase in the national health budget for the 2025/26 financial year and the Government of the Republic of Kenya's measures to improve neonatal care, immunisation, maternal health and access to essential services. However, the Committee remains concerned that barriers to health services persist, including distance, cost, shortages of health personnel, inadequate equipment, limited availability of medicines, delays in health financing, weak referral systems and disparities affecting children in rural, ASAL, informal settlement and refugee-hosting areas. The Committee is further concerned that the health sector allocation remains below the Abuja Declaration benchmark. The Committee recommends that the Government of the Republic of Kenya:

- a) Ensure that the Social Health Authority benefit package adequately covers children's health needs, including neonatal care, immunisation, nutrition, disability-related services, mental health, rehabilitation and chronic care;
- b) Address shortages of health personnel, essential medicines, equipment and child-friendly infrastructure, particularly in rural, ASAL, informal settlement and refugee-hosting counties;
- c) Increase health sector financing towards the Abuja Declaration benchmark and ensure that budget allocations for child health are clearly identifiable and effectively utilised; and
- d) Strengthen mobile, community-based and outreach health services for children in hard-to-reach areas.

24. The Committee welcomes measures taken by the Government of the Republic of Kenya to support adolescent mothers, including school re-entry measures and programmes that combine financial support with social services, psychosocial

support, and stigma reduction. However, the Committee remains concerned about teenage pregnancy and the barriers faced by adolescents in accessing age-appropriate, confidential and adolescent-friendly health information and services. These barriers include stigma, health personnel bias, lack of privacy, distance, cost, uneven county-level implementation and limited access to reliable information. The Committee is further concerned by the severe healthcare vulnerabilities resulting from an extended statutory vacuum and legal ambiguities surrounding emergency reproductive services. The Committee recommends that the Government of the Republic of Kenya:

- a) Strengthen age-appropriate, evidence-based and child-sensitive information on adolescent health, life skills and prevention of teenage pregnancy;
- b) Ensure that adolescents have access to confidential, non-discriminatory, youth-friendly and affordable reproductive health services;
- c) Train health workers, teachers, social workers and community actors to provide adolescent-friendly services in a manner that respects privacy, dignity and the best interests of the child; and
- d) Clarify the status of the Reproductive Health Care Bill, which has remained pending since 2020, and take appropriate measures to strengthen the legal and policy framework for adolescent reproductive health, including standardised administrative and clinical guidelines to public healthcare facilities to ensure that healthcare professionals can deliver safe, comprehensive and adolescent-friendly reproductive health services.

F. Education, leisure, recreation and cultural activities

Education

25. The Committee welcomes the Government of the Republic of Kenya's efforts to strengthen access to education, including the implementation of competency-based education, the Basic Education (Amendment) Bill 2024, the School Connect programme, the provision of digital learning materials, and the expansion of the School Meals Programme. The Committee further welcomes measures to identify and reintegrate out-of-school children. However, the Committee remains concerned about disparities in access to quality education, teacher shortages, infrastructure gaps, delays and inadequacies in capitation, hidden schooling costs, limited WASH facilities, school distance, and digital inequality. Accordingly, the Committee recommends that the Government of the Republic of Kenya:

- a) Expedite the enactment and implementation of the Basic Education (Amendment) Bill 2024, ensuring its full alignment with the Charter;
- b) Recruit, train and retain sufficient qualified teachers, including teachers trained in inclusive education, digital instruction and competency-based pedagogy;
- c) Review the adequacy of capitation grants to reflect inflation, actual school needs and the progressive realisation of free and compulsory basic education;
- d) Regulate and reduce hidden schooling costs, including costs related to uniforms, transport, extracurricular activities and other indirect charges;
- e) Expand school infrastructure, WASH facilities, electricity, safe transport, boarding support and digital connectivity in rural, informal settlement and refugee-hosting areas; and

- f) Strengthen data collection and reporting on enrolment, attendance, transition, completion, dropout, re-entry and learning outcomes, disaggregated by age, sex, disability, county, socio-economic status and migration status.

26. The Committee welcomes the Government of the Republic of Kenya's measures to promote inclusive education, including top-up capitation for learners with special needs, provision of assistive devices and learning materials, and teacher training initiatives. However, the Committee remains concerned that children with disabilities continue to face barriers to education due to inaccessible infrastructure, limited assistive technologies, shortage of specialised teachers, stigma, inadequate assessment and referral systems, and uneven implementation across counties. The Committee recommends that the Government of the Republic of Kenya:

- a) Strengthen implementation of inclusive education across all counties, with clear targets, budgets and monitoring mechanisms;
- b) Ensure that all schools are physically accessible and equipped with disability-inclusive facilities, assistive technologies, accessible learning materials and reasonable accommodation;
- c) Expand teacher training in inclusive education, sign language, braille, disability inclusion and individualised support;
- d) Strengthen early identification, assessment and referral of children with disabilities for appropriate educational support;
- e) Ensure that children with disabilities are progressively supported within inclusive mainstream schools, while ensuring that specialised support remains available where required by the individual needs and best interests of the child; and
- f) Track and report the enrolment, retention, transition, completion and learning outcomes of children with disabilities, disaggregated by type of disability, sex, county and school setting.

27. The Committee welcomes the progressive digital literacy initiatives implemented within primary educational facilities; it expresses concern, however, over the long-term sustainability of technical infrastructure within marginalized, rural, and remote localities. The Committee observes that infrastructure gaps risk exacerbating regional disparities among children, especially in areas with limited access to grid power or telecommunications connectivity. The Committee recommends that the State Party:

- a) Formulate targeted, ring-fenced budgetary allocations to address recurring operational expenditures, including the expansion of electricity infrastructure and stable internet connectivity, particularly within schools in the Arid and Semi-Arid Lands (ASAL) regions;
- b) Enhance multi-sectoral partnerships with non-state actors and telecommunications providers to subsidise data access costs for marginalised educational institutions; and
- c) Strengthen field-level maintenance frameworks and support structures to prevent the operational deterioration of distributed digital learning devices, ensuring equitable development and access to quality education for all children.

28. The Committee further recommends that the Government of the Republic of Kenya be guided by General Comment No. 9 on Article 11 of ACRWC on the Right to Education, in implementing these recommendations.

G. Special protection measures

Children in situations of emergency

29. The Committee commends the Government of the Republic of Kenya for hosting a significant number of refugee and asylum-seeking children and notes the adoption of the Refugees (General) Regulations, 2024, including provisions concerning unaccompanied and separated children. The Committee further notes the Government of the Republic of Kenya's information on measures to address food insecurity and malnutrition among refugee and asylum-seeking children. However, the Committee remains concerned about the impact of reduced humanitarian assistance, overcrowded living conditions, climate related emergencies, and long-term encampment on the rights and welfare of refugee, asylum-seeking and internally displaced children. The Committee recommends that the Government of the Republic of Kenya:

- a) Ensure that refugee, asylum-seeking and internally displaced children have non-discriminatory access to education, health care, nutrition, birth registration, child protection, justice and social protection services, without discrimination;
- b) Accelerate implementation of the Shirika Plan for Refugees and Host Communities in a child-sensitive manner that promotes access to services and socio-economic inclusion; and
- c) Collect and publish disaggregated data on refugee, asylum-seeking and internally displaced children, including by age, sex, disability, location, care status and access to services.
- d) Adopt alternative funding measures to mitigate the impact of reduced humanitarian assistance on refugee, asylum-seeking and internally displaced children

30. The Committee notes that the Government of the Republic of Kenya has adopted climate and environmental governance frameworks. However, the Committee is concerned that the State Party Report provides limited information on how these frameworks address the impact of climate change, climate variability and climate-related hazards on children. The Committee is particularly concerned that children in vulnerable situations are disproportionately affected by extreme weather events, including facing additional effects such as the disruption of education, being displaced, reduced access to basic services, general threats to their survival and development. The Committee recommends that the Government of the Republic of Kenya:

- a) Integrate a child rights-based approach into climate change adaptation, disaster risk reduction, environmental protection and emergency response laws, policies, plans and budgets;
- b) Strengthen child-sensitive early warning systems, preparedness and response to climate-related hazards and disasters; and
- c) Ensure the meaningful participation of children in climate and environmental decision-making processes.

Children in conflict with the law

31. The Committee welcomes the increase in the minimum age of criminal responsibility from 8 to 12 years under the Children Act pursuant to its previous recommendations. However, the Committee remains concerned about delays in child justice proceedings, including reports that some children remain in remand for prolonged periods exceeding the legal limits which was specifically raised during the constructive dialogue. The Committee recommends that the Government of the Republic of Kenya:
- a) Ensure that children are detained only as a measure of last resort and for the shortest appropriate period by developing alternative measures to provide diversion programs, restorative justice, legal aid and community based rehabilitation services;
 - b) Take immediate measures to review all cases of children held in prolonged remand;
 - c) Ensure that all children in conflict with the law have individualised education, rehabilitation and reintegration plans;
 - d) Strengthen diversion, restorative justice, legal aid and community-based alternatives to detention for children in conflict with the law; and
 - e) Ensure that children's courts, probation officers, prosecutors and police officers apply child-sensitive procedures consistently across all counties through continuous training;

Children of incarcerated parents or caregivers

32. The Committee welcomes the Government of the Republic of Kenya's measures to protect children of incarcerated mothers and caregivers. However, the Committee is concerned that implementation gaps persist, including limited day-care centres and child-friendly spaces in prisons, delays in fully implementing the Policy on the Care of Children of Incarcerated Mothers (2022), and insufficient reintegration support for children and caregivers after incarceration. The Committee recommends that the Government of the Republic of Kenya:
- a) Ensure that the best interests of the child are a primary consideration in sentencing decisions involving parents and primary caregivers;
 - b) Prioritise non-custodial measures for pregnant women, breastfeeding mothers and primary caregivers of young children, where consistent with the best interests of the child;
 - c) Fully implement and adequately fund the Policy on the Care of Children of Incarcerated Mothers;
 - d) Take measures to ensure that children are not incarcerated with caregivers by taking all necessary measures. In cases where children are found incarcerated with their caregivers, the Committee recommends that it remains temporary; those children are not kept in regular prisons; and provided with day-care centres, child-friendly spaces, health, nutrition, early childhood development and psychosocial services in all relevant correctional facilities;
 - e) Train prison officers, social workers, probation officers and justice actors on the rights of children of incarcerated parents; and
 - f) Strengthen reintegration, family reunification, counselling and social protection support for children and caregivers after release.

33. The Committee further recommends that the Government of the Republic of Kenya be guided by General Comment No. 1 on Article 30 on Children of Incarcerated Parents and Primary Caregivers, in implementing these recommendations.

Children in situations of exploitation and abuse

34. The Committee notes reported reductions in the number of children engaged in child labour. However, the Committee remains concerned that child labour persists, particularly in agriculture, domestic work, informal work, transport, and extractive industries. The Committee is further concerned by reports of increasing cases of child abduction and trafficking. The Committee recommends that the Government of the Republic of Kenya:

- a) Increase the number and capacity of labour inspectors, with particular attention to formal and informal sectors where child labour is most prevalent;
- b) Strengthen community-based monitoring, reporting, rescue, rehabilitation and reintegration of children affected by child labour;
- c) Expand social protection and livelihood support for families at risk of resorting to child labour;
- d) Collect and report disaggregated data on child labour by age, sex, county, sector, disability and type of work; and
- e) Strengthen measures to prevent, investigate, and respond to child abduction and trafficking

35. The Committee notes the Government of the Republic of Kenya's measures to address substance use among children, including prevention and rehabilitation efforts. However, the Committee notes that children in street situations, children in informal settlements, children in contact with the justice system and children affected by poverty and violence may be at heightened risk of substance use. At the same time, child-sensitive prevention, treatment, rehabilitation and reintegration services remain limited. The Committee, therefore, recommends that the Government of the Republic of Kenya:

- a) Strengthen child-sensitive prevention programmes on substance use in schools, communities and child protection settings;
- b) Ensure that children affected by substance use have access to age-appropriate treatment, rehabilitation, psychosocial support and reintegration services;
- c) Train health workers, social workers, teachers, child protection actors and law enforcement officials on child-sensitive responses to substance use;
- d) Address the social and economic drivers of substance use among children, including poverty, violence, family separation and street situations; and
- e) Strengthen coordination between health, education, justice and child protection systems to identify and support children affected by substance use at an early stage.

36. The Committee welcomes the Government of the Republic of Kenya's legal and policy measures to prevent and respond to violence against children, including the National Prevention and Response Plan on Violence against Children (2019-2023), as well as

working towards fulfilling the commitments made at the 2024 Global Ministerial Conference on Ending Violence Against Children. The Committee also notes the reported decline in some forms of violence against children. However, the Committee remains concerned that violence against children is widespread, with uneven prevention, response, investigation, prosecution and survivor support across counties. The Committee recommends that the Government of the Republic of Kenya:

- a) Strengthen the implementation of national violence prevention and response frameworks through clear budgets, county-level targets and accountability mechanisms;
- b) Strengthen coordination among the State Department for Children Services, National Police Service, Office of the Director of Public Prosecutions, health services, education actors and county governments through a centralised referral and case-tracking system;
- c) Expand access to child-friendly reporting, investigation, medical, psychosocial, legal aid and protection services in all counties, with particular attention to counties where access to specialised services remains limited;
- d) Strengthen investigative and prosecutorial capacity to respond to online child sexual exploitation and abuse; and
- e) Ensure that perpetrators of violence, sexual exploitation and abuse against children are investigated and prosecuted, and that child survivors receive timely remedies and rehabilitation.

37. The Committee further recommends that the Government of the Republic of Kenya be guided by General Comment No. 7 on Article 27 on Sexual Exploitation, and Guidelines on Ending Violence Against Children, in implementing these recommendations.

Harmful social and cultural practices

38. The Committee welcomes the reduction in the national prevalence of female genital mutilation (FGM) to 15 per cent and notes initiatives such as the National Learning Convening on Preventing and Responding to Harmful Practices Affecting Children in Kenya and the My Dear Daughter Campaign. However, the Committee remains concerned that harmful practices persist in several communities, including child marriage, FGM, forced male circumcision, virginity testing, girl-child beading, wife inheritance and ritual cleansing. The Committee recommends that the Government of the Republic of Kenya:

- a) Strengthen enforcement of laws prohibiting harmful practices and ensure that perpetrators are investigated and prosecuted;
- b) Ensure that children affected by harmful practices are treated as survivors and rights-holders, and are not criminalised, stigmatised or excluded from services;
- c) Finalise the review of the Prohibition of Female Genital Mutilation Act in a manner consistent with the Charter and the protection of affected girls;
- d) Increase the scope of efforts to address all harmful practices recognised under the Children Act, including child marriage, FGM, forced male circumcision, virginity testing, girl-child beading, wife inheritance and ritual cleansing;

- e) Strengthen community-based prevention through sustained engagement and awareness raising with children, parents, traditional leaders, religious leaders, teachers, and survivor-led organisations;
- f) Ensure access to medical care, psychosocial support, legal assistance, education re-entry, rehabilitation and reintegration for children affected by harmful practices; and
- g) Address root causes, including poverty, gender inequality, insecurity, displacement, and lack of access to education, among others.

39. The Committee notes the State Party's commitment to review the Prohibition of Female Genital Mutilation Act, 2011. In this regard, the Committee draws the attention of the State Party to concerns arising from the application of Sections 20 and 24 of the Act, particularly where these provisions have been interpreted or applied in a manner that may result in the criminalisation of child survivors. The Committee is concerned that criminal proceedings have, in some instances, been initiated against child survivors for alleged failure to report the practice or for allegedly procuring the practice, despite their age, dependency, vulnerability and possible exposure to coercion. The Committee is further concerned by reports of invasive medical examinations being used to obtain evidence from child survivors, including through standardised medical forms, in a manner that may expose children to secondary victimisation. The Committee recommends that the State Party:

- a) Ensure that the ongoing review of the Prohibition of Female Genital Mutilation Act, 2011, addresses the ambiguous application of Sections 20 and 24 and prevents the criminalisation of child survivors;
- b) Issue comprehensive, child-sensitive and trauma-informed guidelines to ensure that child survivors of FGM are treated as victims and rights-holders, and are not subjected to prosecution or other punitive measures; and
- c) Strengthen access to medical care, psychosocial support, legal assistance, protection and reintegration services for child survivors of FGM.

40. The Committee further recommends that the Government of the Republic of Kenya be guided by General Comment No. 3: Joint General Comment of African Commission on Human and People's Rights (ACHPR) and ACERWC on Ending Child Marriage and General Comment No. 8: Joint General Comment of the ACHPR and the ACERWC on Female Genital Mutilation, in implementing these recommendations.

H. Responsibilities of the child

41. The Committee notes with appreciation the measures taken by the Government of the Republic of Kenya to promote children's awareness of their rights and responsibilities, including through school curriculum and the Kenya Children's Assembly. The Committee encourages the Government of the Republic of Kenya to continue promoting children's understanding of their responsibilities under Article 31 of the Charter, in a manner that is consistent with their age, maturity and evolving capacities. The Committee further recommends that the Government of the Republic of Kenya

be guided by General Comment No. 4 on Article 31 of ACRWC on Responsibilities of the Child, in implementing these recommendations.

IV. CONCLUSION

42. The Committee expresses its sincere appreciation for the Government of the Republic of Kenya's commitment and sustained efforts in implementing the Charter. The Committee remains confident that the Government of the Republic of Kenya will continue to accord due priority to the implementation of the recommendations set out in these Concluding Observations, including through their wide dissemination to relevant institutions and directly to children in child-friendly formats. In this regard, the Committee wishes to inform the Government of the Republic of Kenya that it intends to conduct a follow-up mission to assess progress in implementing these recommendations in the foreseeable future.
43. The Committee further invites the Government of the Republic of Kenya to submit its Fourth Periodic Report by July 2029, in accordance with Article 43 of the Charter. The Committee recommends that the Government of the Republic of Kenya ensure the timely submission of its next periodic report and include detailed information on the implementation of the present Concluding Observations and Recommendations.
44. The African Committee of Experts on the Rights and Welfare of the Child takes this opportunity to renew to the Government of the Republic of Kenya the assurances of its highest consideration.