

<sup>1866</sup> U.S. Embassy- Almaty, *reporting, August 22, 2004.*

<sup>1867</sup> U.S. Embassy- Astana, *reporting, March 7, 2008.*

<sup>1868</sup> U.S. Department of State, "Country Reports- 2007: Kazakhstan," section 5.

<sup>1869</sup> U.S. Embassy- Astana, *reporting, March 7, 2008.*

<sup>1870</sup> *Ibid.*

<sup>1871</sup> U.S. Department of State, "Trafficking in Persons Report- 2007: Kazakhstan." See also U.S. Department of State, "Country Reports- 2007: Kazakhstan," section 5.

<sup>1872</sup> U.S. Department of State, "Kazakhstan," in *Country Reports on Human Rights Practices- 2006*, Washington, DC, March 6, 2007, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2006/78820.htm>.

<sup>1873</sup> UN Committee on the Rights of the Child, *Summary Record of the 1241st Meeting*, May 30, 2007, 2; available

from <http://tb.ohchr.org/default.aspx>. See also ILO-IPEC, *CAR Capacity Building Project, Technical Progress Report, August 31, 2007, 2.*

<sup>1874</sup> U.S. Department of State, *USG Funds Obligated in FY 2007*, [online] February 2008 [cited March 14, 2008]; available from <http://www.state.gov/documents/organization/101403.pdf>. See also USAID, *USAID Programs in Kazakhstan in 2007*; available from <http://centralasia.usaid.gov/page.php?page=article-73>.

<sup>1875</sup> U.S. Department of State, "Country Reports- 2007: Kazakhstan," section 5.

<sup>1876</sup> *Ibid.*

<sup>1877</sup> *Ibid.*

<sup>1878</sup> ILO-IPEC, *CAR Capacity Building Project, Project Document*, vii.

## Kenya

### **Incidence and Nature of Child Labor**

In Kenya, children primarily work in the informal sector.<sup>1879</sup> They work, often with their families, in subsistence and commercial agriculture, on tea, coffee, rice, and sugar plantations.<sup>1880</sup> Children also work in herding and in fisheries. Children also work in domestic service, construction, transport, quarries, and mines, including gold mines.<sup>1881</sup> In urban areas, some street children are children who managed to escape from abusive domestic service situations.<sup>1882</sup>

Children are engaged in commercial sexual exploitation and are reported to engage in prostitution within bars, discos, brothels, massage parlors, and on the streets. While the majority of children exploited in prostitution are between 13 and 17 years, children as young as 9 years are reported to be involved.<sup>1883</sup> Many girls who hawk or beg during the day reportedly engage in prostitution at night. In the agricultural sector, girls are sometimes forced to provide sexual services in order to obtain plantation work. Sudanese and Somali refugee children are also alleged to be involved in prostitution in Kenya.<sup>1884</sup>

The growth of the tourism industry has been accompanied by an increase in children's involvement in prostitution, including in the

coastal towns of Malindi, Mombasa, Kalifi, and Diana.<sup>1885</sup>

The crisis following the December 2007 presidential election has had negative effects on children in Kenya. The Kenyan education system—particularly in the Rift Valley, Nyanza, Western, Coast, and Central regions—suffered from a widespread displacement of students and teachers, and many schools were looted and burned. Several thousand teachers have refused to return to these regions, fearing they will be targeted because of their ethnicity. Many schools have been closed for classes, while others have been converted into centers for internally displaced persons (IDPs). Children themselves have become refugees and IDPs while fleeing the violence with their families, and some have been killed as a result of the violence.<sup>1886</sup>

Within Kenya, children are trafficked from rural to urban areas for forced labor in domestic service, street vending, and for commercial sexual exploitation. Kenya's coastal area is a known destination for trafficked children to be exploited in sex tourism.<sup>1887</sup> Most child trafficking in Kenya occurs mainly through personal and familial networks. Poverty and the death of one or both parents may contribute to a family's decision to

place a child with better-off relatives, friends, or acquaintances, who may end up trafficking and/or exploiting the child.<sup>1888</sup> Orphaned children and street children are at increased risk of being trafficked.<sup>1889</sup>

<i>Selected Statistics and Indicators on Child Labor</i>	
Working children, 5-14 years (%), 2000:	32.5
Working boys, 5-14 years (%), 2000:	34.7
Working girls, 5-14 years (%), 2000:	30.4
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	16
Compulsory education age:	14
Free public education:	Yes*
Gross primary enrollment rate (%), 2005:	108
Net primary enrollment rate (%), 2005:	76
School attendance, children 5-14 years (%), 2000:	74.9
Survival rate to grade 5 (%), 2004:	83
ILO-IPEC participating country:	Yes
*Must pay for miscellaneous school expenses	

### **Child Labor Laws and Enforcement**

The law sets the minimum age for employment at 16 years.<sup>1890</sup> The law on minimum age does not apply to children who work in agriculture or apprenticeships.<sup>1891</sup> However, the law does prohibit all types of child labor that are hazardous, exploitive, or would keep children under 16 years from attending school.<sup>1892</sup> In October 2007, President Kibaki signed five new laws that reform the labor code, including the Employment Act of 2007. The Employment Act defines the worst forms of child labor as “slavery, child prostitution, illicit activities or work likely to injure the health of a juvenile...ages between 16 -18.” The Act also prohibits children from engaging in night work between 6:30 p.m. and 6:30 a.m., and stipulates that children between 13 and 16 years can only engage in light work which is not harmful to their health,

development, or education, unless their work is part of a vocational training program. The new law also provides for fines and up to 1 year imprisonment for employers caught employing a child in any of the activities prohibited by the Act; these fines increase in cases where children are injured or killed while performing one of the prohibited activities, with the law stipulating that a portion of the fines are to be used to benefit the child and/or their immediate family.<sup>1893</sup>

The law prohibits slavery, bonded and forced labor, and servitude.<sup>1894</sup> The law also prohibits rape; defilement; the procurement of girls under 21 years for the purpose of unlawful sexual relations; the commercial sexual exploitation of children; and the transportation of children for sale.<sup>1895</sup> The law also criminalizes the trafficking of children for sexual exploitation, including prostitution, pornography and sex tourism. For child trafficking, the minimum penalty is 10 years of imprisonment plus a fine, and, for trafficking involving sexual exploitation, the minimum penalty is 15 years of imprisonment, a fine, or both.<sup>1896</sup> The law also prohibits children under 18 years from being recruited into the military and holds the Government responsible for protecting, rehabilitating, and reintegrating children involved in armed conflict into society.<sup>1897</sup>

The Ministry of Labor and Human Resource Development is responsible for enforcing child labor laws, but according to USDOS, the Ministry’s enforcement of the minimum age law is limited.<sup>1898</sup>

The police anti-trafficking unit is responsible for combating trafficking, though, according to USDOS, it is not effective.<sup>1899</sup>

In 2007, two children who were trafficked from rural Kenya to Tanzania for agricultural labor were later rescued.<sup>1900</sup> Also in 2007, two men were indicted for allegedly trafficking two Ethiopian children to Kenya for domestic service; these indictments were obtained by a community policing and child protection police unit.<sup>1901</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

The Government of Kenya’s National Development Plan for 2002-2008 recognizes child labor as a

problem and calls for an evaluation of the impact of child labor on the individual and the country, as well as its implications for the quality of the future labor force.<sup>1902</sup> The Ministry of Education indicated in its Gender and Education Policy that it would improve programs to prevent child labor and facilitate child workers' return to school as a means of increasing children's participation and gender equity in primary education.<sup>1903</sup>

The Government provides monthly cash transfers to orphans and very poor parents, whose children engage in agricultural work on plantations and in other sectors, as a means of compensating families for their children's labor. The child's attendance at school is a prerequisite for receiving these financial incentives.<sup>1904</sup> In December 2007, the Ministry of Home Affairs and the Communications Commission of Kenya, with NGO support, launched a hotline that children and adults can use to report cases of child labor and trafficking and receive counseling and referrals for assistance.<sup>1905</sup>

The Government of Kenya continues to participate in a 4-year, USD 5 million Timebound Project on the Elimination of Child Labor funded by USDOL and implemented by ILO-IPEC. The project aims to withdraw 15,000 and prevent 7,000 children from exploitive labor in domestic service, commercial sexual exploitation, commercial and subsistence agriculture, fishing, herding, and informal-sector street work.<sup>1906</sup> In June 2007, the First Lady of Kenya participated in ILO-IPEC's activities that marked the World Day Against Child Labor and delivered an address on the problem which was broadcasted over both national television and radio outlets.<sup>1907</sup> The Government also collaborated with ILO-IPEC on the implementation of two other child labor and education projects, namely a USD 1.15 million regional project to provide skills training to urban youth, funded by the Government of Canada, and a USD 1.79 million inter-regional project addressing child labor through education and training activities, funded by the Government of Norway.<sup>1908</sup>

The Government of Kenya continues to participate in the 4-year Kenya, Uganda, Rwanda, and Ethiopia Together (KURET) project, funded by

USDOL at USD 14.5 million and World Vision at USD 5.8 million. Implemented by World Vision, in partnership with the International Rescue Committee and the Academy for Educational Development, the project aims to withdraw or prevent a total of 30,600 children from exploitive labor in HIV/AIDS-affected areas of these four countries through the provision of educational services.<sup>1909</sup> The Government of Kenya also participated in the Community Based Innovations to Reduce Child Labor through Education (CIRCLE) global project, funded by USDOL at 8.1 million and USAID at USD 500,000 and implemented by Winrock International and various community-based organizations.<sup>1910</sup>

In response to the 2006 joint Government/UNICEF study on commercial sexual exploitation and child sex tourism, the Children's Department worked with NGOs to host several workshops in 2007 to encourage local government officials and stakeholders in the tourism industry to implement the ECPAT Code of Conduct.<sup>1911</sup>

Also in 2007, USDOS awarded a USD 300,000 grant to the American Center for Labor Solidarity for a project to build the capacity of local organizations in Mombasa to combat trafficking in persons and provide services to victims.<sup>1912</sup>

The Government continued to work closely with the IOM on the country's anti-trafficking initiative. In 2007, the National Steering Committee to Combat Human Trafficking established a subcommittee charged with drafting Kenya's National Plan of Action to Combat Trafficking. Kenya's National Police are participating in an East Africa regional anti-trafficking project being implemented by UNODC/INTERPOL that aims to develop a regional anti-trafficking strategy; bring national trafficking legislation in line with the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children; establish offices to combat trafficking; and develop training materials for the police force and prosecutors.<sup>1913</sup> The Ministry of Home Affairs incorporated activities to combat trafficking into its annual work plan in response to the joint Government/UNICEF study on commercial sexual exploitation on Kenya's coast.<sup>1914</sup> Several ministries

continued to implement a trafficking education, awareness, and inspection program for the country's 68 foreign employment agencies.<sup>1915</sup>

<sup>1879</sup> U.S. Department of State, "Kenya," in *Country Reports on Human Rights Practices- 2007*, Washington, DC, March 11, 2008, section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2007>.

<sup>1880</sup> ILO-IPEC, *Supporting the National Plan of Action for the Elimination of Child Labor, Project Document*, vi, 42.

<sup>1881</sup> Ibid. See also U.S. Department of State, "Country Reports- 2007: Kenya," section 6d.

<sup>1882</sup> U.S. Embassy-Nairobi, *reporting*, November 29, 2007.

<sup>1883</sup> ILO-IPEC, *Supporting the National Plan of Action for the Elimination of Child Labor, Project Document*, 42. See also U.S. Embassy- Nairobi official, E-mail communication to USDOL official, August 11, 2006. See also ECPAT International CSEC Database, *Kenya*, accessed December 14, 2007; available from <http://www.ecpat.net>.

<sup>1884</sup> ECPAT International CSEC Database, *Kenya*.

<sup>1885</sup> U.S. Embassy- Nairobi, *reporting*, December 20, 2006. See also Chris Niles, *Report Reveals Kenyan Child Sex Industry of 'Horrific' Magnitude*, [online] [cited April 1, 2007]; available from [http://www.unicef.org/protection/kenya\\_37817.html](http://www.unicef.org/protection/kenya_37817.html). See also U.S. Department of State, "Country Reports- 2007: Kenya," sections 5 and 6d.

<sup>1886</sup> ILO-IPEC, *Supporting the National Plan of Action for the Elimination of the Worst Forms of Child Labour in Kenya*, Technical Progress Report, Geneva, March 7, 2008, 3 and Annex. See also U.S. Embassy- Nairobi official, Email communication to USDOL official, March 19, 2008. See also U.S. Embassy- Nairobi official, E-mail communication to USDOL official, July 15, 2008.

<sup>1887</sup> Solidarity Center, *The Degradation of Work- Trafficking in Persons from a Labor Perspective: The Kenyan Experience*, Washington, DC, October 2007, 9. See also U.S. Department of State, "Kenya (Tier 2 Watch List)," in *Trafficking in Persons Report- 2007*, Washington, DC, June 12, 2007; available from <http://www.state.gov/g/tip/rls/tiprpt/2007/>. See also U.S. Embassy- Nairobi official, E-mail communication, August 11, 2006.

<sup>1888</sup> U.S. Embassy- Nairobi official, E-mail communication, August 11, 2006.

<sup>1889</sup> Solidarity Center, *Trafficking in Persons from Labor Perspective: Kenya*, 15.

<sup>1890</sup> ILO Committee of Experts, *Individual Observation, ILO Convention 138: Kenya*. See also U.S. Department of State, "Country Reports- 2007: Kenya," section 6d.

<sup>1891</sup> U.S. Department of State, "Country Reports- 2007: Kenya," section 6d.

<sup>1892</sup> Ibid. See also ILO NATLEX National Labor Law Database, *Children's Act, 2001 (No. 8 of 2001)*, accessed December 14, 2007; available from [http://www.ilo.org/dyn/natlex/natlex\\_browse.home](http://www.ilo.org/dyn/natlex/natlex_browse.home).

<sup>1893</sup> U.S. Embassy-Nairobi, *reporting*, November 29, 2007.

<sup>1894</sup> Government of Kenya, *The Constitution of Kenya, Revised edition*, (1998), chapter V., article 73; available from <http://kenya.rcbowen.com/constitution/>. See also U.S. Department of State, "Country Reports- 2007: Kenya," section 6c.

<sup>1895</sup> Government of Kenya, *Penal Code*, (1955), section 147; available from <http://209.190.246.239/protectionproject/statutesPDF/Kenya1.pdf> [hard copy on file]. See also U.S. Department of State, "Country Reports- 2007: Kenya," section 5. See also ECPAT International CSEC Database, *Kenya*.

<sup>1896</sup> U.S. Department of State, "Country Reports- 2007: Kenya," section 5. See also U.S. Embassy- Nairobi official, E-mail communication, August 11, 2006.

<sup>1897</sup> Coalition to Stop the Use of Child Soldiers, "Kenya," in *Child Soldiers Global Report 2004*, London, 2004; available from [http://www.child-soldiers.org/document\\_get.php?id=803](http://www.child-soldiers.org/document_get.php?id=803).

<sup>1898</sup> U.S. Department of State, "Country Reports- 2007: Kenya," section 6d. See also U.S. Embassy- Nairobi, *reporting*, September 14, 2005.

<sup>1899</sup> U.S. Department of State, "Country Reports- 2007: Kenya," section 5. See also U.S. Embassy- Nairobi official, Email communication to USDOL official, July 31, 2007.

<sup>1900</sup> U.S. Embassy-Nairobi, *reporting*, November 29, 2007.

<sup>1901</sup> U.S. Department of State, "Trafficking in Persons Report- 2007: Kenya."

<sup>1902</sup> ILO-IPEC, *Prevention, Withdrawal and Rehabilitation of Children Engaged in Hazardous Work in Commercial Agriculture in Kenya, Tanzania, Uganda, Malawi, Zambia*, Technical Progress Report, Geneva, August 29, 2002, 3.

<sup>1903</sup> Ministry of Education, *The Gender and Education Policy 2006*, 20-21.

<sup>1904</sup> Joyce Mulama, "Education-Africa: Spare the Plough, and School the Child", Inter Press Service News Agency (IPS), [online], April 10, 2007 [cited July 28, 2007]; available from <http://www.ipsnews.net/print.asp?idnews=32835>.

<sup>1905</sup> U.S. Embassy-Nairobi, *reporting*, November 29, 2007.

<sup>1906</sup> ILO-IPEC, *Supporting the National Plan of Action for the Elimination of Child Labor, Project Document*, i, 42-44.

<sup>1907</sup> ILO-IPEC, [online] World Day Against Child Labour 12 June 2007- Country Activities: Kenya [cited December 5, 2007]; available from <http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=4299>.

<sup>1908</sup> ILO-IPEC official, E-mail communication to USDOL official, December 12, 2007.

<sup>1909</sup> World Vision, *Kenya, Uganda, Rwanda, and Ethiopia Together (KURET)*, Project Document, July 18, 2005, i, 2, and 9.

<sup>1910</sup> U.S. Department of Labor, *Community Based Innovations to Combat Child Labor through Education I and II (CIRCLE I and II)*, Project Summary, 2008. See also Winrock International, *Project Fact Sheet: Reducing Child Labor through Education (CIRCLE 1)*, [online] [cited October 13, 2006]; available from <http://www.winrock.org/fact/facts.asp?CC=5411&bu=> See also Winrock International, *Project Fact Sheet: Reducing Child Labor through Education (CIRCLE 2)*, [online] [cited December 14, 2007]; available from <http://www.winrock.org/fact/facts.asp?CC=5519&bu=>  
<sup>1911</sup> Integrated Regional Information Networks, "Kenya: Campaign to Stop Violence Against Children",

IRINnews.org, [previously online], July 27, 2006; available from <http://www.irinnews.org/print.asp?ReportID=54844> [hard copy on file].

<sup>1912</sup> U.S. Department of State Office to Monitor and Combat Trafficking in Persons, *USG Funds Obligated in FY 2007 for TIP Projects*, [online], Washington, D.C.; available from [www.state.gov/g/tip/rls/rpt/101295.htm](http://www.state.gov/g/tip/rls/rpt/101295.htm).

<sup>1913</sup> U.S. Embassy-Nairobi, *reporting, November 29, 2007*.

<sup>1914</sup> U.S. Department of State, "Trafficking in Persons Report- 2007: Kenya."

<sup>1915</sup> U.S. Department of State, "Country Reports- 2007: Kenya," section 5.

## Kiribati

### *Selected Statistics and Indicators on Child Labor*<sup>1916</sup>

Gross primary enrollment rate (%), 2005:	112
Net primary enrollment rate (%), 2002:	97

### Incidence and Nature of Child Labor

During the reporting period, crewmembers of foreign fishing vessels continued to engage in commercial sexual exploitation of underage girls.<sup>1917</sup>

### Child Labor Laws and Enforcement

No changes have been recorded regarding child labor laws and enforcement since the last reporting period in Kiribati.\*

### Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Kiribati has developed a National Plan of Action on Child Labor for 2006-2008, but there are concerns that insufficient resources have been allotted to effectively implement the Plan.<sup>1918</sup>

\* Because of extremely limited information, a determination was made that USDOL would publish full reports on 9 countries and 18 territories, including the country or territory covered here, once every 5 years. For this reason, this report includes shortened profiles for these countries and territories, containing only new information published during the reporting period. For extended profiles on these countries and territories, please see *The Department of Labor's 2005 Findings on the Worst Forms of Child Labor*. The next extended profiles on these countries and territories should appear in *The Department of Labor's 2010 Findings on the Worst Forms of Child Labor*.

<sup>1916</sup> For data not cited here, see the Data Sources and Definitions section.

<sup>1917</sup> U.S. Department of State, "Kiribati," in *Trafficking in Persons Report- 2007*, Washington, DC, June 12, 2007; available from <http://www.state.gov/documents/organization/82902.pdf>. See also U.S. Department of State, "Kiribati," in *Country Reports on Human Rights Practices- 2007*, Washington, DC, March 11, 2008, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2007/100523.htm>.

<sup>1918</sup> UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention on the Rights of the Child: Kiribati*, September 29, 2006; available from <http://daccessdds.un.org/doc/UNDOC/GEN/G06/45/2/00/PDF/G0645200.pdf?OpenElement>.