



REPUBLIC OF KENYA

**MINISTRY OF LABOUR AND SOCIAL PROTECTION
STATE DEPARTMENT FOR SOCIAL PROTECTION
OFFICE OF THE PRINCIPAL SECRETARY**

Ref. ML&SP/SP/46/1

16th November, 2020

**OHCHR REPORT TO THE HIGH LEVEL POLITICAL FORUM ON THE SUSTAINABLE
DEVELOPMENT GOALS AND RIGHTS OF THE CHILD-HUMAN RIGHTS COUNCIL
RESOLUTION 37/20 "RIGHTS OF THE CHILD"**

Reference is made to the letter, OHCHR/TBSRPRD/DESIB/HRESIS of 1st October, from the Office of the High Commissioner for Human Rights, requesting for information in relation to;

1. How the rights of the child are being upheld as a priority in our country in the face of the adverse impacts of Covid 19 pandemic on children's rights and implementation of the 2030 Agenda.
2. Particularly noteworthy examples of good practice towards realizing the rights of the child in your country, in relation to sustainable and resilient recovery from the Covid-19 pandemic and the goals under review – including specific laws, policies and action to advance implementation of the CRC.

RESPONSES TO THE ISSUES RAISED

Since 1990 when Kenya became a party to and ratified the United Nations Convention on the Rights of the Child (UNCRC), a lot of efforts have been done in the promotion and protection of children's rights and welfare, by entrenching child rights in the new Constitution, repealing of the Children's Act, in the Vision 2030 and in development of National Plan of Action for children.

The Kenya Constitution was promulgated in 2010, and was a major milestone for the rights of children under Article 53, which recognizes some fundamental safeguards for the rights and welfare of the child, in keeping with the UNCRC, the ACRWC and other international and regional treaties. Under this article, some of these rights safeguards include: name and nationality; free and compulsory basic education; basic nutrition, shelter; health care; protection from abuse, neglect and harmful cultural practices; all forms of violence and inhuman treatment and punishment; and hazardous and exploitative labour.

The enactment of Children Act 2001 led to the incorporation of the provisions of the UNCRC and the African Charter on the Rights and Welfare of the Child (ACRWC) while also taking cognizance of other Human Rights instruments that relate to children. The Children Act of 2001 commits to protect children from violence through the Penal Code, Protection Against Domestic Violence Act 2015 and the Sexual Offences Act 2006, and under the Marriage Act, amongst others. With the dynamic of the changing world resulting to new emerging issues, a new amendment to the Children's Act has been developed in form of Children's Bill 2020.

In regard to the Country's policy framework, Vision 2030 through the Medium-Term Plans includes flagship projects to be undertaken towards the realization of children's rights for national prosperity. The flagship projects have guided the development of a National Plan of Action (NPA) 2015-2022 which covered all the rights in the UNCRC and took into account the World Fit for Children (WFFC) goals. The NPA, is aligned to the Medium-Term Plans with the sole purpose to

strengthen and establish a mechanism for co-ordination, to trigger further allocation of adequate resources to support children rights at both national and local levels. This has witnessed allocation of funds especially to the vulnerable children from families that lost their livelihood due to lockdown and containment put in place due to Covid 19 pandemic.

Kenya has made great strides in an endeavor to fulfill the rights of children in spite of challenges emanating from Covid 19 pandemic. The Government of Kenya has been instrumental in coming up with programmes to caution children from the adverse challenges arising from the containment measures thereof that has resulted to expose them to unintended consequences. Kenya responded quickly to the pandemic, but nevertheless, COVID-19 continues to have devastating repercussions on the education, health, security and protection of children across Africa.

Among the measures undertaken are: -

- Awareness creation on child rights and welfare in 30 counties through the Area Advisory Councils for Children. The Area Advisory Councils consist of relevant government Ministries, key partners and stakeholders working with and for children and have been instrumental at the county, sub-county and ward levels. This has helped in taking the campaign on violence against children to the community level and enhanced prevention and timely response to the violation of children rights and specifically in the time when children are at home due to the Covid-19 pandemic.
- A series of webinars to capacity build 47 County Coordinators for Children Services, 284 Sub county Children officers and partners have been held in collaboration with partner. The overall aim of the webinars was to support the ongoing strengthening of Kenya's social service workforce, with a particular emphasis on the professional practitioners that work to protect and support vulnerable children and families in the context of COVID-19.

- The Ministry of Labour and Social Protection, State Department for Social Protection, constituted a multi-sectoral emergency response team to coordinate and advise the government on response to child protection matters during this pandemic. The response team was charged with the responsibilities of identifying needy vulnerable households, that experienced economic shock due to lockdowns and were put on cash transfer and nutritional support.
- The State Department for Social Protection released children from Statutory Children Institutions and Charitable Children Institutions back to their families with an aim of decongesting the institutions in the plight of Covid 19. As a result, approximately 21000 children were released to their families of origin as well as alternative family care, while approximately 27000 children remained in the institutions.
- The Department of Children Services and the National Council for Children Service in collaboration with partners, developed and disseminated child friendly Child Protection Covid-19 related messages to parents/ caregivers, children in families as well as those in institutions.

The Ministry in collaboration with partners unpacked the United Nations Global Technical Guidance Note on prevention and protection of children during the Covid 19 pandemic. The global guidance notes provided direction on how to contextualize the Covid 19 situation into four themes. The themes include, protecting children in family-based care, protecting children in alternative/residential/institutional care, protecting children connected to the streets, protecting of young adults leaving care and living independently, the gaps, recommendations, responsible person and timeline, current response status in Kenya, identified gaps and the recommended way forward.

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