



**REPUBLIC OF KENYA**  
**MINISTRY OF LABOUR AND SOCIAL PROTECTION**

**KENYA CHILDREN POLICY**

**2025**

## FOREWORD

It is with great pride and a profound sense of responsibility that I introduce the Kenya Children Policy (2025), a vital initiative in our unwavering commitment to safeguard the rights and welfare of our nation's most precious resource—our children. This policy represents a significant milestone achieved through the collaborative efforts of a diverse array of stakeholders, including governmental bodies, civil society organizations, and local communities, all of whom have devoted their time and resources to ensure that every child in Kenya is granted the protection and opportunities they rightfully deserve.

As a country, we acknowledge that the health and development of our children are fundamental to our shared future. Children are not only our most valuable assets but also the leaders of the society we aim to nurture. The challenges they encounter—ranging from poverty and violence to inadequate access to education and healthcare—pose significant threats not just to their individual lives but to the overall fabric of our society. Therefore, it is imperative that we take comprehensive action to confront these issues, ensuring that every child has the chance to thrive and realize their potential.

The Kenya Children Policy (2025) builds on the solid foundation established by the National Children Policy 2010 and incorporates contemporary insights and best practices from around the world. It emphasizes the necessity of a multi-sectoral approach to child welfare, recognizing that the survival, development, protection, and participation of children require a concerted effort from all sectors of society. This policy clearly articulates our vision for a comprehensive, coordinated, and responsive child welfare system that aligns with both our constitutional obligations and our commitments on the international stage.

At the heart of this policy lies the principle of the best interest of the child, which will guide every action related to children. This fundamental principle ensures that children can express their views and participate in decisions that affect their lives. By engaging children in the policymaking process, we not only respect their rights but also empower them to advocate for their own futures.

Article 53 of the Constitution of Kenya, 2010 explicitly provides for the rights of a child, including the right to (a) a name and nationality from birth; (b) free and compulsory basic education; (c) basic nutrition, shelter, and healthcare; (d) protection from abuse, neglect, harmful cultural practices, all forms of violence, inhuman treatment and punishment, and hazardous or exploitative labor; and (e) parental care and protection, which encompasses the equal responsibility of both mother and father to provide for the child, regardless of their marital status.

As we move forward with the implementation of this policy, I call upon all stakeholders— government agencies, non-governmental organizations, community-based organizations, and families—to collaborate in pursuit of its objectives. Together, we can establish a robust framework that addresses the immediate needs of children while investing in their long-term welfare.

Let us unite in our dedication to ensuring that every child in Kenya has access to a safe and nurturing environment that fosters their growth, learning, and play. The Kenya Children Policy (2025) is not merely a document; it is a commitment to our children and a clarion call for collective action.

In closing, I express my heartfelt appreciation to all those who contributed to the creation of this policy. Your commitment and passion for advocating for children's rights instill hope and lay the groundwork for a brighter future for generations to come.

Dr. Alfred Nganga Mutua, EGH  
Cabinet Secretary  
Ministry of Labour and Social Protection

## **PREFACE AND ACKNOWLEDGMENT**

The Kenya Children Policy (2025) stands as a pivotal document that embodies our collective commitment to uphold the rights and welfare of children across our nation. This policy serves not only as a guideline for governmental and non-governmental actors but also as a reflection of our values and aspirations for the future of our children.

Recognizing the unique challenges faced by children in Kenya, this policy seeks to address issues such as poverty, health disparities, educational barriers, and the impacts of violence and abuse. Our aim is to create an environment where every child can flourish, benefiting from their fundamental rights to survival, development, protection, and participation. Through this comprehensive framework, we strive to ensure that no child is left behind, regardless of their circumstances.

This policy has been developed through a robust and inclusive process, incorporating insights from a diverse range of stakeholders, including government departments, civil society organizations, and community groups. By bringing together the collective wisdom and experience of various actors, we have forged a path forward that is both effective and responsive to the needs of children.

I would like to extend my heartfelt gratitude to all the individuals and organizations who contributed to the development of the Kenya Children Policy (2025). The successful culmination of this policy is the result of the tireless efforts and dedication of many, and it is essential to acknowledge their significant contributions.

First and foremost, I would like to recognize the invaluable leadership of the Ministry of

Labour and Social Protection and the State Department for Social Protection and Senior Citizen Affairs. Your unwavering commitment to the welfare of children has been instrumental in driving this process forward.

I also wish to express my sincere appreciation for the substantial participation from various ministries, including the Ministries of Education, Interior and Coordination of

Government Services, Health, and the Office of the Attorney General, alongside the National Treasury and the Directorate of Children Services (DCS). Your collaborative efforts have enriched the policy development process, ensuring a comprehensive approach to child welfare.

Special thanks to the National Council for Persons with Disabilities (NCPWD), the Directorate of Social Development (DSD), Kenya Institute for Public Policy Research and Analysis (KIPPRA) and the Child Welfare Society of Kenya for their contributions, which have further strengthened this policy.

We are deeply grateful for the financial and technical support from our development partners, including UNICEF, Child Fund Kenya, SOS Children Villages Kenya, Plan International, Investing in Children and their Societies (ICS), Mtoto News, Catholic Diocese of Murang'a, Legacy for Children, Lumos Foundation, and International Labour Organization (ILO). Your commitment to child welfare has played a critical role in shaping this policy.

Furthermore, I extend my appreciation to the Technical Working Group under the leadership of the National Council for Children's Services (NCCS) Secretariat. The contributions of the NCCS Board of Directors have been pivotal in guiding the policy development process.

Lastly, I want to convey my profound gratitude to the community and the children of Kenya who took the time to share their insights and experiences during the policy development process. Your voices are crucial, and this policy is a testament to your resilience and aspirations for a brighter future.

Together, we can realize our vision for a safe, nurturing, and empowering environment for every child in Kenya.

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## ACRONYM

Acronym	Meaning
ACRCW	African Charter on the Rights and Welfare of the Child
ACERWC	African Committee of Experts on the Rights and Welfare of the Child
AFHS	Adolescent Friendly Health Services
AHTCPU	Anti Human and Trafficking Child Protection Unit
AHS	Adolescent Health Services
CAC	Children Advisory Committees
CBO	Community-Based Organization
CBE	Curriculum Based Education
CCAC	County Children Advisory Committees
CCI	Charitable Children's Institution
CCTP	Consolidated Cash Transfer Programme
CCUC	Children's Court Users Committees
CEC	County Executive Committee
CEO	Chief Executive Officer
CHVs	Community Health Volunteers
CoG	Council of Governors
CPIMS	Child Protection Information Management System
CPUs	Child Protection Units
CPV	Child Protection Volunteer
CPVs	Child Protection Volunteers
CRB	Civil Registrar of Births
CRC	Convention on the Rights of the Child

CSO	Civil Society Organization
DCS	Directorate of Children Services
DRR	Disaster Risk Reduction
DSA	Directorate of Social Assistance
ECD	Early Childhood Development
ECDE	Early Childhood Development Education
EWS	Early Warning System
FGD	Focus Group Discussion
FGM	Female Genital Mutilation
GBV	Gender-Based Violence
HBCC	Home-Based Child Care
HSNP	Hunger Safety Net Programme
HIV	Human Immunodeficiency Virus
HTS	HIV Testing Services
ILO	International Labour Organization
IPV	Intimate Partner Violence
KDHS	Kenya Demographic Health Survey
KNBS	Kenya National Bureau of Statistics
KPIs	Key Performance Indicators
KENPHIA	Kenya Population-Based HIV Impact Assessment
KFS	Kenya Forestry Service
MCDAs	Ministries Counties Department and Agencies
MIS	Management Information System
MOE	Ministry of Education
MOH	Ministry of Health
M&E	Monitoring and Evaluation



MTF	Medium Term Framework
MTSP	Medium-Term Strategic Plan
NCAJ	National Council for the Administration of Justice
NCCS	National Council for Children's Services
NCWPWD	National Council for persons With Disabilities
NDMA	National Drought Management Authority
NCRS	National Care Reform Strategy
NGO	No Governmental Organization
NHIF	National Health Insurance Fund
NIMES	National Integrated Monitoring and Evaluation System
NPA-OCSEA	National Plan of Action on Online Child Sexual Exploitation Abuse
NPS	National Police Service
OOP	Out-Of-Pocket
OVC	Orphans and Vulnerable Children
PEP	Post Exposure Prophylaxis
PSS	Psychosocial Support
RMNCH	Reproductive, Maternal, Newborn, Child and Adolescent Health
SBFP	School-Based Feeding Program
SGBV	Sexual and Gender-Based Violence
SFRTF	Street Families and Rehabilitation Trust Fund
SSW	Social Service Workforce
STIs	Sexually Transmitted Infections
UNCRC	United Nations Convention on the Rights and Welfare of the Child
UNICEF	United Nations International Children's Emergency Fund
VAC	Violence Against Children
WASH	Water Sanitation and Adequate Hygiene

WFP	World Food Programme
WHO	World Health Organization

## DEFINITION OF TERMS

Term	Definition
Adoption	The process through which a child is permanently placed with a legal parent or parents.
Alternative care	The arrangement whereby a child is cared for at least overnight away from the parental home.
Care Reform	A change process in systems that provide care for children separated from families, focusing on family and community based care.
Centre-Based Child Care	Refers to child care services provided in a dedicated facility designed specifically for caring for children. These centers typically offer structured programs and activities aimed at supporting children's development, learning, and social skills. These facilities often adhere to specific standards for safety, hygiene, and educational practices, ensuring children are cared for in a regulated and nurturing environment.
Charitable Children's Institution	A children's home or institution registered for managing programs for the care, protection, rehabilitation, and reintegration of children.
Child	An individual who has not attained the age of eighteen years.
Child abuse	An act of commission or omission that results in harm to the child physically or virtually.
Child Care Facility	Is a place where children are cared for by trained professionals in a safe and structured environment. These facilities are designed to support the developmental, educational, and social needs of children while their parents or guardians are unavailable, often due to work or other commitments. These include: day care centers, preschools, and after-school programs. They offer age-appropriate activities, meals, and rest periods, and adhere to regulations for safety, cleanliness, and staff qualifications. Some may also provide early learning programs to help children develop cognitive, emotional, and social skills.
Children in contact with the law	Refers to minors who are involved in the legal system either as suspects, offenders, witnesses or victims of crime

Children in conflict with the law	Refers to minor who have been involved in illegal activities (child offenders) either as offenders or alleged perpetrators of criminal acts
Child-Headed Household	<u>A household in which a child or children (typically an older sibling) assumes the primary responsibility for the day-to-day running of the household, providing and caring for those within the household. The children in the household may or may not be related.</u>
Child Labour	Work that is exploitative, hazardous, or inappropriate for a child and places their wellbeing at risk.
Child Welfare Programmes	Accessible services and interventions designed to protect children's rights and welfare within families and communities.
Child welfare schemes	These are government or organizational programs designed to ensure the well-being, safety, and development of children. These schemes aim to protect children from abuse, neglect, exploitation, and poverty, while also promoting their health, education, and overall quality of life.
Child Protection	Measures and structures that prevent and respond to abuse, neglect, exploitation, and violence affecting a child's wellbeing.
Child Protection Unit	A facility located at police stations to provide a safe, nonthreatening environment for a child on a temporary basis.
Child Rescue Center	An institution established for the temporary care of a child in need of protection, excluding remand homes or police stations.
Child Safeguarding	Refers to measures and practices designed to protect children from harm, abuse, exploitation, and neglect. It involves creating safe environments for children, ensuring their rights are respected, and promoting their well-being. Safeguarding is a proactive approach that aims to prevent harm and address risks that could affect a child's physical, emotional, or psychological health.
Child Trafficking	The recruitment, transportation, transfer, harboring, or receipt of a child for the purpose of exploitation.
Children Advisory Committees	Committees established by the council for discharging its functions at devolved levels.
Council	Refers to the National Council for Children's Services.
Custody	Possession, care, and control of a child by law, agreement, or court order.

Daycare	Is a facility or service where parents or guardians can leave their children, usually while they are at work or handling other responsibilities. Day cares provide a safe and nurturing environment for kids, typically focusing on activities that promote learning, socialization, and play
Disability	Any physical, sensory, mental, or psychological impairment that significantly affects an individual's ability to perform daily activities.
Diversion	Interventions and programs designed to divert a child in conflict with the law from the criminal justice system.
Home-based Childcare	Is as a form of child care provided to a group of children, that takes place within the home of the Provider. Home-based childcare centres are informally known as children's day care centres.
Kafaala	According to Islamic law, this is the commitment by a person or family to voluntarily sponsor and care for an orphaned or abandoned child. The individual or family sponsors the child to meet his/ her basic needs for health, education, protection and maintenance. Kafiil refers to an individual who is providing kafaala to a child as defined above. Normally, the kafiil is a Muslim
Radicalization	A process by which a person adopts extreme political, social, or religious views leading to harmful behavior.
Intersex	A congenital condition where a child's biological sex characteristics cannot be exclusively categorized as male or female.
Children's Court	A court designated to deal with children's matters.
Child right	Rights specifically adapted to children, taking into account their fragility and age-appropriate needs.
Confidentiality	The duty to protect privileged information and responsibly share entrusted information.
Continuum of services	Interventions that strengthen families and communities to promote children's rights and mitigate family separation.

## EXECUTIVE SUMMARY

The Kenya Children Policy (2025) provides a comprehensive framework for safeguarding and promoting the rights, welfare, and holistic development of children across the country. Rooted in global, regional, and national legal frameworks, including the United Nations Convention on the Rights of the Child (UNCRC) and the Constitution of Kenya 2010, the policy acknowledges the critical role of the government in ensuring the survival, development, protection, and participation rights of all children.

Globally, children's rights and welfare have gained prominence, with governments acknowledging that children are among the most vulnerable groups in society. Kenya faces several child welfare challenges, including poverty, malnutrition, inadequate access to education and healthcare, exposure to violence, and exploitation. This policy builds on the National Children Policy 2010, which emphasized coordination and integration across various sectors. However, evolving challenges, including digitalization, changing family structures, and emerging forms of violence, necessitate an updated, robust policy response.

The Kenya Children Policy (2025) is structured around four key pillars aligned with the UNCRC:

1. Survival Rights:

- Focuses on the prevention of child mortality and promotion of children's health, nutrition, and well-being.
- Ensures access to basic nutrition, clean water, healthcare, and sanitation to secure children's physical well-being.

2. Developmental Rights:

- Aims to ensure every child's right to education, learning, stimulation, and overall cognitive, emotional, and social development.
- Recognizes the importance of early childhood development, promoting inclusive and equitable education.

### 3. Protection Rights:

- Provides a framework to prevent and respond to violence, abuse, exploitation, neglect, and harmful practices, such as female genital mutilation (FGM), child marriage child labor and digital/technology facilitated abuse..
- Prioritizes family-based and community-based care over institutional care, ensuring children grow up in a nurturing environment when separated from their biological families.

### 4. Participation Rights:

- Emphasizes children's rights to express their views on matters affecting them and to be heard according to their evolving capacities.
- Promotes child participation in decision-making processes, acknowledging their input in shaping policies and programs that affect their lives.

Additionally, this policy addresses system strengthening and safeguarding for children. As a result, this policy aims to achieve the following objectives:

1. Promote the right to life and survival for all children.
2. Provide a holistic approach for development of all children.
3. Establish and operationalize a coordinated framework for prevention and response to abuse and exploitation of children.
4. Strengthen child participation in influencing decisions affecting their lives.
5. Ensure system strengthening for effective service delivery for children
6. Enhance safeguarding for children in all sectors

Hence, the Kenya Children Policy (2025) aligns with key international and regional conventions, charters and treaties, including the UNCRC and the African Charter on the Rights and Welfare of the Child. The policy is anchored in the Constitution of Kenya, particularly Article 53, which enshrines the fundamental rights of children, including the right to education, protection from violence & exploitation, and the right to parental care. It calls for continued alignment of Kenya's legal framework with global standards, ensuring that all laws affecting children are child-centered.

Therefore, the policy underscores the need for multi-sectoral collaboration among government ministries, civil society organizations, and international partners. The National Council for Children's Services (NCCS) is tasked with coordinating efforts across different sectors to ensure the smooth implementation of this policy. Furthermore, the policy emphasizes the role of county governments in delivering decentralized services, ensuring that every child, regardless of their geographic location, has access to essential services.

Moreover, a critical component of the policy is the allocation and safeguarding of financial resources for child-related programs. Sustainable funding will be ensured through government budget allocations, donor contributions, and partnerships with the private sector. To ensure accountability, funding will be tracked, and priority will be given to programs that directly impact children's rights and welfare.

To ensure transparency and accountability a robust Monitoring and Evaluation (M&E) framework will be established to track the implementation of the policy. This will involve setting measurable indicators and regular assessments to evaluate the effectiveness of child-focused programs. The M&E system will be supported by a Management Information System (MIS) that will gather data on child welfare and rights from all stakeholders, providing real-time insights into the success of the policy.

Hence, the implementation of the Kenya Children Policy (2025) will require collaboration across multiple sectors, including health, education, social protection, and justice. The policy encourages a life-cycle approach to child development, recognizing that children's needs evolve as they grow and that timely interventions at critical stages of development are essential. It also stresses the importance of community involvement

and capacity building for all actors involved in child welfare, from government officials to community volunteers.

In summary, the Policy serves as a vital framework for achieving the global, regional, and national commitments related to children's rights and welfare. It emphasizes the importance of a holistic, child-centered approach that addresses children's needs throughout their life cycle. The policy's success will depend on strong leadership, adequate funding, and a commitment to upholding the best interests of every child in Kenya. By safeguarding the rights of children and providing them with the necessary care, protection, and opportunities for development, the Policy aims to build a brighter and more prosperous future for all children.



# Chapter 01

## Introduction

### 1.0 Background

The rights and welfare of children have become a growing concern globally, with their healthy growth and development becoming increasingly essential. Children are particularly vulnerable to issues such as poverty, inadequate healthcare, malnutrition, unsafe water, poor housing, and environmental pollution. Unlike adults, children are still developing, making them more susceptible to these challenges. Evidence from various studies demonstrates that investing in children's rights and welfare has a profound impact on human capital development. Additionally, children's rights are acknowledged as human rights, which are critical for the achievement of the Sustainable Development Goals (SDGs). Consequently, safeguarding children's rights contributes to societal wellbeing and global development targets.

### 1.1 Policy and Legal Framework

Children's rights are upheld through an array of legislative frameworks and instruments at global, regional, and national levels. Globally, these legal frameworks include the United Nations Convention on the Rights of the Child (UNCRC, 1989), the United Nations Convention on the Rights of Persons with Disabilities (UNCRPWD, 2006), the United Nations Guidelines for the Alternative Care of Children (2009), *the ILO Convention concerning Minimum Age for Admission to Employment, 1973* (ILO Minimum Age Convention No. 138) and the SDGs. These frameworks outline fundamental standards for child protection and welfare.

At the regional level, the African Charter on the Rights and Welfare of the Child (1990), Agenda 2040 Africa Fit for Children, and Agenda 2063: The Africa We Want, provide

additional protection for children's rights in Africa, further aligning with global instruments.

Nationally, the Constitution of Kenya 2010 reinforces children's rights in Article 53, ensuring every child has access to basic needs, protection from abuse, and a safe environment. These provisions are further strengthened by specific laws such as the Children Act (Cap 141) Laws of Kenya and subsequent policies aimed at safeguarding children. Kenya has enacted various sector-specific laws, including the Sexual Offenses Act (Cap 63A), Employment Act (Cap 226), Counter Trafficking in Persons Act (Cap 61), and Data Protection Act (Cap 411C), all of which contribute to a comprehensive legal framework for child protection.

Kenya's first Children Policy, launched in 2010, aimed to create an environment conducive to fulfilling children's rights. This policy was part of a broader national and global movement that positioned children's rights as a core component of social development. The Kenya Children Policy (2025) builds on the achievements and challenges identified over the past decade and strengthens service delivery to children in Kenya, with a focus on the four pillars of child rights articulated in the UNCRC: survival, development, protection, and participation and cross-cutting issues on system strengthening and child safeguarding.

## 1.2 Rationale

After more than a decade of implementing the National Children Policy Kenya 2010, a review is necessary to ensure alignment with the Constitution of Kenya and recent legislative developments. Additionally, emerging issues such as digital safety, child radicalization, modern exploitation, and evolving child protection concerns demand updated strategies. This review will ensure that the policy framework remains relevant and effective in safeguarding the welfare of children in Kenya.

## 1.3 Goal

The overarching goal of the Children Policy is to establish a framework that facilitates the development, implementation, coordination, and strengthening of child protection

systems to ensure the wellbeing of every child in Kenya by creating a supportive and nurturing environment.

#### 1.4 Purpose

The purpose of the policy is to guide the conduct of actors in matters relating to children in a coordinated manner for safe, protective and enhanced welfare of children in the country.

#### 1.5 Objectives

1. Promote the right to life and survival for all children.
2. Provide a holistic approach for development of all children.
3. Establish and operationalize a coordinated framework for prevention and response to abuse and exploitation of children.
4. Strengthen child participation in influencing decisions affecting their lives.
5. Ensure system strengthening for effective service delivery for children
6. Enhance safeguarding for children in all sectors

#### 1.6 Policy Directions

The policy directions are fundamental to establishing a child-friendly and secure environment. The policy directions are:

1. Promoting children's rights to life and survival by providing a safe and secure environment.
2. Promote the provision of quality age-appropriate interventions and services for holistic development of children.
3. Coordinate multi-sectoral efforts to prevent and address child abuse and exploitation.
4. Promote child participation.
5. Strengthen systems for efficient delivery of child-friendly and comprehensive services to children.
6. Promote child safeguarding

## 1.7 Guiding Principles

The Kenya Children Policy will be guided by core principles aligned with the Constitution of Kenya and international conventions:

1. **Best Interest of the Child:** The child's best interests will take precedence in all actions, whether by public or private institutions.
2. **Equity, Equality, and Non-discrimination:** All children will be treated equally, irrespective of gender, ethnicity, disability, or socioeconomic status. Additional support will be provided to vulnerable children to ensure equal access to care and protection.
3. **Child Participation:** Children will be given opportunities to express their views and participate in decisions that affect them, according to their evolving capacities.
4. **Family-centered:** A child's upbringing in a secure family environment is fundamental to their development, and this principle supports policies that maintain and protect family structures.
5. **Multi-sectoral Approach:** Collaboration across sectors is essential for addressing children's needs. Implementation will involve national, county, and non-state stakeholders.
6. **Evidence-based:** Policy decisions will be grounded in research and data gathered through ongoing monitoring, evaluation, and learning.
7. **Do No Harm:** Every policy and intervention will prioritize child safety, ensuring that no action or programme puts children at risk.
8. **Innovation:** To ensure the wellbeing of children, innovative strategies will be applied.

## 1.8 Scope

This policy applies to all public and private institutions, as well as non-state actors working with the government, involved in child welfare and protection in Kenya. It applies in all care-giver settings including institutions formal day care centres, home-based Childcare (HBCC) and domestic care. This also include national and county governments, constitutional commissions, State organs, and civil society organizations. The policy provides a unified framework for ensuring the rights and welfare of children in the physical and digital world.

### 1.9 Structure of the Policy

The Kenya Children Policy (2025) is organized into five key chapters, each addressing specific components essential for the promotion and safeguarding of children's rights and welfare. The structure of the policy is as follows:

1. Chapter One - Introduction: This chapter provides an overview of the policy's background, rationale, and guiding principles. It outlines the legal and institutional frameworks that inform the policy, including international, regional, and national commitments. It sets the foundation for understanding the need for comprehensive child protection in Kenya.
2. Chapter Two - Situation Analysis: This chapter presents an in-depth analysis of the current state of children's rights and welfare in Kenya. It identifies the key challenges affecting children, including poverty, health issues, violence, and educational barriers. It also highlights the progress made in various sectors and provides data on the gaps that still need to be addressed.
3. Chapter Three - Policy Statement: This section outlines the core objectives and strategic priorities of the policy. It details the specific interventions required to promote children's survival, development, protection, and participation rights. The chapter also emphasizes the importance of multi-sectoral collaboration in ensuring the successful implementation of the policy.

4. Chapter Four - Implementation Framework: This chapter provides a detailed framework for the execution of the policy. It identifies the roles and responsibilities

of key stakeholders, including government ministries, county governments, civil society organizations, and development partners. The chapter also outlines the financial and human resource commitments needed for effective implementation.

5. Chapter Five - Monitoring and Evaluation: The final chapter focuses on the mechanisms for monitoring and evaluating the progress of the policy. It provides a framework for tracking the achievement of the policy's objectives and outlines key performance indicators. The chapter also discusses the need for continuous review and adaptation to ensure the policy remains relevant and responsive to emerging challenges in the children's sector.

# Chapter Situation Analysis

02



## 2.0 Children's Rights Framework in Kenya

Kenya is a signatory to several international and regional conventions, as well as being a part of global frameworks focused on upholding and protecting the rights of children. At the core of this commitment is the need to provide a nurturing and safe environment for children, ensuring their well-being, development, and participation in society.

Children's rights in Kenya are embedded within the Constitution and are supplemented by laws, regulations, and various policies. These instruments outline essential principles that include the right to life, education, health, protection from abuse, exploitation, and violence, as well as the right to participation.

The Sustainable Development Goals (SDGs) also provide a holistic framework for ensuring the rights of children, particularly through Goal 4 (Quality Education), Goal 5 (Gender Equality), and Goal 16 (Peace, Justice, and Strong Institutions). Additionally, *ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999* (ILO Convention No.182 on Worst Forms of Child Labour) reinforces the protection of children from the worst forms of child labor.

The focus of Kenya's child rights framework is primarily on four major pillars: Survival Rights, Development Rights, Protection Rights, and Participation Rights. These categories collectively encapsulate the nation's commitment to providing an all-rounded approach to child welfare and protection.

### 2.1 Survival Rights

Survival rights pertain to the right to life, basic healthcare, and an adequate standard of living. Kenya, in its pursuit of guaranteeing survival rights for children, focuses on

reducing infant and child mortality rates, improving nutrition, and ensuring access to essential health services.

Kenya's health sector, through various policies and frameworks such as the Kenya Health Policy 2014-2030 and the Kenya Community Health Strategy 202-2025, has made significant strides in child survival. The Constitution guarantees access to healthcare for all children under Article 53, and the government continues to emphasize maternal and child health services. The Kenya Expanded Programme on Immunization (KEPI) and initiatives aimed at reducing malnutrition, such as school feeding programs, play a pivotal role in protecting the survival rights of children.

According to the Kenya Demographic and Health Survey 2022, the under-5 mortality rate is 41 deaths per 1,000 live births, the infant mortality rate was 32 deaths per 1,000 live births, and the neonatal mortality rate was 21 deaths per 1,000 live births. Neonatal deaths account for 66% of infant deaths and 51% of under-5 deaths. Childhood mortality peaked in 2003 and has since declined steadily.

## 2.2 Development Rights

Development rights ensure that children have access to education, information, play, culture, and leisure. In Kenya, the right to education is enshrined in Article 53 of the Constitution, which guarantees free and compulsory basic education for every child. The c (Cap 211) further supports this right by providing a legal framework for ensuring that children benefit from quality education.

The Competency-Based Curriculum (CBC), introduced in 2017, represents a significant reform aimed at aligning Kenya's education system with the dynamic needs of society and equipping children with relevant skills. Additionally, the Sector Policy for Learners and Trainees with Disabilities, 2018 ensures inclusive education for children with disabilities.

### 2.2.1 Child Care

The United Nations Sustainable Development Goal 4.2 aims to ensure that all children have access to quality early childhood development, care and pre-primary education,



in preparation for primary education by 2030. Therefore, it is critical that the Government of Kenya develops a clear and holistic Policy Framework that enables the quality service delivery to all Children across all contexts they find themselves.

In an era of rapid urbanization, growing urban poverty, and the rise of single-headed households, children aged 0-3 are spending the majority of their waking time in childcare, often with non-parental caregivers. A significant policy gap exists concerning the nurturing care for children in these settings. The brain is the foundation for life-long learning, and over 85% of brain development occurs before the age of 3 making these early years a critical time for intervention.

Currimjee, A(2022) Childcare Arrangements for Low-Income Families: Evidence from low-and Middle-Income Countries outlined the wide range of provision models that exist to meet the demand for childcare, and made an important and helpful distinction, between Home-based and Centre-based childcare.

Home-based childcare (HBCC) is a distinct form of childcare defined as a form of child care provided to a group of children, that takes place within the home of the Provider. Home-based childcare centres are informally known as children's day care centres. The definition of a 'Day Care' provided in the Care Reform Strategy aligns closely with this definition, and refers to the "care of a child during the day by a person other than the child's parent(s) or legal guardian. It is an ongoing service during specific periods of time, such as the time when parents are at work. It can be provided in nurseries, crèches or a childcare provider caring for children in their own home."

The prevalence of home-based childcare centres is well documented across rural and urban settings. In Nairobi independent research has found that there are at least 2,700 Childcare providers operating out of single or two-roomed homes, concentrated in informal settlements. Some estimates put the figure at 6,000. Representative purpose sampling targeting 25% of the estimated population of home-based Providers in Mombasa, Murang'a and Kisumu counties also provide reliable and quality data. Data collected in Mombasa found 2,300 home-based childcare Providers, who care for ~9,500 children.

Home-based Childcare Providers are middle-aged, and mostly self-taught on early childhood care and development. They are predominantly women, with the average caregiver being 45 years old. Home-based Childcare Providers care for between 2-9 children in their own homes, which are often in small, shared dwellings, and between 5-10 square metres in urban areas. Under 4% of Home-based Childcare Providers have accessed training or support from government or non-state actors; and 88% desire to be trained on nurturing care.

Home-based childcare services are often preferred because of their accessibility in the community, affordability, flexibility - with respect to operating hours and payment terms - and relatable social norms. Other (centre-based) childcare options - like private creches, playgroups and nurseries, that are either standalone or nested within ECDE centres and religious institutions - are too few and too expensive for the majority of the population.

Several policies have been enacted to address gaps in standards related to pre-primary education, but not daycare centres and other such childcare facilities. There have been no advancements in national standards for Childcare - for centre-based childcare - since the Early Childhood Development Service Standard Guidelines (2006) which provided baseline standards on the establishment, registration, management, and supervision for daycare centres, for children aged 1.5 years and over; and no national standards exist for home-based childcare.

### ***2.2.2 Early childhood development (ECD) and Early Childhood development Education (ECDE)***

Early childhood development encompasses the developmental experiences from 0-8 years characterized by a critical period of 0-3 years of brain development. This phase of education is critical for a child's overall growth, development and preparation for formal schooling. ECD emphasizes on holistic development including cognitive, physical, social and emotional aspects of a child's growth. The goal is to provide the foundation for a lifelong learning.

Enrolment of pupils in pre-primary education increased from 2,738,587 in 2018 to 2,867,865 in 2022, an increase of 4.7%. (Economic Survey 2023). Additionally, ECDE centers increased from 41,779 in 2017 to 46, 530 in 2019 in line with the National Educational Sector Strategic Plan 2018-2022.

Despite the gains, the sub-sector still faces several challenges: marked regional disparities in access to pre-school opportunities; lack of policy establishing a minimum level of funding for Pre-primary; inadequate regulation and enforcement of quality standards; lack of comprehensive system for monitoring children's development across sectors; weak inter-sectoral coordination, which should bring together interventions from key sectors such as health, nutrition, education and social protection for a comprehensive delivery of pre-primary education/child development services ; high turnover of trained teachers and low teacher morale due to inadequate scheme of services; shortage of instructional materials and teacher professional development; and lack of a clear implementation framework between national and county governments, as well as parents, caregivers and personnel capacity.

### ***2.2.3 Special needs education***

Special needs education is a critical aspect in child development. Kenya has made tremendous efforts in improving special needs education. This has led to an increase in special needs education (SNE) institutions from 2,865 primary schools in 2017 to 3,430 in 2019. Similarly, SNE public secondary institutions increased from 106 in 2017 to 114 in 2019.

Enrolment in public SNE primary institutions increased from 108,221 learners in 2017 to 136,081 learners in 2019, an increase of 26%. Enrolment in public secondary institutions increased from 4,019 in 2017 to 4,794 in 2019 an increase of 19%. The increase in institutions has been accompanied by an increase in the number of special needs learners. (Kenya Basic Education Statistical Booklet- 2019).

Kenya's major achievement in special needs education has been the integration of special needs education in primary schools through promoting inclusive education.

However, evidence shows that the distribution of the schools and implementation of inclusive education in particular integrated special needs education in both primary and secondary schools does not meet the demand.

However, the challenge that remains is stigma, many facilities not being disability friendly and lack of disaggregated data on children with disabilities and special needs to inform effective interventions and service delivery to this category of children.

#### ***2.2.4 Primary education***

Kenya has made significant strides in improving access, retention and transition of children in primary schools at all levels. This can be attributed to implementation of free primary education, school feeding programme, sanitary towel provision and improved infrastructure. However, due to the COVID-19 pandemic there was a decrease in the number primary schools from 37,910 in 2018 to 32,469 in 2022. Enrolment declined from 10.54 million in 2018 to 10.36 million in 2022. The ratio of pupils to teacher increased from 49:1 in 2018 to 47:1 as at 2022 (Economic Survey 2023).

Despite the increase in teacher-pupil ratio, inadequate infrastructure has compromised the quality of education and learning. In addition, gender and regional disparities in access and participation in primary education has remained a challenge. Inadequate budget allocation for school feeding program, timely disbursement of capitation per pupil are challenges that need to be addressed by both national and county governments.

#### ***2.2.5 Secondary education***

The government came up with 100 percent transition policy and the guidelines for school re-entry in early learning and basic education in 2013 where all primary school learners are supposed to transition to secondary schools. The policy has seen the number in secondary education increase from 2.942 million in 2018 to 3.838 million in 2022. However, due to the COVID-19 pandemic a number of secondary schools

were closed. In terms of teacher-pupil ratio there has been a decline from 30:1 in 2018 to 31:1 as at 2022(Economic Survey 2023).

Despite the increase in total enrolments in secondary schools, the shortage of places in secondary school to absorb primary school graduates, gender disparities, house hold poverty, regional disparities and failure to have a flexible curriculum to respond to children in hard-to-reach areas and school unrest are major challenges in this level of education.

#### ***2.2.6 non-formal education (NFE)***

Non-formal education targets children's learners of various ages and backgrounds who may have missed or dropped out of formal education as well as those seeking to acquire new skills or knowledge. It plays a crucial role in addressing gaps in education access, and promoting lifelong learning.

Non-formal schools in Kenya are located in urban informal settlements and arid and semi-arid regions. Non-formal school education poses challenges of performance and transition to secondary school due to non-certified and uncoordinated teachers compromising quality education, sub-standard teaching and learning material, lack of clear policy guidelines for the players in the sector, lack of data on NFE pupils and lack of a monitoring and evaluating mechanism.

#### **Digital Learning**

Digital learning is the use of digital technologies and resources to enhance teaching and learning experiences. It encompasses online learning, blended learning (a combination of face-to-face and digital), and the use of educational technologies in classrooms.

In Kenya, efforts to expand access to education, especially digital learning still has a huge gap to fill as it is underdeveloped and unevenly implemented. This was especially exposed during the COVID-19 pandemic which highlighted the urgent need for technology-enabled education systems. During the pandemic, due to safety and health guidelines the world over, children could not attend school physically. Different educational institutions resorted to digital learning to ensure continuity in education.

This was not the case for a lot of children who missed out on learning due to challenges including limited access to devices, poor internet connectivity, digital literacy gaps among teachers and learners, and disparities between urban and rural areas.

In the 21st century, digital learning has become an essential component of quality education, transforming how children access knowledge, develop skills, and engage with the world. The Kenya Constitution, Article 53, guarantees the right to education, and it is imperative that this right evolves to include equitable access to digital learning tools and opportunities. In Kenya, initiatives such as the Digital Literacy Programme (DLP) have laid the groundwork for integrating ICT in education, but gaps remain in equitable access, infrastructure, teacher training, and child safety online.

With the advancement of digital technology, including Artificial Intelligence (AI), this is largely seen as gamechanger especially in education. AI offers a dynamic, more effective and streamlined education process through its personalized learning experiences, automated administrative tasks, real time feedback.

Realizing the power of digital learning and how revolutionary it is in the education sector, especially for children, it is important to acknowledge its role in the development of children. Despite this, there are still challenges that face the incorporation of AI in education. There is still a digital divide when it comes to accessibility of the said technology especially in rural and marginalized communities and those in informal settlements. Digital literacy is also low among the Kenyan population including children, lack of clarity in policy guidelines and unimproved edtech

#### ***2.2.7 Socialization, Parental Care and Access to Information***

Children have a right to accurate and appropriate information for socialization and to prepare them for various challenges in life. Sources of information for children include family members, schools, religious institutions, peers, social media, and electronic and print media.

Positive socialization is a necessity in the overall development of the child. It is enhanced through inculcation of social norms, values and attitudes gained through parenting, peer association and social interactions. Access to accurate and appropriate information supplements the process of socialization and prepares children for various life experiences and challenges.

Parents and families have the most direct and lasting impact on a child's learning and development of social competence. The government has developed programmes and strategies such as the National Positive Parenting Programme and the National Care Reform Strategy among others to empower the families and improve parenting skills that promote parental and alternative family care for children, by encouraging family, kinship, foster care, kafaala, adoption and guardianship.

The breakdown of the African social support system coupled with man-made and natural disasters have led to family disintegration that exposes children to risks. These effects have compromised the quality of parenting, child growth and development. There has been an increase in children living in the streets, child-headed households, children living with elderly caregivers and numerous cases of anti-social behavior in children.

The challenge is the cost of accessing child-friendly content and the emergence of various information sharing platforms that expose children to inappropriate content.

#### ***2.2.8 Leisure, Recreation and Play***

All children including children with disabilities and special needs shall have access to adequate and appropriate leisure, recreation and play for their holistic development for the realization, growth and nurture talents. Every County Government is required to create safe play spaces for children including children with disabilities and special needs. Right to play and the right to a clean environment are provided by both UNCRC and the ACRWC. The Kenya government has made commitments to ensure a clean and sustainable environment to enable children to thrive. Through her commitment to the Paris Agreement the government is working to ensure all Kenyan children are able to optimally develop in a clean and sustainable environment.

#### ***2.2.9 Cultural and Artistic activities***

As children grow, they are entitled to understand and identify with their cultural and artistic activities. It is the duty of the parents, government and other stakeholders to encourage positive cultural and artistic development.

## 2.3 Protection Rights

Kenya has committed to safeguarding children's protection rights by being a signatory to international and regional legal instruments such as the UNCRC, ACRWC, SDGs, and ILO Convention No.182. These frameworks emphasize protecting children from violence, abuse, neglect, exploitation, and harmful practices.

### 2.3.1 Violence Against Children (VAC)

Violence against children is a grave issue in Kenya, with various forms including physical, emotional, and sexual violence. The Kenya Violence Against Children Survey Report, 2019 indicated that nearly half of females (45.9%) and over half of males (56.1%) experienced childhood violence before reaching 18 years. The most common forms of violence include physical violence (often perpetrated by parents or caregivers), sexual violence, and emotional violence.

The VAC Survey Report revealed disturbing figures related to sexual violence, with 14% of girls and 2% of boys aged between 13 and 17 years experiencing sexual abuse. Perpetrators are often close family members or trusted individuals, including caregivers and peers. Emotional violence was found to affect 34% of girls and 32% of boys, while violent discipline (e.g., corporal punishment) remains a widespread form of maltreatment.

### 2.3.2 Harmful Cultural Practices

Kenyan children also face challenges related to harmful cultural practices, including female genital mutilation (FGM) and child marriage. Despite concerted efforts to eliminate FGM, certain communities continue the practice, subjecting girls to severe physical and psychological harm. The Kenya Demographic and Health Survey (KDHS) 2022 indicated a national prevalence rate of 15% for FGM, a decline from 32% in 2003, but significant regional disparities persist. FGM is more common in communities



where education levels are low, with 56.3% of women with no formal education undergoing the practice compared to just 5.9% of women with secondary education or higher.

Child marriages, particularly in rural areas, remain a significant concern. Economic hardships, cultural norms, and weak legal enforcement perpetuate the practice, robbing young girls of their childhood and access to education. This further exacerbates gender disparities, limiting girls' opportunities for economic advancement and leaving them vulnerable to poverty and violence.

### 2.3.3 Teenage Pregnancy

Teenage pregnancy is closely linked to sexual violence, child marriage, and FGM. Teenage mothers often face stigma, social exclusion, and health risks. Drivers of teenage pregnancy include poverty, gender inequality, limited access to sexual and reproductive health information and services, peer pressure, and drug and substance abuse. Moreover, the lack of comprehensive sexual education and inadequate family support contribute to the rising cases of teenage pregnancy.

Preventing teenage pregnancy requires enforcing laws, improving clinical management of sexual violence cases, and providing psycho-social support. Children from broken homes or those who have experienced neglect are particularly vulnerable to becoming teenage parents, creating a cycle of poverty and limited opportunities.

### 2.3.4 Adolescent Mental Health

Mental health issues among adolescents are increasingly becoming a concern. The Kenya National Adolescent Mental Health Survey (K-NAMHS, 2022) reported that 44.3% of adolescents had mental health problems, while 12.2% met the criteria for a mental disorder. Poor mental health in adolescence is associated with substance abuse, teenage pregnancies, school dropouts, and risk-taking behaviors. Adolescents' mental health needs are often overlooked, contributing to long-term consequences that hinder academic and social development.

### 2.3.5 Technology Facilitated Exploitation and Abuse

The rise of digital platforms has introduced new threats, Children are increasingly vulnerable to cyberbullying, online grooming, and sexual exploitation, which not only have immediate emotional and psychological impacts but also hinder their long-term development.

### 2.3.6 Child Protection Mechanisms

Child protection frameworks in Kenya face several challenges, including underfunding and weak coordination structures. Despite having a National Children Policy and Child Protection Volunteers at the grassroots level, enforcement remains inconsistent. Additionally, the National Response Plan on VAC (2019-2023) outlined multi-sectoral efforts to combat violence, but inadequate resources impeded full implementation. Strengthening the capacity of national and county structures and providing adequate operational resources are critical to protecting children.

### 2.3.7 Special Vulnerable Groups

Kenya also faces challenges in addressing the rights and needs of special vulnerable groups, including street connected children, children with albinism, and children of incarcerated parents. 2018 National Census of Street Families report revealed that there were over 46,000 street persons, with nearly one-third being children. Street children are exposed to violence, abuse, and exploitation, often resulting from domestic violence or neglect at home.

The issue of birth registration also impacts children's protection rights. Despite progress, universal birth registration has yet to be achieved, with the current coverage standing at 82.9%. The government has linked birth registration to maternal and child health programs, contributing to a significant increase in birth registration for children under five years. Efforts to ensure non-discriminatory registration of children, including intersex children, are ongoing.

The legal framework and policies in place demonstrate Kenya's commitment to child protection, but continuous improvements are needed to ensure the safety and well-being of all children.

## 2.4 Participation Rights

Participation rights enable children to express their views freely in all matters affecting them and to have their opinions considered according to their age and maturity. “Child Participation” means the informed, voluntary and meaningful involvement of every child including boys, girls and the most marginalized in decisions affecting their lives, at family, community, institutional and government levels, consistent with their evolving capacities.

These rights are crucial in fostering active citizenship and empowering children to influence decisions in their lives and society.

### 2.4.1 Legal and Policy Frameworks for Participation

Child Participation is not only a right but also a pillar of children's rights. It is provided by Article 12 of the UNCRC and Article 31 of the ACRWC. In 2022, the African Union developed Child Participation guidelines to guide member states on child participation. Kenya, 2010, affirms in Article 53 rights to participation, in Section 28 of the Children Act expound this part by providing that every child has the right “to express the views of the child on all matters affecting the child and to have those views given due weight in accordance with the age and maturity of the child.

General Comment 8 of the UNCRC identifies the following to ensure meaningful child participation entails a. Meaningful contributions by children to planning, development and decision-making at individual (child), family, local, national, regional and international levels. b. A shift in power: children become active agents and citizens, extending democratic values without diminishing parental responsibility. c. Provision of safe space for children to exercise freedom of thought, conscience and expression, in tandem with rights to education, health and leisure. d. Harnessing children’s evolving capacities so they influence strategic decision-making appropriately. e. Enabling children to exercise choice in matters deemed suitable to their age and maturity. f. Recognition that children are citizens of today, entitled to dignity, respect and to have their views taken seriously.

Other provision for child participation include The Basic Education Act (Cap 211) and the Public participation act for children to voice their concerns in school governance and within community development forums.

#### National Child Participation Platforms

The government to ensure child participation has established several County and national level child participation platforms

##### iKenya Children's Assemblies

, is a platform created by the Directorate of Children Services children are empowered discuss issues that affect them, including, education, safety, and their environment, while promoting leadership and advocacy skills.

##### The Children School Government

The platform is made of children in formal education system, it brings together student leadership

##### The Devolution Child Participation Platform

The platform is under the Council of Governors and ensure that children voices are recognized in the devolution conversations and decision making.

### 2.4.2 Child Participation in Family and School Settings

In family settings, children's voices are increasingly being recognized in decisions that impact their upbringing, health, and education. Schools also play an important role in promoting child participation, with student councils and clubs providing avenues for children to express their views on matters related to school governance, extracurricular activities, and curriculum delivery. The introduction of the Competency-Based Curriculum (CBC) is one example where children's active involvement in learning and decision-making has been encouraged.

However, despite these advancements, challenges persist in ensuring that children's voices are consistently heard and valued, especially in marginalized communities and rural areas where traditional cultural norms may discourage child participation in decision-making processes.

### 2.4.3 Barriers to Participation

Some of the major barriers to child participation include:

- **Cultural Norms:** Cultural attitudes towards children's voices In many traditional Kenyan communities, discourages children from expressing their opinions, particularly girls, who are discouraged from expressing opinions, as decision-making is seen as the preserve of elders or adults, particularly men. Additionally language as an integral aspect of culture has limited children's ability to participate in vital conversations
- **Socio-economic Factors:** Children from disadvantaged backgrounds, including those from poor households or marginalized communities, may have fewer opportunities to participate in civic life or educational activities that promote their involvement.
- **Disability:** Children with disabilities face additional challenges in exercising their right to participation due to societal stigma, limited access to inclusive education, and lack of assistive technologies that could facilitate their involvement.
- **Limited Awareness:** Both adults and children may lack awareness of children's participation rights. In some cases, children's rights to be heard are not prioritized in family, school, or community settings due to ignorance or societal perceptions.

### 2.4.4 Promoting Child Participation

Various stakeholders, including government agencies, non-governmental organizations, and community leaders, are working to enhance child participation in decision-making. Programs that promote children's empowerment, such as child-friendly governance structures and children's clubs, have emerged as key platforms for children to engage with civic leaders and contribute to the development of policies that affect their lives.

Furthermore, Kenya's commitment to the ACRWC emphasizes the need to involve children in policy formulation and in finding solutions to the challenges they face. Encouraging children to participate not only in governance but also in environmental conservation, health advocacy, and other community development initiatives, is essential for creating a more inclusive and representative society.

#### 2.4.5 Role of Technology in Participation

With the rise of digital technologies and social media, Kenyan children, particularly in urban areas, are increasingly using these platforms to express their views on matters that affect them. Online campaigns, blogs, and social media pages allow children to advocate for their rights, raise awareness about issues such as education, climate change, and violence, and engage in broader discussions that shape public policy. However, online participation also brings challenges such as exposure to cyberbullying and exploitation, highlighting the need for stronger online protection mechanisms.

In conclusion, while significant progress has been made in promoting child participation rights in Kenya, there is still a need for continued efforts to dismantle cultural, socioeconomic, and institutional barriers. Ensuring that all children, regardless of their background or abilities, have meaningful opportunities to express their views and participate in decisions that affect them is crucial for their empowerment and the realization of their full potential.

### 2.5 Gap and Lessons Learned

Based on the provided situation analysis of Kenya's Children's Rights Framework, key gaps and lessons learned can be identified across the major pillars: Survival Rights, Development Rights, and Protection Rights.

#### 2.5.1 Identified Gaps

##### 1. Survival Rights Gaps

- **Regional Disparities in Healthcare Access:** While policies such as the Kenya Health Policy 2014-2030 and the Kenya Community Health Strategy 2020-2025

have improved child survival, there remain significant disparities in access to healthcare services, especially in rural and arid/semi-arid areas.

- **High Malnutrition Rates:** Despite school feeding programs, many children still suffer from malnutrition due to food insecurity, poverty, and inadequate nutrition awareness among caregivers.
- **Burden of Preventable Diseases:** Diseases such as malaria, pneumonia, and diarrheal infections continue to be major causes of child mortality, indicating gaps in preventive healthcare measures, vaccination coverage, and access to clean water and sanitation.
- **Neonatal Mortality:** With neonatal deaths accounting for 66% of infant mortality and 51% of under-five deaths, there is a critical need for improved maternal and newborn healthcare services, including skilled birth attendance and postnatal care.

### 2.5.2 Development Rights Gaps

#### a) Early Childhood Development and Education (ECDE) Gaps

- Lack of guidelines for the regulation of childcare facilities and ECD service providers
- **Regional Disparities in Access:** There are significant disparities in access to ECDE, with rural and marginalized areas having fewer pre-primary schools compared to urban centers.
- **Lack of Policy on Minimum Funding for Pre-Primary Education:** The absence of a standardized policy for funding ECDE affects quality and access.
- **Weak Inter-Sectoral Coordination:** Limited collaboration among sectors (health, education, social protection) hampers comprehensive delivery of early childhood services.
- **High Teacher Turnover and Low Morale:** Poor remuneration and unclear career progression paths lead to frequent teacher turnover.

## b) Special Needs Education (SNE) Gaps

- **Inadequate Schools and Facilities:** Despite an increase in SNE institutions, the demand still surpasses available resources. Many schools lack disability-friendly infrastructure.
- **Stigma and Social Barriers:** Cultural beliefs and social stigma prevent many children with disabilities from accessing education.
- **Lack of Disaggregated Data:** The absence of reliable data on children with disabilities hinders effective planning and resource allocation.

## c) Primary and Secondary Education Gaps

- **Inadequate Infrastructure:** Overcrowded classrooms, inadequate desks, and poor sanitation facilities compromise learning quality.
- **Regional and Gender Disparities:** Girls, particularly in marginalized communities, face barriers to education due to early marriages, cultural practices, and economic challenges.
- **Inconsistent Implementation of School Feeding Programs:** Irregular funding and supply chain challenges limit the program's effectiveness, particularly in food-insecure areas.
- **Limited Adaptability of the Curriculum:** The education system does not fully cater to children in hard-to-reach areas, especially nomadic communities.
- **Transition Challenges:** While the 100% transition policy has improved secondary school enrollment, shortages of school spaces and financial constraints hinder successful transitions.

## d) Non-Formal Education (NFE) Gaps

- **Lack of Recognition and Certification:** NFE students face challenges in transitioning to formal education due to unrecognized qualifications.



- **Poorly Regulated Institutions:** Many NFE centers operate without clear quality control mechanisms, leading to substandard learning conditions.
- **Lack of Data and Monitoring:** The absence of reliable data on NFE learners makes it difficult to plan for their needs.

#### e) Socialization, Parental Care, and Access to Information Gaps

- **Breakdown of Traditional Family Support Systems:** Family disintegration due to socio-economic pressures has led to an increase in street children and child-headed households.
- **Limited Access to Child-Friendly Content:** The high cost of quality educational content and exposure to harmful online material present significant challenges.

### 2.5.3 Protection Rights Gaps

#### a) Violence Against Children (VAC) Gaps

- **High Prevalence of Violence:** The 2019 VAC Report indicates that 45.9% of females and 56.1% of males experience childhood violence, yet reporting and response mechanisms remain weak.
- **Inadequate Psycho-Social Support:** Many survivors of violence lack access to counseling and rehabilitation services.

#### b) Harmful Cultural Practices Gaps

- **Persistence of FGM and Child Marriage:** Despite legal prohibitions, these practices persist in some communities due to deeply entrenched cultural beliefs.
- **Limited Law Enforcement:** Weak enforcement of laws against harmful practices allows perpetrators to continue these violations.

#### c) Teenage Pregnancy Gaps

- **Limited Access to Sexual and Reproductive Health Education:** Many adolescents lack comprehensive information on reproductive health, contributing to high teenage pregnancy rates.

- **Social Stigma and Economic Hardship:** Pregnant teenagers often face discrimination, school dropout, and lack of economic opportunities.

#### d) Adolescent Mental Health Gaps

**Limited Mental Health Services for Adolescents:** Kenya lacks a robust framework for adolescent mental health care, leading to rising cases of depression, anxiety, and substance abuse.

### 2.5.4 Lessons Learned

#### 2.5.4.1 Survival Rights Lessons Learned

- **Investments in Maternal and Child Health Improve Outcomes:** The success of programs such as KEPI in reducing child mortality highlights the importance of sustained healthcare investment.
- **Multi-Sectoral Approaches Yield Better Results:** Combining health, nutrition, and sanitation interventions is key to improving survival outcomes.
- **Community Engagement is Critical:** Locally driven healthcare initiatives help bridge gaps in service delivery.

#### 2.5.4.2 Development Rights Lessons Learned

##### a) ECDE Lessons Learned

- **Early Interventions Enhance Long-Term Learning:** Investing in early childhood education improves lifelong educational outcomes.
- **Teacher Motivation Impacts Quality:** Addressing teacher welfare and professional development enhances ECDE effectiveness.

##### b) Special Needs Education Lessons Learned

- **Inclusive Education Requires Structural Adjustments:** Schools must be equipped with disability-friendly infrastructure and trained personnel.
- **Data-Driven Policies Improve Service Delivery:** Collecting accurate data on children with disabilities leads to better planning and interventions.

### c) Primary and Secondary Education Lessons Learned

- **Free Education Improves Enrolment but Requires Adequate Resources:** While free education policies boost access, infrastructure and teacher capacity must be addressed.
- **Flexible Education Models Enhance Access:** Mobile schools and community learning centers can help reach marginalized children.

### d) Non-Formal Education (NFE) Lessons Learned

- **Recognition of NFE Improves Transition:** Certifying NFE qualifications enhances opportunities for learners.
- **Strong Regulation is needed for Quality Assurance:** Clear policies and monitoring frameworks improve NFE standards.

### e) Socialization, Parental Care, and Access to Information Lessons Learned

- **Parental Involvement is Key to Child Development:** Policies promoting positive parenting strengthen child welfare.
- **Digital Safety Measures Must Be Strengthened:** Educating parents and children on responsible internet use mitigates risks.

## 2.5.4.3 Protection Rights Lessons Learned

### a) Violence Against Children (VAC) Lessons Learned

- **Stronger Legal Enforcement Reduces Violence:** Strict implementation of child protection laws deters offenders.
- **Community Awareness Lowers Incidents of Abuse:** Educating communities about children's rights helps prevent violence.

### b) Harmful Cultural Practices Lessons Learned

- **Education and Economic Empowerment Reduce FGM and Child Marriage:** Educated and economically stable communities are less likely to engage in these practices.

**c) Teenage Pregnancy Lessons Learned**

- **Comprehensive Sexual Education is Essential:** Providing age-appropriate reproductive health education reduces teenage pregnancies.

**d) Adolescent Mental Health Lessons Learned**

- **Mental Health Support Must Be Integrated into Schools:** School-based counseling services improve adolescent mental well-being.

Draft for Public Participation

# Chapter 03

## Policy Statement



### 3.0 Overview

The Kenya Children Policy is founded on the four cardinal rights of a child, as outlined in the United Nations Convention on the Rights of the Child (UNCRC): Survival, Development, Protection, and Participation. These rights serve as the backbone of the policy and guide its objectives, statements, and interventions. The policy seeks to establish a conducive environment where every child in Kenya can enjoy their full rights. To achieve this, the government has laid out clear commitments and innovative strategies that involve multi-sectoral collaboration between public institutions, communities, and families to safeguard and promote children's rights.

#### 3.1 Policy Direction 1: Promoting children rights to Life and Survival by providing a safe and secure environment

##### 3.1.1 Thematic Area 1: Survival

The right to survival focuses on reducing child mortality rates and ensuring that children live a healthy life, growing safely into adulthood. This right underscores the importance of providing children with access to essential healthcare services, including preventive, promotive, curative, and rehabilitative care. For children to thrive, they need access to clean water, nutrition, vaccination programs, maternal health services, and treatment for childhood diseases.

In this regard, the Government has an obligation to ensure that health services are accessible, affordable, and available across all regions, particularly in underserved communities. Beyond healthcare services, survival rights also call for a secure environment, free from threats such as malnutrition, unsafe living conditions, and inadequate medical care. Stakeholders such as families, caregivers, and communities

play a crucial role in supporting the survival of children by fostering a nurturing environment at home.

#### 3.1.1.1 Policy Actions

- Promote access and provision of quality healthcare services: The government will strengthen healthcare infrastructure, ensuring that children receive timely medical attention and preventive care. This includes improving immunization programs, maternal health services, and access to essential medicines.
- Strengthen measures to ensure a safe and secure family environment for all children: Families are the foundation of child survival. The government will support programs that strengthen family units and provide a conducive environment for children to grow up in. This includes addressing institutional care, domestic violence and ensuring adequate housing.
- Promote and protect the right of the child to identity: The right to identity is crucial for ensuring that children can access essential services and claim their rights. The government will ensure that every child is registered at birth, with proper documentation to affirm their nationality.

### 3.2 Policy Direction 2: Promote the provision of quality age-appropriate interventions and services for holistic development of children

#### 3.2.1 Thematic Area 2: Development Rights

Development rights are central to the growth and overall well-being of a child. These rights encompass education, play, leisure, cultural engagement, access to information, social security, and inclusion of children with disabilities. Every child has the right to an education that is not only accessible and affordable but also of high quality, relevant to their developmental needs, and provided in a safe environment.

The process of a child's development begins at conception and continues through to the age of eighteen. During this period, children require nurturing care from parents, caregivers, and society to ensure they can grow, learn, and develop holistically.

### 3.2.1.1 Policy Actions

- Promote holistic Nurturing Care for Early Childhood Development (ECD): Early childhood is a critical period for brain development, laying the foundation for lifelong learning. The government will prioritize nurturing care, including adequate nutrition, good health care, opportunities for early learning, safety and security and emotional support, to ensure children's development is fully supported from infancy. The Government will promote access to quality and accessible early childcare services for children aged 0-3 years. This will be realized through mapping and registering all childcare service delivery provision, development of quality standards and specifications for all types of childcare delivery, designing and implementing supportive quality improvement programmes to support childcare delivery, promoting database of public and civil society resources so that HBCC providers can access vital services to support quality of care for children, development of a framework for the multisectoral coordination and management of childcare service delivery and involving childcare service providers in coordination, policy and planning processes, such as in Children Advisory Committees
- Ensure equitable access to quality education for all children: The government will work towards eliminating barriers to education, including poverty, gender discrimination, and geographic constraints. Special focus will be given to ensuring that children without parental care and those with disabilities have access to inclusive education.
- Promote cultural heritage and diversity: Children should grow up with a sense of belonging to their culture, language, and community. The government will support programs that promote cultural activities and foster an appreciation of Kenya's diverse heritage.
- Promote creativity, play, arts and sports: These activities are vital to a child's emotional and social development. The government will ensure that schools and

communities provide children with opportunities to engage in creative pursuits, sports, and recreational activities.

- Promote access to age-appropriate information and digital literacy program: In a rapidly evolving digital world, children need access to information that is suitable for their age. This will be done through regulating content and providing educational resources that help children navigate the world responsibly.

### 3.3 Policy Direction 3: Coordinate multi-sectoral agencies to prevent and address abuse and exploitation

#### 3.3.1 Thematic Area 3: Protection Rights

Children, particularly those with disabilities or special needs, have the right to protection from any form of violence, abuse, exploitation, or neglect. Protection rights require the creation of a secure environment where children are free from harm, and where proactive measures are taken to prevent physical, sexual, and emotional abuse.

The government, together with civil society organizations, families, and communities, must ensure that comprehensive child protection systems are in place. These systems will focus on addressing child labor, trafficking, sexual abuse, substance abuse, child radicalization and other forms of exploitation. In emergency situations, such as during conflicts or natural disasters, additional measures will be taken to safeguard children.

##### 3.3.1.1 Policy Actions

- Implement measures to prevent and respond to all forms of child abuse and violence against children: The government will strengthen child protection laws, ensure swift prosecution of offenders, and provide rehabilitation services for victims of abuse. Additionally, it will enhance parental and caregiver capacity on child protection by awareness creation and developing training programs to educate parents, guardians, and caregivers on their role in safeguarding children and recognizing signs of abuse or neglect.
- Strengthen preparedness, response and recovery mechanisms for child sensitive emergency and humanitarian interventions: In situations of conflict or disaster, children are among the most vulnerable. The government will develop



contingency plans and offer special protection to children in these situations, including providing shelter, food, and medical care.

### 3.4 Policy Direction 4: Promote child participation

#### 3.4.1 Thematic Area 4: Participation Rights

Participation rights recognize the importance of children being heard and involved in decisions that affect their lives. Too often, children are left out of discussions on matters that directly impact their welfare due to socio-cultural norms. This policy seeks to empower children by ensuring that they have platforms where their voices are heard and their opinions respected.

Meaningful participation allows children to express their views, and it is a fundamental aspect of their development and dignity. The government will work to create environments both at home and in public where children can contribute to discussions about their education, health, and overall well-being.

##### 3.4.1.1 Policy Actions

- Promote and support child participation initiatives: The government will encourage programs where children take the lead in expressing their needs, concerns, and solutions. These initiatives will foster leadership and self-confidence among children.

### 3.5 Policy Direction 5: Strengthen systems for coordination and implementation of efficient delivery of child-friendly and comprehensive services

#### 3.5.1 Thematic Area 5: System Strengthening

System strengthening is critical for the sustainable implementation of child-related policies and programs. It involves enhancing leadership, coordination, and accountability at all levels of government and among various stakeholders. By integrating children's issues into national and local development agendas, the government will ensure that children's welfare remains a priority.

This thematic area focuses on securing buy-in from all relevant sectors and ensuring that children's matters are treated as a core component of national development planning.

Cross-sectoral collaboration, involving health, education, social services, and legal institutions, is essential for a comprehensive approach to child welfare.

#### 3.5.1.1 Policy Actions

- Strengthen leadership and governance structures: The government will establish inter-agency working groups and foster collaboration between governmental, non-governmental, and international organizations to deliver child protection services more efficiently. Additionally, capacity building for law enforcement and judicial systems will be provided by training the police, judiciary officers, and child protection workers on handling child protection cases sensitively and effectively to ensure justice for victims and rehabilitation of offenders.
- Strengthen social service workforce for effective delivery of children services: Continuous training and capacity building will be provided to social workers, healthcare professionals, educators, and law enforcement to improve their ability to address children's needs effectively.
- Increase financing for effective service delivery: Continuous resource mobilization for child protection concerns will be done
- Promote evidence-based planning and programming for children: Data on child welfare and development will be centrally managed to allow for better tracking of progress and identification of gaps in service delivery. Additionally, evidence-based policies and interventions will be developed through continuous data collection, research, and monitoring of child protection practices. Periodic assessments will be conducted to evaluate the effectiveness of interventions and inform policy improvements.

### 3.6 Policy Direction 6: Promote Child Safeguarding

#### 3.6.1 Thematic Area six- Safeguarding Children from Harm

Child safeguarding refers to proactive measures taken to protect children from harm, abuse, neglect, and exploitation in all settings, including homes, schools, institutions, and online platforms. It ensures that children's rights to safety and well-being are upheld through structured interventions, policies, and enforcement mechanisms.

This policy direction seeks to establish and strengthen child safeguarding frameworks to prevent and respond to risks that threaten the safety and dignity of children. The government, in collaboration with families, communities, civil society, and relevant institutions, will work to ensure that safeguarding measures are embedded in all child-centered services, programs, and systems.

A comprehensive safeguarding approach recognizes that all children, regardless of their background or circumstances, deserve protection and that special attention must be given to vulnerable groups such as children with disabilities, orphans, children in conflict with the law, and those living in high-risk environments among others.

#### 3.6.1.1 Policy Actions

- Mainstream safeguarding of children in all sectors and at all levels: The government will review and enforce child protection laws, ensuring alignment with international standards such as the United Nations Convention on the Rights of the Child (UNCRC) and the African Charter on the Rights and Welfare of the Child (ACRWC). Child safeguarding measures in all child-related institutions including schools, religious institutions, Charitable Children Institutions and recreational centers will be required to adopt child safeguarding policies, including the establishment of safeguarding officers and reporting mechanisms.

To ensure safeguarding the government will work with stakeholders to ensure that homes, schools, child care facilities and community spaces are safe for children. Programs will focus on eradicating harmful practices such as child labor, corporal punishment, child marriage, and female genital mutilation. It will also Strengthen child-friendly reporting and response mechanisms: Enhance accessible and confidential reporting systems to enable children to report abuse or neglect without fear of retaliation. Hotlines, child helplines, and digital reporting platforms will be strengthened.

This policy direction reinforces the government's commitment to creating a protective environment for children, where their rights to safety, dignity, and well-being are upheld at all times.

Draft for Public Participation

# Chapter 04 Implementation Framework



## 4.0 Introduction

This chapter provides a comprehensive overview of the mechanisms and structures essential for the implementation of the Kenya Children Policy. It highlights the roles and responsibilities of various stakeholders, the legal and regulatory framework, and the necessary institutional reforms. The chapter is structured to ensure a coordinated, multi-sectoral approach to safeguarding children's rights, emphasizing accountability, shared responsibility, and sustainable resource allocation.

## 4.1 Institutional Framework

### 4.1.1 Coordination Framework and Administrative Mechanisms

Children's issues are inherently multi-sectoral, requiring the collaboration of various governmental and non-governmental entities. The policy emphasizes the need for a coordinated response in the planning and delivery of services. This coordination will be led by the government but must involve a wide range of stakeholders from different sectors, including education, health, justice, social protection, and civil society.

- **Government Leadership:** The government, particularly through the Cabinet Secretary responsible for children matters, will take a leadership role in coordinating the implementation of the policy. This leadership role includes overall guidance, resource mobilization, and ensuring that various sectors are aligned with the policy's goals.
- **Stakeholder Participation:** While the government will lead, ownership of the policy's implementation must be shared among all stakeholders. This includes NGOs, international organizations, community-based organizations, and private sector actors. They are expected to work towards shared goals, contributing

resources, expertise, effort and share information to ensure that the policy is implemented effectively.

- **Collaboration and Accountability:** Collaboration across sectors is crucial for the success of the policy. Different actors must work together to maximize the use of available resources, avoid duplication of efforts, and ensure comprehensive service delivery. In doing so, they will also hold each other accountable, ensuring that all are fulfilling their roles effectively.
- **Technical Support:** The policy implementation will require technical support from specialized agencies, both governmental and non-governmental. This technical support includes research, data collection, monitoring, and evaluation. It will also involve building the capacities of institutions involved in child protection.
- **Accountability Mechanisms:** Stronger accountability measures will be established to ensure that all actors involved in the policy implementation are meeting their obligations. Regular audits, monitoring, and reporting will be integral part of these mechanisms. The National Council for Children's Services (NCCS) will play a central role in overseeing compliance with the policy and coordinating the various actors involved by delegation of the Ministry of Labour and Social Protection.

#### 4.1.2 Stakeholder Accountability

Stronger accountability measures are emphasized to hold role-players responsible for their duties. This will involve tracking the implementation of child-related programs and monitoring compliance with child protection laws and regulations as shown in the figure 1 below.

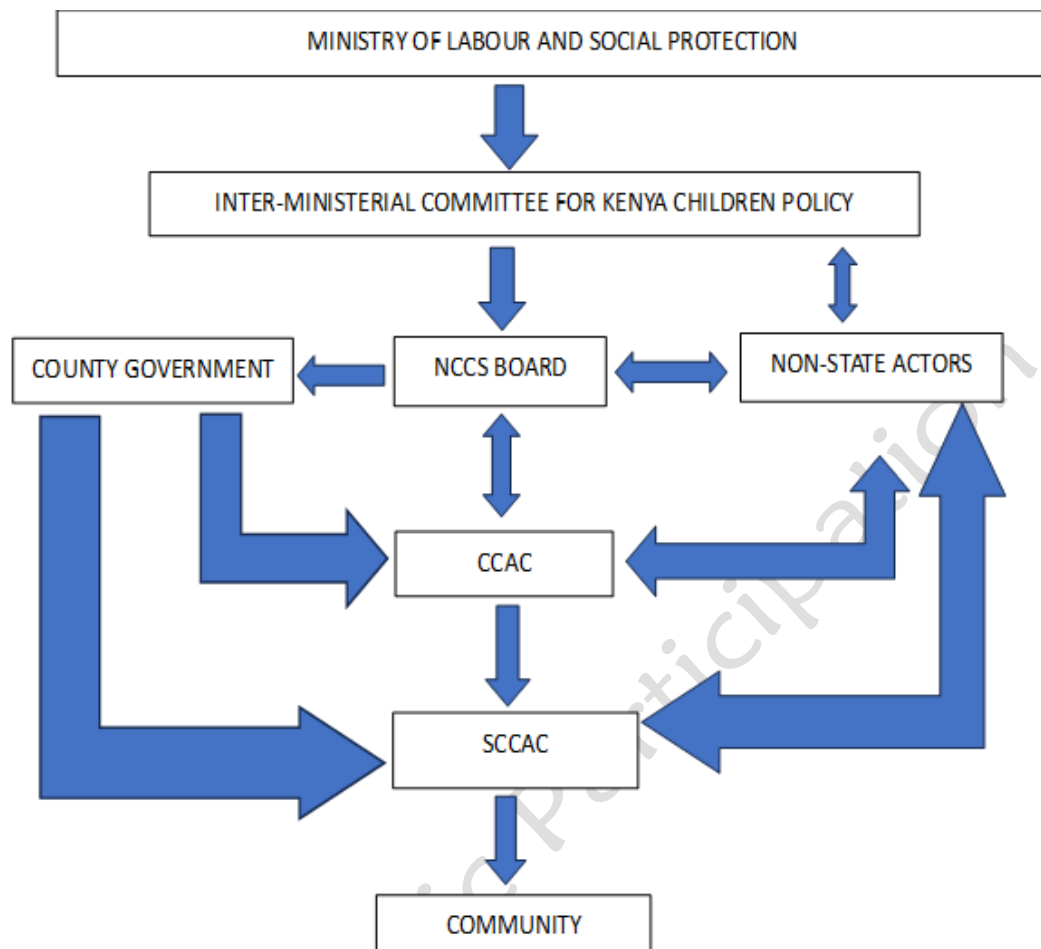


Figure 1: Stakeholder Accountability

#### 4.1.3 Decentralized Implementation at County and Sub- County Levels

In line with Kenya's devolved system of governance, the implementation of the policy will involve county and sub-county levels. County governments will develop county-specific child welfare policies and establish child care facilities, such as Early Childhood Development Education (ECDE) centers. They will also conduct baseline surveys to assess children's issues in their counties and allocate resources for implementing the policy at the local level.

#### 4.1.4 Role of International Agencies

International organizations, such as UNICEF, will play a critical role in supporting the government by providing technical and financial assistance. These agencies will also help in aligning the national policy with international conventions and treaties on

children's rights. They will also align their work with the government policies and guidelines.

## 4.2 Legal and Regulatory Framework

The policy calls for alignment with existing legal frameworks, as well as necessary legal and regulatory reforms to ensure that children's rights are safeguarded. This section outlines the legal basis for the policy, including relevant national laws, international conventions, and proposed legal reforms.

### 4.2.1 International Conventions and Treaties

Kenya is a signatory to several international conventions that protect children's rights. These conventions form part of the country's legal framework and must be implemented alongside national laws.

- **United Nations Convention on the Rights of the Child (UNCRC):** The UNCRC is the most comprehensive international treaty on children's rights. Kenya ratified this convention in 1990, and it forms a cornerstone of the country's child protection framework.
- **African Charter on the Rights and Welfare of the Child (ACRWC):** Kenya is also a party to the ACRWC, which provides additional protections specific to the African context, such as the rights of children in armed conflicts and the rights of children with disabilities.

### 4.2.2 National Legal Framework

The policy is anchored in key national laws that safeguard children's rights, including the Constitution of Kenya, the Children Act (Cap 141), and other sector-specific legislation. These laws provide the foundation for protecting children from abuse, exploitation, and neglect and ensuring access to essential services such as healthcare, education, and justice.

- **The Constitution of Kenya 2010:** The Constitution enshrines children's rights in the Bill of Rights, specifically Article 53, which guarantees every child's right to education, healthcare, nutrition, shelter, and protection from abuse.



- **Other Relevant Legislation:** Various other laws, include, the Sexual Offences Act (Cap 63A), Basic Education Act (Cap 211), and the Counter-Trafficking in Persons Act (Cap 61), contribute to protecting children from specific risks and ensuring their welfare.

#### 4.2.3 Legal Reforms and Legislative Proposals

To fully implement the Kenya Children Policy, several legal reforms are required. These include: reviewing of the Health Act (Cap 241) to provide for the provision of free medical care services to all children with disabilities.

### 4.3 Funding Arrangements

The successful implementation of the Kenya Children Policy will depend heavily on sustainable and adequate funding. This section outlines the various funding sources and proposes mechanisms to ensure that sufficient resources are allocated for child protection services.

#### 4.3.1 Government Budget Allocations

The primary source of funding for the policy will be the national and county governments. The Cabinet Secretary responsible for children matters will be tasked with mobilizing resources from the national budget to ensure that the policy is adequately funded. This includes increasing allocations to child welfare services, education, healthcare, and the justice system to meet the policy's objectives.

#### 4.3.2 Donor and Development Partner Contributions

Development partners, including international organizations and other donor agencies, will provide financial and technical assistance. These funds will be directed towards specific areas such as education, healthcare, and legal reforms that are critical for safeguarding children's rights.

#### 4.3.3 Public-Private Partnerships (PPPs)

The policy encourages the formation of public-private partnerships to mobilize additional resources. Private sector organizations will be invited to contribute through corporate social responsibility initiatives and partnerships aimed at improving child

welfare services, such as building child care facilities and providing scholarships for vulnerable children.

#### 4.3.4 Establishment of a Child Welfare Fund

Child Welfare Fund will be established to pool resources from various sources, including government allocations, donor funding, and private sector contributions. This fund will ensure that there is a steady stream of financial support for implementing some of the policy's directions including that address needs of children at risk of separation and have been separated from their biological families.

#### 4.3.5 Monitoring and Accountability of Funding

A robust financial management system will be established to ensure transparency and accountability in the use of funds. The National Treasury and Economic Planning and the Ministry of Labour and Social Protection will develop a framework for tracking the use of funds allocated for child welfare programs. Regular audits and public reporting on the use of these funds will be required to prevent misappropriation and ensure that resources reach the intended beneficiaries.

#### 4.3.6 Resource Mobilization from Communities

Local communities will be encouraged to participate in resource mobilization efforts, such as through community-based child welfare programs. These programs can raise funds locally to support initiatives aimed at improving the well-being of children within the community, including health and education projects.

#### 4.4.3 Data Collection and Analysis

Reliable data on children's welfare will be collected regularly and analyzed to inform decision-making. This includes data on education, healthcare, child protection services, and legal outcomes. The Ministry of Labour and Social Protection will play a key role in maintaining up-to-date records on children's services and sharing this data with relevant stakeholders.


#### 4.4.4 Periodic Reviews and Policy Adjustments

The policy will undergo periodic reviews to assess its effectiveness and make necessary adjustments. These reviews will be based on the findings from the M&E framework and will involve consultations with all stakeholders, including children themselves, to ensure that the policy remains relevant and effective.

Draft for Public Participation

# Chapter 05

## Monitoring Evaluation



### 5.0 Introduction

This chapter provides a detailed framework for the monitoring, evaluation, and learning mechanisms critical to the successful implementation of the Kenya Children Policy. It aligns with the government's guideline on monitoring and evaluation by detailing how the policy's implementation will be tracked, assessed, reported, and improved based on ongoing lessons. It includes mechanisms to ensure accountability, resource allocation, and policy adaptation in response to emerging challenges and opportunities.

### 5.1 Overview

The Monitoring and Evaluation (M&E) framework aims to promote and strengthen coordinated, multi-sectoral joint reporting, review, and learning processes for the Kenya Children Policy. It will monitor both the processes and outcomes of the policy through an integrated approach, ensuring accountability for progress against the policy's agreed objectives.

At the national level, the National Council for Children's Services (NCCS) will lead the M&E process, ensuring alignment with the National Integrated Monitoring & Evaluation System (NIMES). The M&E process will be implemented at both policy and operational levels, utilizing government structures and coordination mechanisms.

A strong monitoring, evaluation, and reporting framework is critical for assessing the effectiveness of the policy's implementation. This section outlines the systems and processes that will be used to monitor the policy's progress and ensure continuous improvement.

The Ministry of Labour and Social Protection will develop a comprehensive monitoring and evaluation framework to track the implementation of the policy.

This framework will include key performance indicators (KPIs) that measure progress across all sectors involved in child welfare. Regular monitoring reports will be submitted to the Cabinet Secretary responsible for children matters, highlighting successes, challenges, and areas for improvement.

All stakeholders, including government agencies, development partners, and civil society organizations, will be involved in the monitoring and evaluation process. This collaboration will ensure that data is collected from multiple sources, providing a holistic view of the policy's impact.

## 5.2 Policy Stakeholders and Their Roles

A successful M&E framework requires clear delineation of roles and responsibilities among stakeholders. The following entities are key to implementing the policy's M&E framework:

- National Council for Children's Services (NCCS): Responsible for leading, designing and implementing the M&E framework, conducting research, managing the national data system on children, and ensuring stakeholder alignment.
- State Department for Planning: Responsible for aligning the M&E process with NIMES, ensuring national-level coordination of the monitoring framework.
- County Governments: Responsible for tracking child-related indicators at the county level and submitting data to the NCCS.
- Non-governmental Organizations (NGOs) and Civil Society Organizations (CSOs): Contribute data on child welfare programs, provide field-level insights, and participate in joint stakeholder reviews.
- Development Partners: Provide technical and financial support for M&E activities, offer external assessments, and align international best practices with the local M&E framework.

- **Communities and Children:** Local communities, including children, will participate in monitoring outcomes and providing feedback through participatory M&E approaches.

### 5.3 Monitoring Questions

The monitoring phase will focus on assessing the ongoing implementation process to ensure alignment with the policy's objectives. Key questions to guide monitoring activities include:

- Are the agreed-upon policy activities being implemented as planned?
- Are resources being allocated efficiently to achieve the policy's objectives?
- Are child protection services and programs being delivered in a timely and effective manner?
- What challenges are hindering progress, and how can they be addressed?
- How are stakeholders collaborating to ensure coordinated and comprehensive service delivery?

### 5.4 Indicators and Data Sources

The M&E framework will rely on key indicators that measure both outputs and outcomes of the policy implementation. These indicators will be aligned with national targets for child protection, welfare, and rights.

#### 5.4.1 Suggested Key Indicators

- **Child Protection:** Number of cases of child abuse reported, prosecuted, and successfully resolved; reduction in child trafficking.
- **Health Outcomes:** Reduction in childhood malnutrition, improved immunization coverage, and access to healthcare for children.
- **Education Access:** Enrolment rates in Early Childhood Development Education (ECDE), retention rates in primary and secondary schools.

- Social Welfare: Number of children receiving social protection services, access to shelter and care for orphans and vulnerable children (OVC).

#### 5.4.2 Data Sources

- National statistics from government ministries (e.g., education, health).
- Reports from NGOs, CSOs, and community-based organizations.
- School records, health center records, and social welfare programs.
- National Integrated Children Database, developed as part of the policy.

### 5.5 Data Collection Methods and Tools

To capture accurate and reliable data, the M&E framework will utilize various data collection methods and tools, both quantitative and qualitative. This will ensure comprehensive coverage of all aspects of the policy's implementation.

#### 5.5.1 Suggested Data Collection Methods

- Surveys and Questionnaires: Distributed to government agencies, NGOs, schools, and healthcare centers to capture quantitative data on child welfare indicators.
- Focus Group Discussions (FGDs): Conducted with community members, children, and service providers to gather qualitative insights on challenges, success stories, and areas needing improvement.
- Administrative Data: Records from public and private institutions providing child protection services, education, and healthcare.
- Field Monitoring Visits: On-site visits by M&E teams to assess the quality and progress of service delivery in real-time.

#### 5.5.2 Tools

- Mobile Data Collection Applications: To facilitate real-time data entry and tracking at county and national levels.
- Management Information Systems (MIS): Integrated databases and platforms for storing, analyzing, and reporting data from various sectors.

## 5.6 Roles and Responsibilities for Data Collection and Analysis

Responsibility for data collection, analysis, and reporting will be distributed among various actors in line with their sectoral mandates:

- The Ministry of Labour and Social Protection: Overall responsibility for overseeing the M&E framework, including data collection, validation, and analysis at the national level.
- County Governments: Responsible for gathering data at local levels and feeding it into the national system.
- Line Ministries (Health, Education, Social Services): Collect sector-specific data and submit reports to the NCCS for integrated analysis.
- NGOs and Development Partners: Support data collection in specific areas, particularly in hard-to-reach regions or sectors with limited government presence.
- National Treasury and Planning: Responsible for providing budgetary allocations

### 5.6.1 Timelines

Data will be collected on a regular basis, with key reporting periods identified as:

- Quarterly: Data quality assessments, preliminary analysis, and reporting to stakeholders.
- Annual: Comprehensive data reviews, policy progress evaluations, and adjustments.
- Mid-term (every five years): In-depth analysis of outcomes and re-calibration of the policy implementation strategy.



- Final Review (every ten years): Comprehensive evaluation of policy effectiveness, achievements, and shortcomings.

## 5.7 Evaluation Questions and Methods

Evaluation will focus on assessing the overall outcomes and impacts of the policy on children's rights, welfare, and protection. The following evaluation questions will guide the process:

### 1. Promote the right to life and survival for all children

- What measures have been implemented to improve child survival rates?
- How accessible are healthcare services (e.g., immunization, nutrition, maternal health) to children in different regions?
- What are the trends in child mortality rates over the evaluation period?
- To what extent have government and community interventions reduced malnutrition and preventable childhood diseases?
- How effective have awareness campaigns been in educating caregivers on child survival needs?

### 2. Provide a holistic approach for the development of all children

- How equitable is access to quality early childhood development (ECD) programs?
- What progress has been made in improving access to education, play, and cultural activities for children?
- How effective are existing programs in addressing developmental needs for children with disabilities?
- What impact have digital literacy and access to information initiatives had on children's development?
- How well are families and communities integrated into child development programs?

### 3. Establish and operationalize a coordinated framework for prevention and response to abuse and exploitation of children

- What mechanisms are in place to prevent child abuse, exploitation, and neglect?
- How effective are the reporting and response systems for child abuse cases?
- What role do multi-sectoral partnerships (government, NGOs, community organizations) play in child protection?
- How accessible are child protection services to victims of abuse and exploitation?
- What are the key challenges in implementing child protection frameworks?

#### **4. Strengthen child participation in influencing decisions affecting their lives**

- What platforms exist for children to express their views and participate in decision-making?
- How effective are child-led participation initiatives in shaping policies and programs?
- Are children's views taken into account in matters affecting their education, health, and protection?
- What barriers hinder children's meaningful participation in decision-making processes?
- What strategies have been implemented to foster a culture of child participation at community and national levels?

#### **5. Ensure system strengthening for effective service delivery for children**

- How well are child-focused policies integrated into national and local development plans?
- What progress has been made in strengthening coordination between government agencies, NGOs, and service providers?
- How effective are capacity-building initiatives for child service providers (e.g., social workers, healthcare professionals, educators)?
- What financial and human resources have been allocated to child-focused programs, and how efficiently are they utilized?

- How is data on children's welfare being collected, analyzed, and used for evidence-based planning?

## 6. Enhance safeguarding for children in all sectors

- How well are child safeguarding policies implemented across different sectors (education, health, social services, ICT, etc.)?
- What are the existing legal and institutional frameworks for child safeguarding, and how effectively are they enforced?
- How do child protection measures address emerging risks such as cyber threats and online exploitation?
- How are communities and families supported to uphold child safeguarding principles?
- What are the key gaps and challenges in child safeguarding efforts, and what solutions have been proposed?

### 5.7.1 Evaluation Methods

- Impact Evaluation: Assessing long-term effects of the policy on children's outcomes, such as health, education, and protection.
- Process Evaluation: Examining the efficiency of policy implementation, focusing on operational challenges and administrative bottlenecks.
- Cost-Benefit Analysis: Evaluating the cost-effectiveness of various child welfare programs and identifying areas for optimization.

Comparative Analysis: Comparing progress against baseline data and international best practices to determine where Kenya stands in child protection and welfare.

## 5.8 Reporting System, Utilization, and Dissemination of Results

An effective reporting system is key to ensuring that the results of the M&E activities are communicated to all stakeholders and used to inform decision-making.

- Reporting Frequency: Reports will be generated quarterly, annually, and at midterm reviews. Real-time updates on critical indicators will be made available through the National Child Information System.

- Report Types:
  - Progress Reports: Quarterly reports outlining achievements, challenges, and planned interventions for the next period.
  - Annual Reports: Comprehensive documentation of policy progress, resource use, and outcomes.
  - Mid-term and Final Reviews: Detailed evaluations of policy effectiveness, lessons learned, recommendations and performance reports for future improvements.
- Dissemination: Reports will be disseminated through government channels, online platforms, and stakeholder meetings. Communities will receive feedback through participatory M&E mechanisms, ensuring that grassroots actors are kept informed.
- Utilization: Data from M&E will inform policy adjustments, guide resource allocation, and support advocacy for additional funding where necessary. It will also be used to replicate successful interventions and address shortcomings.

#### 5.8.1 Learning and Adaptation

Learning is a crucial component of the M&E framework. The findings from monitoring and evaluation processes will be used to identify best practices, areas for improvement, and guide policy adjustments to ensure effective implementation.

#### 5.8.2 Learning Mechanisms

Insights from the M&E process will be shared through stakeholder forums, reports, and national workshops. These platforms will facilitate knowledge exchange and the replication of successful interventions across Counties.

#### 5.8.3 Best Practices and Innovations

The M&E process will identify best practices in child protection and participation, health and education.

Successful approaches will be scaled up and integrated into the national policy framework. **5.8.4 Addressing Gaps and Challenges**

Areas where the policy is underperforming will be addressed through targeted interventions, such as capacity building for service providers or reallocating resources to high-need areas.

## **5.9 Policy Review and Adjustments**

The Kenya Children Policy will undergo regular reviews to ensure its continued relevance in addressing emerging issues and challenges in the children's sector.

- **Periodic Reviews:** The policy will be reviewed every ten years, with a mid-term review at the five-year mark to address any emerging issues and assess progress towards the policy's objectives.
- **Stakeholder Consultations:** Reviews will involve extensive consultations with stakeholders, including children themselves, ensuring that the policy continues to meet the needs of the most vulnerable children.

## 1. References

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2. African Charter on the Rights and Welfare of the Child (ACRWC)
3. Constitution of Kenya, 2010
4. Persons with Disabilities Act (Cap 133)
5. Computer misuse and cyber crime (Cap 79 c)
6. HIV and AIDS Prevention and Control Act (Cap 246A)
7. National Youth Council Act, No. 10 of 2009
8. Counter-Trafficking in Persons Act (Cap 61)
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10. Births and Deaths Registration Act (Cap 149)
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12. National Prevention and Response Plan on Violence Against Children in Kenya, 2019-2023
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17. Intersex Person Human Rights Advocacy in Kenya Information Guide 2023
18. National Standard Operating Procedures for the Management of Sexual Violence Against Children in Kenya, 2018
19. the Early Childhood Education Act (Cap. 211B ),
20. Protection against Domestic Violence Act (cap 151), the Health Act (cap 241), Persons with Disability Act (Cap. 133);
21. Sexual Offences Act, (cap 63A); Employment Act, (cap 226);
22. Marriage Act, (Cap.150);
23. Victim Protection Act (cap 79A),
24. Legal Aid Act, (Cap. 16A),
25. Data Protection Act (Cap. 411C),
26. Law of Succession Act (Cap.160),
27. Social Assistance Act (cap 258A),
28. Social Health Insurance Act (No.16 of 2023),

## GOVERNANCE AND IMPLEMENTATIONAL ROLES & RESPONSIBILITY

S/NO	Coordination structure	Membership	Roles
1.	The Cabinet Secretary responsible for children matters		<ul style="list-style-type: none"> <li>• Ensure implementation of the policy</li> <li>• Resource mobilization for greater allocation</li> <li>• Overall guidance/leadership on the implementation of the Kenya Children Policy</li> </ul>
2.	Inter-Ministerial Children Committee (IMCC)	Government line ministries, department and agencies The Senate and National Assembly Development partners Public Benefits Organizations Private Sector Professional Association and Regulatory Bodies Training and Research Institutions Council of Governors	<ul style="list-style-type: none"> <li>• ICC coordinates the involvement of various ministries and development partners to ensure the implementation of children's matters policies and guidelines.</li> <li>• Resource mobilization and allocation: Mobilize resources and allocate them to different relevant departments, Programs, and Initiatives to meet children's needs.</li> <li>• Partnership building: IMCC shall establish and strengthen partnerships among governmental and non-governmental organizations to support children's initiatives.</li> <li>• Oversight, monitoring, and evaluation: It oversees the monitoring and evaluation of the implementation of children's related programs to ensure effective service delivery.</li> <li>• Technical support: IMCC provides technical assistance in the implementation of policies and guidelines related to child matters.</li> <li>• Advocacy: The committee will advocate for the integration of children's welfare into</li> </ul>

			<p>broader matters and development agendas at the national and county levels</p> <ul style="list-style-type: none"> <li>• Provide advisories: Provide feedback to other MDAs.</li> </ul>
3.	NCCS Board	<p>Chairperson appointed by the President;</p> <p>the Principal Secretary in the Ministry for the time being responsible for matters relating to children services or a representative;</p> <p>the Principal Secretary for the time being responsible for matters relating to finance or a representative;</p> <p>the Attorney-General or a representative;</p> <p>one person representing the Council of Governors;</p> <p>the following three persons, not being public officers, appointed by the Cabinet Secretary–</p> <p>one person representing Public Benefits Organisations concerned in matters related to children activities;</p> <p>one person representing faith based organisations;</p> <p>one person representing the private sector;</p> <p>the Secretary of children’s services; and</p> <p>the Chief Executive Officer of the Council, who shall be the secretary to the Council.</p>	<ul style="list-style-type: none"> <li>• Provide leadership, oversee, coordinate and mobilize resources for the realization of the tenets of the policy;</li> <li>• Develop M&amp;E framework to track the level of implementation and compliance.</li> <li>• Monitor compliance and advise the Cabinet Secretary on matters relating to children.</li> <li>• Carry out public awareness sessions on the policy and liaise with various stakeholders for an effective implementation of the policy;</li> <li>• Coordinate/Initiate or Engage in collaborative research with relevant agencies to inform implementation of the policy in regard to emerging issues in the children sector; and</li> <li>• Establish, regulate and manage the activities of Children Advisory Committees to advise on matters relating to the rights, welfare and protection of children within the Counties.</li> <li>• Map stakeholders and keeping a repository</li> </ul>



4.	County Children Advisory Committee	<p>the County Commissioner or a representative who shall be the Chairperson</p> <p>the County Coordinator for Children Services</p> <p>the County Director for Education or a representative;</p> <p>the county Executive Committee member for the time being responsible for matters relating to children, or a representative;</p> <p>the County Executive Committee member for the time being responsible for matters relating to education, or a representative;</p> <p>the County Executive Committee member for the time being responsible for matters relating to health, or a representative;</p> <p>a representative of the Director of Public Prosecutions attached to the area within the local jurisdiction of the committee;</p> <p>County probation officer in charge of the area within the local limits of the committee's jurisdiction;</p> <p>County Police Commander police officer attached to the area within the local jurisdiction of the committee;</p> <p>a representative nominated by Public Benefits Organizations engaged in children's welfare activities within the</p>	<ul style="list-style-type: none"> <li>i. Forming and overseeing the multi-sectoral KCP sub-committees based on contextual needs and priorities for children.</li> <li>ii. Developing and implementing multisectoral Monitoring, Evaluation, Accountability and Research and Learning (MEAL) frameworks for KCP.</li> <li>iii. Integrating children matters into strategic documents including County Integrated Development Plans (CIDPs), County Acts, County specific Children Policy, and sectoral work plans.</li> <li>iv. Coordination of multi-sectoral actors and partners including guiding partnerships with non-state actors.</li> <li>v. Providing overall county-level leadership and policy implementation oversight for child welfare and services programmes including at the Sub-County, ward levels and locational level</li> <li>vi. Undertake cross-sectoral resource mobilization and annual budgetary allocations for child protection at the county level.</li> <li>vii. Providing linkages with the National Multisectoral Technical Committee</li> <li>viii. Advocating for child rights and welfare.</li> <li>ix. Regulating, advising on, and overseeing the implementation of child rights interventions.</li> </ul>
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		<p>local limits of the committee's jurisdiction;</p> <p>a representative nominated by public benefits organizations knowledgeable in matters relating to the rights of persons with disabilities;</p> <p>a representative of faith-based organizations within the jurisdiction of the committee;</p> <p>the registrar in charge of the area or a representative;</p> <p>the Labour Officer in-charge of the area or a representative; and</p> <p>a representative of the Council who shall be the Secretary</p>	<p>x. Convene quarterly meetings and review meetings as the need arises.</p>
5.	Sub-County Children Advisory Committee	<p>Deputy County Commissioner-Chairperson</p> <p>Sub-County Children Officer who shall be the Secretary</p> <p>Sub-County commander of police or a representative</p> <p>Sub-County Medical Officer of health or a representative</p> <p>the Sub-County administrator</p> <p>Labour Officer</p> <p>Probation Officer</p> <p>the Civil Registrar</p> <p>office of the Director of Public Prosecutions</p> <p>a representative nominated by the public benefits organizations dealing</p>	<p>facilitate information sharing, capacity building and networking among key stakeholders in their area of jurisdiction</p> <p>supervise and coordinate children matters and activities in the sub-county;</p> <p>inspect, monitor and evaluate children's facilities to ensure compliance with standards set by the Council;</p> <p>make recommendations to the County Children Advisory Committee on any matters relating to children within the sub-county or area of jurisdiction;</p> <p>provide information that may be required by the County Children Advisory Committee on any matters relating to children within the area of jurisdiction;</p>

		<p>with child protection matters in the sub county</p> <p>a representatives nominated by the faith-based organizations dealing with child protection matters in the sub county</p> <p>a representative nominated by the special interest groups organizations dealing with child protection matters in the sub county</p> <p>Sub-County Director of Education</p> <p>One representative from private sector</p> <p>a representative of the Council</p>	<p>submit annual reports to the County Children Advisory Committee on matters relating to children within the area of jurisdiction;</p>
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# **KENYA CHILDREN POLICY**

## **2025**