

GOVERNMENT OF KENYA

RESPONSES TO LIST OF ISSUES FROM THE CHILD RIGHTS COMMITTEE -GENEVA

1. Geographical Distribution of Children Under 18 Years of Age by District by Sex and Broad Age Groups, 1999

Province/District	Boys				Girls				All Children
	0 - 5	6 -13	14 -17	Total	0 - 5	6 -13	14 -17	Total	
KENYA	2.681.352	3.267.521	1.438.455	7.387.328	2.619.680	3.222.269	1.433.978	7.275.927	14.663.255
NAIROBI	169.428	142.910	62.310	374.648	163.062	152.114	85.242	400.418	775.066
CENTRAL									
KIAMBU	60.703	71.500	32.729	164.932	59.520	71.169	35.026	165.715	330.647
KIRINYAG A	32.523	45.053	24.616	102.192	31.502	44.277	23.367	99.146	201.338
MURANG A	26.441	40.793	20.516	87.750	25.945	40.469	19.659	86.073	173.823
NYANDA RUA	44.628	58.893	25.935	129.456	43.788	57.657	23.856	125.301	254.757

NYERI	48.609	68.342	34.811	151.762	46.740	67.852	34.016	148.608	300.370
THIKA	52.443	65.428	29.477	147.348	50.878	65.807	30.721	147.406	294.754
MARAGU A	31.597	46.911	21.572	100.080	30.988	45.322	20.259	96.569	196.649
Total COAST	296.944	396.920	189.656	883.520	289.361	392.553	186.904	868.818	1.752.338
KILIFI	56.775	65.796	26.168	148.739	56.645	64.582	25.383	146.610	295.349
KWALE	50.456	59.311	23.368	133.135	49.564	57.725	23.101	130.390	263.525
LAMU	6.407	8.358	3.583	18.348	6.245	7.876	3.397	17.518	35.866
MOMBAS A	53.613	49.936	23.232	126.781	49.356	50.734	26.658	126.748	253.529
TAITA TAVETA	19.925	27.507	12.846	60.278	19.876	27.154	12.692	59.722	120.000
TANA RIVER	19.127	22.430	8.982	50.539	18.519	21.208	8.657	48.384	98.923
MALINDI	29.430	31.603	12.582	73.615	29118	30.891	11.839	42.730	126.411
Total	235.733	264.941	110.761	611.435	229.323	260.170	111.727	601.220	1.212.655

EASTERN									
EMBU	20.788	28.004	14.653	63.445	20.134	28.480	14.663	63.277	126.722
ISIOLO	10.020	12.142	5.222	27.384	9.545	11.501	5.036	26.082	53.466
KITUI	51.403	65.542	26.992	143.937	50.372	64.371	26.391	141.134	285.071
MAKUENI	73.706	100.520	43.281	217.507	71.120	97.414	40.511	209.045	426.552
MACHAKOS	79.475	108.624	50.996	239.095	76.537	105.787	47.684	230.008	469.103
MARSABIT	11.759	14.844	5.763	32.366	11.558	14.364	5.364	31.286	63.652
MBEERE	15.083	21.120	9.362	45.565	15.549	20.589	9.036	45.174	90.739
MERU CENTRAL	36.051	49.552	26.183	111.786	34.942	48.863	25.817	109.622	221.408
MOYALE	5.358	7.257	2.960	15.575	5.263	6.898	2.861	15.022	30.597
MWINGI	32.419	39.639	15.369	87.427	31.724	39.042	15.843	86.609	174.036
MERU NORTH	60.653	72.395	29.456	162.504	60.394	73.135	31.739	165.268	327.772
THARAKA NITHI	9.377	11.843	5.324	26.544	9.235	11.707	5.456	26.398	52.942
(MERU SOUTH)	16.052	22.798	10.284	49.134	15.849	22.701	10.306	48.856	97.990

Total	422.144	554.280	245.845	1.222.269	412.222	544.852	240.707	1.197.781	2.420.050
NORTH EASTERN									
GARISSA	36.552	53.445	24.293	114.290	33.742	46.356	20.610	100.708	214.998
MANDER A	24.454	37.407	15.549	77.410	22.851	32.723	12.274	67.848	145.258
WAJIR	29.390	49.130	20.714	99.234	26.750	272.830	15.731	315.311	414.545
Total	90.396	139.982	60.556	290.934	83.343	119.909	48.615	251.867	542.801
NYANZA									
GUCHA (S-KISII)	42.779	58.152	26.971	127.902	41.579	57.212	26.986	125.777	253.679
HOMABA Y	28.744	34.548	16.033	79.325	28.264	33.975	15.445	77.684	157.009
KISII CENTRAL	44.448	60.170	27.924	132.542	44.195	60.032	28.714	132.941	265.483
KISUMU	45.181	54.714	25.806	125.701	45.363	55.139	27.222	127.724	253.425
KURIA	17.457	18.698	7.862	44.017	17.311	18.658	7.289	43.258	87.275
MIGORI N.KISII	52.070	58.847	28.061	138.978	52.217	60.268	28.035	140.520	279.498
(NYAMIR A)	43.785	62.753	29.517	136.055	42.612	62.683	29.743	135.038	271.093

RACHUO NYO	29.321	38.859	17.840	86.020	29.070	37.890	16.572	83.532	169.552
SIAYA	43.050	59.838	26.865	129.753	43.133	57.665	24.899	125.697	255.450
SUBA	15.504	18.185	8.597	42.286	15.417	18.095	8.383	41.895	84.181
BONDO	23.493	28.417	13.221	65.131	23.103	27.844	12.125	63.072	128.203
NYANDO	27.425	35.578	16.969	79.972	27.142	34.110	16.193	77.445	157.417
Total	413.257	528.759	245.666	1.187.682	409.406	523.571	241.806	1.174.783	2.362.465
RIFT VALLEY									
BARINGO	28.018	34.624	14.538	77.180	26.439	33.659	14.495	74.593	151.773
BOMET	42.380	49.911	20.407	112.698	40.360	49.489	20.545	110.394	223.092
KEIYO	14.278	16.844	7.309	38.431	13.997	16.829	7.732	38.558	76.989
KAJIADO	40.714	46.029	18.079	104.822	39.582	44.304	17.838	101.724	206.546
KERICHO	45.792	54.647	24.228	124.667	44.222	54.948	24.009	123.179	247.846
KOIBATE K	13.992	16.231	7.091	37.314	13.778	15.701	7.057	36.536	73.850
LAIKIPIA	30.723	37.224	16.315	84.262	29.134	35.945	15.844	80.923	165.185

MARAKW ET	14.628	17.342	7.398	39.368	14.088	17.262	7.143	38.493	77.861
NAKURU	114.173	130.907	56.514	301.594	110.608	129.804	56.780	297.192	598.786
NANDI	56.747	68.326	29.616	154.689	55.861	68.022	29.430	153.313	308.002
NAROK	44.290	46.986	16.081	107.357	42.616	44.391	15.158	102.165	209.522
SAMBUR U	16.086	18.529	7.165	41.780	15.677	17.907	7.024	40.608	82.388
TRANS- MARA	19.687	22.765	8.015	50.467	19.449	22.330	7.979	49.758	100.225
TRANS- NZOIA	61.051	70.212	29.855	161.118	61.112	69.809	29.009	159.930	321.048
TURKANA	32.687	53.090	24.069	109.846	86.766	51.966	21.306	160.038	269.884
UASINGIS HU	60.658	68.647	29.541	158.846	59.488	68.478	30.297	158.263	317.109
WEST- POKOT	34.943	38.716	14.885	88.544	33.941	38.309	14.169	86.419	174.963
BURET	31.650	37.594	16.215	85.459	30.729	37.931	15.884	84.544	170.003
Total	702.497	828.624	347.321	1.878.4 42	682.847	817.084	341.699	1.841.6 30	3.720.072
WESTERN									
BUNGOMA	97.768	106.086	44.794	248.648	97.038	107.514	45.928	250.480	499.128

BUSIA	39.100	45.876	19.239	104.215	39.522	45.270	18.522	103.314	207.529
MT ELGON	15.130	17.169	7.284	39.583	14.975	17.084	7.065	39.124	78.707
KAKAMEGA	60.686	72.547	32.518	165.751	60515	72514	32313	165.342	331.093
LUGARI/MA LAVA	22.857	27.122	11.741	61.720	22563	26986	11606	61.155	122.875
TESO	20.026	21.802	8.678	50.506	20091	21960	8827	50.878	101.384
VIHIGA	44.848	62.617	27.683	135.148	44812	63003	28817	136.632	271.780
BUTERE/M UMIAS	50.538	57.886	24.403	132.827	50600	57685	24200	132.485	265.312
Total	350.953	411.105	176.340	938.398	350116	412016	177278	939.410	1.877.808

Source: Extracted from Volume I of the 1999 Population and Housing Census

2. Recurrent Expenditure 1999/2000-2001/2002

Sector/Year	2001/2002*	2000/2001	1999/2000
	Ksh/Millions	Ksh/Millions	Ksh/Millions
Ministry of Health			
National Aids Control Programme	10,5	10,6	10,6
Primary Health Care	4,2	3,8	3,7

Control of Vector Borne Diseases	124,5	177,1	62,1
Nutrition	7,5	7,4	6,1
Family Planning/ MCH	97,5	97,6	35,3
Total	244,2	296,5	117,8
Percentage of total Health Budget	2,3	2,8	1,3
Total Ministry of Health Budget	10700,0	10500,0	9400,0

Ministry of Education

Curriculum Support Services	30,9	30,8	25,1
Teacher Service Commission	38700,0	38300,0	38000,0
Permanent Commission on Music	17,5	15,3	16,3
Kenya Institute of Education	95,7	96,5	82,5
Primary Education	635,3	773,2	460,4
Teachers Education	138,9	129,6	127,0
Schools for handicapped	103,8	103,2	81,6
Bursaries	103,6	103,7	106,0
Early Childhood Education	5,9	5,9	5,7
Secondary Education	662,8	697,7	595,7
Total	40494,4	40255,9	39500,3
% Of Total Education Budget	83,3	83,3	84,0
Total Education Budget	48600,0	48300,0	47000,0

Department of Children Services	245,6	197,7	158,3
Total to Children related BSS	40984,2	40750,1	39815,8

National Totals	248600,0	135400,0	229000,0
% BSS* of National Total	16,5	30,1	17,4

* Estimates
* Basic Social Services

3.

Percent distribution of children aged 0-59 months by whether birth is registered and reasons for non-registration, 2000												
		Registration status										Number of children
		Birth registered	DK if birth registered	Costs too much	Must travel too far	Didn't know it should be registered	Late & didn't want to pay fine	Doesn't know where to register	Other	Reason DK or Missing	Birth certificate issued	
Sex	Male	62,4	1,6	1,3	4,3	14,7	3,7	4,4	2,8	4,8	12,3	3.720
	Female	63,1	1,4	1,5	3,6	15,9	4,0	3,2	2,5	4,8	14,7	3.546

Province	Nairobi	82,9	2,1	0,3	1,5	6,8	1,1	1,2	0,9	3,2	24,1	1.130
	Central	90,7	0,3	0,6	1,1	3,4	0,6	1,1	0,7	1,5	16,0	794
	Coast	64,1	0,7	1,2	5,1	16,2	3,0	2,3	3,0	4,4	13,4	689
	Eastern	64,2	0,9	1,4	3,3	15,6	4,8	4,3	1,5	3,9	8,5	768
	North Eastern'	88,0	0,0	0,0	2,5	0,9	4,6	0,0	1,4	2,4	72,2	83
	Nyanza	41,5	1,6	2,7	7,1	25,0	7,2	6,8	2,5	5,4	10,0	1.161
	Rift valley	52,1	1,3	1,7	5,2	20,7	3,8	5,2	3,6	6,4	9,9	1.775
	Western	56,5	3,1	1,4	3,0	13,3	5,8	3,6	6,1	7,4	8,2	867
Rural/Urban	Rural	56,1	1,5	1,6	4,9	17,9	4,7	4,7	3,2	5,5	8,5	5.357
	Urban	81,6	1,5	0,7	1,5	7,8	1,4	1,3	1,1	3,0	27,4	1.909
Age	< 6 months	58,9	0,9	1,7	4,1	16,0	3,4	4,2	5,9	4,9	5,6	768
	6-11 months	63,7	1,5	1,7	3,9	16,4	3,0	3,0	2,5	4,3	9,8	782
	12-23 months	61,9	1,1	1,4	3,8	15,7	3,8	4,7	2,0	5,5	11,2	1.544
	24-35 months	64,8	1,4	1,0	4,1	14,0	4,9	2,8	3,3	3,7	14,6	1.470
	36-47	63,4	2,5	1,3	3,9	15,2	3,9	3,6	1,6	4,6	17,4	

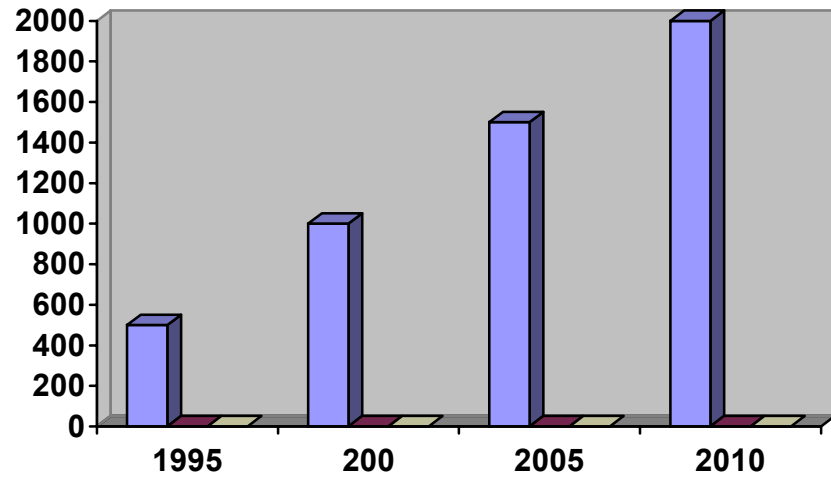
	months											1.430
	48-59 months	62,5	1,1	1,6	4,0	15,1	3,5	4,3	2,2	5,7	17,5	1.272
Woman's education level	None	52,2	2,4	2,1	5,7	20,8	3,8	4,7	3,3	5,0	10,1	1.637
	Primary	58,1	1,3	1,5	4,2	17,2	4,5	4,7	3,0	5,6	9,6	3.864
	Secondary +	82,8	0,9	0,7	1,9	5,8	2,5	1,0	1,3	3,0	25,0	1.765
Total		62,8	1,5	1,4	4,0	15,3	3,8	3,8	2,7	4,8	13,5	7.266
Monitoring Children's Rights Indicator												

4 Children deprived of family environment.

There is insufficient data on the number of children deprived of family environment especially in the following categories:

(a) AIDS orphans (Estimates)

One of the worst consequences for young adults of AIDS deaths is an increase in the number of orphans. We define an AIDS orphan as a child under the age of 15 who has lost the mother to AIDS. With this definition, the number of AIDS orphans has probably reached over 900,000 today and will increase to 1.5 million by 2005 .



AIDS orphans

- (b) Children separated from their parents- Data not available
- (c) Children in domestic and intercountry adoption programmes- Data not available
- (d) Children living in institutions. Government institutions annual total population at 4800. 4500 boys and 300 girls in Approved Schools.
- (e) Children placed with relatives and in welfare institutions.

Percentage of children 0-14 years of age in households not living with a biological parent, 2000

		Living arrangement	
		Not living with a biological parent	Number of children
Sex	Male	5.6	10,929
	Female	6.5	10,846
Province	Nairobi	2.9	2,392
	Central	4.4	2,427
	Coast	6.1	1,926
	Eastern	4.3	3,482
	North Eastern	11.2	196
	Nyanza	8.3	3,653
	Rift Valley	5.2	5,081
Rural/Urban	Western	10.9	2,617
	Rural	6.5	17,439
Age	Urban	4.1	4,336
	0-4 years	2.6	8,247
	5-9 years	6.9	6,877
	10-14 years	9.4	6,651
	Total	6.0	21,775

Monitoring Children's Rights Indicator

For programming purposes stakeholders heavily rely on estimates, e.g. estimates on street children.

- 5 The following is summary enrolments, completion rates by sex for pre-primary, primary and secondary schools (including level of trained teachers)

PRE-PRIMARY LEVEL

YEAR	ENROLMENTS (%)		COMPLETION (%)		TEACHERS TRAINED (%)
	Boys	Girls	Boys	Girls	
2000	41.6	41.1			45.5
1999	41.9	40.9			43.5
1998	35.4	34.3			42.1

PRIMARY SCHOOL LEVEL

YEAR	ENROLMENTS (%)		COMPLETION (%)		TEACHERS TRAINED (%)
	Boys	Girls	Boys	Girls	
2000	88.1	87.1	46.4	48.1	96.7
1999	91.6	89.2	47.7	47.8	96.1
1998	89.3	88.2	48.3	49.5	96.6

SECONDARY SCHOOL LEVEL

YEAR	ENROLMENTS (%)		COMPLETION (%)		TEACHERS TRAINED (%)
	Boys	Girls	Boys	Girls	
2000	23.5	20.9	80.9	76.8	97.3
1999	22.5	20.5	80.0	77.7	96.7
1998	24.6	21.7	85.8	83.1	91.7

VOCATIONAL TRAINING

YEAR	GROSS ENROLLMENTS
2000	23,557
1999	26,529
1998	-

6(b) Children with disabilities in institutions

Enrolment	1998			1999			2000		
	Boys	Girls	Total	Boys	Girls	Total	Boys	Girls	Total
Primary schools	7,883	5,054	12,940	8,420	6,194	14,614	-	-	-
Secondary schools	565	528	1,063	605	558	1,163	-	-	-

Vocational training	-	-	499	-	-	512	-	-	-
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Source: MOEST – 1999

(c) Children with disabilities attending regular schools.

There were 184 integrated programmes in 1990 when integration became a policy but by 1998, they had increased to 655. So far more than 11,000 children have been integrated in regular schools. However, the figure is not available on gender basis. The teacher-student ratio is also not available.

d) Number of specialised teachers trained

The number of teachers trained in special education has increased from 629 in 1990 to 1,692 in 1999.

	1990	1999	2000
Diploma in special education	155	505	-
Certificate: 3 months courses	474	1,154	-
Graduates: B.Ed (Special)	-	33	-
TOTALS	627	1,692	-

Source: MOEST – 1999

Note: 6(a)

- **Statistical data on children with disabilities living with their families is not available.**
- **Year 2000 data is not immediately available**
- **The teacher-pupil ratio in special schools is not available.**

7.

Under 18 Marriages												
		Sex										Total
		Male					Female					Count
		Marital status					Marital status					
		Currently married/in union	Widowed	Divorced	Separated	Never married	Currently married/in union	Widowed	Divorced	Separated	Never married	
		Row %	Row %	Row %	Row %	Row %	Row %	Row %	Row %	Row %	Row %	
Province	Nairobi	1,1				31,5	1,4				66,0	285
	Central	1,5	0,7	0,6		47,3	2,7				47,1	391
	Coast	2,3	0,3			48,1	5,3			2,5	41,4	234
	Eastern	0,4	0,5			49,8	2,4	0,2			46,8	485
	North Eastern'					43,6	3,5				52,8	25
	Nyanza	1,4	0,4	0,1		46,4	5,8	0,2			45,7	519
	Rift valley	0,4	0,3	0,3	0,2	48,4	3,2	0,2	0,4	0,6	46,1	604
	Western	0,5		0,2		51,6	4,7	0,6		0,4	42,0	445
Total		1,0	0,3	0,2	0,0	46,9	3,7	0,2	0,1	0,4	47,3	2.989

Percentage of under-five children who are severely or moderately undernourished, 2000

		Weight for age: -2 SD	Weight for age: -3 SD	Height for age: -2 SD	Height for age: -3 SD	Weight for height: -2 SD	Weight for height: -3 SD	Number of children
Sex	Male	22,6	6,7	37,9	15,7	6,6	1,8	3.000
	Female	19,6	4,6	32,6	13,7	5,3	0,9	2.917
Province	Nairobi	12,4	1,8	29,6	11,1	3,1	0,8	760
	Central	15,4	3,3	27,4	9,6	4,6	1,1	627
	Coast	21,1	4,0	33,7	15,5	6,4	1,5	566
	Eastern	29,6	6,9	42,8	17,4	7,8	1,4	673
	North	16,6	3,7	35,4	17,0	7,2	0,0	65
	Eastern							
	Nyanza	19,9	6,2	35,9	16,3	5,2	1,7	959
	Rift valley	24,9	7,3	36,8	14,9	7,6	1,5	1.533
Western	21,5	8,0	38,1	16,9	5,5	1,4	734	
Rural/Urban	Rural	23,9	6,8	38,0	16,0	6,8	1,5	4.497
	Urban	12,4	2,1	26,6	10,4	3,3	0,8	1.420
Age	< 6 months	3,0	0,5	12,4	1,4	2,4	0,8	322
	6-11 months	14,6	4,2	24,5	6,2	3,9	0,6	598
	12-23	28,4	9,2	47,5	21,3	9,9	2,5	1.312

	months							
	24-35	22,5	6,6	34,8	13,5	6,6	1,4	1.290
	months							
	36-47	19,4	3,8	34,5	15,3	4,1	1,0	1.286
	months							
	48-59	21,9	4,9	34,7	16,1	4,9	0,9	1.109
	months							
Woman's	None	24,1	7,2	37,2	17,2	7,1	1,6	1.347
education level	Primary	23,3	6,8	38,8	16,3	6,6	1,7	3.147
	Secondary	13,7	1,8	25,6	8,9	3,4	0,5	1.423
	y +							
Total		21,2	5,7	35,3	14,7	6,0	1,4	5.917

World Summit for Children Goal => Number
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Infant Mortality Rates, 1998

Domain	Neonatal mortality (NN)	Post-neonatal mortality (PNN)	Infant mortality (1q0)	Child mortality (4q1)	Under-five mortality (5q0)
Residence					
Urban	20,3	35,1	55,4	34,8	88,3
Rural	28,4	45,4	73,8	37,6	108,6
Province					
Nairobi					

Central	19,5	21,6	41,1	26,1	66,1
Coast	17,7	9,7	27,3	6,3	33,5
Eastern	27,7	42,1	69,8	27,9	95,8
N/Eastern Nyanza	22,6	30,5	53,1	26,1	77,8
Rift Valley	-	-	-	-	-
Western	38,1	97,3	135,3	73,4	198,8
Mothers Education	28,3	22,0	50,3	18,5	67,8
No Education	20,1	43,8	63,9	62,5	122,5
Primary-incomplete	27,5	54,7	82,2	122,5	122,5
Primary-complete	31,7	59,7	91,4	138,1	138,1
Secondary	29,7	31,7	61,4	86,9	86,9
Total	16,7	23,4	40,0	59,9	59,9
Total	27,0	43,7	70,7	105,2	105,2

*Notes:

NN Neonatal mortality
PNN Post neonatal mortality
(1q0) Infant mortality (0-1 years): deaths per 1,000

	births
4q1	Child mortality (1-4 years): deaths per 1,000
	births
5q0	Under 5 mortality (0-5 years) deaths per 1,000
	births

8. The Government rehabilitation centers- Approved Schools have a capacity of 4500 boys and 300 girls. This figure, however, includes some children not necessarily in conflict with the law but are needy cases committed to the Approved Schools for care and protection.

Remand Homes. Figures on Remand homes fluctuate with a national average of 1500boys and girls. There is a high turnover due to the short stay nature of this service.

b-f Suspended sentences, nature of sanctions , period of detention and percentage of recidivism- figures are not readily available.

B. General Measures of Implementations

Status Of Customary Law And Islamic Law

The very foundation of differential treatment of children in Kenya is the cultural setting, with its customs and practices associated with primary institutions such as the family, the clan and the tribe. Closely linked to these institutions and their structures, are the practices and rituals associated with child fostering, marriage, divorce, burial, inheritance, bride price, female circumcision, differential treatment of male/female child.

These customs and practices are exempted to the constitutional guarantee to equal treatment before the law and therefore children do receive treatment depending on cultural/tribal background. Cultural and traditional practices constitute one of the major challenges to the full realisation of child rights in Kenya.

Concerted efforts are however being undertaken in order to gradually sensitize the communities on the dangers and need to discard certain practices which hinder the full realisation of the rights of children in Kenya.

Review of the Kenyan Constitution with respect to child related aspects

The Constitution of Kenya Review process has kicked off with the passing by Parliament of the Kenya Constitution Review Commission Act in May 2001. It will involve a re-evaluation of the entire constitutional framework as well as the various rights and responsibilities enshrined therein. The Commission is set to visit various parts of the country in order to collect views from the people of what aspects they would like reflected in the constitution. It is hoped that various agencies concerned with child related issues will present their views to the Commission and that the new Constitution will have in it entrenched guaranteed child specific rights.

The composition of the Commission has taken the issue of representation of the various social/interest groups and in their respect child and/or gender will be represented in view of the background of some of the Commissioners appointed.

Other issues have been addressed as hereunder;

Issue	Measures
• Domestic Violence	Domestic Violence Bill
• Discrimination against the girl child	Affirmative Action Bill (Private motion)
• Drug Abuse and Trafficking	National Agency for Campaign Against Drug Abuse established
• Child Labour	Drafting of child labour policy in Progress
• Education	Non Formal Education (NFE) Policy Framework Paper finalized.

2. The measures taken to establish an effective coordinating mechanism to promote and facilitate the implementation and monitoring of the Convention.

The following measures have been taken to improve co-ordination to facilitate effective implementation of the Convention:

- (a) Revamping of the District Focus for Rural Development Strategy (DFRDS), which is charged with the responsibilities of planning, implementing and managing Development Programmes at the provincial, district as well as community level. Arrangements are in process to address the problems facing various development committees associated with DFRDS to enable them function more effectively. This includes:
- (i) Reviewing the operationalization aspects of these development and co-ordination committees by the Mid Term Review of the GOK/UNICEF Programme of Cooperation, which will be concluded in September. Some of the recommendations made, which will impact positively on the co-ordination and implementation of the convention are:
- Adequate financial allocation to District Development Officers for coordination and monitoring.
 - Setting up of monitoring and Evaluation Mechanisms at national district and community level.
 - Restructuring of the GOK/UNICEF programme for effective implementation of the CRC.
 - Formulation of not only District but also Community Annual Work plans to facilitate close supervision and monitoring of the implementation of the programme.

- Develop Terms of Reference for the District children Advisory Committees and strengthen their capacities to handle women and children's issues.
- Inter-Ministerial Technical and National Steering Committees have been broadened to include all principal duty bearers. The Technical committee in particular has been restructured to incorporate field representation at the Provincial level.
- The Ministry of Home Affairs which houses the Department of Children's Services, which coordinates matters concerning children in need of special protection is now headed by the Vice President of Kenya.
- The Vice President has since then set up a permanent Task Force under his Chairmanship to monitor programmes for children in need of special protection.
- The Task Force is organizing a national workshop of stakeholders to review the Draft Outcome Document (A World Fit for Children) and Kenya's National Plan of Action for Children in the 1990s with the aim of developing a Kenya Fit for Children Action Plan to be implemented in the coming Decade. This Task Force will monitor the New Action Plan.
- Additionally, as indicated in the CRC Report, a National Council of Children's Services will be provided for by the Children Bill once it is enacted.

Section 27 of the Bill establishes a National Council of Children's Services whose composition shall be Permanent Secretaries in the Ministries responsible for Home Affairs and National Heritage, Education, Local Authorities, Health, Finance and Labour. Others shall be the Attorney General, the Commissioner of Police, Non Governmental Organizations, Religious Organizations, the Private Sector and Women Organizations. Section 29 sets out the functions of the Council, which shall be inter alia;

- ensure the full implementation of Kenya's international and regional obligations relating to children and formulate appropriate reports

under such obligations'. (Section 29 (i)).

The expenses of the Council shall be defrayed out of moneys provided by Parliament.

3. The Role and Mandate of the Standing Committee on Human Rights

The Standing Committee on Human Rights (SCHR(K)) was appointed by the President of the Republic of Kenya by executive authority vested in him by the Constitution of Kenya.

The Committee's terms of reference are:

- a) To investigate complaints of alleged violations of fundamental rights and freedoms as set out in the Constitution.
- b) To investigate complaints of alleged injustice abuse of power and unfair treatment of any person by a public officer in exercise of his official duties
- c) To educate the public as to human rights and freedoms.

Whether the Standing Committee is responsible for monitoring violations of children's rights provided under the Convention.

The SCHR(K) investigates any violations of fundamental rights and this will naturally include violations to the rights of children. There are however no programs that specifically target children's rights or any other special class of rights.

In order to discharge its mandate, members of the Committee are to be accorded unhindered access to persons, places and facilities including prisons, police cells and all or any other places of detention. The Committee can therefore visit juvenile remand homes, Borstal Institutions and other correctional facilities to ensure observance of children's rights.

Resources (Financial and Human)

The Committee is allocated a one-line budget of Kshs.20 million every financial year to run its programmes. Funding for some programmes or activities is occasionally received from organisations such as UNDP and British Council.

The Committee consists of 10 part time Members and full times secretary who is also the Chief Executive. The Secretariat currently has a staff of 18, who include a Programme Co-ordinator, Human Rights Specialist (UNV), Investigator, Legal Counsels, Public Relations Officer and Support Staff.

Status of Creation of Ombudsman's Office

A motion was brought to Parliament in 1998 to create the office of an ombudsman's. The motion was however, defeated and nothing further has transpired with respect to the creation of this office.

However, a Committee's mandate incorporated an ombudsman's role, to investigate allegations of injustice, abuse of power and unfair treatment of any person by a public officer.

5. Dissemination of the principles and provisions of the Convention:

- Provincial and district workshops for both children and adults have been held to disseminate the provisions of the CRC.
- Civil society engaged in dissemination
- Dissemination of Country Report was done in four of the eight provinces of the country.

Additional training of professionals working with and for children.

- A 5yr GOK/JICA training programme on juvenile justice done locally and overseas targetting children and probation officers, magistrates and police. Targets 9 officers per year but has a trickle down effect. Local training takes an aspect of the juvenile justice system. Juvenile Remand Homes have benefited and Approved Schools is the ongoing programme.

- Training by (SNV) Netherlands Development organization targetting care givers in areas of legal, childcare and protection for
- Professional counselling skills offered by organisations like Family Life Counselling Association of Kenya (FLAK), KAACR.

PART II

The Convention has been translated into Kiswahili (The National Language).

PART III

New Bills.

Currently, there are pending and awaiting parliamentary deliberations, several Bills which have a bearing on child related aspects. These include:

- ❑ The Children Bill
- ❑ The Domestic Violence (family protection) Bill
- ❑ The Industrial Properties Bill.
- ❑ The Draft Refugee Bill
- ❑ The Criminal Law Amendment Bill
- ❑ The Draft Law Relating to Persons with Disabilities Bill

The Children Bill

The Bill widely alluded to in the initial report is the first comprehensive child law statute in Kenya and constitutes the law relating to children. Its major emphasis is afford a more organized legislative and institutional framework for the treatment and development of children in Kenya. It extensively, so far as possible within the economic means, domesticated the principles of the Convention on the Rights of the Child. The latest version, Children Bill 2001 is due for presentation in Parliament and currently the stakeholders are lobbying the relevant Parliamentary Committee for its

passage. Several activities aimed at widely disseminating the Bill are underway and are meant to smoothen the implementation of the Bill once passed into Law.

The Draft Refugee Bill

This is yet to be published but it aims at domesticating the 1951 Convention Relating to Status of Refugees and the 1968 Protocol relating to the Status of Refugees as well as of the OAU Convention governing the specific Aspects of Refugee problems in Africa of 1969.

It is envisaged that the final enactment of this draft Bill will afford refugee children rights as guaranteed under the above refugee conventions as well as those under the Convention on the rights of the child.

The Draft Law Relating to Persons with Disabilities Bill

This draft Bill proposes to afford persons with disabilities equal opportunities in the Society. The plight of children with disabilities is addressed with issues like non-discrimination and affirmative treatment being the main concerns.

The Domestic Violence Bill

This Bill aims at reducing incidents of domestic violence by making it a criminal offence to perpetrate violence against members of one's family. This will result in further legal protection of children as well as the other weaker members of households.

The Criminal Law Amendment Bill

1. This Bill seeks to ban corporal punishment as a mode of punishment in Kenya. It seeks to repeal current provisions in the Penal Code (Cap 63, Laws of Kenya), which allowed courts to substitute other punishments for corporal punishment in case of a male child under the age of 18 years.
2. To increase from 5 years to life imprisonment a person found guilty of defiling or attempting to defile a girl below the age of 16 years.

3. To increase from 14 years to 16 years the age below which sexual consent cannot be presumed in law have been given by a girl. The input is that a girl below the age of 16 will be presumed incapable of consenting to sexual activity.
4. To enhance the punishment for those found guilty of procuring or attempting to procure girls under the age of 21 years to engage in prostitution and related practices. The maximum proposed penalty for procuration is life imprisonment and the law will now deem the offence a felony and not a misdemeanor, as is currently the case.
5. To increase from 13 to 16 the age at which a householder may be deemed to have permitted a girl defiled. It also sought to enhance the punishment for such offence from five years imprisonment to life imprisonment.
6. To make it a felonious offence to detain females for immoral (illicit sexual) purposes. Currently the offence is classified as a misdemeanor, attracting slight punishment.
7. To increase from 14 to 18 years the age of boys protected from indecent assaults and to enhance the punishment prescribed for that offence from 7 years imprisonment to life imprisonment.

Generally these proposed amendments are aimed at further protecting children from sexual abuse.

New Institutions.

- National AIDS Control Council
- National Agency for the campaign against drug abuse.
- Family Division of the High Court.

Newly implemented policies.

- ❑ Ban on corporal punishment

New Programmes.

- ❑ Diversion programme on children in conflict with the law.
- ❑ GTZ/GOK programme on street children.
- ❑ Establishment of Volunteer children officers.