MINISTRY OF LABOUR AND SOCIAL PROTECTION
STATE DEPARTMENT FOR SOCIAL PROTECTION

KENYA COUNTRY REPORT ON THE GENERAL ASSEMBLY RESOLUTION A/RES/74/124 ON “FOLLOW-UP TO THE 20TH ANNIVERSARY OF THE INTERNATIONAL YEAR OF THE FAMILY AND BEYOND”

INTRODUCTION

In Kenya, the Ministry of Labour and Social Protection is responsible for the development process, reviewing and implementation of the National Policy on Family Promotion and Protection. The goal of the policy is to provide a coherent and comprehensive framework for the implementation and monitoring of policy and programmes to ensure that the protection and support of the family is ingrained in them. This will enable the family to play effectively its vital role in the country’s development.

There are other State and Non-State Actors involved in the implementation of family promotion and protection policies and programmes. They include; the Street Families Rehabilitation Trust Fund, a Semi-Autonomous Government Agency in the Ministry of Labour and Social Protection responsible for the coordination and development of capacity, mobilization of resources to facilitate and monitor rehabilitative, re-integrative & preventive programmes for Street Families with a vision to have a country free of street families; Ministry of Gender Youth and Public Service; Ministry of Finance; Ministry of Interior and Coordination of National Government; Ministry of Education, Ministry of Health among others.

The Judiciary, which is an independent custodian of justice in Kenya also supports the protection of family under its Family Division which handles cases related to custody of children, divorce, separation, burial disputes and legitimacy with the objective of simplifying the cases for quick results and justice to claimants and interested parties.

Efforts to develop a sustainable Social Protection programme in Kenya have been gaining momentum since 2006. Consultations to formulate a National Social Protection framework started in 2006 through which the government has identified key SP actions within Social Assistance, Social Security and Health Insurance sectors. The government and non-state actors have implemented Social Protection (including non-contributory and contributory schemes) in Kenya in varying forms for many decades. There exists formal social security provisions (social security
and social health insurance) and recently, an increasing number of safety net programmes targeted at the poor and vulnerable households sections of the population, including Cash Transfers for Orphans and Vulnerable Children, Older Persons and Persons with Severe Disabilities. The Government has recently released ksh 8.5 billion under the Cash Transfer programs in its efforts to cushion vulnerable families and children from the adverse effects of poverty during the covid-19 pandemic. Other measures by the Government in collaboration with non-state actors include embedded key messages of hope, safety, calm, social connectedness and community efficacy in every intervention targeting families and communities in Kenya.

REPORT TO ADDRESS THE IMPLEMENTATION OF THE OBJECTIVES OF THE INTERNATIONAL YEAR AND ITS FOLLOW UP PROCESSES

The following are the views of the Government of Kenya through the Ministry of Labour and Social Protection, in partnership with relevant stakeholders on the issues mentioned in paragraph 2, items (a)-(f).

A. Family-oriented policies and programmes that enhance strong intergenerational interactions, such as parenting education, including for family caregivers, and support for grandparents, including grandparents who are primary caregivers.

The Government in partnership with various stakeholders has developed policies and legislations that include:

i. The Draft National Policy on Family Promotion and Protection which seeks to provide a coherent and comprehensive framework for the implementation and monitoring of policy and programmes to ensure that the protection and support of the family is ingrained in them. This will enable the family to play effectively its vital role in the country’s development. The policy focuses on ten (10) thematic areas i.e. Marriage; Parenting; Religion and Culture; Family Education; Family Health; Economy; Vulnerability and Social Protection; Media; Family Safety and Security; Environment.

Some of the successes by the Government in partnership with stakeholders nationally and internationally is the recent International Award to the Ministry of Labour and Social Protection by the International Federation for Family Development (IFFD) with the support of UNDESA/DISD in February 2020, recognizing the Ministry for its effort to develop a National Family Policy which is aligned to the Sustainable Development Goals (SDGs).

ii. The Government, through the Department of Children’s Services implements Article 53 of the Constitution and Children Act, 2001. The Departments for Social Development and Children’s Services have established offices in the forty-seven (47) Counties and two hundred and eighty-three (283) Sub Counties. These offices provide essential services to
families and Children, which include child Protection, prevention and response to violence against children, Family mediation, provision of psycho-social support linkages and referrals for families and children in distress, rescue, provision of Alternative Family Care (AFC) services, rehabilitation, Child participation and other functions as outlined in section 38 of the Children Act and the State Department for Social Protection mandate.

The Department for Children’s Services also manages 30 Statutory Institutions for Children as follows: - Fourteen (14) Children’s Remand Homes, five (5) Children’s Rescue Centres, Nine (9) Rehabilitation Schools, two (2) National Reception and Classification Centres. It also has Six (6) Child protection Centres and Child Helpline 116.

iii. A training manual for paralegals and child protection teams on Child Rights, Violence against Children (VAC) and legal implications of violence against children has been developed and it is being implemented.

iv. Government continues to disseminate and sensitize on laws and policies addressing positive parenting, marriage, property and succession, Violence Against Children (VAC) to families, communities and duty bearers at the national, county and sub-county levels (e.g. county legislators and administration, national government administration officers).

v. National Policy on Older Persons and Ageing. The policy provides a comprehensive framework to address the unique challenges that older persons in Kenya face, and recognize them as distinct right holders and participants in economic development as per Article 57 of the constitution of Kenya. The policy also takes cognizance of the fact that ageing is a process which starts from the time one is born and hence the need to prepare for old age in human development. The Government has recognized the older persons who are primary caregivers as grandparents and enrolled them in the Government cash transfer programs for older persons to cushion them from adverse effects of poverty.

vi. National Policy on Community Development – the overall goal of the policy is to provide a comprehensive framework for coordination, implementation and management of community development practice for sustainable national development.

vii. A Draft Community Groups and Registration Bill has been prepared whose purpose is to provide a regulatory framework for the mobilization, registration, coordination and regulation of community groups.

viii. Community mobilization and communication Strategy. The Strategy provides guidelines on community mobilization, best practices on community development are documented for the empowerment and strengthening of intergenerational interactions and promote sustainable livelihoods support activities among members of community groups who comprise of families and communities.
ix. National disability mainstreaming and strategy developed and disseminated by the Government. The goal of the strategy is to realize maximal and sustainable enjoyment of human rights by the persons with disabilities including children.

x. Government in cooperation with Strathmore University and other relevant stakeholders is overseeing the formation of a Non-State Actors National Family Congress. Some of the current activities of the congress include Development of the State of the Family Report for Kenya. Various universities (under Research and Academia Group) have agreed to collaborate on this. They include University of Nairobi, Kenyatta University and Umma University. The Government jointly with the stakeholders is inviting more partners to join the Academic Arm of the National Family.


xi. The Government through the National Council for Children’s Services (NCCS) has coordinated reviewing of Children ACT no 8 of 2001 and the Children’s Bill 2019 is advocating for De-institutionalization of children and building of the capacity of families to take care of their children.

xii. The Government through the Council, in collaboration with stakeholders has developed the National Plan of Action for Children in Kenya 2015-2022 based on the four Pillars of: Survival; Development; Protection and Participation. To realize the four pillars and for effective implementation, strengthening of the capacities of families in safeguarding the rights and welfare of children is emphasized. Government has developed stringent measures and criteria for establishment and registration of Charitable Children’s Institutions (CCIs) through the Council. This recognizes the family as the basic unit of society and encourages family strengthening for the nurture of children. It encourages family care of children as opposed to institutional care, avoiding unnecessary separation of children and their families.

The Government through NCCS is coordinating issues of care reforms in the country through a multi sectoral Care Reform Core team, leading the process of development of the National Care Reforms Strategy that is geared towards strengthening families with a focus on:

i. Gate keeping mechanism for preventing unnecessary family separation

ii. Family strengthening through linkages to already existing services and social protection measures as well as parenting skills training

iii. Family tracing, reunification and reintegration
iv. Advocacy on behaviour change communication to ensure that institutional care will be a last resort

v. Embracing family and community based care as opposed to institutional care

vi. Redirecting of resources from institutional care to family based care options

The Government through the Council has lead the process of development of IEC materials in support of a strengthened family as the basic unit to care for children in a family set–up rather than in institutions.

The Government in collaboration with partners is carrying out a research on funding streams in both Charitable Children’s Institutions. This research is aimed at understanding the sources of institutional funds and expenditure and use the findings to advocate for redirecting of resources to strengthen families to be able to take care of their children and young adults. Further, the Government jointly with stakeholders carried out assessment on care systems in Kenya whose findings will inform development of the National Care Reforms Strategy which aimed at strengthening the family to take care of their children.

The Council coordinates activities of the Area Advisory Councils (AACs), replica of the NCCS in the counties and sub-counties mandated to oversee child protection matters within their area of jurisdiction. Awareness creation to strengthen families to be able to take care of their children is a core activity of the AAC.

The Government through the Council mobilizes resources for development of policies aimed at family strengthening, curbing unnecessary separation of children from their families and successful reintegration of children without parental care back to their families and other forms of alternative family care.

The Government is exploring how existing structures can be coordinated to collaborate with each other in family strengthening and linking vulnerable households to existing services. For example, how can a family at risk of separation due to differences among couples be linked to the Lay volunteer counsellors after visiting Department of Children’s Services office?; How can children who have left institutions be linked to social protection to prevent them from further separation by being returned to institutions? This shows the need for a multisector approach in addressing issues to do with families.

B. Investment in parenting education as a tool to enhance children’s wellbeing

In the area of parenting education, the Government together with relevant stakeholders has invested in various policies, programmes and initiatives aimed at promoting and enhancing the well being of children both at the household level and in institutions of learning, care and support. Most of this programmes and initiatives are being implemented by the Department of Children Services in collaboration with other partners. Some of the core initiatives include;
i. National Child Participation Guidelines (2006), which aims to encourage dialogue and participation of children at the household level. The Department for Children’s Services is responsible for sensitizing parents, guardians and caregivers on the guidelines through its officers across the country. The officers also provide mediation services and educate parents on their parental responsibilities.

ii. A Manual for Children Caregivers’ (2011) to incorporate evidence-based parenting programmes aimed at fostering parent-child relationships and address violence against children in the home. The Government through the Department for Children’s Services is reviewing and disseminating the ‘Good Practice in Child Care.

iii. The Presidential Secondary School Bursary (PSSB) and other bursaries enable children to go to school and empowers parents and guardians to retain children in the household. The Department for Children’s Services is charged with the responsibility of developing the capacities of relevant sector workforces (social services, health and education) that are in contact with parents/caregivers on positive parenting and microfinance and link families to services.

iv. Curriculum for Child Protection Professionals which emphasizes the importance of families in child protection, with various topics on how to work with families and communities in child protection is currently being developed by the Government.

v. The Alternative Family Care Guidelines that outline the various forms of alternative care. The Government through the Department for Children’s Services has This is being piloted in five demonstration counties viz. Kisumu, Kiambu, Kilifi, Nyamira and Muranga within the Republic. In this exercise, parents/caregivers/TOTS are equipped with skills on how to manage the transition of children from institutional setups to family and community-based arrangements.

vi. Promotion of economic empowerment programmes to increase families’ human capital development, financial capacity and resilience through Cash Transfers and tailored information on positive parenting skills and the prevention of violence against children.

vii. Children Celebration Days such as the Day of the African Child (DAC), International Children’s Day, and Worlds Orphans Day among others which parents and guardians attend and participate in, provide a critical forum for the sensitization on child rights and parenting messages.

viii. Programmes for integrating gender norms, equality, violence against children, positive parenting and microfinance programmes while conducting community trainings on economic strengthening programmes for families. Other programs include the creation of awareness to guardians of vulnerable children who are at risk of abuse and
exploitation, who in most cases are old grandparents, on child trafficking as per the National Plan of Action for Counter Trafficking in Persons

Some of the Partners such as Catholic Relief Services (CRS), who work closely with the Government also implement family and child friendly programmes. Some of the key programme components and areas of focus include; Child health and wellbeing which benefits children under the age of 17, while prioritizing interventions in early childhood development (ECD); Vulnerable communities and social service systems strengthening; Health social change with a goal of not only saving lives but also optimizing children’s physical, emotional and cognitive development and; Capacity building especially on the skills and confidence of parents in parenting aimed at ensuring that children, survive, thrive and reach their full human potential and transform communities such as

i. Training on Positive parenting and early childhood development (ECD). Using the care group model, caregivers are given skills and knowledge on positive parenting, that is, stimulation, communication, play, infant and young child feeding and WASH. In addition, caregivers (mothers) are involved in a maternal mental skill building intervention that seeks to increase resilience, self-esteem, social support, parenting self-efficacy, uptake of key ECD practices and child development. By June 2018, the project had supported 3,423 women and 3,353 children in its interventions in Homabay and Migori.

ii. Positive parenting for HIV infected and affected households in 17 counties in the country through the Making Well-informed Efforts to Nurture Disadvantaged OVC (MWENDO) USAID funded project. MWENDO aims to address the social determinants of health to improve the wellbeing of children orphaned and made vulnerable by HIV; Enhance the capacity of caregivers and communities to sustainably provide care and support to OVC; and strengthen institutional capacities of formal and informal structures to respond to child welfare and protection needs through local health and development empowerment interventions. MWENDOs Positive Parenting skills intervention aims at building caregivers’ knowledge and skills needed to raise healthy, schooled, safe and resilient children. Through an evidence-based child centered and family focused approach to development, the project recognizes and appreciates that the family is key for any intervention aimed at improving the situation of orphans and vulnerable children.

iii. Positive parenting for children with disability: This is aimed toward alleviating poverty for the most marginalized people of the world especially people with disabilities. In 2014-2016, CRS collaborated with Special Olympics to pilot a unique sport and play program for children with intellectual disabilities (CID) targeting 100 children and families in Kawangware, Nairobi. The focus was on fun activities that are important to mental, social and physical growth. The program also trained community health workers and project staff on the unique needs of CID. The interventions included parenting sessions, household visits, household economic strengthening, and medical support or referral.
iv. **Skillful Parenting for reintegration done through** Changing the Way We Care (CTWWC) initiative implemented by CRS in partnership with Lumos and Maestral International. The initiative seeks to establish a framework for national, regional and global advocacy and behavior change campaign critical in seeking long-term, sustainable change in promoting family care.

C. **Measures taken to prevent all forms of violence against children**

i. The Government has banned Corporal punishment in schools through the Basic Education Act and advocates for positive discipline

ii. Violence Against Children (VAC) Study undertaken in 2019 aimed at informing on the prevalence and forms of violence on children

iii. A response plan on VAC has been developed and disseminated

iv. Strengthening reporting and referral mechanisms for all forms of violence against children in schools through Child Helpline 116 and using child-friendly mechanisms such as suggestion boxes, referral directories and standardized referral forms.


D. **Efforts at promoting non-violent forms of disciplining children**

i. Awareness creation on the use of alternative forms of disciplining children

ii. Increasing the capacities of teachers and other education stakeholders on prevention, identification and response to violence against children (including codes of conduct for teachers, alternative positive disciplinary practices, child safety against violent extremism and drug abuse, case management cycles and relevant standard operating procedures for cases of violence against children).

iii. Sensitizing community members on the negative impacts of violence on children, in the community as well as alternative positive and peaceful methods to managing behaviours and differences at home.

iv. Sensitizing learners with age-appropriate information on the existing policies and measures for prevention, identification and response to violence against children, including codes of conduct for teachers, reporting mechanisms, child protection guidelines, policies, and standard operating procedures for cases of violence against children within the school environment and outside the school.

v. Identifying and engaging positive role models/deviants (community gatekeepers, religious leaders, men and boys, reformed perpetrators) within various communities to act as change agents and champions to change negative norms and values and harmful practices.
vi. The Government through the Director of Public Prosecutions (ODPP) developed a Diversion Policy. Diversion enables prosecutors to divert cases from the court process and allow matters to be settled out of court, on merit and through agreed structures. Whereby children in conflict with the law are dealt with outside the formal criminal justice system and in particular from formal court processes a process. It promotes reintegration of such children into the society and has been viewed as an important element of justice as it includes development of strategies aimed at reforming such children involved in criminal activities.

E. Provision of legal identity including birth registration

One core function of the Department of Civil Registration Services (CRS) is to register all birth events occurring in Kenya and of Kenyan citizens occurring abroad. CRS also does re-registration upon legitimation and recognition. The Births and Deaths Registration Act Cap. Govern the registration. 149. The Act provides for compulsory and immediate registration of all births and deaths that occur in Kenya, regardless of nationality. It also provides for optional registration of births and deaths of Kenya Citizens that occur outside the country. In addition, CRS also administers part of the Legitimacy Act (CAP 145) that gives CRS the mandate to re-register births of people who were born illegitimate but have been legitimated by the subsequent marriage of their parents.

The Constitution of Kenya 2010 (CoK), in Chapter 3, Articles 12, 13 and 14 on citizenship, recognizes the function of civil registration as the primary basis for establishing Kenyan citizenship by recording a birth and associated details, which gives a child its conclusive identity that includes its name, parentage, and nationality. Article 53 in the Bill of Rights stipulates that every child has a right to a name and nationality from birth (CoK, 2010). Therefore, following the above, the Government through the Department of Civil Registration Services registers all birth events and gives the child a unique number referred to as the entry number, which is used to identify the child. Last year (2019), the National countrywide coverage of registration of births was 74%. Some of the challenges encountered include Births at home not registered; Religious and cultural beliefs prohibiting births in hospitals and lack of returns for capture of data on births at community births levels.

The Constitution and the Children Act also recognizes birth registration as a basic right for a child. A child has a right to a name and identity. It is also mandatory for children joining school and registering for national exams to have a birth certificate. Birth registration is also one of the specific objectives of the Orphaned and Vulnerable Children Cash Transfer (OVC-CT) programme and officers in counties and sub-counties facilitate this process. Hence, through the Department of Children’s Services, the Government creates public awareness on the provisions of the Constitution of Kenya and other laws that relate to the identity of the child, and the importance of birth registration as a child’s right.
F. Ways and means of observing the 30th anniversary of the International Year of the Family

During celebrations to mark the 30th anniversary of the International Year of the Family, the Government proposes the following topics could be addressed:

- Family strengthening programmes as the best care option for the well-being of children
- Protective environment for care for children
- Building on local structures that deliver services to families and children
- Online Child Sexual Exploitation
- Government Cash Transfer Programme (Inua Jamii),
- Violence Against Children (VAC) and how to Curb it
- Human Trafficking
- Alternative forms of Family care
- Domestic violence and how to curb it
- Hold plenary sessions involving various stakeholders like the police, the gender-based non-governmental organizations and policy makers.