



Convention on the Rights of the Child

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Item 4 of the provisional agenda

Consideration of reports of States parties

List of issues in relation to the combined third to fifth periodic reports of Kenya

Addendum

Replies of Kenya to the list of issues*

[Date received: 15 October 2015]

Part I

Reply to the issues raised in part I, paragraph 1, of the list of issues (CRC/C/KEN/Q/3-5)

1. The Children Act Amendment Bill was, in mid-2014, submitted to the Kenya Law Reform Commission which then forwarded it to the Constitution Implementation Commission (CIC). The CIC, in consultation with a number of stakeholders, deliberated upon the Bill and decided that a new statute be developed since the proposed amendments exceeded the threshold for amendment. This therefore, means that the Children Act 2001 will be repealed and another Statute developed. The development of the new Statute has commenced.

Reply to the issues raised in part I, paragraph 2, of the list of issues

2. The State developed the National Plan of Action for Children (NPA) 2008-2012 based on the four pillars of the Convention on the Rights of the Child. Upon its expiry, an analysis to take stock of the achievements, challenges and opportunities was carried out. The following are some of the major outcomes.

3. Regarding the **right to survival**:

* The present document is being issued without formal editing.



- The period 2010 and 2012 saw the development of significant policy documents in the area of health that were guided by the Constitution .Major Policies include; the Health Policy framework, draft Kenya Health Sector Strategic Plan II and Health Law, Food and Nutrition Security Policy and the Breast Milk Substitute and Control Bill.
 - There was also an increase in the health budgetary allocation to meet the Abuja Declaration from 47 billion in 2009/2010 to 60 billion Kenyan shillings in 2011/2012.
 - The under 5 mortality rate decreased from 70 percent in 2008 to 56 percent in 2012.
 - There was increased immunization coverage from 71 percent in 2008 to 80 percent in 2012.
 - Prevalence of HIV declined from 6.3 percent in 2009 to 5.9 percent in 2012. The mother to child transmission rate fell from 23 percent in 2009 to 15 percent in 2012.
4. Regarding the **right to development**:
- The Gross Enrolment Rates (GER) and Net Enrolment Rates (NER) at pre-primary school levels saw an increase from 59% and 42.1% respectively in 2007 to 65.6% and 52.4% in 2011.
 - At primary level, the GER increased from 108.9% from 2011 to 115.8% in 2012. The NER on the other hand marginally decreased from 95.7% in 2011 to 95.3% in 2012.
 - Secondary education registered an increase in the number of pupils enrolled from 1,382,211 in 2008 to 1,914,823 in 2012.
 - Transition from Primary school to Secondary School improved from 57.3% in 2005 to 76% in 2012.
 - In addition a Sessional Paper of 2012 on Integration of health and nutritional support for children under five years of age attending day care centers at ECDE was developed to enhance holistic child development.
 - The Special Needs Education Policy Framework was also developed in 2010 to provide a roadmap for engagement with stakeholders in the sector to transition to an inclusive education approach by 2015. Further, the allocation to Special Needs Education allocation increased from 441.07 million Kenyan shillings in 2008/2009 to 444.2 million Kenyan shillings in 2011/2012.
5. The State also developed policies that promote parental family care for children by encouraging family, kinship, foster care, adoption and guardianship.
6. Laws and policies that were developed under the 2008-2012 to guide the education sector include:
- Teachers Service Commission Act (2012).
 - The National Special Needs Education Policy Framework (2006).
 - National School Health Policy (2010).
 - Policy for Alternative Provision of Basic Education and Training (2009).
7. Guided by the NPA, the Government has also put in place measures to promote recreation, leisure and play as outlined in the National Children Policy 2010 to enhance the holistic development of children.

8. Regarding the **right to protection**:
- Article 53(1) d of the 2010 Kenya Constitution provides for protection of children from abuse, neglect, harmful cultural practices, all forms of violence, inhumane treatment and punishment, and hazardous or exploitative labour.
 - The Kenya National Children’s Policy (2010) makes a provision that all children especially those with disabilities and those with special needs have a right to be protected from any harm that may interfere with their growth and development.
 - The review of the National Plan of Action 2008-2012 indicated that the Constitution and other legislations have strengthened the child protection system in several areas including trafficking of persons, alcoholic drinks control and prohibition of Female Genital Mutilation. Kenya has an elaborate legal and policy framework to protect children from all forms of abuse and exploitation.
9. Laws, policies and guidelines that have been developed to protect children include:
- The Counter Trafficking in Persons Act (2010).
 - Prohibition of the Female Genital Mutilation Act (2011).
 - Standards of Practices for Child Protection Centers (2010).
 - Standards for Quality Improvement for OVC services.
 - The guidelines for Alternative Family Care of Children in Kenya (2014).
 - National Standards for Best Practices for Charitable Children’s Institutions in Kenya (2014).
10. Allocation for social protection for OVC increased from 579.00 million Kenyan shillings in 2008/2009 to 1,026.90 million Kenyan shillings in 2011/2012. Direct cash disbursement increased from 546.00 million Kenyan shillings in 2008/2009 to 896.90 million Kenyan shillings in 2011/2012.
11. Regarding the **right to participation**:
- The involvement of children and young people during the drafting of the current Constitution demonstrated the significance of meaningful participation of children and young persons in decision-making process that could impact their lives.
 - Children have also participated in reporting on the implementation of international and regional legal instruments such as the Convention on the Rights of the Child.
 - The Kenya Children’s Assembly was also established in 2012 at the National, County and Sub-County levels to enhance child participation by providing regular forums where children can voice their concerns regarding their rights and welfare.

Current NPA 2015-2022

12. The NPA was developed through a consultative process with key partners and stakeholders. It is organized according to the four pillars of the Convention which are; survival, development, protection and participation. The first four chapters highlight the overall situation for each pillar, the legal and policy framework as well as the planned activities to achieve relevant targets during the period 2015-2022.

13. Coordination and Monitoring and Evaluation (M&E) mechanisms are important processes of any plan of action and have been incorporated in the NPA. Coordination ensures that the planned activities run smoothly while M&E helps in improving performance. The plan also highlights expected outcomes, broad objectives, outputs, indicators and timeframe, which are outlined in the planning matrix.

Reply to the issues raised in part I, paragraph 3, of the list of issues

14. The percentage spending in health has fallen from 5.2 to 3.3% of the National budget between 2012 and 2014. This can be attributed to the devolution process where most of the functions have been devolved to the County levels. The falling budget is most likely compensated by what the Counties are allocated. The data on these allocations at the County level is yet to be made available. Allocations for the education sector have been rising 15%- 16.6% between 2012 and 2013. This figure is likely to keep rising because the function is not devolved, with the exception of the Early Childhood Education (ECDE).

15. To combat corruption the Government has taken the following steps:

- Reviewed the Legal, Policy and Institutional Framework for fighting corruption in Kenya. It has for instance developed Whistle Blower Protection Bill, 2015, the National Ethics and Anti-Corruption Policy and reviewed the Public Officer Ethics Regulations, 2011.
- Implementation of the National Anti-Corruption Campaign Programme.
- Mainstreamed corruption eradication in all sectors of the economy and has set up integrity committees in all Ministries, Departments and Agencies (MDAs) and trained integrity officers.
- Carried out reforms in most public institutions. For instance the judicial reforms following the adoption of the current constitution in 2010 which led to; vetting of all judges and magistrates, competitive hiring of judges, increased judicial manpower to reduce backlog in courts, modernization of judicial infrastructure including cashless payment system for court services. Disciplinary action has also been taken against Judicial Officers and staff who have been linked to cases of corruption and impropriety.
- Devolution as provided under the Constitution and the corresponding legislation- Public Finance and Management Act 2012 and the County Government Act 2012 has strong public participation channels in social services.
- The government has transitioned public procurement from paper to electronic format to increase transparency and reduce corruption.
- The Commission of Administrative Justice (CAJ) has played a prominent role in receiving, reviewing and responding to public complaints touching on service delivery.

Reply to the issues raised in part I, paragraph 4, of the list of issues

16. Albinism in Kenya is categorized as one form of disabilities and children with albinism, therefore, qualify for benefits ascribed to persons with disabilities as stipulated in the Constitution and the Persons with Disabilities Act of 2003.

17. The following are some of the measures the state has put in place to ensure the safety of persons, including children, with Albinism:

- The establishment and funding of the National Council for Persons with Disabilities (NCPWD) whose functions include:
 - Formulate and develop measures and policies designed to achieve equal opportunities for PWDs.
 - Recommend measures to prevent discrimination against PWDs.
 - Encourage and secure the rehabilitation of PWDs within their own communities and social environment.

- Identify and register persons with disabilities and institutions and organizations giving services to PWDs.
- Create public awareness on Disability.
- NCPWD is currently registering people with Albinism both at the County and Sub-County levels. It is also managing this year's Government allocation of Kshs. 100 million to support activities for protection of persons with albinism.
- The Government has also collaborated with other stakeholders including the media and neighboring countries to advocate for the rights of people with albinism. These advocacy efforts include sensitization of the public to demystify the myths surrounding the presumed value in the body parts of persons with albinism.
- There is increased vigilance internally and also at the borders with Tanzania to ensure that children with albinism are not kidnapped and trafficked across the border. Stiff penalties have been meted out on perpetrators of crimes against people with Albinism as prescribed in the Penal Code and the Counter Trafficking in Persons Act 2010.

Reply to the issues raised in part I, paragraph 5, of the list of issues

18. Article 53 of the Constitution provides for protection of children from all forms of violence and inhumane treatment. On this basis, all children whose rights have been violated in such manner have equal access to justice regardless of the status of the perpetrators. A case in point is where police officers were recently arraigned in court for allegedly stripping, taking and circulating on social media, nude pictures of a female student they found in possession of drugs hidden in her private parts. The officers are on interdiction until the case is determined.

19. The Government has also put in place measures to enhance the protection of children from all forms of abuse. These include; the establishment of a toll free — 24 hour — child help line 116, the establishment of Rescue Centres and Gender Violence Recovery Centres, legal aid clinics that offer free legal advice to the public, the establishment of child help desks in all police stations and Child Protection Units (CPU'S), as well as the establishment of children's courts.

Reply to the issues raised in part I, paragraph 6, of the list of issues

20. Registration of births in Kenya is guided by the Constitution and the Births and Deaths Registration Act. Section 53 of the Constitution states that every child born in Kenya has a right to a name and nationality while Section 14 states that any child below the age of eight and whose nationality and parents are not known, is presumed to be a citizen by birth and is therefore, entitled to a birth certificate. The Births and Deaths Registration Act provides for the registration of all births occurring in Kenya immediately they occur irrespective of creed, nationality, race or marital status of a child's parents. The Act also provides for registration of births of Kenyans occurring abroad.

21. Section 149 of the Births and Deaths Registration Act, confers the Department of Civil Registration, the responsibility to notify births and deaths to various categories of entities such as parents, health institutions, in-charges of quarantined individuals in institutions such as Prisons, Institutions of care and Refugee camps. The Department works closely with these institutions to fulfill its mandate.

22. In cases of refugees, the Government collaborates with UNHCR to register all of these events and issues certificates within the camp.

23. Processing of birth certificates attracts statutory fees as stipulated in Section 149 of the Births and Deaths Registration Act. However, the Government is working towards eliminating this cost and has proposed issuing the first copy of birth certificate free of charge in the National Registration and Identification Bill 2012.

24. Other measures to ensure universal birth registration include: advanced plans to pilot issuance of birth certificates to children during routine immunization regime; establishment of mobile universal registration centers at the Counties; establishment of “one stop-shop” registration centres dubbed Huduma Centers; issuance of birth certificates to adopted children and; intensified advocacy efforts by the Government and other stakeholders on the significance of registration.

Reply to the issues raised in part I, paragraph 7, of the list of issues

25. The Constitution of Kenya, specifically the Bill of Rights is categorical that the state and every state organ has a duty to observe, respect, protect, promote and fulfill the rights and freedoms of every Kenyan. Article 53 of the Constitution, further states that every child has the right to be protected from abuse, neglect, harmful cultural practices, all forms of violence, inhuman treatment and punishment, and hazardous or exploitative labour.

26. The Basic Education Act 2013 outlaws corporal punishment in schools and states that no pupil shall be subjected to torture and cruel, inhuman or degrading treatment or punishment in any manner, whether physical or psychological. The Act also provides for punishment on all offenders who violate this right.

27. The Prevention Against Domestic Violence Act 2015, provides for the protection and relief of domestic violence including physical abuse for all persons including children.

28. To give effect to the provisions of the law, the Government has done the following:

- Issued a circular to all schools banning Corporal punishment and most schools have consequently established and/or strengthened Guidance and Counseling units to deal with discipline issues.
- It regulates the establishment and operations of all Charitable Children’s Institutions (CCIS) and has made it a requirement for them to develop a Child Protection Policy before they can be registered.
- It has also developed Guidelines on Best Practices; Manual for Managers of Charitable Children’s Institutions to equip them with knowledge and skills on care giving including positive forms of behavior management.
- It makes regular visits to these institutions and closes any that is found to contravene the law in terms of child care.
- It has developed Guidelines for Positive Discipline methods in schools. The product of these Guidelines will be teacher’s Hand Book and an accompanying training manual.
- It has, in collaboration with stakeholders, established a 24 hour toll, free helpline 116 for children through which they can report incidences of child abuse including corporal punishment, and get appropriate help.
- It has also developed and continues to implement an action plan to address the various forms of violence against children based on the findings and recommendations of a study it conducted in 2010 on violence against children.

Reply to the issues raised in part I, paragraph 8, of the list of issues

29. An investigation was carried out by the Commission on Administrative Justice - Office of the Ombudsman and the outcomes compiled into a report titled "An Investigation Report on use of Excessive Force by Police Officers and improper conduct by other public officers involved in quelling the 19th January 2015 Demonstration at Lang'ata Road Primary School."

30. The report recommended disciplinary action against the concerned officers and this is under consideration. It also recommended review of the Riot Manual in line with the current International Standards as contained in the United Nations Basic Principles on the use of Force and Firearms by Law Enforcement Officials. A committee has been set up to review the manual.

31. To protect schools from land grabbing, the Government:

- Issued an executive order that all the heads of public schools should process titles deeds for their school land and the Government agency mandated to issue title deeds directed to give priority to processing of school title deeds.
- Directed schools to fence off their school land to protect them from encroachment.

Reply to the issues raised in part I, paragraph 9, of the list of issues

32. To combat child marriage in the Country, Kenya has enacted a law that prohibits child marriage by setting the age of marriage at 18 years. The Constitution as well the Children Act of 2001, define a child as anyone below the age of 18 years. In the same spirit, the Marriage Act of 2014 clearly states that "A person shall not marry unless that person has attained the age of 18 years." This Act further states that any person who marries a person below 18 years commits an offence and if convicted will be liable to imprisonment for up to five years or a fine of up to One million Kenya shillings or both.

33. Kenya has also enacted a host of other laws to curb other harmful cultural and religious practices that precipitate child marriage. The Protection Against Domestic Violence Act 2015, provides for the protection against domestic violence and defines it to include child marriage, forced marriage, defilement and FGM.

34. In the year 2011, Kenya enacted a law against FGM. The Prohibition of Female Genital Mutilation Act outlaws this practice to safeguard against violation of a person's mental or physical integrity. The Act also, established the Anti-FGM Board whose functions include formulation of policies, mobilization of resources, designing and co-ordination of public awareness programmes against the practice and advising the Government on issues related to FGM.

35. To mitigate against the social, cultural, economic and religious factors that precipitate these harmful practices, the Government has also put in place measures that include:

- Free and Compulsory Primary Education and subsidized Secondary Education that have enhance accessibility, equity and retention of children in school and therefore delayed marriage. The Government is also keen on ensuring that there is gender parity at all levels of education and as such, works closely with other stakeholders in the sector to ensure that schools are gender friendly and that both boys and girls are retained in school until completion.
- Setting aside money annually, to buy sanitary towels for girls especially in arid and semi-arid areas and other parts of the country with high poverty levels. The Government has also zero-rated taxes on sanitary towels making them cheaper and affordable to the girls that do not benefit from those it provides. These have ensured

that children are retained in school for longer and consequently increased their chances of completing education both at primary and secondary levels.

- Establishment and continuous expansion of Cash Transfers to Orphans and Vulnerable Children, Older Persons and those with severe disabilities to cushion families from the effects of poverty and other social inequities that would otherwise promote FGM and child marriage. These initiatives have had a significant impact on poverty reduction, the rates of enrolment and retention of children in schools and consequently reduced the occurrences of FGM and child marriage across the Country.
- Enhancing child participation by establishing the Kenya Children's Assembly both at the National, County and Sub-County levels and developing guidelines for Child Participation. Through these, children have been able to voice their concerns and opinions to relevant authorities for consideration.
- Carrying out studies on these practices to foster a deeper understanding of their dynamics. For instance the 2010 National study on violence against children and 2011 study on child marriage among the Kuria and Rendille of Kenya whose findings and recommendations provided useful information in the development of National Plan of Action for Children 2013-2017.
- Advocating for the elimination of these practices in collaboration with other stakeholders including the media.
- Other measures include; the formulation of the Framework for the National Child Protection System in 2011, the establishment of the toll free - 24 hour child help line 116 and the creation of awareness on its existence, the establishment of Rescue Centres and Gender Violence Recovery Centres across the country, legal aid clinics that offer free legal advice to the public, the establishment of child help desks in all police stations and Child Protection Units (CPU'S) in some, as well as the establishment of children's courts. The Government also exercises utmost vigilance in areas where these practices are common and in many instances; makes arrests, prosecutes and metes out penalties on perpetrators of these vices.

Reply to the issues raised in part I, paragraph 10, of the list of issues

36. To prevent and investigate cases of child abduction and child trafficking for adoption, the Government enacted the Counter Trafficking in Persons in 2010 and thereafter, developed a National Plan of Action for Combating Human Trafficking for 2013-2017 to provide a road map for the implementation the Act.

37. Since the establishment of the Committee of Experts on adoption, Kenya has made no progress in as far as developing a policy and legal framework on adoption is concerned.

Reply to the issues raised in part I, paragraph 11, of the list of issues

38. Kenya is a signatory of the Convention on the rights of people with Disabilities that requires governments to ensure that people with disabilities have access to an inclusive quality and free basic education. Article 54(1) (b) of the Kenyan Constitution states that persons with disability are entitled to access educational institutions and facilities for persons with disability that are integrated into society to the extent compatible with the interests of these persons . Further, the Persons with Disability Act 2003 outlaws all forms of discrimination against persons with disabilities.

39. The Basic Education Act provides for the establishment of inclusive schools and as such, the Government has reviewed policies to promote inclusive education. It has also directed regular schools to create disability friendly infrastructure and has established

centers of excellence for inclusive education in all Counties. It has also enhanced its advocacy efforts on the benefits of inclusive education and has progressively trained teachers on Special Needs Education with a target to have at least one of these trained Teachers in all primary schools by the end 2015.

40. To fulfill its obligation of protecting the rights of refugee children in Kenya, the Government has partnered with other stakeholders to establish Education facilities in the 2 main refugee camps namely, Kakuma and Dadaab. These facilities are meant to ensure that refugee children have access to affordable quality education like other children in the Country.

41. The following is a breakdown on the number of special needs schools in comparison to the number of integrated schools as at the end of 2013:

<i>S/N</i>	<i>Disability</i>	<i>Special Schools</i>	<i>Integrated Schools</i>	<i>Total</i>
1	VI	06	31	37
2	HI	09	09	18
3	PH	05	24	29
	Total	20	64	84

Key: VI – Visually impairment. HI – Hearing impairment. PH – Physical handicap.

Reply to the issues raised in part I, paragraph 12, of the list of issues

42. To reduce regional disparities in relation to health, nutrition and education, the government of Kenya has:

- Decentralized health services as well as Early Childhood Development with guidance from the Transitional Authority, a legislative body charged with the role of ensuring smooth handover of roles from the National to County governments.
- Established an equalization fund under article 204(2) of the Constitution to provide basic services including; water, roads, health facilities and electricity to marginalized areas to the extent necessary to bring the quality of those services in these areas to the level generally enjoyed by the rest of the population, so far as possible.
- Come up with targeted interventions to address maternal and child health issues especially to reduce morbidity and mortality. This is ongoing in the 15 Counties with a high burden of maternal and child morbidity and mortality and 15 million USD has been allocated to cover interventions from 2014-2017. The activities to be undertaken include:
 - Capacity building on emergency obstetric and new born care
 - Renovation of health care facilities
 - Purchase of equipment for primary health care facilities
 - Provision of ambulances for effective referral systems
- Adopted a resource allocation criteria as stipulated by article 203 of the Constitution, which considers economic disparities within and among counties and the need to remedy them and the need for affirmative action in respect of disadvantaged areas and groups.
- Embarked on setting up of health facilities in urban settlements.

- The Government also conducts bi-annual food security surveys immediately after the long and short rains and develops necessary targeted interventions based on the findings and recommendations.
- Removed user-fees at primary healthcare facilities and allocated financial resources to these facilities to enable them carry out the services.
- Established a Water Services Trust Fund, a state cooperation formed under the Water Act 2002, to support equity in access to water services through grants to groups in rural areas and informal settlements. The Government allocation to this body grew from 175 Million on 2002/03 to 333 million in 2013/14.
- Partnered with Her Excellency the First Lady in the Beyond Zero campaign to reduce maternal and child deaths that has so far seen; the distribution of mobile clinics to 32 out of the 47 Counties, the sensitization of men and communities to spearhead maternal and child health issues, the scaling up of HIV testing and ART and the scaling up of cancer screening.
- Constructed low cost boarding schools in Arid and semi-arid areas and advances special grants to schools in the same areas. It has also established school feeding programmes and mobile schools in these areas.
- Granted teachers in these areas Hardship allowances to attract and keep them.
- Established complimentary low cost schools in Informal settlements.
- It has also established a number of bursary funds to ensure that children in these areas access education regardless of their economic status.
- It is developing a National policy on social protection.

43. The State also has a National Council for Children's Services which has structures at the grassroots levels referred to as the Area Advisory Councils' (AACs) that are composed of members from the Civil society, Religious Organisations and representatives of Government Ministries and departments. These AACs' ensure that all children have access to affordable and good health, nutrition and education facilities.

Reply to the issues raised in part I, paragraph 13, of the list of issues

44. The Government of Kenya continues to make effort in its quest to combat child malnutrition and these efforts include:

- The development of the Breast Milk Substitutes Act to promote breastfeeding and outlaw the sale of breast milk substitutes in health facilities.
- Declaration of hospitals as baby friendly when they promote breastfeeding.
- Enhancement of maternity leave to 90 calendar days and paternity leave to two weeks.
- Partnership with private sector to promote breastfeeding at work e.g. baby crèches and work place day care centers.

45. As a result of all the aforementioned, exclusive breastfeeding for the first six months has increased to 61% according to the 2014 Kenya Demographic and Household Survey (KDHS) from 32% in the 2008/2009 KDHS.

- Gazettement of the National committee on infant and young child feeding which was officially launched in March, 2015, that is working with the AG to formulate regulations to operationalize the Breast Milk Substitutes Act.

- Increased resource allocation by the Government for nutrition from Ksh.433M. in F/Y. 2013/14 to Ksh.682M. in F/Y. 2014/15 representing a 57.7% increase in the allocation.
 - Multi-Sectoral collaboration with other nutrition sensitive sectors e.g. Agriculture, education, water and environment. Following these, guidelines that integrate agriculture and nutrition for communities were developed and launched. Kenya joined the global movement scaling up nutrition (SUN) with the aim of bringing people together for a common goal of mobilizing resources and focus on improving communication.
 - Enactment and implementation of the School Health Nutrition Policy. The Government together with stakeholders has introduced school feeding, deworming, inoculation and vaccination as well as WASH programmes.
 - The established and subsequent expansion of OVC-CT programme that has greatly improved the nutrition of the targeted households.
46. On **sexual reproductive health information to adolescents**, the Government has:
- Developed the Adolescent Sexual Reproductive Health Policy.
 - Established youth friendly centers to offer sexual reproductive health information to adolescents.
 - Adopted the use of social media and Information Technology to provide Sexual Reproductive Health information to adolescents.
 - Signed a commitment to promote comprehensive sexuality education and sexual and reproductive health services for adolescents and young people on the 7th of December 2013 in South Africa.
 - Developed an education sector policy on HIV and AIDS available.
 - Teaches Life skills in schools.
47. On **access to safe abortion and post abortion services**, the Government has:
- Made Safe abortion available according to article 26 of the Constitution which states that “Abortion is permitted if in the opinion of a trained health professional, there is need for emergency treatment, or the life or health of the mother is in danger, or if permitted by any other written law.”
 - Made Post Abortion Care available to all.

Reply to the issues raised in part I, paragraph 14, of the list of issues

48. The Constitution of Kenya, in congruence with the Convention on the Rights of the Child as well as the ACRWC, and the Basic Education Act of 2013 prohibit the denial of children to access basic education on the basis of proof of age or any other consideration. As such, no child in Kenya is in record as having been denied their right to education for failure to produce a birth certificate.

49. Following reports that incidences of underage children seeking enrolment to school and/or sitting for National Examinations were on the increase, the Ministry of Education through the Kenya National Examination Council instituted a policy that requires candidates to present Birth Certificates when registering for examination. It also issued a directive to all primary schools not to admit children below the age of six. The Ministry of Education has since been collaborating with the Department of Civil Registration to implement this and this has not only ensured that children access education at the appropriate age but also, increased registration of children.

Reply to the issues raised in part I, paragraph 15, of the list of issues

50. The State is committed to providing quality education to all its children since education is a basic right under Article 53 of the Constitution which states that children have the right to free and compulsory basic education. Upon the realization that hidden costs were hindering the access to free basic education in Kenya, the government undertook to eliminate them by:

- Progressively scaling up subsidized Secondary Education and Free Primary Education grants. This has steadily increased from Kes.441.07 Million in 2007 to Kes.551.4 Million in 2010/11.
- Allocating funds to schools for special needs education and overtime, increasing this allocation. For instance, from Kes.96 Million to Kes.420 Million in the 2010/2011 Financial Year and the State also provides Kes.8,000/= allocation for every child in these institutions.
- Setting up a task force on School fees which made recommendations aimed at rationalizing school fees.
- Encouraging parental participation in discussing and recommending charges to be levied on pupils/parents as provided for in the Basic Education Act.
- Setting aside money every year to buy sanitary towels for girls, especially in arid and semi-arid areas and other parts of the country with high poverty levels. The Government has also zero-rated taxes on sanitary towels making them cheaper and affordable to the girls that do not benefit from those provided by the Government.
- Issuing a directive to ban holiday tuition and the accompanying holiday tuition fee after it emerged that some schools were using this as money making schemes.

Reply to the issues raised in part I, paragraph 16, of the list of issues

51. The Government established a task force chaired by the Solicitor General which comprised of representatives from the Ministries in charges of land matters and culture as well as representatives from the Endrois Community to develop a framework on the implementation of the ACHPR Court order. The task force made its first visit to the land to engage the community. However, the community was hostile and insisted on having engagements directly amongst themselves. The term of the Task Force has since come to an end and is awaiting reconstitution by the Attorney General.

52. Meanwhile, The Government has also developed the Community Land Bill which has been submitted to Parliament for debate. This Bill proposes measures to deal with cases of community land including the Endrois case.

Reply to the issues raised in part I, paragraph 17, of the list of issues

53. Kenya is a signatory to the International Conventions aimed at protecting refugees and has no intention of reneging on these obligations. In this regard, the country will not forcefully repatriate refugees, including children, back to Somalia or any other country.

54. In addition, to protect the interests of the children, social amenities including schools and hospitals have been constructed and operationalised in the refugee camps. Security in the camps has also been improved with the establishment of police posts and Army camps in view of the incursions from across the borders.

55. The Constitution under Articles 23 & 25 considers refugee children in Kenya as children in situations of emergency and must therefore, enjoy all the rights accorded to

children under the Constitution including the right to an expeditious trial and representation before court.

56. The State in collaboration with non-state actors conducts registration of new born babies in the refugee camps.

57. In collaboration with the UNHCR, the judiciary has taken deliberate steps to train the Judges and Magistrates on refugee law and now most of them are well equipped to deal with refugee law and concerns.

58. On the alleged police brutality at Dadaab refugee camp, investigations were conducted and the findings compiled into a report that was handed over to the Inspector General (I.G) of Police. The I.G is studying the report for appropriate action.

Reply to the issues raised in part I, paragraph 18, of the list of issues

59. In 2008, the State launched a programme dubbed “Operation Rudi Nyumbani” to resettle the 350,000 registered Internally Displaced Persons of the 2007/2008 post-election violence. The operation involved the following strategies amongst others;

- Start-up funds of ten thousand shillings to each IDP household.
- Provision of twenty five thousand shillings for the reconstruction of houses.
- Provision of relief food by the State and other non-state actors.
- Reconstruction of infrastructural facilities.
- Purchase of land for IDP’s.
- Peace building and reconciliation to create harmony amongst communities.

60. For those who have been displaced as a result of other violence, the Government has been in the forefront of conflict resolution and resettling the displaced. It has, in a number of occasions, arrested and prosecuted inciters and executors of such violence. It has also collaborated with other stakeholders and the affected communities in promoting peace building initiatives.

61. In the event that a Government development project necessitates the displacement of persons, the Government compensates them with the full value of their property at the time of displacement and allows for reasonably ample time for relocation.

Reply to the issues raised in part I, paragraph 19, of the list of issues

62. This information is unavailable at the moment.

Reply to the issues raised in part I, paragraph 20, of the list of issues

63. There exists a juvenile justice system in Kenya and progress is being made to strengthen it as the Government develops a new statute for children. Raising the minimum age of criminal responsibility by internationally accepted standards is among the issues that will be put into consideration as this new law is written.

Reply to the issues raised in part I, paragraph 21, of the list of issues

64. Kenya ratified the Optional Protocol on the Involvement of Children in Armed Conflict and in 2010, enacted the Prevention of Organized Crimes Act which outlaws the recruitment of children by non-state actors into armed conflict.

65. In addition, the Government, in conjunction with stakeholders, has taken the following measures in an effort prevent the radicalization and recruitment of children into armed groups:

- Strengthening policies on social Media and countering distribution of radical literature.
- Addressing social economic factors fuelling radicalization e.g. unemployment, lack of education by empowering the youth through initiatives like the Uwezo fund and the National Youth service.
- Enhancement of security initiatives like the Nyumba Kumi Initiative and Community Policing.
- Capacity building of school heads on radicalization.
- Identification of schools that were said to have had their students radicalized in Nairobi, Kiambu and Mombasa Counties.
- Established a de-radicalization programme.

66. Articles 3, 26 and 27 of the Constitution outlaw discrimination and stipulate that every person is equal before the law and the Government, therefore, does not discriminate or allow for discrimination against any child including those who belong to the communities suspected of collaborating with terrorist groups

Part II

Reply to the issues raised in part II of the list of issues

(a) New bills, laws and their respective regulations

67. In 2010 Kenya adopted its current Constitution that has necessitated a number changes affecting laws and institutions that existed before it came into force. The new bills, laws and their respective regulations include:

Basic Education Act, No. 14 of 2013

68. An Act of Parliament to give effect to Article 53 of the Constitution. The Act provides for the right of every child to free and compulsory education. It obligates parents in Kenya to ensure that children attend school and any parent who fails to take his or her child to school commits an offence. Further, it bestows the responsibility to the Government to provide free and compulsory education. Relevant Sections 28, 30, 32, 36, 38, 39, 47 and 48

69. The Basic Education Act Regulations have been made for purposes of carrying out of the objects of the Act.

Persons Deprived of Liberty Act, No. 23 of 2014

70. An Act of Parliament to give effect to Articles 29(f) and 51 of the Constitution. The Act provides for the rights of children detained and states that the competent authorities shall within forty eight hours notify a parent or guardian of a child that is detained or deprived of liberty. Relevant Sections 21 and 22.

Marriage Act, No. 4 of 2014

71. An Act of Parliament to amend and consolidate the various laws relating to marriage and divorce and for general purposes. The Act defines a ‘child’ – as an individual who has not attained the age of eighteen years. It provides that a person shall not marry unless that person has attained the age of eighteen years and makes it an offence for marriage to a person under the prescribed minimum age. Relevant Sections 4, 11, 12 and 87. The Marriage (General) Rules, 2014 were made to operationalise the Act.

Victim Protection Act, No. 17 of 2014

72. An Act of Parliament to give effect to Article 50(9) of the constitution; to provide for protection of victims of crime and abuse of poor; to provide special protection for vulnerable victims and for connected purposes.

73. According to the Act, a ‘Child’ has the meaning assigned to it under the Children’s Act and renders a child of a victim born after the death of the victim whereas a ‘Victim’ means any person who suffers injury, loss or damage as a consequence of an offence. Relevant Sections 18 and 31.

Protection Against Domestic Violence Act, No. 2 of 2015

74. An Act of Parliament to provide for the protection to provide for the protection and relief of domestic violence; to provide for the protection of a spouse and any children or other dependent persons and to provide for matters connected therewith or incidental thereto. Section 3 defines the meaning of domestic violence.

75. According to the Act, violence means abuse that includes:

- Child marriage
- Female Genital Mutilation
- Forced marriage
- Defilement
- Incest
- Sexual abuse
- Virginitly testing
- Physical abuse
- Emotional and psychological abuse, among others.

76. Other relevant Sections include **3(3) and 9**.

In-Vitro Fertilization Bill, 2014

77. The Bill proposes to provide for the regulation of In-Vitro Fertilization, prohibit certain practices in connection with In-Vitro Fertilization, establishment of an In-Vitro Fertilization Authority, to make provision in relation to children born of In-Vitro Fertilization process and for connected purposes.

78. It also proposes that a child born of In-Vitro Fertilization should have the same legal rights under the constitution or any other written law as that of a child born through sexual intercourse.

79. Relevant Sections 25, 28 and 31.

Legal Aid Bill, 2015

80. The Bill provides that a 'Child' has the meaning assigned to it under Article 260 of the Constitution. Section 36(b) proposes for persons eligible for Legal Aid which include a child. In addition, Section 43(3) further proposes that it shall be the duty of the court to order the National Legal Aid Service where the child is unrepresented to provide legal representation for the child in instances where a child is brought before a court in proceedings under the Children Act or any other written law.

81. The Bill underwent the first reading in the National Assembly and has been subjected to public participation as required by the Constitution.

Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill, 2015

82. A Bill for an Act of Parliament to establish a framework for the preservation of human dignity, promotion, monitoring and enforcement of economic and social rights, to establish mechanisms to monitor and promote adherence by both National and County governments.

83. Economic and Social Rights Section 5(1) of the Bill proposes that in pursuit to Article 43(1) (e) of the Constitution every person has the right to the attainable standards of economic and social rights including the right to; basic nutrition for children

Employment (Amendment) Bill, 2015

84. A Private members Bill that seeks to amend the Employment Act by providing for leave for employees in respect of whom an adoption order is made authorizing such employees to adopt a child pursuant to Section 154 of the Children Act. The Employment Act presently provides for maternity and paternity leave which applies to biological children, but not adopted children.

Labour Institutions (Amendment) Bill, 2015

85. The Bill proposes for the establishment of a National Steering Committee on Child Labour (NSCCL) and County Child Labour Committees. The NSCCL will advise the Cabinet Secretary responsible for matters relating to labour on policies, programmes, national action programmes on child labour as well as coordinating and monitoring of agencies dealing with child labour issues.

Employment (Amendment) Bill, 2015

86. This is a Bill that has been initiated by the Ministry responsible for labour matters for an Act of Parliament to amend the Employment Act, 2007 and for connected purposes. It proposes to amend Section 53 (1) of the Principal Act by providing that no person shall employ a child that places at risk the child's well-being, educational, physical or mental health, or spiritual, moral or social development in contravention of which an offence is committed; among others.

Sexual Offences - Rules of Court, 2014

87. Section 2 (c) of the Rules, mandates the court to issue orders to protect the privacy of a child accused of an offence under the Sexual Offences Act.

Employment Act - General Rules, 2014

88. Part IV of the Rules provides for employment of children whereas Section 12 (1) states that no person shall employ a child who has not attained the age of sixteen years

without prior permission from an authorized officer. The Rules also list hazardous and light work which children are not allowed to perform and engage in respectively.

(b) New institutions (and their mandates) or institutional reforms

89. The Labour Institutions Bill, 2015 aims to institutionalize the National Steering Committee within the provision of the law. The Committee is currently gazetted without a legal framework. The Bill also seeks to establish County Child Labour Committees, its membership and functions.

(c) Recently introduced policies, programmes and action plans and their scope

90. These include the following:

- The National Plan of Action for Children 2015-2022.
- From July 2012 to June 2015, the Government with support from ILO/IPEC implemented National Action Programme in Turkana County. The objective of the programme was to strengthen human security in the border communities of Turkana County. The project ends in December, 2015. As of June, 2015, 1,150 children were withdrawn from child labour.
- The Short National Action Programme (SNAP) with support from ILO was implemented in Busia, Kilifi and Kitui Counties that is; from 2010 to 2013. The objective of the programme was to support in elimination of child labour. 8348 children were withdrawn from child labour as a result.
- A programme on skills and livelihood training for adolescent children was implemented from 2014-2015. The objective of the programme was to equip children who are out of school with livelihood skills. 410 children were trained.

(d) Recent ratifications of human rights instruments

91. Kenya signed the Optional Protocol to the Convention on the Rights of the Child on Prostitution and Pornography on 8th September, 2009 signaling its approval of the framework and intention to be bound by the provisions therein. The Protocol is yet to be ratified.

92. Be that as it may, the Country has enacted robust legislation outlawing child pornography and prostitution vides the Sexual Offences Act, No. 3 of 2006 substantively incorporating the provisions of the Protocol.

Part III

Reply to the issues raised in part III, paragraph 1, of the list of issues

93. The proposed Amendments to the Children's Act, upon assessment by the Constitution Implementation Commission, were found to exceed the threshold for amendment and a decision to develop a new statute for children was made. The process was justified and therefore, there is no information on the budget required to implement the proposed amendments.

94. The National Plan of Action for Children 2015-2022 was not costed and this information, therefore, is not available.

Reply to the issues raised in part III, paragraph 2, of the list of issues:

(a) Complaints of violation of the rights of the child

95. This Data is not available at the moment.

(b) Incidences of violence, including sexual violence, committed by law-enforcement officers and the police

96. During the period from January 2012 to July 2013, a total of 13 out of 47 Counties recorded incidents of violence against children by law enforcement officers.

97. 16 cases involving 18 children were reported and no case has been settled outside court.

98. A total of 12 cases are before court awaiting determination, 2 cases are still being investigated and 2 cases involved accused persons who are known but are yet to be arrested while 1 case was withdrawn under section 87A of the Criminal Procedure Code.

(c) Cases of violence against children, including corporal punishment and sexual violence

99. According to the Violence Against Children Report completed in 2012 (GOK and UNICEF), violence against children is a serious problem in Kenya with lifetime consequences for victims. An estimated 73 per cent of boys and 66 per cent of girls have experienced physical violence before the age of 18. The report concludes that sexual and physical violence does not discriminate on the basis of ethnicity or socio-economic status. Violence against children is mostly committed by person closest to them, including parents, relatives, figures of authority such as teachers and religious leaders. Over 50 per cent of children report that they have been physically abused by their parents before the age of 18, showing that domestic violence is a considerable problem.

100. Violence in schools remains a major concern. Among females and males who reported being punched, kicked, whipped or beaten with an object by an authority figure prior to age 18, teachers accounted for 99.9 per cent of perpetrators reported by females and 96.2 per cent of perpetrators mentioned by males. The Basic Education Act 2013 criminalises corporal punishment in schools. Based on the Violence Against Children Study, the Government of Kenya has developed a response plan outlining several key strategies to combat and prevent violence.

(d) Adolescent girls having access to information, services and care on sexual and reproductive health, including access to contraceptives

101. Statistics are not available but as earlier stated efforts are being made by the Government in collaboration with other stakeholders to ensure that these services are availed to as many adolescent boys and girls as possible.

(e) Underweight and stunted children under five years of age

102. Stunting has declined from 35% in 2008/09 KDHS to 26% in 2014 KDHS.

103. Underweight children has declined from 7% in 2008/09 KDHS to 4% in 2014 KDHS.

(f) Children benefitting from early childhood development programmes

104. This data is not available at the moment.

(g) Refugee and asylum-seeking children

105. According to the Situation Analysis of Children and Adolescents in Kenya (SITAN 2014), there are currently 550,000 refugees from Somalia, Burundi the Democratic Republic of Congo, Ethiopia and South Sudan and other countries. About 256,000 of these refugees are in the Daadab camp and approximately 160,000 are in the Kakuma camp. The Daadab camp is the largest one in the world with an estimated 252,889 of the refugees below 18 years of age.

106. The search for durable solutions to Kenya's refugee problem is challenging. However the Government is confident that with the support and collaboration with its partners and the international community the refugees will continue to get protection while in Kenya or when they resettle back home.

(h) Internally displaced children.

107. This data is not available at the moment.

(i) Children in street situations

108. According to the SITAN, it is estimated that in Kenya around 250,000-300,000 children live and work in the streets. Most of them come from rural areas and from large or single parent families. These children end up in the streets due to factors such as poverty and lack of care in the family setting. Many children cite lack of food, abuse and lack of access to education as the direct cause for leaving their homes. The major pull-factor is the ability to make money.

(j) Children engaged in child labour, including worst forms of child labour

109. From 2012 to 2014, the Government carried out a total of 233 labour inspections related to child labour.

110. During the same period, a total of 5,286 labour complaints involving 28,271 children were investigated.

111. The type of work the children were performing is as follows:

- Scrap metal collection.
- House help/domestic work.
- Scavenging for metal.
- Street children.
- Selling liquor.
- Hawking.

(k) Children in conflict with law, children under 18 years old tried and sentenced as adults, children in detention

112. Children in pre-trial detention are remanded (detained) at Children Remand Homes established under section 50 of the Children Act, 2001 as they await determination of their cases by the Court and the population was as follows:

2012-2013		2013-2014		2014-2015	
Boys	Girls	Boys	Girls	Boys	Girls
1,859	478	1,551	446	1,834	294

Total	2,337	1,997	2,128
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Source: Department of children’s services.

113. Kindly note that there are children who are bonded and therefore, do not get to these institutions.

114. There are no known cases where children have been tried and sentenced as adults. There are situations upon age assessment, persons detained in these institutions as children are found to be adults and as such transferred to adult facilities. It is under only this circumstance that adults can be found in Children Remand homes.

115. Children in Rehabilitation Schools are committed after trial and sent there for rehabilitation.

116. The data for the last three years is as follows:

	2012-2013		2013-2014		2014-2015	
	Boys	Girls	Boys	Girls	Boys	Girls
	304	29	354	23	221	10
Total	333		377		231	

Source: Department of children’s services.

(l) Average duration of pretrial detention for children, type of sentences and punishment, abuse and ill-treatment of children during arrest and detention

117. On average, the pre-trial detention for children who have not been discharged on bond or bail is 14-28 days. Children, as a matter of policy, are given very flexible bond terms including free bonds where appropriate. In addition, children matters, both civil and criminal are given priority and should be concluded within 6 months of being filed.

118. In the event that a child is found culpable after a trial, the applicable sentences are:

- Unconditional or conditional discharge
- Committal to Probation hostels, Borstal Institutions or Rehabilitation schools
- Committal to Charitable Children’s Institutions
- Detention at the Presidents pleasure for serious offences like Murder or robbery with violence

(m) Children involved in sexual exploitation, pornography and trafficking

Case Category 2012-2013	Sub-Total	Sub-Total	
Case Category	Boys	Girls	Total
Sexual Abuse	390	690	1,080
Child Trafficking	127	100	227

Source: Department of children’s services.

Case Category 2013-2014	Sub-Total	Sub-Total	
Case category	Boys	Girls	Total

<i>Case Category 2013-2014</i>	<i>Sub-Total</i>	<i>Sub-Total</i>	<i>Total</i>
Sexual Abuse	267	960	1,027
Child trafficking	128	134	262

Source: Department of children's services.

Reply to issues raised in part III, paragraph 3, of the list of issues, regarding children deprived of a family environment

(a) Separated from their parents

119. Children deprived of family environment are mostly in Charitable Children Institutions (CCIs). These include children who are separated from their parents due to several factors.

120. Data for the last three years is as follows:

Population in CCIs as at the end of June 2012/2013

<i>S.no</i>	<i>County</i>	<i>Boys</i>	<i>Girls</i>
1.	Kisii	275	171
2.	Marsabit	154	71
3.	Makueni	269	309
4.	Nyandarua	420	531
5.	Lamu	200	82
6.	Taita Taveta	77	56
7.	Samburu	300	250
8.	Kitui	650	550
9.	Nyeri	600	330
10.	Muranga	275	200
11.	Kiambu	700	530
12.	West Pokot	69	70
13.	Kajiado	1,100	600
14.	Machakos	1,935	1,595
15.	Embu	230	216
16.	Kericho	80	40
17.	Kirinyaga	251	258
18.	Kisumu	1,255	936
19.	Siaya	192	2
20.	Uasin Gishu	753	719
21.	Nyamira	80	65
22.	Mombasa	880	742
23.	Kwale	190	239
24.	Trans-Nzoia	220	170
25.	Laikipia	228	223
26.	Nakuru	2,052	1,715
27.	Narok	119	140
28.	Elgeyo- Marakwet	78	69

<i>S.no</i>	<i>County</i>	<i>Boys</i>	<i>Girls</i>
29.	Kilifi	300	120
30.	Nandi	140	121
31.	Nairobi	3,050	2,970
32.	Tharaka Nithi	64	48
33.	Bomet	120	160
34.	Meru	930	800
35.	Migori	337	334
36.	Vihiga	100	68
37.	Busia	226	219
38.	Kakamega	567	455
39.	Bungoma	294	220
40.	Tana River	80	22
41.	Wajir	300	86
42.	Mandera	79	0
43.	Garissa	1,038	220
44.	Baringo	104	158
45.	Turkana	350	365
46.	Homa-Bay	400	250
47.	Isiolo	170	280
Total		23,600	18,734

Source: Department of children's services.

Population in CCIs as at the end of June 2013/2014

<i>S.no</i>	<i>County</i>	<i>Boys</i>	<i>Girls</i>
1.	Kisii	275	171
2.	Marsabit	154	71
3.	Makueni	269	309
4.	Nyandarua	420	531
5.	Lamu	200	82
6.	Taita taveta	77	56
7.	Samburu	300	250
8.	Kitui	650	550
9.	Nyeri	600	330
10.	Muranga	275	200
11.	Kiambu	700	530
12.	West Pokot	69	70
13.	Kajiado	1,100	600
14.	Machakos	1,935	1,595
15.	Embu	230	216
16.	Kericho	80	40
17.	Kirinyaga	251	258
18.	Kisumu	1,255	936
19.	Siaya	192	2

<i>S.no</i>	<i>County</i>	<i>Boys</i>	<i>Girls</i>
20.	Uasin Gishu	753	719
21.	Nyamira	80	65
22.	Mombasa	880	742
23.	Kwale	190	239
24.	Trans-Nzoia	220	170
25.	Laikipia	228	223
26.	Nakuru	2,052	1,715
27.	Narok	119	140
28.	Elgeyo- Marakwet	78	69
29.	Kilifi	300	120
30.	Nandi	140	121
31.	Nairobi	3,050	2,970
32.	Tharaka Nithi	64	48
33.	Bomet	120	160
34.	Meru	930	800
35.	Migori	337	334
36.	Vihiga	100	68
37.	Busia	226	219
38.	Kakamega	567	455
39.	Bungoma	294	220
40.	Tana River	80	22
41.	Wajir	300	86
42.	Mandera	79	0
43.	Garissa	1,038	220
44.	Baringo	104	158
45.	Turkana	350	365
46.	Homa-Bay	400	250
47.	Isiolo	170	280
Total		23,450	18,800

Source: Department of children's services.

Population in CCIs as at the end of June 2014/2015

<i>S.no</i>	<i>County</i>	<i>Boys</i>	<i>Girls</i>
1.	Kisii	275	171
2.	Marsabit	154	71
3.	Makueni	269	309
4.	Nyandarua	420	531
5.	Lamu	200	82
6.	Taita Taveta	77	56
7.	Samburu	300	250
8.	Kitui	650	550
9.	Nyeri	600	330
10.	Muranga	275	200

<i>S.no</i>	<i>County</i>	<i>Boys</i>	<i>Girls</i>
11	Kiambu	700	530
12.	West pokot	69	70
13	Kajiado	1,100	600
14.	Machakos	1,935	1,595
15.	Embu	230	216
16.	Kericho	80	40
17.	Kirinyaga	251	258
18.	Kisumu	1,255	936
19.	Siaya	192	2
20.	Uasin Gishu	753	719
21.	Nyamira	80	65
22.	Mombasa	880	742
23.	Kwale	190	239
24.	Trans-nzoia	220	170
25.	Laikipia	228	223
26.	Nakuru	2,052	1,715
27.	Narok	119	140
28.	Elgeyo- Marakwet	78	69
29.	Kilifi	300	120
30.	Nandi	140	121
31.	Nairobi	3,050	2,970
32.	Tharaka Nithi	64	48
33.	Bomet	120	160
34.	Meru	930	800
35.	Migori	337	334
36.	Vihiga	100	68
37.	Busia	226	219
38.	Kakamega	567	455
39.	Bungoma	294	220
40.	Tana River	80	22
41	Wajir	300	86
42	Mandera	79	0
43	Garissa	1,038	220
44	Baringo	104	158
45	Turkana	350	365
46	Homa-Bay	400	250
47	Isiolo	170	280
Total		23,380	18,634

Source: Department of children's services.

(b) Living in child-headed households

	<i>County</i>	<i>Males</i>	<i>Females</i>	<i>Total</i>
1	Nairobi	8,592	4,749	13,341

	<i>County</i>	<i>Males</i>	<i>Females</i>	<i>Total</i>
2	Nyandarua	2,376	1,442	3,818
3	Nyeri	1,918	1,213	3,131
4	Kirinyaga	7,995	7,576	15,571
5	Murang'a	3,778	2,882	6,660
6	Kiambu	9,847	1,561	11,408
7	Mombasa	3,411	590	4,001
8	Kwale	3,713	1,941	5,654
9	Kilifi	5,123	3,475	8,598
10	Tanariver	1,122	585	1,707
11	Lamu	2,313	148	2,461
12	Taita-Taveta	1,503	301	1,804
13	Marsabit	1,237	798	2,035
14	Isiolo	971	609	1,580
15	Meru	4,895	3,782	8,677
16	Tharaka	6,031	5,691	11,722
17	Embu	3,533	2,999	6,532
18	Kitui	8,808	5,983	14,791
19	Machakos	4,115	2,029	6,144
20	Makueni	14,150	12,319	26,469
21	Garissa	2,346	992	3,338
22	Wajir	1,293	989	2,282
23	Mandera	1,626	1,082	2,708
24	Siaya	2,546	1,313	3,859
25	Kisumu	3,923	2,272	6,195
26	Migori	7,929	6,727	14,656
27	Homabay	4,436	2,782	7,218
28	Kisii	7,940	5,594	13,534
29	Nyamira	7,538	2,180	9,718
30	Turkana	2,621	1,907	4,528
31	West-Pokot	4,655	3,855	8,510
32	Samburu	2,276	1,099	3,375
33	Transnzoia	2,549	1,651	4,200
34	Baringo	6,288	2,761	9,049
35	Uasingishu	7,909	1,660	9,569
36	Elgeyo-Marakwet	1,484	774	2,258
37	Nandi	5,786	3,649	9,435
38	Laikipia	2,656	1,807	4,463
39	Nakuru	10,347	6,192	16,539
40	Narok	5,288	4,045	9,333
41	Kajiado	2,536	1,554	4,090
42	Kericho	1,627	778	2,405
43	Bomet	5,798	5,331	11,129
44	Kakamega	11,714	9,929	21,643
45	Vihiga	1,564	850	2,414

	<i>County</i>	<i>Males</i>	<i>Females</i>	<i>Total</i>
46	Bungoma	2,976	1,864	4,840
47	Busia	2,115	1,370	3,485
	Total	215,197	135,680	350,877

Source: KNBS-national population & housing census 2009.

(c) **Placed in institutions**

121. Refer to reply to part III, paragraph 3 (a), above

(d) **Placed with foster families**

122. This information is not available at the moment

(e) **Children adopted domestically or through inter-country adoptions**

	<i>2012</i>	<i>2013</i>
Local adoptions	142	106
International adoptions	86	95
Total¹	228	201

Source: Judiciary.

Reply to the issues raised in part III, paragraph 4, of the list of issues, regarding children with disabilities

(a) **Living with their families**

<i>Age</i>	<i>Total</i>	<i>Male</i>	<i>Female</i>
0	12,392	6,404	5,988
1	12,280	6,553	5,727
2	15,955	8,562	7,393
3	17,674	9,591	8,083
4	19,949	10,895	9,054
5	21,619	12,015	9,604
6	22,740	12,535	10,205
7	22,299	12,244	10,055
8	23,858	13,033	10,825
9	23,975	13,297	10,678
10	27,275	15,028	12,247
11	19,673	10,562	9,111
12	26,031	14,250	11,781
13	23,250	12,443	10,807

¹ In 2012 the number of males was 111 and females 117. In 2013 the number of males was 91 and females 112.

<i>Age</i>	<i>Total</i>	<i>Male</i>	<i>Female</i>
14	22,571	12,194	10,377
15	21,915	11,840	10,075
16	20,146	10,749	9,397
17	18,487	10,292	8,195
Total	372,089	202,487	169,602

Source: KNBS-national population & housing census 2009.

(b) In institutions²

<i>Type of disability</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
Mental Retardation/Mental Illness	11	8	19
Autism	7	1	8
Epileptic	3	5	8
Gender Identity Disorder	1	0	1
Visual Loss	1	0	1
Dwarfism	0	1	1
Intellectual Disability/Epilepsy	0	1	1
Mild Retardation	0	0	0
Hearing Loss	3	0	3
Short Sightedness/Visual Defects	1	0	1
Mood Disorder	0	0	1
Cerebella Atrophy/Cerebral Palsy	2	0	2
Speech and Communication Problem	1	0	1
T.B.I/Brain Injury	1	0	1
Physical Deformity	1	1	1
Deaf and Dumb		1	1
Total	32	18	50

Source: Department of children's services.

(c) Attending regular primary schools

<i>Type</i>	<i>Enrolment by 2014</i>
Public Schools	243,081
Private Schools	8,461
Total	251,542

Source: Ministry of education science & technology.

² Number of Children with disabilities in Statutory Institutions.

(d) Attending regular secondary schools

<i>Type</i>	<i>Enrolment by 2014</i>
Public Schools	12,694
Private Schools	1,0404
Total	14,098

Source: Ministry of education science & technology.

(e) Attending special schools

123. Refer to c) and d) above. The numbers above are inclusive of children in special schools.

(f) Out of school

<i>Age</i>	<i>Total</i>	<i>Male</i>	<i>Female</i>
3	11,721	6,448	5,273
4	10,298	5,687	4,611
5	7,957	4,497	3,460
6	6,603	3,701	2,902
7	5,088	2,768	2,320
8	5,443	2,983	2,460
9	4,582	2,546	2,036
10	6,314	3,540	2,774
11	3,489	1,827	1,662
12	5,749	3,201	2,548
13	4,692	2,536	2,156
14	5,634	3,131	2,503
15	6,431	3,475	2,956
16	7,116	3,657	3,459
17	8,048	4,103	3,945
Total	99,165	54,100	45,065

Source: KNBS-national population & housing census 2009.

(g) Abandoned by their families

<i>Age</i>	<i>Total</i>	<i>Male</i>	<i>Female</i>
0	610	326	284
1	569	277	292
2	659	333	326
3	698	362	336
4	831	422	409
5	918	460	458
6	1,028	513	515

<i>Age</i>	<i>Total</i>	<i>Male</i>	<i>Female</i>
7	1,142	537	605
8	1,160	530	630
9	1,338	609	729
10	1,976	962	1,014
11	1,361	631	730
12	2,073	1,006	1,067
13	1,972	962	1,010
14	2,089	988	1,101
15	2,433	1,175	1,258
16	2,325	1,079	1,246
17	2,560	1,227	1,333
Total	25,742	12,399	13,343

Source: KNBS-national population & housing census 2009.

Reply to the issues raised in part III, paragraph 5, of the list of issues

124. This report contains some of the recent developments which have occurred after the State Party submitted the 3rd, 4th and 5th Report.

Reply to the issues raised in part III, paragraph 6, of the list of issues

- Moratorium on Inter-Country Adoption.
- Drugs and Substance Abuse.
- Age appropriate sexual education.
- Safety in schools.
- De-institutionalization of children.