



BETWEEN THEORY AND EMPIRICAL EVIDENCE

Pathways to Good Practices in Building a Child Labour Free Kenya



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NOTE

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Between Theory and Empirical Evidence: Pathways to Good Practices in Building a Child Labour Free Kenya

FORWORD

The 2013 ILO Global Report shows that real advances have been made in the fight against child labour. Estimates indicate that the number of child labourers worldwide has dropped by a third between 2000 and 2012 from 245 million to 168 million. However, Sub-Sahara Africa continues to be the region with the highest incidence of child labour with more than one in five children exploited through it. In Kenya, though clear provisions have been made in the Constitution to safeguard the interests of children, factors such as disadvantaged regions and communities, shortage of resources and the misconception that child labour supplements family income led to the exploitation of 1.01 million of child labourers by the year 2008.

Child labour is a complex subject. While often harmful, missteps in trying to stamp it out can make matters worse. Solutions are needed to reach beyond conventional thinking. To this end, CESVI and its partners ANPPCAN and CEFA have collaborated with the Ministry of Labour, Social Security and Services as well as with the social partners, for effective implementation of the National Action Plan (NAP) through a project entitled “Building the foundations for Child Labour Free Zones in Urban and Rural Kenya”, funded by the European Union.

This book presents a story on how the project has contributed to reducing the incidence of child labour in Nairobi and Nyanza regions by building capacity of local authorities and social partners. Integrated interventions included coordination and enhancement of community protection systems through prevention, withdrawal and rein-

tegration of child labour victims back to families and formal education. Children’s participation and families’ economic empowerment were also enhanced so as to create opportunities for sustainability.

Two effective models tested by the project and inspiring emerging good practices in Kenya are well documented by description of the processes and experiences learned.

One approach worked through establishing Child Labour Free Zones in four Counties using an integrated area-based strategy. The other engaged the private sector through Corporate Social Responsibility and built a Child Labour Free Certification process to eradicate child labour from production and supply chains.

The report considers the elimination of child labour as a possible task and calls for new forms of multi-sectoral and integrated cooperation between government, business, labour organizations and the civil society based on public/private partnerships at all levels.

Dr. S. T. Nyambari,
Labour Commissioner
Ministry of Labour, Social Security and Services

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This publication presents the hard work of many people who dedicated themselves in the implementation of a project contributing to build a child labour free Kenya.

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I would like to make a particular appreciation of the leading roles played by Mr. Aloys Opiyo of ANPPCAN Kenya and Mr. Marco De Milato of CEFA for articulating the progression of the project activities and for providing continuous support throughout its development. Their field staff played a key role in bringing continuity to the entire process and provided quality inputs and results in their area of responsibility.

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Special thanks to the children we met during the project period and who deeply inspired this publication through their lives, challenges and dreams.

Diego Ottolini

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ABBREVIATIONS AND ACRONYMS

AAC	Area Advisory Council
ANPPCAN	African Network for the Prevention and Protection against Child Abuse and Neglect
BMUs	Beach Management Units
CEFA	Comitato Europeo per la Formazione e l'Agricoltura (European Committee for Training and Agriculture)
CESVI	Cooperazione E SViluppo (Cooperation and Development)
CLC	Child Labour Committee
CLD	Child Labour Division
CLFC	Child Labour Free Certification
CLFZ	Child Labour Free Zone
CLMS	Child Labour Monitoring System
COTU	Central Organization of Trade Unions
CRC	Child Rights Clubs
CSR	Corporate Social Responsibility
DCLC	District Child Labour Committee
DCO	District Children's Officer
FGD	Focus Group Discussion
FKE	Federation of Kenya Employers
DCS	Department of Children's Services
ILO	International Labour Organization
IPEC	International Programme on the Elimination of Child Labour
LIP	Livelihood Improvement Programme
MDGs	Millennium Development Goals
MOLSSS	Ministry of Labour, Social Security and Services
NCCS	National Council of Children Services
NGOs	Non-governmental organizations
NSC	National Steering Committee
PET	Participatory Educational Theatre
SMC	School Management Committee
UNICEF	United Nations Children's Fund

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EXECUTIVE SUMMARY

This work gathers together theory and practice developed during the implementation of the project entitled “Building the Foundations for Child Labour Free Zones in Urban and Rural Kenya” and intended to contribute towards child labour eradication in the country. Child labour victims are the silent majority within the child protection spectrum, in particular with reference to domestic child labour and child prostitution. Although they appear in the media on the occasion of national events, when it comes to action they are often side-lined by other forms of child exploitation. Currently in Kenya few programmes are geared to their special needs, although there are solid reasons for giving this issue urgent attention as its scale still places the current total of working children at 1.01 million.¹

In line with and beyond the Global Plan of Action to Eliminate Child Labour, which sets 2016 as the target date for the elimination of the worst forms of child labour, CESVI has worked for the eradication of all forms of child labour from specific geographical areas and supply chains in Kenya.

The exploitation of child labourers is an important component of the informal national economy, justified by poverty, cultural practices and financial gain by the private business sector that benefits from it, with an inadequate sense of corporate social responsibility. The report shows that there has been some real success in removing children from labour, as well as in establishing child-labour-free zones both in rural and urban

areas, while engaging the business community on the same. This suggests that efforts are paying off and that child-labour-free zones or child-labour-free supply chains can be multiplied across the country.

Against this background the Project has been expanding understanding on the issue, and identifying and testing some emerging “good practices” in dealing with it. The report offers a summary of this knowledge and practice, reflecting on roles and responsibilities of various actors to encourage ownership, coordination and collaboration. Ways to move forward are proposed through the following key messages.

Key message 1

The complexity of child labour due to family conditions, community practices, and inadequate government policy and corporate social responsibility requires an integrated approach.

Child labour conditions are best addressed from an integrated and simultaneous perspective (socio-economic, educational, cultural and developmental) by various actors at different levels (family, community, private sector, civil society organizations, and national and local government agencies) paying appropriate attention to the contextual dynamics. The Child Labour Free Zones model is appropriate in building capacity and engagement of different actors at the local level, including children, on three components of child labour eradication: prevention, response and monitoring. The Child Labour Free Certification is an opportunity for business enterprises to join the stakeholders’ team as a strategic partner by removing underlying conditions perpetuating child labour, including prejudicial adults’ working conditions and loose supply chains regulations.

¹ Kenya National Bureau of Statistics/ ILO/International Programme on the Elimination of Child Labour (IPEC) (2008). *Kenya Integrated Household Budget Survey, 2005/2006: Child Labour Analytical report*. Kenya National Bureau of Statistics, Republic of Kenya.

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Key message 2

Sustainable reduction of child labour is better achieved by a harmonized upstream and downstream approach.

It is crucial to avoid a “one solution fits all” approach, since child labour is just one symptom of the bigger picture of global injustice. Thus, work is required “upstream” at national and international levels as well as “downstream” in families and communities to create and ensure sustainable change that is in the best interests of the children concerned.

The action developed both vertical and horizontal coordination, and networking concentrating its efforts on links between communities, the county and national levels. The Child Labour Free Zone approach informed the upstream and downstream work for interventions to fit into the National Action Plan. Working to support local communities’ empowerment and organized action contributed to eliminating child labour locally and to the development of functioning multi-stakeholder protection systems, including private companies. This resulted in building local and national capacity. To have project intervention and government departments mutually supportive, the action shared learning between communities, local authorities, national government and the business community.

Key message 3

The merging of the Child Labour Free Zones model and the Child Labour Free Certification initiative accomplishes the principle of subsidiarity to child labour eradication and intensifies its impact.

Subsidiarity is an organizing principle of decentralization, stating that a matter ought to be handled by the least centralized authority capable of addressing it effectively. Hence, a central authority should have a subsidiary function, performing only those tasks which cannot be performed effectively at a more immediate or local level.

Along this line, the CLFZ approach against child labour decentralized the intervention and was most effective when involving a range of local stakeholders from the public and private sectors, while the Government played its role by providing the legal framework, enforcing laws and offering educational opportunities. Civil society performed a valuable function by filling gaps in government services and by lending a voice to community concerns. The multi-stakeholder initiative applied by the Child Labour Free Certification process involved business enterprises and their suppliers at the local level, thus enhancing Child Labour Free Zones in business production and manufacturing sites, thanks to the tripartite engagement of the Ministry of Labour, Social Security and Services, the Federation of Kenya Employers and the Central Organization of Trade Unions.

Key message 4

Sustainable changes in family-based labour practices require economic and cultural empowerment.

Working to financially empower families in need of extra income is one side of the action against child labour.

The Kenya Vision 2030 development programme, aiming at establishing a middle-income country, needs to improve access to opportunities for free education, adequate wages and financial credit to enhance the wellbeing of families and children. Addressing cultural aspects is equally relevant, especially in the agriculture industry where it is very common for children to work as part of the family unit. Parents expect and often need their children to help out in the fields and plantations. Working with small-scale suppliers such as family-owned cooperatives or small holder farms requires awareness programmes designed to inform households and communities on child labour’s consequences. Parents are often unaware of the concerns surrounding harmful child labour and the potentially damaging consequences of such work on their children. Periodic monitoring of suppliers by enterprises marketing agricultural

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products should be included in their corporate social responsibility (CSR) strategy to assess whether increased awareness is indeed improving children's conditions within the family.

Key message 5

The Government, business associations, trade unions and NGOs are required to act as business companies' drivers and apply regulatory pressures to create an environment conducive to CSR upgrading in Kenya.

In Kenya, the majority of business companies hold philanthropic responsibilities in their CSR agenda to conform to social norms rather than to human rights. There is a need to strengthen and develop CSR institutions to create more awareness of the potential of CSR, and for the implementation of CSR processes that benefit both business and society. While the companies' external hindrances include lack of tax incentives, and the potential for brand mileage, the greatest internal hindrance to CSR rests on the company's insufficient knowledge of and sensitization on children's rights and ethical responsibility for labour legislation and regulation, in particular along their supply chain, coupled with management practices. The Government, business organizations, NGOs and trade unions may play a critical role to support business CSR upgrading from philanthropy to human rights protection.

Report structure

The report is divided into two main parts. The first provides an overview of the project by describing its background, including children's voices, the technical platform on which it was built, its components and operational structure (Chapters 1 and 2). The second part considers the evidence regarding the child labour issue and positive initiatives taken in addressing it. It is introduced by the objective and methodology used in the project evaluation (Chapter 3), which is followed by an analysis of the Child Labour Free Zones model (Chapter 4) and good practices (Chapter 5). The Child Labour Free Standard initiative is described (Chapter 6) along with good practices related to business companies' certification (Chapter 7).

Practical conclusions are highlighted at the end of the report (Chapter 8).

The proposed good practices are organized under two themes:

1. The project integrated approach
2. The CSR component.

Different areas within each theme are described and discussed covering the following aspects:

1. A brief overview of the model applied.
2. Descriptions of what has been tried including action framework, objective, purpose and scope, structure, implementing steps.
3. Emerging good practices are outlined through an in-depth analysis based on the identified criteria.
4. Lessons learned.
5. Case study.



1.

BACKGROUND OF THE PROJECT

1.1 INTRODUCTION AND CONTEXT

1.1.1 Child Labour in Kenya

According to the International Labour Organization (ILO), the number of children classed as labourers worldwide fell from 215 million to 168 million during the period 2008–2012, accounting for almost 11 per cent of the population of children as a whole in 2012.² Similarly, the Child Labour Analytical Report (2008)³ showed a reduction from 1.9 million in 1999 to just over 1.01 million children in 2008 subjected to child labour, nearly half (47.8 per cent) of whom were aged 15–17 years, with the majority found in the rural areas. These figures (Table 1), though showing a marked improvement, do not represent success when

viewed against the target of the expected eradication of the worst forms of child labour in Kenya by 2015.⁴

Table1. Distribution of children 5–17 years old by working status

	Working	Not Working	Not Stated	Total
Gender				
Boys	535,197	5,799,006	59,653	6,393,856
Girls	476,987	5,856,247	121,365	6,454,599
Total	1,012,184	11,655,253	181,018	12,848,455
Rural/Urban				
Rural	909,323	9,221,683	128,408	10,259,414
Urban	102,861	2,433,570	52,610	2,589,041
Total	1,012,184	11,655,253	181,018	12,848,455

Source: Child Labour Analytical Report (2008), p. 29.

² ILO/International Programme on the Elimination of Child Labour (IPEC) (2013). *Global child labour trends 2008 to 2012*. SIMPOC. ILO, Geneva.

³ Kenya National Bureau of Statistics and ILO/IPEC(2008). *Kenya Integrated Household Budget Survey, 2005/2006: Child Labour Analytical report*. Kenya National Bureau of Statistics, Republic of Kenya.

⁴ National Action Plan for the Elimination of Child Labour in Kenya 2004–2015 (Revised 2008). More information on the Action Plan can be found at <http://www.dol.gov/ilab/reports/child-labor/kenya.htm>



Across East Africa, as is the case in many other parts of the world, children have traditionally worked alongside their parents to grow cash crops or food for the family. In a rural context, they also work in herding, fishing and mining, while in urban settings they are mostly exploited in the informal sector, including in activities such as recycling waste, hawking, domestic services and commercial sex.

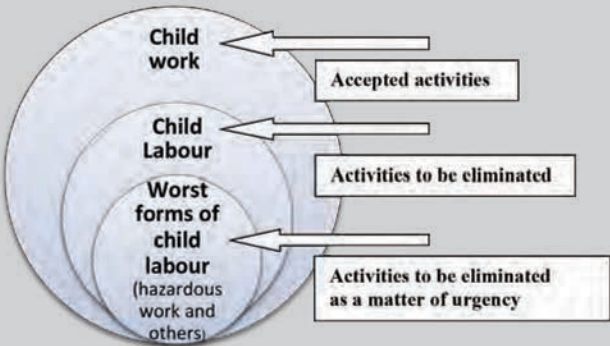
Not all work that children do is harmful or defined as child labour. Learning to contribute to family and community life, earn a living and develop independence is part of growing up and developing individual potential. However, many children do participate in hazardous activities that adversely affect their development, education and wellbeing. While more and more Kenya children attend school, there are still many others who receive no education due to poverty and cultural attitudes. Large sectors of the Kenyan population lack permanent and decent work and cannot count on having enough to eat. As a result, many families cannot afford to send their children to school; some children are particularly vulnerable, such as orphans or those whose parents have separated. Another problem is that caregivers do not always see formal education as relevant and, perhaps due to the added factor of the poor quality of state-funded schools, may believe that their children will neither succeed in formal education nor learn how to farm, ending up being unable to provide for themselves or their families.

UNDERSTANDING CHILD LABOUR

Children undertake a variety of forms of work under widely divergent conditions. Drawing a firm line between harmful child labour and other forms of child work, necessary for survival and not interfering with schooling, runs the risk of condoning situations in which children are working where they should not. The ILO definition of child labour follows a realistic approach. Whether or not particular forms of work can be called child labour depends on the child’s age, the types of work

performed, the conditions under which the work is performed and the objectives pursued by individual countries. Since the answer varies by county and sector, many forms of children’s work fall in a grey area between the extremes demarcated by the ILO Minimum Age Convention, 1973 (No. 138) and the ILO Worst Forms of Child Labour Convention, 1999 (No. 182).

Diagram 1: Difference between child work and child labour



Source: Adapted from “Minimum standards for child protection in humanitarian action”. Child Protection Working Group (CPWG) (2012), p.111.

The project under review adopted the definition of child labour outlined in the Convention on the Rights of the Child according to which child labour is work performed by a child that is “likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development” (Article 32.1). It also embraced the broader child labour definition of the global “Stop Child Labour Campaign” which encompasses every non-school going child, irrespective of whether the child is engaged in wage or non-wage work; whether he or she is working for the family or for others; whether employed in hazardous or non-hazardous occupations; whether employed on a daily or on a contract basis or as a bonded labourer.

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1.1.2 Listening to children's voices on child labour

Child labour is first and foremost rejected by most of the children involved. During the baseline survey⁵ conducted at project inception in the geographical hotspots where child labour was prominent, children expressed their frustration, anger and disappointment at being deprived of their rights to development, health, education and play.

Children's perceptions of child labour

The project baseline survey results confirmed children's general willingness to be allowed to work (52.9 per cent), mostly for economic reasons and not under excessive conditions. Variations were related to the geographical setting, with most rural children from the Nyanza region (74.4 per cent) in favour of working to augment their families' incomes, while most urban children from Nairobi County (64.6 per cent) were against it. Children's reasoning against labour is related to hardship and a desire to access education.

Listening to working children's voice – Reasoning against child labour

- Fishing is very difficult and risky. If the authorities can find ways of helping me and others by providing education, then I can stop it and also enjoy sleep like others do. Brian, 10
- I am tired of harvesting sand and if the authorities can prevent my father from sending me to do so, then I will go to school daily and I will pass my exams and get a better job in the future. John, 11
- Searching for metals is dirty work, and if the authorities can stop it and take us to school far away from our homes, then we will go to school. Otieno, 13

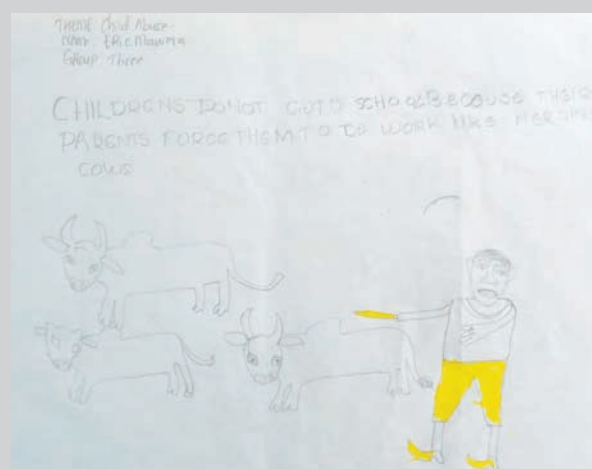
5 Ottolini, D. (2012). *Unearthing the Invisible. Worst forms of Child Labour in Nairobi and Nyanza Provinces. A Baseline Survey Analytical Report*. CESVI, Nairobi, p.74. <http://www.cesvi.org/dom/cesvi.org/aaa-root/o/unearthing-the-invisible.pdf>.



Drawing by Dominic Nyakundi - Nairobi

Listening to working children's voice—Our main wishes

- If the authorities can fund my education, I will be happy because this work is difficult and of low pay. My mother will look only for food. Fatuma, 14
- Since I am not benefiting from my current job, I am requesting to go back to school. Working for others is difficult and I do not even have time for fun as a girl child. Mercy, 12
- My wish is that children be given the opportunity to attend school to build their future and organizations that discourage child labour be introduced. Njeri, 12



Drawing by Eric Mwaura - Nairobi



1.1.3 Why do children work in Kenya?

The issue of the widespread use of child labour in Kenya is complex and needs to be viewed in the broader context of economic development, poverty and demography. The 2005/2006 *Kenya Integrated Household Budget Survey* provides the most recent and reliable data on child labour conditions at the national level. It estimated⁶ that children aged 5–17 constitute about 35 per cent of the total Kenyan population and therefore form an important population group to be taken into consideration in terms of their wellbeing and development. The total population of children aged 5–17 years had increased by 17.4 per cent from 1999 and had reached 12.8 million in 2006. Of these children, 80 per cent or 10.3 million were living in rural areas, which absorb around 60 per cent of employment in the agricultural sector, the source of a significant proportion of the revenue generated within the region. Almost 80 per cent of working children are employed in the agricultural sector. The other major sectors of children's employment include the service industries (11.8 per cent), followed by wholesale and retail trades (4.2 per cent), mining (0.7 per cent) and manufacturing (0.4 per cent). The data also show that 1.7 million children were out of school. According to the report, as many as 1.01 million children aged 5–17, or 7.9 per cent of the total number of children aged 5–17 years, are working in Kenya and remain deprived of quality education, good health, and other basic needs.⁷

The phenomenon is largely associated with poverty and related household resource constraints, limited access to education, inadequate or lack of any social security system, adverse effects of HIV and AIDS, unstable family units and other

entrenched social and cultural practices. It has also been recognized that market demands for cheap labour in specific situations contribute to child labour. Other social and economic factors include limited opportunities for young people, and some traditional power structures and practices. Some inconsistency of the legal framework, which is unclear on the minimum working age⁸ and the related protective requirements for young workers, and certain failures of the education system are also to be blamed.

Child labourers tend to either come from or be found in poorer families and communities where few opportunities are available for education and employment. Cultural norms and changes in traditional practices also play a role, and situations differ from one county to another and even between different areas and ethnic groups within the same county.

Poverty

In line with worldwide research, a recent CESVI study⁹ indicates that poverty is the major driving factor of child labour. Most children's parents/caregivers (75.9 per cent) live below the poverty line (less than Kshs. 5,000 [USD 60] per month). Hence, children report working to substantially complement the household income and respond to basic survival needs, such as getting food. High household poverty levels are also confirmed by the unstable job situation of most parents/caregivers as casual workers (88.4 per cent) and living in mostly wood and iron sheets shelters (70 per cent of the total). Child workers claim to receive minimal earnings, mainly ranging from around Kshs. 50–100 (USD 0.60–1.2) (50 per cents) to Kshs. 100–200 (USD 1.2–2.4) (34.9 per

6 Kenya National Bureau of Statistics and ILO/IPEC (2008). *Kenya Integrated Household Budget Survey, 2005/2006: Child Labour Analytical Report*. Kenya National Bureau of Statistics, Republic of Kenya.

7 ILO/IPEC (2013). *Integrated area-based approach as a strategy for laying foundations for child labour-free zones: A case of Busia, Kilifi and Kitui Districts in Kenya*. ILO Country Office for the United Republic of Tanzania, Kenya, Rwanda and Uganda. Dar es Salaam. p.2.

8 The Employment Act (2007) sets the minimum working age at 16, while the Education Act (2013) sets compulsory education up to secondary level.

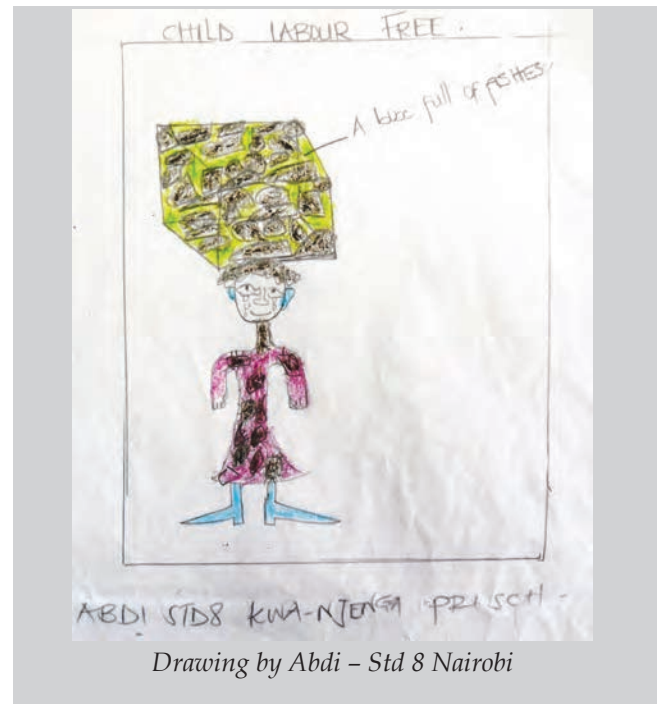
9 Ottolini, D. (2012). *Unearthing the Invisible. Worst forms of Child Labour in Nairobi and Nyanza Provinces. A Baseline Survey Analytical Report*. CESVI, Nairobi, p.8. <http://www.cesvi.org/dom/cesvi.org/aaa-root/o/unearthing-the-invisible.pdf>.

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cent) per day. On the whole, once the payment is received only one in four children keep the whole amount for themselves; of the remaining child respondents 26.8 per cent claim to give all and 47.8 per cent to give part of their earnings to their family/guardian. By so doing, more than half of the children believe that they contribute 20 to 50 per cent of the family monthly income. This contribution reveals the crucial role that working children play in their families' fragile livelihood system and it raises serious concern over the need of households to maintain the working status of their child or children, especially in rural areas. Child labour is basically a mechanism to cope with the underlying problem of widespread poverty and inequality in society. It is also a cause of poverty, and in this context it becomes self-perpetuating. In Kenya, poverty is deep-rooted in social inequality, natural calamities, man-made disasters, illiteracy, powerlessness to deal with these situations and the lack of viable options for poor parents other than to put a child to work. Children may decide to work because of the expectations of family members that resources will be pooled, since a major percentage of the child's income is generally remitted to the household head. Poverty is not, however, the only factor in child labour and cannot justify all types of employment and servitude.

Listening to working children's voice- Why we work

- ☐ So many children in the area work to supplement family income. Jane, 11
- ☐ My parents do not provide me with the basic needs; that is why I am working to get money. Juma, 14
- ☐ Most children get into the job market while still young because of poverty. Sammy, 13



Parental and community attitudes and knowledge

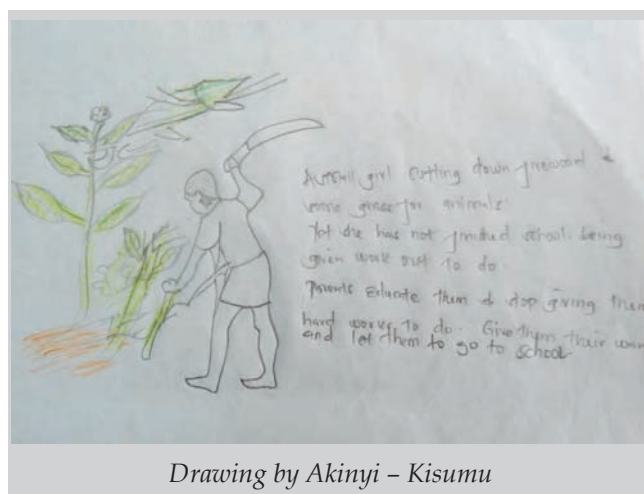
The child's family is a major player in child exploitation. The CESVI baseline survey established that the vast majority of child labour exists with parental consent. On the whole, the child's family and community play a critical role in maintaining the existence of child labour by endorsing internal and external conditions perpetuating the cycle of child exploitation. Findings indicated that child labour is part of the family's existing condition rather than an external issue. Analysis of how children and communities look at child labour reveals dominant cultural perspectives on children's roles and responsibilities that conflict with national and international legislation. If many segments of Kenyan society still perceive child labour as being either beneficial or an irrelevant element in terms of child protection, there is a need to raise awareness on its detrimental aspects and on their related legal frameworks. To influence changes in values and attitudes among families and within communities, child labour eradication programmes need an integrated approach to addressing the cultural understanding of children, their role and their responsibilities with respect to the family social and economic status.



Although in Kenya most parents care for their children's education, many poorly educated parents remain unclear about the long-term significance and value of education over the short-term economic gains of child work. Adult perceptions influence children's school attendance and labour force participation. In some communities, the preference is for children to acquire skills over receiving formal education, which in the opinion of the members of the community holds few promising prospects for gainful employment and social empowerment. This was confirmed by key respondents representing local community and opinion leaders, with even higher frequencies in favour of child labour in Nyanza (92.9 per cent).¹⁰

Working children's voice – What our caregivers need

- Parents should be taught the extent to which the children should work. Hussein, 12
- Parents [should be] given training on child rights and child labour effects. Abdi, 13
- There is need to educate our parents/guardians on which labour can be done because they are ignorant. Otieno, 14
- I would like my mother to be empowered so that I can get school fees and be able to go back to school and complete my studies. Onyango, 12
- Every child has rights which need to be protected. Sensitize the community about the dangers of child labour and support the very needy in the community. Wangui 15
- We should be careful with our relatives; most of the time they mislead us. Also, they make some financial gains by using us either directly or indirectly. Awino, 13



Drawing by Akinyi – Kisumu

Barriers to education

The Government of Kenya acknowledges that, despite the free primary education policy (2003), about one million children are still out of school (Republic of Kenya, 2008).¹¹ Educational opportunities for poor children are either costly due to cost-sharing requested by the public education system despite the free education policy framework, inaccessible, of low quality or considered irrelevant. Families resort to employing children to keep them busy and allow them to learn skills and earn money. Peer influence and being out of school also results in children joining their working friends on the streets or in other locations.

Listening to working children's voice– Government's responsibility on education

- Government to build more schools to take the children engaged in child labour. Relocate the dump site from Dandora. Hardy, 12
- If our authorities are serious, let them take us back to school for free as they say. Anton, 15
- Make free primary education really free,

¹⁰ Ottolini, D. (2012). *Ibidem*, p.74.

¹¹ Education for all Global Monitoring report (2010). Fact Sheet, Education in Kenya.
http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/ED/pdf/EDUCATION_IN_KENYA_A_FACT_SHEET.pdf

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because small payments and lack of basics like uniforms, books, etc., make children drop out of school. Mary, 14



Drawing by Adhiambo – Mbita

Low human rights concern by the business community

The majority of business firms in East Africa do not have a specific department charged with corporate social responsibility (CSR), although many do implement such activities. Companies in Kenya display different levels of understanding and commitment to CSR as demonstrated by the issues they prioritize and the range of socially responsible processes they employ. The most popular causes they support are related to the environment, education and health, their participation being based on requests received, a reactive approach. In an insightful analysis, Muthuri and Gilbert¹² explain how, as charitable responsibilities feature highly on the CSR agenda and pyramid, philanthropy takes a higher priority

12 Muthuri J.N. and Gilbert, V. (2010). *An Institutional Analysis of Corporate Social Responsibility in Kenya*. Journal of Business Ethics (2011) 98:467–483.

than legal responsibility in Kenya. The evidence from corporate reporting of their initiatives suggests that CSR in Kenya is largely driven by the need to conform to social norms or mimic “best practice” for legitimacy reasons. At present, companies learn from one another but this does not always lead to CSR that fulfils its potential. There is a need for the Government to act as a driver of CSR and apply regulatory pressures to create an environment conducive to the uptake of CSR in Kenya. As there is no uniform pattern of CSR in Kenya, there is a need to strengthen and develop socially responsible institutions to create more awareness of the potential of CSR, and for the implementation of socially responsible processes that benefit both business and society.

While the external hindrances include a lack of tax incentives, and potential for brand mileage, the greatest internal hindrance to CSR are management practices and “inadequate funds”. The non-intervention and disinterest in the area of child labour is mainly due to insufficient knowledge and sensitization by company heads on children’s rights and corporate ethical responsibility related to labour legislation and regulation.

Labour Market demand

An ILO study¹³ indicates that most child labourers continue to work in agriculture (60 per cent) worldwide with the overwhelming majority being unpaid family workers. According to various local researches,¹⁴ Kenya reflects a similar trend since it relies on agriculture for both local income and export earnings (e.g., coffee and tea). The more recent Child Labour Analytical Report (Kenya National Bureau of Statistics, 2008) based on data from the 2005/2006 *Integrated Household Budget Survey* Labour Module, referred to earlier, shows that out of 1.01million working children

13 ILO (2010). *Accelerating action against child labour*. International Labour Conference 99th Session. Report I(B). Geneva.

14 Central Bureau of Statistics, Kenya and ILO/IPEC (2008) (2001). *The 1998/99 Child Labour Report*, Republic of Kenya and ILO. Manda, D.K., et al (2003). *Costs and benefits of eliminating child labour in Kenya*. Kenya Institute for Public Policy Research and Analysis (KIPPR), Working Paper No. 10, 14, 27–29.



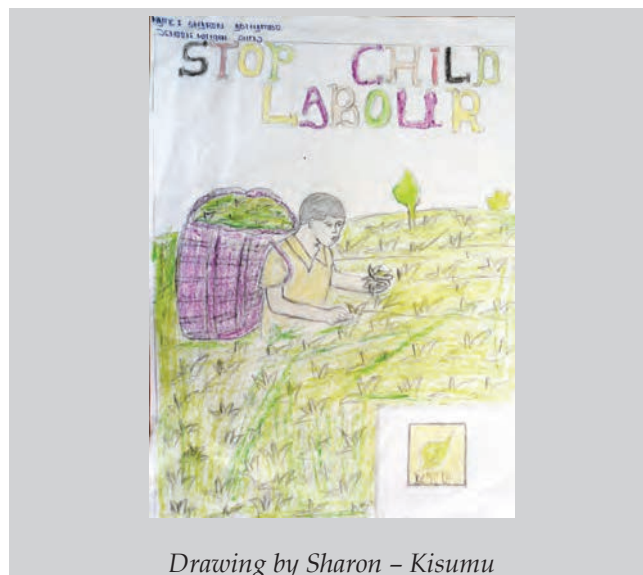
in Kenya, 79.5 per cent of them were agricultural workers. A slightly higher proportion worked in commercial agriculture, while the others worked in subsistence agriculture, primarily with their families on small- to medium-scale sugar, coffee, and rice plantations or in small-scale production of sisal, tea, corn, tobacco, and miraa. The service industry (e.g., domestic labour) was the other major hiring economic sector employing 11.8 per cent of child labour. However, an additional 700,000 children, estimated to be engaged by the informal sector and living or working on the streets, were not included in the study.¹⁵

These data confirm that, in Kenya, children are perceived to be suitable for certain types of work, and they are often preferred in the agricultural and informal sector industries that are labour intensive, where unskilled labour is required for laborious/repetitive hours, often in filthy and polluted environments. The myth persists that in certain industries, such as planting, weeding, crops-picking, or mending fishing nets, children are needed because of the dexterity of their small size and fingers. Domestic child labour is extensive due to the large market demand of cheap and unskilled labour. Children are unprotected, powerless and silent as far as their rights are concerned.

Listening to working children's voice- Government's responsibility on the business community

- Authorities should deal with the buyers of metals and close down the scrap metal and waste paper industry. Amisi, 14
- Prosecute bar owners to reduce prostitution and defilement. Wanja, 15
- Government to intervene on children hired to herd goats especially in Kia- maiko, Ruaraka Nairobi. Ahamed, 11

¹⁵ ILO-IPEC (2009). Creating the enabling environment to establish models for child labour free areas in Kenya: Support the implementation of the National Action Plan for the Elimination of the Worst forms of child labour with special focus on agriculture an older children, *Project Document*, 22, 3-4.



Drawing by Sharon – Kisumu

Poor enforcement of existing legislation

Kenya legislation on child labour has domesticated major international conventions and regulations. However, the authorities responsible for its enforcement, including the police and the provincial administration, rarely apply it, possibly because of inadequate social and political commitment and persistent corruption. "In 2012, the Government of Kenya reports identification of at least 107 cases of child commercial sexual exploitation and an additional 413 cases of child trafficking, carrying out a number of arrests related to the worst forms of child labour, and 17 cases of child trafficking currently in the courts. However, information indicates that there were no convictions during the year, and no additional enforcement statistics are available."¹⁶ This is confirmed by project data indicating that no child labour case was brought to court by relevant authorities in the target areas during the project period. On the contrary, quite a number of child domestic workers were brought to court charged with theft by servant and committed to rehabilitation schools. Apparently, the justice system, rather than prosecuting the exploiter, further victimized the victims.

¹⁶ United States Department of Labor. *2012 Findings on the Worst Forms of Child Labor*. February 4, 2013. <http://www.dol.gov/ilab/reports/child-labor/kenya.htm>

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Listening to working children's voice– Government's responsibility on law enforcement

- Parents who let their children engage in child labour should be arrested because it denies the children their future. Mwangi, 12
- Tighten the law on child labour because children have the right not to be exploited. Kosgei, 11
- The authorities to punish those who are involving their children like my aunt, so that she can stop sending me to where other women abuse me. Wangui, 11
- Children are suffering from child labour and if the authorities can stop us (children) from working then force our parents/guardians to take care of us, and then we will go to school daily. Tanui, 14



Drawing by Martin Kaime – Nairobi

1.2 GOVERNMENT ACTION AND NATIONAL CAPACITY

1.2.1 Legislation and policy: the legal background

In Kenya, legislation has been the single most important response of the Government to the problem of child labour, being a powerful

deterrent to the economic exploitation of children, and a basis for preventive measures and action against violators. Through policy documents, national legislation and ratification of international conventions protecting children, the Government recognizes child labour as being particularly harmful to the country's long-term development. In line with its Vision 2030 development programme it condemns child labour as a "retrogressive practice", aiming at transforming Kenya into a "newly industrializing middle-income country providing a high quality life to all its citizens by the year 2030".

Kenya is committed to international obligations under various international and regional instruments, which spell out the basic human rights of all children and seek to protect these rights by setting standards.

By the **Millennium Development Goals (MDGs)** (2000), that have a great bearing on child labour internationally, nations around the world gave themselves an "ultimatum" in solving problems perceived to negatively affect their development. Of the eight pledges made in the MDGs, the first is to "eradicate extreme poverty and hunger," while the second is to "achieve universal primary education". Both are most crucial in addressing the root causes of child labour. In line with its commitment, the Kenya Government reintroduced free primary education in January 2003, although it still struggles with the implementation process.

The United Nations **Convention on the Rights of the Child (1989)** is the most influential document in child labour policy. Adopted in 1989, entered into force on 2 September 1990 and ratified by Kenya on 30 July 1990, the Convention spells out the rights of the child, reinforces fundamental human dignity, and highlights and defends the family's role in children's lives, seeking respect and protection for children. At the regional level, Kenya ratified in 2000 the **African Charter on the Rights and Welfare of the Child (1999)**, which provides for protection against all forms of abuse, discrimination, neglect and exploitation of children. Under this charter, African countries



endeavour to enhance the protection of children's rights and to put in place mechanisms which will allow children to exercise their rights.

Kenya ratified in 1979 the **ILO Minimum Age Convention, 1973 (No. 138)** concerning Minimum Age for Admission to Employment, and ratified in 2001 the **ILO Worst Forms of Child Labour Convention, 1999 (No. 182)** concerning the prohibition and immediate action for the elimination of the worst forms of child labour.

Accordingly, Kenya included child labour in its legal framework, undertaking a number of interventions directed towards addressing child labour.

The **Constitution of Kenya (2010)** is one recent development that protects children from labour including in its worst forms. It emphasizes that it is the duty of the state to observe, respect, protect, promote and fulfill the rights and fundamental freedoms in the Bill of Rights, which include addressing the needs of vulnerable groups within society such as children. The constitution recognizes that every child is entitled to a number of rights including free and compulsory basic education; basic nutrition, shelter and health care; protection from abuse, neglect, violence, and inhuman treatment; protection from hazardous or exploitative labour; parental care and protection. The Constitution further protects every person including children from being held in slavery or servitude or being required to perform forced labour.

- The **Children Act (2001)** is in line with this position, guaranteeing protection of children from exploitation, including trafficking, hazardous child labour, prostitution, illicit activities, and the recruitment of children into the military.
- The **Sexual Offences Act (2006)** prohibits promotion of child sex tourism, child trafficking for the purposes of sexual exploitation and child pornography.

The **Employment Act (2007)** sets the minimum age for employment at 16 and the minimum age

for hazardous work at 18. The Act also prohibits the employment of children under the age of 18 in the worst forms of child labour. Children between the ages of 13 and 15 may perform light work. However, "light work," has not yet been formally defined. It also prohibits the employment of children in exploitative, inhuman conditions and under the worst forms of child labour (Part VII).

The **Counter-Trafficking in Persons Act (2010)** establishes the necessary institutional mechanisms for the protection and support of trafficked persons and it ensures penalties for traffickers. It outlines the offence of trafficking in persons and related offences. It defines child trafficking as adopting, fostering and offering guardianship to a child for human trafficking purposes. The Act forbids child labour, forced detention for exploitative purposes such as labour and sexual exploitation of women and children.

The new **Basic Education Act (2013)**, Section 30, reinforces children's right to education, making it compulsory up to secondary level. The Act also stipulates penalties for families who fail to send their children to school, and makes it a criminal offence to employ a child of compulsory school age in any labour activity that prevents school attendance.

The **National Child Labour Policy draft**, supported by the project in its review and pending at the Kenya Cabinet for ratification, aims at protecting children from all forms of child labour practices, and safeguarding the child socially, psychologically, and physically. Prevention and protection measures are emphasized, including improvement of a supportive national political, legal and institutional environment, functioning coordination structures and an enabling social environment.

A major institution is the Ministry of Labour, with its national and decentralized structures, which is expected to enhance the infrastructure to increase access to a wider range and better quality of

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protection services. However, there exists a major disconnect between the provisions of this draft policy and the reality on the ground, as manifested in the project areas.

Currently, the few existing coordination structures like the District Child Labour Committees (DCLCs) are largely inadequate. Where coordination structures are operational, such as in Nairobi County, their capacity and impact are indirect proportion to the lack of availability of human and logistic resources. In terms of enforcement, even though both the District Labour Officers and the District Children Officers are mandated by the Employment Act and the Children Act, respectively, to prosecute employers of children, no cases have been presented for prosecution during the project period in the project areas. The officers have just been involved with children in situations concern in other forms of abuse, physical or sexual. The establishment of decentralized structures to identify, monitor and report child labour is essential to help keep track of the incidence of child labour.

Other policy initiatives that do not explicitly consider child labour issues but may affect them include the **National Policy on Orphans and Vulnerable Children (OVC)**, providing for protection of orphans and other vulnerable children from discrimination, abuse, exploitation, violence and trafficking.

The **Free Primary Education policy (2003)** is an achievement contributing to the attainment of the second Millennium Development Goal of Universal Primary Education (UPE) by 2015, based on the rationale of the overall policy goal of achieving Education for All (EFA). The continued implementation of the policy of free primary education, combined with the waiving of tuition fees in public secondary schools, has increased access to basic education for children. However, in all the project areas there exists a gap between the numbers of pupils enrolling in standard one and those sitting the Kenya Certificate of Primary Education (KCPE) examination in standard eight.

To counteract this situation, the Project worked with schools and communities to get all school-age children within child-labour-free zones back in school.

The policy provisions mentioned above are captured in the spirit of the National Action Plan on the elimination of child labour in Kenya, aimed at accelerating action against child labour more assertively, with the Government taking the lead role through existing institutions. The Plan includes increasing awareness among parents, children and communities on issues of child labour and children's rights, and strengthening commitment to the immediate elimination of the worst forms of child labour by 2015. Attainment of a child-labour-free society requires that the National Child Labour Policy be mainstreamed in the 2nd Medium-Term Plan (2013–2017) of the *Kenya Vision 2030* at the national, county and sectoral levels.

1.2.2 Government mechanisms on child labour

The Kenya Government has set up structured mechanisms to deal with child labour. The National Steering Committee (NSC) on Child Labour has been in existence since 1997 as a gazetted committee which spearheads policy on child labour in consultation with the National Labour Board and coordinates child labour activities, in particular for the elimination of the worst forms of child labour. The NSC is composed of 18 organizations/institutions drawn from the following:

- a) Key line ministries, e.g., Education, Labour, etc.
- b) Non-governmental organizations (NGOs)
- c) Social partners –the Federation of Kenya Employers (FKE) and the Central Organization of Trade Unions (COTU)
- d) Development partners
- e) Attorney General's Chambers



f) International Labour Organization

At the national level, the Ministry of Labour, Social Security and Services runs the Child Labour Division, responsible for coordinating child labour activities through the Child Labour Focal Point Network, including line ministries, ILO, the Federation of Kenya Employers, the Central Organization of Trade Unions, and NGOs.

The ministry has 97 labour officers who work in 47 counties and are responsible for enforcing labour laws relating to child labour. In parts of the country, County/District Child Labour Committees have been established to coordinate activities against child labour.

The following agencies are responsible for the enforcement of laws related to child labour:

- a) The Kenya National Police Service and the Department of Public Prosecutions: dealing with trafficking of children, commercial sex exploitation and illicit activities such as selling of drugs and substance abuse.

- b) The Department of Children's Services: dealing with children found scavenging or in sexual exploitation, and child trafficking, forced labour, etc.

- c) The National Authority for the Campaign Against Alcohol and Drug Abuse (NACADA): Dealing with children in illicit activities such as drugs and substance abuse.

Government **devolved funds** have also been established, including the Constituency Development Fund (CDF), Poverty Eradication Loan Fund (PELF), Local Authority Transfer Fund (LATF), Constituency Bursary Fund, the Youth Enterprise Development Fund and the Constituency Youth Enterprise Scheme. They are used in poverty eradication programmes which provide income-earning opportunities to poor families thereby generating a return in improved children's school attendance and reduced child exploitation in labour by households.



THE PROJECT: BUILDING FOUNDATIONS FOR CHILD LABOUR FREE ZONES IN RURAL AND URBAN KENYA

Between November 2011 and April 2014, CESVI in Kenya led the implementation of a European Union funded programme entitled “Building Foundations for Child Labour Free Zones in Rural and Urban Kenya” to accelerate the process of achieving a child-labour-free country, with special focus on low-income urban and rural areas. Implementing partners were CEFA in Nairobi and ANPPCAN Kenya in Nyanza regions respectively. The chosen strategy utilized the Child Labour Free Zone model, integrated with a strong component of corporate social responsibility to engage the business community in supporting child labour eradication from goods production, including along supply chains.

2.1 PROJECT COMPONENTS

The Project aimed at laying the foundations for the eradication of child labour by establishing Child Labour Free Zones through prevention, response (removal and protection) and reintegration of children into safe life conditions.

2.1.1 Project objectives and results

The overall project objective was “to contribute to eradicate child labour by establishing child

labour free zones” in the project areas through an integrated approach and several levels of intervention, including policy making and engaging the business community.

The following are the three expected results which have guided the implementation of the Project:

Result 1

Government of Kenya, local authorities and non-state actors are strengthened and supported in preventing and combating the worst forms of child labour:

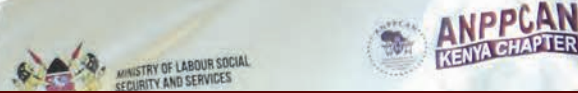
In particular, effective models for establishing child-labour-free zones (CLFZs) were tested in the project areas with documented processes and experiences.

Result 2

Corporate social responsibility (CSR) and public private partnerships to fight the worst forms child labour are created and supported:

The Project’s innovative model targeted child labour through an integrated approach where companies’ CSR was also revisited and directed to achieve high ethical standards by taking proactive

THE LAUNCH OF CHILD LABOUR FREE ZONES. KISUMU 2013.



action in eradicating child labour, in particular from the supply chain where children are found being exploited with or without the company's knowledge.

Result 3

Children's participation in addressing child labour issues is ensured at local and national level:

The importance of children's informed participation to eradicate child labour affecting their lives was prioritized, from the individual child to groups of children through Children's Clubs and Assemblies, including their active participation in local, regional and national events.

2.1.2 Project activities

The initial baseline survey allowed the Project to identify the magnitude of the problem and to focus on the real causes and social dynamics of child labour. The Project then moved from strengthening child protection systems at the national level to concentrating on the location level. The Department of Children's Services was kept as the focal point for interventions to be made for the child labour victims. This was combined with close collaboration with the Child Labour Division (Ministry of Labour) through active participation in the National Child Labour Focal Point Network, the aim being to coordinate stakeholders' activities and have the Child Labour Policy revised and tabled before the Cabinet for ratification.

As policies were reshaped according to the current situation and the new constitutional developments, a new component was introduced to fight child labour from the perspective of the business community which quite often becomes the final recipient and beneficiary of child labour, mostly through its supply chain. The first step to establishing Child Labour Free Certification (CLFC) for business firms was the mapping of economic networks within the project areas. This allowed for identification of the companies that

could engage in the activity. Subsequent steps included sensitization and training workshops for company managers and/or human resources personnel ready to engage in the activity. As a result, 23 companies and 17 Beach Management Units (BMUs) were fully inducted in the certification process. Of these, 12 companies and 7 BMUs applied for the certification, and 5 companies and 7 BMUs did the self-assessment and were audited. By the end of the Project, the quite selective certification process had confirmed just one company's full compliance with the Child Labour Free Standards.

The full establishment and functioning of 9 Child Labour Committees (CLCs) at the location level, acting as the operational watchdogs of the Area Advisory Councils (AACs) on child labour issues, allowed the interventions to be ingrained at the community level through a coordinated preventive and response action targeting the causes and social dynamics of child labour. CLCs were active in addressing child labour issues by undertaking the following functions;

1. **Identification** – the process of identification included the location of the child to be rescued, investigating the child's details, family background and status, identifying the person victimizing the child and the contact person.
2. **Rescue and case planning**– cases were reported to the local authorities, including chief, the administrative police and the CLC team for the child's removal from the exploitative condition. Individual action plans were made for response. The District Children Officer was the reference and coordinating officer for each case.
3. **Referral and follow-up**– the rescued child was referred for the adequate provision of services. The referrals included school readmission, re-integration or admission to rescue centres. CLC members often raised the necessary funds to meet the school costs such as uniforms, text books, stationary and school furniture.

Between Theory and Empirical Evidence: Pathways to Good Practices in Building a Child Labour Free Kenya

At the county, sub-county and location levels, the preventive intervention to combat child labour was carried out through a widespread awareness campaign which moved across the counties and sub-counties, involving more than 40,000 members of the general public and disseminating the concept that school is the best place for children to work.

Meanwhile, child participation was expanded through participative events attended at various levels by more than 7,000 children and also held in 50 school child's rights clubs (2,486 members). School clubs were very resourceful in identifying peers who were exploited in child labour and in developing income-generating activities (e.g., school gardens) to bring dropout children back to school.

Training of community actors provided the necessary coordination skills and operational tools to enable the CLCs to function and built the technical capacity of 750 participants, stretching from state actors (police, school teachers, village elders, volunteer children officers) to members of civil society.

The strengthening of such child protection systems at the sub-county and location level, where child labour victims are to be found, allowed for the action to take full shape under the child-labour-free zones model and reach out to 854 child labour victims, who were provided with response services.

Children withdrawn from labour were reintegrated into formal education and those who could not continue, or who were institutionalized by the Government, were enrolled in vocational training to enable them to access relevant skills for transition to decent work. Partners also identified viable local employment opportunities for youth groups (16–17 years old) so as to link the skills learned and/or education received with the job market.

A major outcome, by the end of the Project, was that child-labour-free zones were officially

established for the first time in East Africa during colourful events. In Kisumu, on 28 September 2013, 50 villages and 20 beaches located in Kisumu East, Ugunja and Mbita were declared child labour free by the county local authorities. In Nairobi, on 10th April 2014 the same happened for 3 villages located in Embakasi, Njiru and Kasarani.

Furthermore, the Project sought to improve the economic and social conditions of working children and their families by supporting income-generating activities (IGAs) and introducing existing social safety nets and social protection schemes. Improving the social and economic well-being of families and communities was a protective and preventive measure to provide sustainability after project closure. The livelihood programme and economic empowerment of youth groups brought on board 168 caregivers and 9 youth groups with about 157 older children (16–17 years) engaged. An additional 1,500 children held in five statutory institutions could also benefit from psychosocial support and provision of vocational training equipment to the institutions. Moreover, 330 children exiting those institutions were supported for family reintegration. Two hundred eleven children among them were provided with toolkits according to vocational courses taken, including mechanic, carpentry, masonry and plumbing tool boxes, sewing machines, ovens and blow dryers.

As the Project unfolded, major challenges were addressed with regard to different contexts.

Urban areas were affected by inadequate community integration, more hidden forms of child labour such as commercial sex and domestic work, and high child mobility between geographical spots. This, together with the high rate of poverty, added to the complexity of the application of the child-labour-free zone approach and its sustainability.

THE LAUNCH OF CHILD LABOUR FREE ZONES. KISUMU 2013.



Photo CEFA: Children herding in Kiamaiiko – Nairobi

This picture Kiamaiiko (Nairobi) shows the need for comprehensive engagement of diverse stakeholders in tackling child labour in urban areas. The boys herding the goats reportedly are paid Kshs 2 per goat per day. In rural areas, children were more frequently engaged in productive than domestic activities. In terms of response capacity, rural areas had fewer local resources than urban contexts, particularly regarding technical capacity, thus slowing down some activities and lessening sustainability, including membership of the CLCs. However, rural communities looked culturally and socially cohesive, equipped with consistent and recognised local leadership, geographically well-defined, with villages of manageable size and minimal child's mobility across villages. These factors greatly facilitated the establishment of child labour free zones.



Photo CESVI: rice farms in Kisumu East

The business community, though responsive to certification, had challenges in meeting all the certification standards, and in identifying and influencing supply chains, while also being engaged with internal issues (e.g., production load, workers' grievances). This often made enterprises hold back and delay the certification process.

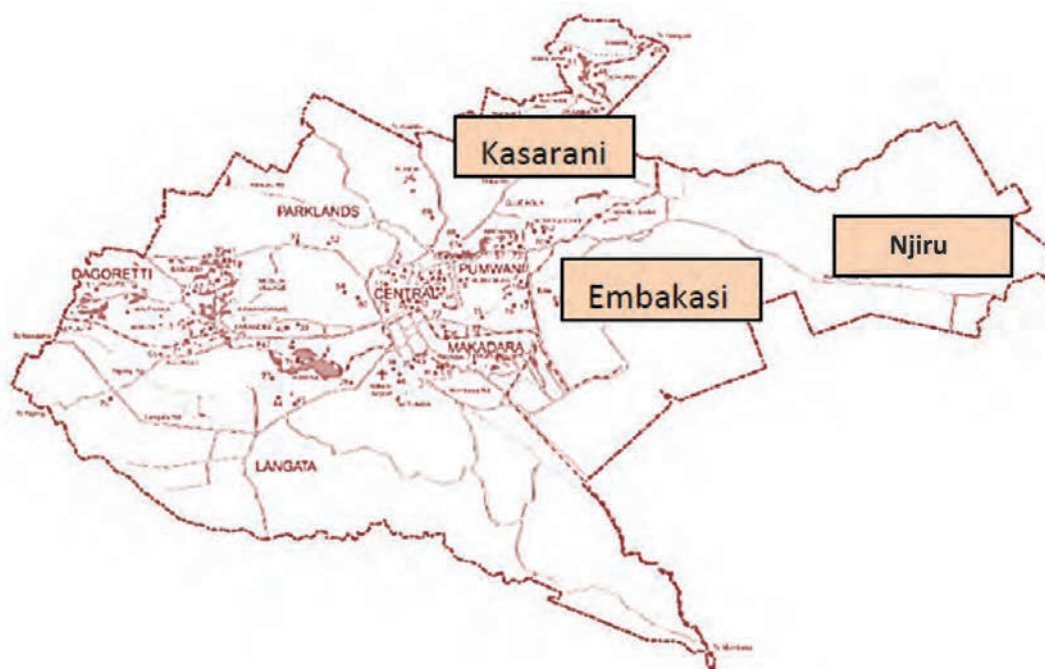
The cross-cutting impact of poverty, the limitations of community mechanisms stretched to capacity and the negative cultural attitudes endorsing child labour were dealt with through the family livelihood support activity, the strengthening of protective community mechanisms and awareness creation.

2.1.3 Project sites

The Project action was carried out at both the national level and in the target counties, where different models were tested. The counties/sub-counties had been selected from the Nairobi and Nyanza geographical areas during the project formulation stage through a consultative process. Criteria used included previous interventions by partners in child protection and the existence of government structures such as AACs that could spearhead implementation at the local level. The project areas showed similarities such as high levels of poverty with 35–48 per cent of the population living below the poverty line. Reasonable infrastructure was in place, including primary and secondary schools and youth polytechnics, although physical access remained a challenge in some areas. The target counties, representing a mixture of urban and rural settings, are indicated in the map here below.

Urban areas: Nairobi County with a focus on poor “high-density” suburbs and peri-urban settlements, where various forms of child labour were found.

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Map 1 - Nairobi county and Kasarani, Njiru and Embakasi sub-counties

The Project targeted eight highly degraded and low-income geographical sub-areas (city slums), highly concentrated in the following Nairobi sub-counties:

1. Njiru sub-county, carved out of Nairobi's eastern region. Administratively, it is divided into 2 divisions with 13 locations and 29 sub-locations within a total area of 228.4 sq.km. The population census 2009 indicates a total population of 191,499 comprising 96,829 males and 94,670 females. Dandora is one of the target locations, quite well known due to the massive Nairobi dumping site bordering it.
2. Embakasi sub-county, located on the eastern side of Nairobi, is a residential estate housing mostly lower middle income citizens. Locations included in the Project were Kayole, Mukuru kwa Njenga and Komarock. According to the 2009 National Census report, its total population is of 734,276, comprising 371,268 males and 363,008 females. Children between the ages of 5 and 17 total 197,413.
3. Kasarani sub-county, located within the Nairobi Metropolitan Area. The 2009 population Census shows that Kasarani has a total population of 525,624, with 266,664 males and 258,940 females. Children aged between 5 and 17 total 122,252. The target location is Ruaraka, having the three sub-locations of Utalii, Baba Dogo and Mathare North.

Rural areas: the former Nyanza Province is located around Lake Victoria, the second-largest freshwater lake in the world, where the fishing industry has developed into a commercial activity which lures many children.

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Map 2– Kisumu East, Siaya and Homa Bay counties

The Project targeted 7 geographical sub-areas located within three counties:

1. Kisumu County: Kisumu East, with a population of 235,676 males and 237,973 females totaling 473,649. Children aged between 5 and 17 years total 149,705. Kochieng West is one of the target locations.
2. Homa Bay County: Mbita sub-county is an administrative district of the Homa Bay county. According to the 2009 population report,¹⁷ it has a total population of 111,409, subdivided into 54,942 males and 56,467 females.
3. Of this, 69,966 are children aged between 5 and 17 years. The sub-county measures 1,055 sq. km. Life expectancy is 37 years of age, as it

has the highest HIV prevalence in Kenya with a rate of 30 per cent compared to the national average of 6.7 per cent. The majority of its population lives along the lake and the main economic activity is fishing. The specific project locations included Gembe West and Rusinga East.

3. Siaya County: the 2009 Census Report indicates that Ugunja sub-county has a total population of 77,006 on a total area of approximately 199 sq. km. with 36,039 males and 40,967 females, while children aged between 5 and 17 account for 20,945. West Uholo is one of the target locations.

2.1.4 Project management structure

The Project was managed by a team headed by a Project Coordinator based in CESVI Nairobi. The

¹⁷ <https://www.opendata.go.ke/Population/Vol-1b-Table-1-Constituency-Population-and-Density/2uhj-8n5h>.

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team was supported by two Project Managers stationed in the two project areas, Nairobi and Nyanza. CEFA and the African Network for the Prevention and Protection against Child Abuse and Neglect (ANPPCAN) oversaw and implemented all project activities in Nairobi and Nyanza respectively with project staff organized in units. CEFA also ran units in five children's statutory institutions. The CSR was managed by the Corporate Social Responsibility Unit project officer. The teams included social workers, counsellors, educators and support staff.

2.1.5 Intervention logic

The conventional assumption is that children essentially work for their family to survive. Consistent with this view, it is unrealistic to ban child labour as long as there is poverty. A broader analysis of the problem, confirmed by the CESVI inception baseline survey, supported project partners' belief that ending child labour does not just depend on ending poverty. It is the other way around: child labour causes and perpetuates poverty by denying children the right to education and keeping adults out of the workforce. A child's wages only provides a minimum contribution to the family's income, while the fact that children miss educational and developmental opportunities hampers their life in the long term, confirming a self-fulfilling prophecy. Working children are pre-destined to become illiterate or semi-literate labourers without an opportunity to develop their potential and break the poverty cycle.

Child labour is not an unavoidable fact of life but rather a problem that can be tackled by a coherent programme of social mobilization with a rights perspective for total abolition of child labour linked to the provision of formal, full-time and quality education for all children. It is possible, even under quite adverse conditions, to have children removed from work and back to school through planned interventions based on communities' and stakeholders' engagement, along with institution-building processes at the local, national and international level.

Adopting the child labour free zone area-based approach implied that all children are withdrawn from work and (re) integrated into school, the focus of attention was on all working children, not just those working in specific economic sectors or in worst forms of child labour. Targeted children included the so-called "invisible" ones working in subsistence or commercial agriculture on their family land or as domestic labourers in the household.

An innovative approach was developed by identifying the business community as a key partner in child labour eradication. Practice indicated that most child labour activities found across economic sectors were hazardous to children's health and interfered with their education, with significant long-term effects on the child's development and on the society by producing successive generations of adults lacking the basic skills needed to function in a modern economy. This downward cycle is perpetuated, in particular through supply chains, where most child labour takes place. While international attention focuses on child labour in export industries, which employs only a very small percentage (less than 5 per cent) of the child workforce,¹⁸ the Project drew attention to the informal and agriculture sectors, services provision and small-scale manufacturing.

2.1.6 Implementation strategy

The Project utilized an integrated approach by merging interventions on child labour based on social protection and on CSR. The strategy was built around a concept of establishing mechanisms of social dialogue and networking in the target areas by mobilizing communities and business enterprises through awareness, skills and knowledge transfer. Child labourers were targeted with actions involving various actors from micro to macro level, such as peers, families and neighbourhoods, educational institutions and the business community, as well as local and central government bodies. This strategy

¹⁸ UNICEF (1997) *The State of the World's Children*, 1997. Oxford University Press, Oxford, p.21.

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activated a combination of welfare-based and development-oriented approaches to relieve daily needs and provide safety and educational opportunities to victims of child labour, alongside rights and system-based interventions designed to achieve structural changes through legislation and enforcement of ILO conventions.


Key to the establishment of child-labour-free zones was social mobilization and consensus-building around the principle that “no child should work – every child must be in school”. Social mobilization and consensus-building targeted caregivers and all relevant stakeholders, including teachers, village elders, community leaders, representatives of civil society organizations and local and central government. The children themselves were engaged as active agents for change. Mobilizing everyone in joint action established a sustained community-based norm that child labour is unacceptable. Where child labour is no longer accepted, there is a more enabling environment for children to go to school and for adults to take responsibility over exploitation of their children. The existing Area Advisory Councils (AACs) structure, established by the National Council for Children Services (NCCS) as required by Section 32 (q) of the Children Act 2001, was utilized as an entry point to pilot a community-based monitoring system at sub-county level to act as child labour watchdogs. A key strategy was the technical empowerment of such key actors by training them and supporting their coordination work. Whilst project partners worked on modifying stakeholders’ attitudes, they refocused AACs, CLCs and community groups on protecting children’s rights at the same time.

Government schemes and services were also utilized to benefit the children. In the process, caregivers were supported by introducing income-generating activities such that exploitation of children was no longer of benefit. In conjunction with the Government, partners also strengthened vocational training for institutionalized former child labourers to get them ready to enter

the formal labour market. Partners also built a monitoring system to ensure stakeholder identification, response and follow-up of former child labour victims. Furthermore, partners drew the Government’s attention to its duty to provide a comprehensive policy to address child labour countrywide.

At the institutional level, the action launched the Child Labour Free Certification (CLFC) to guide and monitor companies’ compliance with the Child Labour Free Standards, an important instrument to encourage businesses to take an active stance against child labour and become part of the solution. The Standards supported enterprises in playing an anti-child-labour role in their own operations and when outsourcing from local suppliers. While there were many corrective actions a private sector enterprise could take on its own to tackle the problem of child labour, there were also situations where a single actor needed to work in concert with other stakeholders. In areas where the CLFZ approach was combined with the certification, the focus was on all children in the targeted area, not just on those working in a specific supply chain.

The CLFC auditing of first-tier suppliers took place combined with community awareness-raising and capacity-building programmes where possible. Tackling the supply chain implied that local community groups and organizations sought companies’ support, while companies sought cooperation with local community groups, e.g., government agencies, multi-stakeholder initiatives, unions and NGOs, so as to be an effective partner in child labour eradication and reintegration of children in the formal school system. This approach prevented the shifting of children to other sectors or areas and led to sustainable results. Effective local mobilization and monitoring, as well as the provision of alternatives, were needed to ensure that the supply chain area and the company operational site were child-labour free.



3.

THE STUDY METHODOLOGY

This study tried to strike a balance to ensure that the emerging good practices satisfied the set criteria, and at the same time to make sure that activities implemented during the Project were reported. Therefore, this detailed report seeks to achieve a deep analysis of various issues which worked tremendously well in contributing to the project objectives.

3.1 PURPOSE AND OBJECTIVES OF THE STUDY

The overall purpose of the in-depth study is to document how the Child Labour Free Zones (CLFZ) and the Child Labour Free Certification (CLFC) strategies were used, outlining experiences and contributions made in laying the foundations for child-labour-free zones. It elaborates the process of applying the two models to promote cross-sectoral collaboration, linkages and building of synergies for the total elimination of all forms of child labour within an area. The findings show how the Project applied the CLFZ and CLFC strategies in enhancing child-labour-elimination interventions in the target areas.

The study was to document

- the steps and processes used in project implementation in Nairobi and Nyanza regions;
- the key players involved in project implementation;
- the conditions and factors that have contributed to the laying of foundations of the CLFZs;
- the key perceived gaps and necessary conditions for the achievement of CLFZs;
- key successes and challenges encountered in the use of CLFZ and CLFC methodologies;
- good emerging practices in child labour eradication.

3.2 APPROACH AND METHODOLOGY

This exercise was structured in three phases. The first phase involved the review of project documents which led to the identification of potential areas for good practices. The review also informed the development of tools and guidelines



for the documentation. The second phase involved collection of data for documenting good practices. This was done through wide consultations with stakeholders at the project sites and at the national level. The third and final phase involved analysis of data from field consultations, report writing, and validation of the documented good practices.

Phase 1: Review of relevant literature

A preliminary review of the literature showed that a number of potential areas for good practices had been identified. The literature review focused particularly on the following documents:

- Ministry of Labour: Child Labour Policy draft.
- Employment labour laws, e.g. Employment Act (2007).
- United Nations Convention on the Rights of the Child and ILO Conventions No. 138 and No. 182.
- Federation of Kenya Employers and Central Organization of Trade Unions(COTU) documents.
- Documents of the State Department of Fisheries and the Kenya Marine and Fisheries Research Institute(KMFRI) for the lakeside communities.
- Beach Management Units personnel documents.
- Project materials including technical progress monthly and annual reports (quantitative and qualitative).
- Project proposal document and logical framework.
- Materials on CLFZ and CLFC, and on good practices.
- Documents and publications developed by the Project.
- Registration documents.

- Project partners' minutes of meetings.
- Audit reports.
- Monitoring data, internal monitoring and evaluation reports.

Phase 2: Field visits and consultations

Fieldwork took place in February 2014. Data were collected through interviews with key informants (KIs), Livelihood Improvement Programme (LIP) beneficiaries, and focus groups discussions (FGDs). Interviews were conducted in Nairobi and Nyanza with key partners and stakeholders including the Ministry of Labour, project staff and Central Organization of Trade Unions-Kenya (COTU-K). They were asked to evaluate the proposed good practices against the six criteria of impact and relevance, innovativeness, local ownership, efficiency, networking effectiveness, and sustainability and replicability. Their views form the basis for the documented good practices. A checklist of questions was used to guide discussions. Children were interviewed in focus groups using child-friendly techniques.

1. Key Informant Interviews (KII) – Key Informant Interviews were used to verify and provide in-depth information on issues related to project relevance, effectiveness, efficiency and sustainability. The following table shows the KII respondents from the target region.

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Table 2: KII Respondents

ORGANIZATION	Nairobi		Nyanza	
	Male	Female	Male	Female
CESVI	7	3		
CEFA	3	3		
ANPPCAN	1		4	
Ruaraka Business Community (RUBICOM)	4			
Department of Children Services	1		2	
Ministry of Labour, Social Security and Services; Labour Department	2	1		
Federation of Kenya Employers (FKE)	1			
Central Organization Trade Unions (COTU)	1			
County authorities	1			
Non-State actors	3		1	
Public Private Partnership	2			
Beneficiary administrators/schools	5	5	6	5
Rehabilitation centres and homes	3	4		
Beach Management Units			4	
Totals	34	16	17	5
Total respondents by region	50		22	
Grand Total (KII)	72			

- 1) Livelihood Improvement Programme (LIP) Beneficiary Interviews** – The LIP beneficiaries were interviewed individually at the two project sites. The evaluation team was also able to get information on the performance of the beneficiaries who were provided livelihood kits. The following is a summary of LIP respondents by regions.

Table 3: Beneficiaries' Interviews (LIP)

	Nyanza		Nairobi	
	Male	Female	Male	Female
Interview respondents by gender	3	7	3	3
Total by region	10		6	
Total Number of respondents	16			

- 2) Focus group discussions (FGDs)** –Focus group discussions (FGDs) were conducted with three groups of project beneficiaries; Child Rights Clubs (CRC), Child Labour Committees (CLCs) and Beach Management Units (BMUs). The group discussions were used to collect data. Qualitative approaches were deemed feasible because they allowed for in-depth analysis and exploration of issues. The total number of respondents by gender for CRC was male 154 and female 206, and for CLC members was male 76 and female 29. The beach management unit discussion group comprised 6 male participants and 1female. By unit of evaluation, CRC totalled 360, CLC 105 and BMU 7. A total of 472 respondents were involved in this evaluation. The following table shows the focus group discussion respondents by region and unit.



Table 4: Focus Group Discussion (FGD) Respondents by Region, Category and Gender

Region	CRC		CLC		BMU	
	M	F	M	F	M	F
Nyanza	95	117	49	14	6	1
Nairobi	59	89	27	15	0	0
Total by gender	154	206	76	29	6	1
Total by units of evaluation	360		105		7	
Total respondents	472					

3.3 DEFINITION OF GOOD PRACTICE

Good practice can be defined as anything that works in combating child labour, whether fully or in part, and that may have implications for practice at any level elsewhere.¹⁹

Respect for human rights as expressed by the United Nations Convention on the Rights of the Child has been a guiding principle in identifying the emerging good practices in the Project, alongside basic principles of good development practice. A key aspect is also that an activity has actually been tried and shown to work for it to be considered good practice. It could, however, represent work in progress, portraying preliminary or intermediate findings. Good practice illustrated in this publication covers both proven action as well as work in progress, with the ambition of stimulating new ideas or providing basic guidance on how to be more effective in some child-labour-related aspects.

The following criteria were used to define emerging good practice:

- Impact and relevance: creating a positive impact on the best interests of children and contributing to their development, survival and education rights.
- Innovativeness: making an innovative or creative approach, addressing underlying causes, rather than symptoms.

- Local ownership: based on the views, planning and active participation of the communities, groups and individuals concerned, so that changes are locally owned, led and adapted. This includes practices for children's participation in decisions and activities.
- Efficiency: developing institutional and individual capacity at the national and local levels, building on what already exists.
- Networking effectiveness: being the result of interdependent and coordinated actions.
- Sustainability and replicability: promoting sustainable change, successfully replicated and scaled up by local actors without external inputs.

In this publication, good practices are clustered under two leading themes highlighting their focus and main contribution to child labour eradication;

- Theme 1: Child Labour Free Zones as an Integrated and Coordinated Model.
- Theme 2: CSR and Child Labour in the Workplace and Supply Chain.

All the same, the portrayed GPs are not perfect in every respect. Information about inhibiting factors or circumstances limiting the applicability or impact of a practice can even be more useful to others rather than a 100 per cent "success" story.

19 ILO/IPEC (2005). *Good Practices And Lessons Learnt in Combating Hazardous Work in Child Labour*, p.2 http://www.unikassel.de/einrichtungen/fileadmin/datas/einrichtungen/icdd/Webportal/Publications/Decent_Work_and_Development/Child_Labour__An_Overview/Good_Practices_and_Lessons_Learnt_in_Combating_Hazardous_Work_in_Child_Labour.pdf,



4.

THE CHILD LABOUR FREE ZONE MODEL

4.1 THE CHILD LABOUR FREE ZONE (CLFZ) MODEL OVERVIEW

“Child labour free zones are geographical areas where all children are systematically withdrawn from work and (re)integrated into formal, full-time schools. No distinction is made between different forms of child labour because every child has the right to education.”²⁰

MV Foundation (MVF), India, has been implementing the Child Labour Free Zone approach for more than twenty years. Based on the non-negotiable principle that “no child works and every child attends full-time formal school as a matter of right”,²¹ MVF has been working

towards the abolition of child labour in all its forms. Having started in three villages in 1991, it has now spread its philosophy worldwide, with more than 1 million children removed from exploitative labour and taken back to school.

MV Foundation has become the benchmark for all organizations in the Stop Child Labour campaign, embraced by CESVI at the European level and piloted in Kenya where child labour is mainly exploited in the informal sector and in small holder farms. Virtually all programmes that combat child labour include community-level strategies that either address the issue directly or focus on root causes, contributory factors, or a combination of these. The CLFZ model choice was made acknowledging that while law enforcement is inadequate and targeting children in specific sectors (e.g., scavenging, domestic labour) was restrictive, the most effective and immediate way to reach children was by community regulation of child labour, including identifying and responding to it.

The ethos behind the CLFZ design of activities ranges from the importance of the community’s empowerment to multi-stakeholder initiatives. Practice has shown the importance of identifying and involving community leaders and other key

²⁰ “Stop Child Labour – School is the best place to work. Basic principles and concrete activities to create child labour free zones.” Stop Child Labour is an international campaign of Alliance2015, coordinated by Hivos (Netherlands) and executed with the India Committee of the Netherlands (ICN), CESVI (Italy), Ibis (Denmark), Concern Worldwide (Ireland) and People in Need (Czech Republic), and local partner organizations in Asia, Africa and Latin America. www.stopchildlabour.eu.

²¹ Bharadwaj, A. (2008). *Handbook for organizations for the ‘area-based approach’ to eliminate child labour and universalise education*.p.4. file:///C:/Users/USER/Downloads/MV%20Handbook%20Area%20Based%20Approach%20may%202008.pdf



stakeholders such as teachers, parents, children, unions, community groups, local authorities and employers in the process to set priorities and influence ideas and behaviour. In the end, all stakeholders are convinced that child labour is unacceptable and work together to ensure that children go to school.

4.1.1 The CLFZ framework

1. Fundamental beliefs²² on which the area-based approach is built:

- All forms of child labour can be eliminated.
- Parents want a better future for their children.
- Parents are willing and capable of making the necessary sacrifices to ensure that their child does not go to work but to school instead.
- Parents do not need financial incentives to substitute for their child's income.
- Communities want the norm "no child should work".
- Communities can plan and implement programmes to ensure no child works but goes to school instead.
- The State is responsible for providing schools with adequate infrastructure and schoolteachers and there shall be no setting up of parallel systems competing with the State.
- The State shall make all preparations to receive first generation learners into the school system.

2. Non-negotiable principles:

Charter of basic principles for the emancipation of child labourers:

- All children must attend full-time formal day schools.
- Any [school-age] child out of school is a

child labourer.

- All labour is hazardous and harms the overall growth and development of the child.
- There must be total abolition of child labour. Any law regulating child work is unacceptable.
- Any justification perpetuating the existence of child labour must be condemned.

4.1.2 The CLFZ objective

The approach aims at reaching out to all child labourers in a given community in order to make a defined geographical area "child labour free". In other approaches against child labour, only specific groups of children working in a specific sector (or so-called "worst forms of child labour") are targeted, with the result that working children shift from one sector to another. The focus of this area-based approach, on the other hand, is on all children in the same geographic area that are working rather than going to school. These include the "invisible" ones, working either on their own family's land or as domestic labourers in the household.

Hence, at the location level, the Project focused on creating a social and cultural environment geared to the total elimination of child labour. This was achieved by establishing community mechanisms to identify child labourers, delivering response services to them and their families, empowering local communities, and improving families and communities' livelihoods.

4.1.3 The CLFZ strategy

The CLFZ model is designed to tackle child labour in a holistic, integrated manner. The strategy consists of a process integrating actions that concurrently address the interlinked causes of all forms of child labour in a particular community, including economic conditions and cultural practices. It consists of actions aimed at

²² Bharadwaj, A. (2008). *Ibidem*, p.4

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prevention, removal, rehabilitation and protection of child workers through the empowerment of vulnerable families and communities in a coordinated manner. As the social and economic conditions change household capacities, the positive effects on children and their education, health and development are connected with the eradication of child labour, responding to it in a holistic and coordinated manner.

4.2 THE CLFZ IMPLEMENTATION STRUCTURE

Project action enhanced the implementation of the CLFZ model by supporting its inclusion in a draft National Child Labour Policy. At the local level, to obtain social mobilization and widespread public sensitization to ensure community ownership of interventions, a wide array of key stakeholders was linked within defined administrative areas, with preference for small villages. Their identification was quite simple in rural areas. In urban low-income settings with a high population density and high internal mobility of working children, cutting out of neighbourhoods remained a difficult exercise; we finally opted for restricted locations dominated by the uniqueness and specificity of child labour sectors (e.g., mining in quarries, domestic labour).

Local ownership and management by stakeholders was provided through the establishment of Child Labour Committees (CLCs), drawn from the Area Advisory Councils (AACs). The entrenchment of the CLFZ model in local structures ensured its adoption by government and civil society and the inclusion of the CLFZ concept in different government central and local ministries and departments, including the Ministry of Labour, the Departments of Fisheries and Children's Services, the Police, and Provincial Administration. The DCS at sub-county level was the pivotal body for stakeholder coordination and for the reporting system on actual child labour cases.



Photo ANPPCAN: a CLC meeting in Kisumu East

The local structures were strengthened by building capacity and improving the understanding of the CLFZ model through advocacy, training and sensitization of different cadres of public officials: front line officers, community leaders, and law enforcement personnel. To increase public awareness, the Project also promoted data collection and dissemination through research, workshops and coordination meetings.

The establishment of CLFZ in the target areas was confirmed through monitoring by networks of diverse actors (AAC and CLC). It was geographically assessed in the target zones in terms of the adoption of proactive means of withdrawing working children and providing proper response, actual absence of any child workers, changes in practices relating to child labour, school re-enrolment figures, and evidence that community members and families had the capacity to prevent children from entering child labour.

4.2.1 CLFZ implementation steps

The CLFZ model was applied methodically through a sequence of actions, including:

1. Building relationships within the target community between the project staff and the key stakeholders, including community leaders, chiefs, teachers, etc.
2. Gathering adequate data on the condition of



child labourers and sharing reliable information as the basis of action.

3. Strengthening Area Advisory Councils as major local child protection mechanisms.
4. Establishing formal structures (Child Labour Committees) as AAC sub-committees comprising engaged stakeholders and community representatives acting as watchdogs on child labour issues.
5. Designing contextualized plans by the CLCs to implement relevant interventions with clear standards and benchmarks on prevention, identification, removal and response to child labour cases.

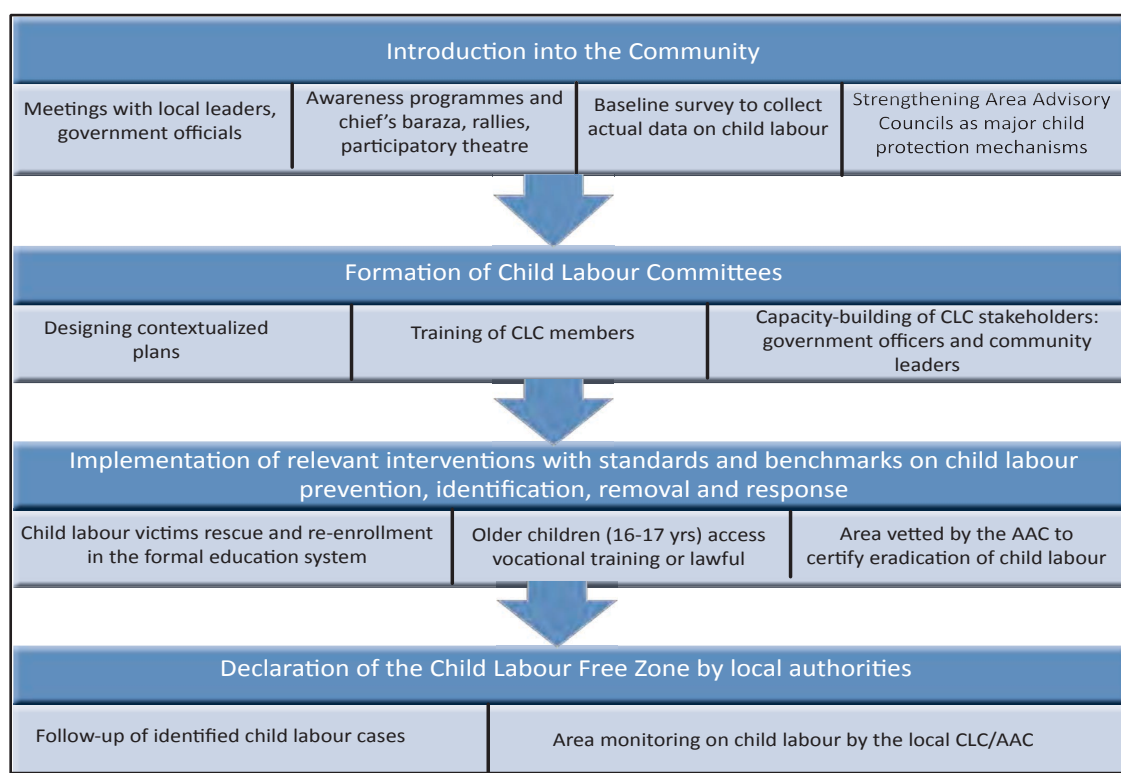
Interventions included:

- negotiating with parents, village elders and employers to withdraw children from work;
- providing counselling to former child labourers and their parents;
- creating awareness on child labour issues in caregivers through participatory theatre;

- sensitizing school committees;
- tracking children out of school;
- engaging educational institutions so as to strengthen the schools system through child rights clubs and income-generating activities to facilitate access to education for destitute children;
- training teachers to support former child labourers to gain access to education;
- training on remedial action for government officers (police, chiefs, village elders) and community leaders.

6. Supporting victims of child labour through (re) enrolment in the formal education system and providing older children (16–17 years) with vocational training or lawful employment as appropriate.
7. Vetting of the target zones by the AAC to certify the eradication of child labour.
8. Official declaration of the CLFZ by local authorities.
9. Follow-up monitoring by the local CLC/AAC.

Graphic 1: Child Labour Free Zones Implementation Steps



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4.3 THE CLFZMODEL ADVANTAGES

The preference of the CLFZ model over sector-based approaches in implementing child labour eradication programmes is based on its capacity to link up different stakeholder levels and to ensure a clean-up process within a target village. Rather than addressing specific forms of child labour separately, with risk of duplication, overlapping or just dealing separately with interconnected risk factors, it ensures complete elimination of all forms of child labour concurrently. Since it is built on the

belief that parents and communities are strongly motivated to ensure the safety and security of the children and their future,²³ it influences cultural norms and taboos, modifying local assumptions and practices. It also connects child labour with education; the family with the school and social protection systems; the community with overall policies; workers with employers; thus creating a systemic response.²⁴



Photo CEFA: The Dandora CLC members with children working at the Nairobi dumping site

23 Bharadwaj, A. (2008). *Ibidem*, p.4

24 ILO/IPEC (2013) *Integrated area-based approach as a strategy for laying foundations for child labour-free zones: A case of Busia, Kilifi and Kitui Districts in Kenya*. ILO Country Office for the United Republic of Tanzania, Kenya, Rwanda and Uganda. Dar es Salaam. p.5.



5.

GOOD PRACTICES IN THE CLFZ MODEL

5.1 THEME: CHILD LABOUR FREE ZONES AS AN INTEGRATED AND COORDINATED MODEL

In an increasingly interdependent world, effective practice is coordinated practice. However, this is a complex exercise and emerging good practice can inspire and suggest how to meet the challenges, maximizing the benefits of shared learning. Child labour interventions need to be in line with and reinforce the processes of political interest and decentralization at the national level currently underway in Kenya. This chapter takes a look at how the Child Labour Free Zone model builds capacity of different actors in combating child labour from the local to the national level, with the participation of the children. While the Government is responsible for ensuring that child protection policies are in place, the new county system strengthens decentralized decision-making powers and resources. Increased potential for the local authorities and communities to be held accountable for their actions against child labour motivates community members to more directly engage in what affects children's lives. Working to support local communities' empowerment and organized action to protect children through child-labour-free zones not only contributes to eliminating child labour locally but also to the development of functioning multi-stakeholder protection systems, building government action

and national capacity. This theme is developed by the Project through the presentation of the Child Labour Free Zones model and its application.

Good practices are analysed under the following areas:

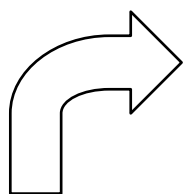
1. Upstream intervention Child Labour Free Zones as lobby mechanism in policy development.
2. Downstream intervention Child Labour Free Zones as devolved protection systems.
3. Child Labour Free Zones towards holistic community empowerment:
 - 3.1 Preventive level
 - 3.2 Response level
 - 3.3 Monitoring level
 - 3.4 Community economic empowerment in Child Labour Free Zones.

5.1.1 Good practice1: Upstream intervention - Child Labour Free Zones as lobby mechanism in policy development

The Project developed both vertical and horizontal coordination and networking, concentrating its efforts on links between the community, county and national levels. Upstream and downstream

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work was important to ensure that interventions would fit into the National Action Plan.



To have project interventions and government departments mutually supportive, common learning was shared between communities, local authorities and national government.

The links and the processes involved targeted the legal and policy framework since policy development and enforcement directly address the sustainability of the CLFZ concept. By including and institutionalizing the CLFZ model in the draft National Child Labour Policy as an effective approach to enact laws and regulations on eliminating child labour, the continuity of interventions developed and implemented through the CLFZ model is sustained. Bearing this in mind, the Project supported the review of the National Child Labour Policy in conjunction with Ministry of Labour, ILO and the Kenya Alliance for Advancement of Children (KAARC), aiming to provide guidelines to government and civil society actors working towards the eradication of child labour in Kenya. The Policy was finalized for adoption in 2012.

5.1.2. Good Practice2: Downstream intervention -Child Labour Free Zones as devolved protection systems

Due to its complexity, the child labour situation is best addressed from an integrated and simultaneous perspective (socio-economic, educational, cultural and developmental) by various actors at different levels (family, community, national and regional) paying appropriate attention to the contextual dynamics.

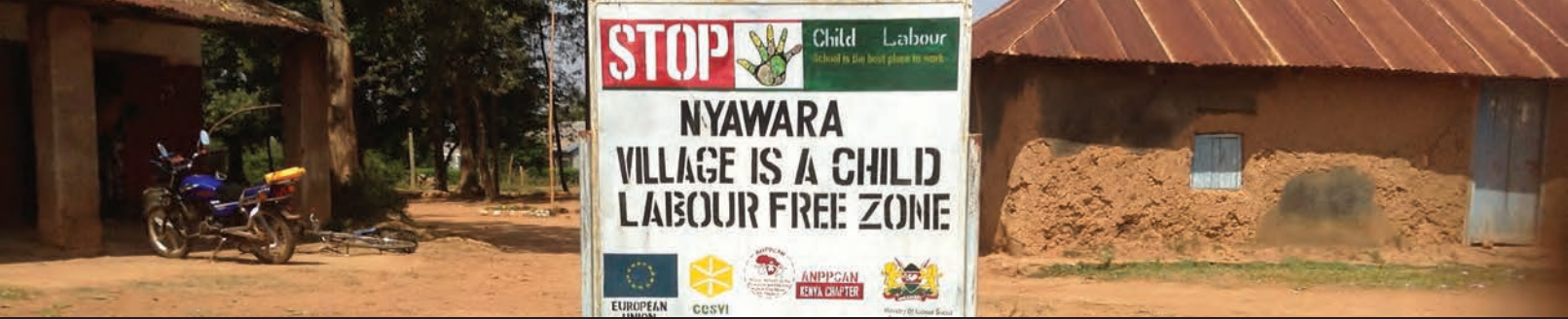
The Project found various organizations, communities, groups and individuals involved in child protection and specifically in child labour eradication in the target areas, creating a complex web of relationships, roles and responsibilities. The sectors can be broadly grouped into four

categories, each with its particular internal culture, norms and beliefs.

(i) **National and local government**, operating through a range of ministries and departments to meet internal plans of action and external requirements on child protection. Government involvement and activities against child labour are coordinated by the Ministry of Labour, Social Security and Services (MoLSSS) through its Child Labour Division (CLD) and the National Steering Committee (NSC). The membership of the NSC comprises the Ministry of Education; Ministry of Agriculture, Livestock and Fisheries; Ministry of Sports, Culture and the Arts; Ministry of Labour, Social Security and Services, as well as the Ministry of Commerce, Tourism and East Africa Region, and the Ministry of Devolution and Planning. Some of these ministries were engaged by the action at the local level, in particular the Department of Children's Services which remained the referral body for response to all child labour cases through the District Children's Officers (DCOs). The Ministry of Education was involved in re-enrolment of withdrawn child labourers and sensitization of teachers and pupils through the establishment of child rights clubs and the application of the SCREAM²⁵ methodology in 50 primary schools. The State Department of Fisheries was engaged in Mbita Sub-county (Homa Bay County) in the mobilization and monitoring of 20 beach management units to establish child-labour-free beaches.

(ii) The **National Council for Children Services (NCCS)**, composed of state and civil society agencies (Attorney General, Department of Children's Services, police, UNICEF, NGOs), is a critical national body engaged by the Project through the 15 Area Advisory Councils (AACs) as its devolved structures at the county and sub-county level in the project areas. The AACs partnered with the Project to establish the

²⁵ "Supporting Children's Rights through Education, the Arts and the Media" (SCREAM) is a facilitation tool developed by ILO/IPEC to have children in the forefront in the fight against child labour.



respective Child Labour Committees (CLCs) as their sub-committees.

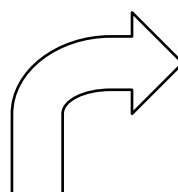
(iii) **Civil society**, with its mix of national and international NGOs broadly working in child protection, development partners and United Nations bodies, particularly the ILO, were kept informed of the project development, sharing data and information. Operative collaboration with various civil society organizations was activated to implement activities at the local level by sharing programming and resources.

(iv) **Local communities** became the primary partner for identification and response to child labour cases. The setting up and functioning of CLCs at the location level relied on a number of activities, including:

- building advocacy and awareness of child labour within communities and among key players such as government officials and community leaders;
- mobilizing key players to establish the committee;
- training and re-training provided to the committee's members;
- establishing a plan of action, procedures and developing monitoring tools;
- identifying, withdrawing and rehabilitating affected children;
- creating information recording systems for the collection, consolidation and storage of data on children identified;
- reporting data to District Children's Officers, service providers and communities;
- developing a coordination system, including operational criteria and guidelines.

The complexity of the issue of child labour, due to family conditions, community practices and inadequate government policy, is addressed by the CLFZ model through an integrated approach for

the eradication of child labour²⁶ which devolves the child protection system at location and village level.



At local level, CLCs were quite effective, when established and strengthened under DCS leadership. As sub-committees of location AACs, the CLCs coordinated implementation of policies and programmes at the grassroots level. Such committees brought together key stakeholders to share activities, experiences, good practices and lessons learned, improving networking, coordination and collaboration between different initiatives and development partners, from case identification to delivery of short- and long-term responses. The various elements of the system were regularly assessed for relevance, coherence and performance, and adjustments made accordingly.

5.1.3. Good Practice3: Child Labour Free Zones towards holistic community empowerment

In addition to introducing information and ideas and building capacity, the Child Labour Free Zone model encouraged communities to discuss, analyse, revisit, explore and adapt traditional approaches and strategies for protecting vulnerable children.

Based on a holistic approach, the CLFZ model helped communities to carry out changes and collectively become more confident through mobilization against child labour grounded in

²⁶ ILO/IPEC (2013). *Integrated area-based approach as a strategy for laying foundations for child labour-free zones: A case of Busia, Kilifi and Kitui Districts in Kenya*. ILO Country Office for the United Republic of Tanzania, Kenya, Rwanda and Uganda. Dar es Salaam. p.5.

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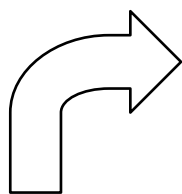
a preventive and responsive child protection platform. Community empowerment in solving the problem of child labour resulted in the building of a road map to sustainability, in particular through networks within the community.

"The Child Labour Committee will continue with the project activities since we have been empowered. We shall continue being a watchdog on issues of child abuse and child labour."
Peter Manywanda Kinyege, Village Elder Kivindo Village and Mbita member of the Location Area Advisory Council in Mbita

5.1.3.1 Preventive level

(a) Sensitization and behavioural change

The Project baseline survey had confirmed that child labour is endorsed by local communities and families due to cultural practices and financial needs. In order to change their behaviour with regard to child labour, individuals, families and communities needed access to information and opportunities to discuss and analyse the advantages and disadvantages of the changes under consideration. They then could be in a position, both individually and collectively, to make decisions, develop strategies and organize themselves to implement what they had decided.



To this end, the **Participatory Educational Theatre (PET)**, being a community-based theatre model, was placed at the forefront of the action undertaken to counter the perception that child labour is either beneficial to the community or irrelevant in terms of child protection. PET is an educational methodology which uses theatre as a participatory tool to allow the audience to probe, reflect on and respond to issues which concern them. The play poses

questions and highlights problems, rather than supplying answers and solutions, with the aim of bringing about change in the target community's perception of the world and themselves as individuals within it. By changing perceptions we do not simply mean raising awareness, but allowing the community to examine their attitudes towards the unresolved dilemmas and contradictions displayed in the drama which reflects situations in their lives.

A PET project aims first to communicate to people through their emotions and then to allow the participants to reflect on and examine those feelings objectively. The PET project runs through two main stages:

- The scene is set by the actors through short episodes of scripted theatre.
- Through the facilitator, the audience is invited to participate to help solve the dilemmas presented in the initial scenes. This participatory approach provides opportunities for:
 - community members to interrogate both characters and situations within the drama;
 - empowerment, by allowing the participants to intervene and determine the narrative sequence of the drama;
 - involvement of the participants in the contradictions and paradoxes raised by the drama; and,
 - improvisational role-playing to allow participants to put themselves in the position of the characters in the drama.

The methodology strengthened the transmission of relevant messages to create awareness of child labour. The wider community, but parents of school children in particular, was targeted to



prevent their children from entering child labour and to stop those already in work by raising awareness on its detrimental aspects and related legal framework.

The play scripts drafted by CEFA staff under the names “Tafakari” and “Madhara” were designed in line with real-life stories whose core message was about the promotion and protection of children’s rights, in particular the right to education, and the plight of child victims of exploitative labour. In Nairobi, 30 primary schools were targeted during the school parents and teachers’ annual general meeting (AGM). In Nyanza plays were performed in 20 schools and during major public events or Chief’s barazas. In total, the awareness campaign reached more than 43,000 people through 101 performances.



Photo CEFA: PET play at Comboni Primary School, Kasarani - Nairobi

(b) Community leader capacity-building

Acknowledging the paramount relevance of local leadership in community change, activities focused on **community leaders’ training** and coordination. The training provided to the members of the County and Location Area Advisory Councils and the CLCs played a crucial role in creating responsiveness to the Project and in supporting the protection structure needed for referral and linkages in dealing with child labour cases. The intensive training was aimed

at equipping participants to undertake activities in preventing and combating child labour through community mobilization, watchdog monitoring, awareness creation and coordination of interventions. Training focused also on building the capacity of additional actors for improved engagement against child labour in coordination with the DCO offices. Volunteer children’s officers, village elders, police officers and school teachers selected from each location targeted to become a child-labour-free zone were trained on child-labour management and response, the legal framework on child protection, the code of conduct and coordination procedures for case referral.

To enhance coordination, the Project facilitated **DCOs monthly coordination meetings** with the participation of volunteer children’s officers, village elders, and representatives of the CLCs, the Ministry of Labour and NGOs, and Community-Based Organizations. Case management procedures and a referral system were implemented to streamline protection response. Coordination prevented overlapping of interventions and improved the timing of service provision to victims of worst forms of child labour. In addition to this, **CLC coordination meetings** focused on case reporting and management through referral and enacting proper procedures. The CLCs’ coordination role on child labour was also reframed in the light of each CLC’s actual field experience

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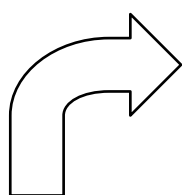
and challenges. Meetings facilitated the implementation and review of CLC work plans to chart out their work. The planning process identified what could be achieved with resources from within the community and strategies to implement the components with external support.

(c) Children's participation

Since the inception of the Project, a range of activities was developed to determine children's beliefs about child labour and to encourage their proactive participation in its eradication. Some activities specifically targeted child labourers while others aimed to inform and involve children in general. Such initiatives promoted child-to-child learning, contributing to the sustainable elimination of child labour. A twofold approach was used to build children's self-expression, confidence and skills by establishing Child Rights Clubs and Children's Assemblies.

Child Right Clubs

The establishment of "**Child Rights Clubs**" (CRCs) was part of a broad national initiative aimed at disseminating information on child rights in primary schools in Kenya. Clubs members were students and teachers with the main objective being to include child rights in the school's and pupils' agenda and to ensure children's participation, in particular with respect to the eradication of child labour.



The entry point was the School Management Committee of each of 50 primary schools (30 in Nairobi County, 20 in Nyanza region), with each school appointing a teacher to mentor the club. Teachers were trained in SCREAM (Supporting Children's Rights through Education, the Arts and the Media), an education and social mobilization initiative developed by ILO/IPEC

to help educators worldwide, in both formal and non-formal education settings, to cultivate young people's understanding of the causes and consequences of child labour. Project staff provided technical support and follow-up to teachers in each school to ensure child participation.

Some of the activities carried out by CRCs included the following:

- Weekly club meetings holding discussions on children's rights including challenges and opportunities and ways to realize the opportunities, child labour monitoring and simple management of CRC meetings.
- Awareness creation forums on child rights for the school community by facilitating CRC and School Management Committee (SMC) meetings where the children could discuss with parents and teachers and express their views.
- Identification and referral of child labourers.
- Monitoring of school dropouts.
- Establishment of "child rights corners" in the school through the club notice board.
- Participation in local and national events, including the Day of the African Child, as a platform to share life experiences from different parts of the country and learn from each other.
- Linking with Children's Assemblies during school holidays.
- Income-generating micro projects.

School income-generating projects were initiated in order to support club members from vulnerable families through the proceeds and to encourage extracurricular activities. Positive response to this initiative came from 24 schools, involving about 60 teachers and 1,200 pupils. Projects included tree nurseries, rabbit-keeping, bead-making,



horticulture, soap-making and poultry-keeping. All projects were linked with various stakeholders to ensure sustainability.

The level of awareness of children's rights among children and teachers increased as a result of the training, the induction into clubs and the weekly club activities. The children involved are now able to articulate issues and express their concerns confidently to parents, teachers and the community. In addition, they started proactive initiatives by identifying and referring victims of child labour to teachers and by implementing small projects to support peers at risk of dropping out of school for financial reasons. This had the effect of reaching additional significant numbers of children to disseminate knowledge about child rights.



Photo ANPPCAN: Child Rights Club members in Kisumu

Children's Assemblies

In line with the Kenya Constitution, Article 36 on the right of participation for every citizen, the Children's Assembly is a unifying organ spearheaded by the NCCS that brings together children from diverse ethnic and social backgrounds. The **Children's Assemblies** provide an opportunity to communicate government policies and development plans

to children at the local level and obtain feedback through the devolved structures. Similarly, the recommendations and outcomes of debates at Children's Assemblies are channeled to the County and Central Government.

The Project established and supported children's assemblies in 3 counties (Nyanza) and in 3 sub-counties (Nairobi). Since the establishment of County Children's Assemblies was part of the DCS County Coordinator's plan of action, the Project allowed for more frequent, effective and efficient coordination of activities and enhanced the assemblies' long-term sustainability. The children representatives were elected by children themselves through a democratic process and held their meetings during school holidays.

Children were trained on how international and national definitions of human rights fit in with cultural norms in the communities where they live; how to differentiate between acceptable and non-acceptable work for children; and how to convey information to parents. Participation at child-focused events increased their awareness on child rights, child labour and child protection. It encouraged children to speak out and state their views and opinions, to develop their confidence, listen to others and see themselves as social actors, negotiating actively with parents and peers to influence what happens in their lives. Besides discussions, children also held highly enjoyable

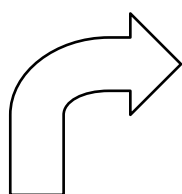
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social events with a chance to participate in games, theatre and role play.

5.1.3.2 Response level

The easiest response to child labour would seem to be the removal of children from the exploitative condition. However, this could be the worst response. Most children work out of real or perceived necessity, and therefore may be pushed to take work in more hidden and even worse conditions. This risk posed a dilemma to communities who discovered child labour in their midst, such as in subsistence farming, where the “harmfulness” lay in the number of hours worked rather than in the work itself. In this instance, a simple re-adjustment for school re-inclusion solved the problem. The aim of the community-based response to child labour hence was an integrated response to ensure that children are not just removed from any forms of child labour but are also provided with developmental opportunities. Moreover, where possible, efforts were made to address the root of the problem and to ensure that children did not move into worse circumstances or were replaced by other children.

The Child Labour Committees (CLCs): Child Labour Free Zone agents of change



The Child Labour Committees were established in Nairobi and Nyanza to build and oversee the CLFZ through identification and assessment of, planning, rescue from, referral, and monitoring and reporting of all forms of child labour in target areas.

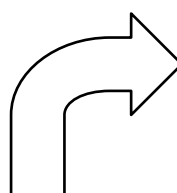
The following activities were carried out when child labour was detected:

- Observing and reporting on a range of indicators related to a child’s labour, health, education and family condition.
- Removing children from work that was harmful.

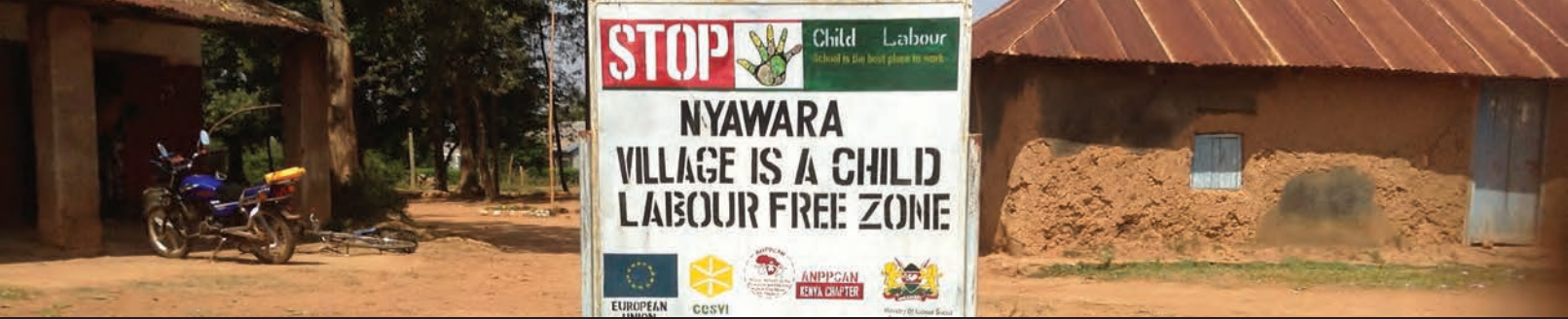
- Enrolling them in school if they were of school age (6–14years), or providing vocational training for older children (15–17years).
- Reintegrating children with their families and communities when found to be alienated from them.
- Providing alternative income-generating activities to parents or caregivers of children relieved from child labour.
- Supporting the physical and mental health of children working under harmful conditions.
- Creating conditions to remove the children’s need to do harmful labour.
- Protecting and educating older children who were working legitimately.
- Providing toolkits and follow-up to ensure healthy working conditions for working children who met minimum age requirements.
- Mapping and referring cases to relevant service providers (children’s charitable institutions, NGOs, faith-based organizations, etc.) or government statutory institutions (rescue centres, remand homes and rehabilitation schools) to provide suitable responses to needs such as safety, medical, psycho-social, legal, reintegration, educational and vocational training.

5.1.3.3 Monitoring level

A Child Labour Monitoring System (CLMS) was implemented with the aim of measuring the impact of the Project and helping communities to prevent and respond to child labour.



The monitoring system was based on local volunteers, members of the CLCs or those connected with government offices, volunteer children’s officers and village elders, teachers, and children members of Child Rights Clubs and Children’s Assemblies.



Monitoring and reporting was structured on various indicators such as:

- number of school dropouts;
- numbers of working children identified in the target area;
- number of referrals and main services provided;
- number of children who joined the formal education system;
- tracking of each child's progress;
- mapping of referral agencies;
- reason for successful outcome or failure.

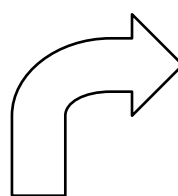
The monitoring system was based on social enquiry reports coordinated by the DCO where data were recorded, alongside the action taken. Volunteers were provided with training, sometimes with transport or in-kind support such as a bicycle in Nyanza, but were not paid for their time or provided with financial resources to cover their costs. The CLC facilitated also a simple remediation plan to be applied by families, since reporting of child labour cases to local authority officials would not have resulted in any consistent impact.

5.1.3.4 Community economic empowerment in Child Labour Free Zones

Families' economic empowerment

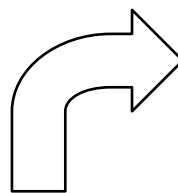
The Project recognized that the strategies and intervention for the prevention of and removal of children from child labour cannot work and will not be sustainable without providing alternative or supplemental sources of income for parents and children. Child labour occurs extensively among the poorest families and communities due to such interlocking factors as inadequacy of household income, lack of marketable skills and lack of access to resources (e.g., land, animals and working capital). Thus, poor families are often left with no option but to sell their unskilled labour. As indicated by the Project baseline survey, the pattern

is repeated when at a very young age children, on their own or upon parental encouragement, work to supplement the family's income. Removing and preventing children from working therefore affects the income-earning capacity of the family.



It is this condition that **the Livelihood Improvement Programme (LIP)** addressed by creating "replacement" income to fill what was lost with the children's removal from labour.

It was challenging to find sustainable and alternative livelihood options where the local economy was struggling or in rural communities with limited market access. However, a successful strategy focused on building the family's skills and self-employment opportunities.



In conjunction with the established community mechanisms on the ground (AACs, CLCs, Provincial Administration - chiefs and village elders), the project partners implemented this activity following the process of identifying and supporting beneficiaries for the livelihood programme. The CLCs assisted in the selection of recipients of the seed money, and in problem-solving including funds misuse.

The families were selected through the following basic criteria:

1. Having removed children from child labour.
2. Having a high level of poverty.
3. Having deceased caregiver.
4. Unemployment of the caregiver.
5. Number of children under care.

Following meetings with community leaders and

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after carrying out field visits to assess the genuine needs of the families, beneficiaries were clustered into groups. The families were first sensitized on the issues of child labour, and then trained by the partners on basic business skills. The families prepared business proposals and budget estimates.

The seed money was provided in low amounts (USD 70), enough to start a small business.

Examples of small businesses across the project areas consisted of small-animal-raising, basic items (e.g., sugar, rice, maize, cooking fat) to run a small kiosk, purchase of fishing materials, cooking items such as two bales of wheat flour and ten kg. of cooking fat to make and sell chapati and mandazi, one sack of maize and ten kg. of cooking fat to make and sell ugali, 50 litres of kerosene for selling.

Families were supported on condition that children went back to school as the empowerment aimed at supporting children's formal education. To this end, caregivers signed a commitment witnessed by community leaders and local authorities.

The livelihood programme brought on board 168 caregivers (84 in Nyanza, 84 in Nairobi). Follow-up was undertaken to check on caregivers' compliance and provide technical support. Increasing families' incomes had a positive effect on school enrolment, school retention and children's health and it was seen to change family dynamics.

As part of children's reintegration from government children's institutions, 52 caregivers were supported through the Livelihood Improvement Programme. An additional 211 children were given toolkits.

Table 5: Type of business supported and impact

LOCATION	TYPE OF CHILD LABOUR	BUSINESS SUPPORTED	STATUS
Komarock	Scavenging	Selling githeri (cooked maize and beans), beans and green groceries	Child joined Form 1 and other siblings in school. Mother's business doing well.
Ruaraka	Scavenging	Rearing of broiler chickens	Child in school with siblings. Caregiver's business doing well after changing from broilers to free-range chickens and ducks.
Mukuru	Scavenging	Selling of Irish potatoes and onions	Children in school. Business doing well and expanded. Mother changed from selling Irish potatoes and onions to githeri and avocados.
Dandora	Scavenging	Hawking of dry food cereals	Child joined Undugu Society project for vocational training. Sibling in school. Business doing well. Mother changed from hawking of dry cereals to arrowroots. She managed to complete a tailoring course and buy a sewing machine out of her savings.
Mukuru	Selling of groundnuts	Selling of githeri and paraffin	Children in school. Mother doing well in business, expanded from 20 litres of paraffin to 40 litres, and githeri from 4kg. to 7kg.
Dandora	Scavenging	Selling of beans and githeri	Children in school. Business doing well. Mother managed to secure market in a school where she cooks and supplies children's lunches at a price of Kshs.20 per plate. She expanded supplying all meals to staff and children.
Ruaraka	Scavenging	Running a shoe repair business	Children in school. Father quit watchman job and managed to put up a structure for full time shoes repair business.



Photo CEFA: Chief handing over cooking items to a LIP beneficiary in Kayole, Nairobi

Youth economic empowerment

Economic empowerment of youths brought on board 9 youth groups (16–17 years old), with 157 of them already provided with support (48 in Nyanza, 109 in Nairobi).

The activity was guided by the principle that older children already out of school need to become self-reliant. The group was to channel capacity-building and cohesion to the members, while individual youths (or in pairs) were supported in the identified business. In Nairobi CEFA conducted training in basic business and entrepreneurship for three groups in Komarock, Mukuru and Dandora. In addition, home assessments of the members were carried out by project staff who was visiting the groups on a weekly basis. Groups were also provided with sport equipment to enhance cohesion through play.



Photo CEFA: RICEP Youth Group Training – BabaDogo– Nairobi



Photo CEFA: Sewing machine provision to 17 yrs old girl - Nairobi

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5.2 LESSONS LEARNED

5.2.1 Rural and urban diversity

Local communities became the primary partner in the identification and response to child labour cases. Diversity between rural and urban contexts was observed from the beginning of the project. Rural communities appeared homogeneous in terms of culture, leadership, norms and ability to access and positively influence working children. However, the crucial role that working children play in the fragile livelihood system of rural families raised serious concerns in the community about the need to maintain the working status of the child.

The urban context of Nairobi's sprawling suburbs showed that most working children came from families of high social vulnerability and were drawn into the informal sector. The communities' diversity within quite limited geographical areas, including ethnic, sectoral and social groups, with different roles, interests and connections, both inside and outside the area, made coordination and attainment of a visible impact on the ground a difficult exercise. Communities also showed diverse cultures on child labour, calling for different processes and time to spread the message and internalize changes. The length of time depended on the local leadership, the skills of the change agents, the degree of community cohesion, beliefs about established behaviour and local access to resources. These factors varied from one community to another. This resulted in variations in the period required for activities to take place and sustainable change to be developed.

5.2.2 Department of Children's Services coordination

The web of relationships within and between different groups demonstrated the complexity of interventions and the challenges of effective coordination and collaboration. Coordination at county level proved to be one of the most complicated areas. As the Child Labour Division

(CLD) within the Labour Ministry remained the focal point for coordination of the overall national response to child labour, local initiatives were referred for coordination to the DCS through the AAC or CLC. The primary concept was that child labour eradication needs to be seen as one cross-cutting issue among many others that affect children in the country. Hence, considering the mandate, roles and responsibilities of the DCS in relation to child protection in general, the DCS took the lead in coordinating child labour initiatives with the CLD playing an essential role in creating a national policy environment less conducive to child labour.

5.2.3 Community ownership

Whatever the project, it does not start in a vacuum. Community members have been living and working in target areas for a long time and have developed knowledge, strategies and norms for all aspects of community and family life. Assumptions made by outsiders on the basis of inadequate information result in poor decisions and ineffectual actions, which can even jeopardize the success of subsequent initiatives. The Project therefore started with an effective baseline survey that had the combined advantage of providing the project staff with much-needed information and of sending a message to the community that what they have to say is of value and important. Such research was an essential preliminary. It identified the magnitude of the problem and the existing structures that could provide integrated service delivery in any situation where a child was removed from child labour.

The Project relied on community engagement so as to be locally owned and be sustainable, with decision making based at the community level. This approach presented a challenge since change agents usually arrive in a community to "create the X project committee" which lasts for the project duration.

Numerous community committees have been set up to protect children across Kenya. Some



members are enthusiastic and committed while others ask for support and lack motivation for their work. Usually, few remain active in the long term.

The establishment of Child Labour Committees was of paramount importance to the building of a community process owned by the affected people, as they provided opportunities for the people to discuss, analyse and decide for themselves how they wanted to tackle the issues in collaboration with local authorities. Some of the CLC members were not very effective in participating in the monitoring of child labour within their respective areas because incentives were lacking. In some cases, their demand for incentives was high and became a key determinant for active participation in the Committee. Other than that, people in some communities are accustomed to doing what they are told by authority figures, or they may have learned that projects come with hand-outs in return for compliance. To respond to the challenge, the Project needed to define alternative ways to provide the necessary capacity building, training, skills, tools and equipment for response interventions and data collection. In this respect, proactive DCOs played a critical role in keeping all CLC members motivated and coordinated, including volunteer child officers and village elders.

The CLC system requires a high degree of local ownership on the child labour issue to function properly in coordinating and implementing interventions, as well as sufficient community resources to act in the short term and good linkages to local authority services. External support interventions need to build capacity and promote such a system without taking responsibility for it, since the greatest challenge is sustainability after the project ends. This means ensuring the participation of local communities and authorities in planning and monitoring interventions. In terms of sustainability, the importance of facilitating and following-up on a process of change over time cannot be too highly stressed. Moreover, if solely dependent on the support of temporarily

projects, the CLC system may be a time-limited initiative. Hence, it needs to be delinked from external funding to build its effectiveness and sustainability by fully anchoring it to the AAC, that being a broader and sustainable gathering of stakeholders supported on a more structured and permanent basis also by the government. This component still needs to be mainstreamed at the county and national levels into policies so it can solicit resource allocations from the ministries of Labour, Education, and Finance, and from county government.

5.2.4 Empowerment of families and older children

Empowerment of families

Provision of stationary, books and uniforms to support attendance in school of selected children at risk of or withdrawn from child labour is a common component of child labour remediation efforts and is popular with recipient families. However, it has its down side since it is not sustainable without continued financial inputs and it encourages dependency rather than strategies to increase self-sufficiency. At the end of the project, children and parents are let down with no further support. More effective and sustainable are strategies to help families increase their income, prioritize expenditure and budget for living costs.

The project livelihood empowerment programme was a conditional cash transfer scheme aiming to empower caregivers of child labour victims, through a “developmental rather than remedial” approach. The primary condition was to ensure that children were not engaged in any form of child labour but were enrolled and retained in school. Overall, the programme made a useful contribution to education costs that had to be borne by poor households.

Families were involved throughout the whole process of design, implementation and evaluation of their business plan, to ensure adaptation to their capacity and local reality. However, especially

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in urban areas, the process of identification, assessment of the families and start-up of the business took longer than estimated, to assure preparation and compliance. Consultations with community leaders were critical in the caregivers' identification and monitoring.

Identifying the businesses required that targeted beneficiaries and project staff worked closely together to select a type of business appropriate for the area. This process is one necessary factor to help ensure success. The small business ventures that may be identified should be suitable to the environment and situation of the beneficiary. Animal-raising, for instance, is feasible in Nyanza since beneficiaries have land on which the animals can freely roam and graze. Likewise, beneficiaries' purchase of fishing materials in Mbita is well suited to their source of livelihood.

In addition, since the selected caregivers live below the poverty line and are often illiterate, they needed proper training and induction in business skills and follow-up. Training included small business management, basic record-keeping, and the techniques and methods necessary for the business (e.g., animal-raising). Overall, this intervention performed well. Only a few families misused the funds.

Economic empowerment of youths

Economic empowerment of older children (16–17 year-old) is a long and complex process that requires sufficient funding and a minimum one-year time frame for the business follow-up. The implementing agency needs field staff that can provide regular and professional coaching to new businesses. The implementing agency should give particular attention to the assessment of local employment opportunities and the vocational orientation phase. This determines, to a large extent, the success or failure of the process. Conducting training exercises in groups allows for peer-to-peer support and for other youths to participate and gain knowledge and skills.

A common risk factor in the youth groups support

programme is the lack of guardians or close relatives to follow up or guarantee commitment in the management of the business. Youths who live on their own need further support and even closer supervision to stay out of child labour and manage their businesses. The need of youths to obtain money quickly poses a challenge to the management of the business as some continue to do other part-time jobs, especially when they need to supplement the family income, implying that the business returns are insufficient. On the other hand, there is a positive trend in business stability among the youths that have their caregivers' close support. Moreover, working with existing groups rather than establishing new ones ensures better business sustainability.

5.3 CASE STUDY ON CLFZ PROJECT IMPACT AND EVIDENCE-BASED DATA

An 11-year-old girl child was identified fetching and carrying water for private homes by one member of the Komarock Residents' Association CLC in Nairobi. The case was vetted by the same CLC and referred to a village elder. A home visit was conducted and the assessment revealed a serious incidence of poverty and lack of food. The mother relied on casual jobs, mainly washing clothes for neighbours; hence the child had to supplement the family income. Under the Livelihood Improvement Programme, the mother planned to run a small business and was provided with cereals and vegetables worth about USD 50 to start a kiosk in August 2013. She was trained in basic business management and accounting and supported through follow-up visits. After six months, her daily sales were between Kshs. 3,000 and 3,500 (USD 35–40) with a profit of between Kshs. 500 and 800 (USD 6–9). Meanwhile, she had diversified to selling githeri (local cooked food). The child had rejoined formal education and subsequently sat for the Kenya Certificate of Primary Education (Standard 8 examination), scoring good marks. Afterwards, she joined a secondary school. All other children in the family attend school. The village elder regularly visits the child and a logbook is maintained for recording follow up visits.

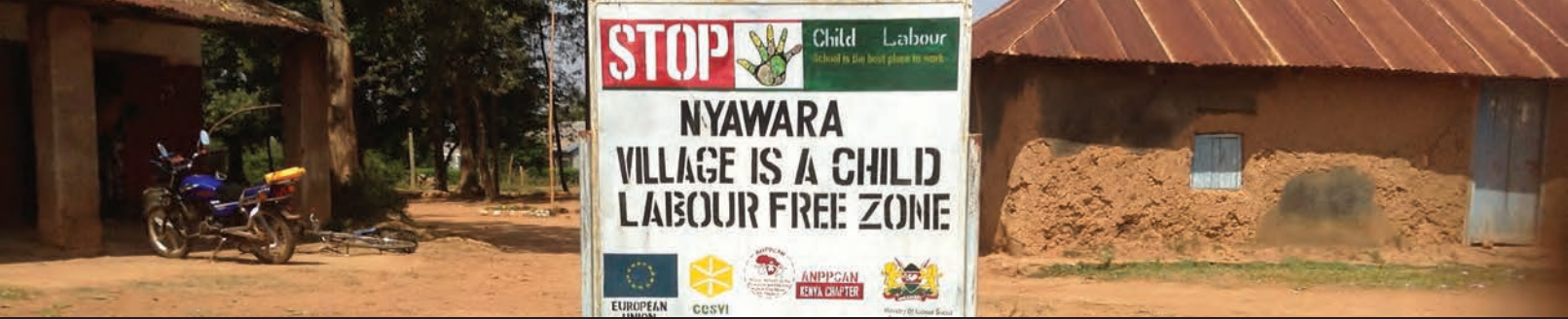


Photo CEFA: a beneficiary of the LIP programme in Nairobi

The above story represents one of the 854 cases dealt with by the Project in the target geographical areas during its implementation period from 1 November 2011 to 28 February 2014.

The following data provide a brief analysis of the impact of the Child Labour Free Zones model in the project areas.

Other 330 cases reintegrated from Children Statutory Institutions were not included in this analysis.

Cases of child labour by geographical area indicated that Homa Bay (Mbita) took the lions share (30.8 per cent), followed by Njiru (20.6 per cent). This was correlated by the high frequency of children withdrawn from the fishing industry (18 per cent of the total) being concentrated in Mbita and of scavenging children found in Njiru (12 per cent of the total).

Of the child labourers, 70.3 per cent were in the 13–17 year age bracket, confirming that adolescence is the most risky age stage attracting child labourers but also that they were easier to be identified and reached by the project. However, children of the 5–10 years age bracket represented 17.53 per cent of the whole group, indicating that younger children are quite vulnerable as well. Almost two out of three children were boys, suggesting that

male children were an easier target for the project, while the girl child labourers were possibly more concealed and difficult to reach. Most of the male children were rescued from scavenging (39.38 per cent) and fishing (26 per cent), with the former activity being the predominant form of child labour found in Nairobi (88.48 per cent) and the latter in Nyanza. Most of the female children (52.66 per cent) were found working as domestic servants, followed by commercial sex (14.01 per cent) and scavenging (12.08 per cent). With regard to prostitution, 60 per cent of the girls rescued from it were within the 15–17 years age bracket, while 20 per cent were 10 years and below. One of three children in domestic child labour was a male, and 58 per cent of them were found in Nyanza. These data indicate that some forms of child labour are related to the specific rural geographical location of the project and children's gender, but also that children engaging in specific forms of labour are more accessible for intervention than others. While in Nyanza children engaged in fishing were broadly identified and removed from target beaches through the BMUs, only few (4 cases) were identified and rescued from prostitution. Likewise, in Nairobi, scavenging children were easily found and supported, while those working in quarries or begging in the streets were more difficult to approach due to adults' economic interest and interference. This suggests that the CLFZ approach needs to intensely engage the business community to be effective in geographical areas dominated by specific economic sectors.

Looking for the root causes of child labour in the given sample, it appeared that 25 per cent of caregivers endorsed child labour, being willing to send their children to work. This seemed to be equally related to the lack of food and shelter (poverty) (23.06 per cent) and family neglect (23 per cent). In a nutshell, family-related conditions appeared to be first (78.58 per cent of cases) among the causes which trigger child labour. Contrary to what may be thought, peer pressure seemed to be a minor factor (18.29 per cent), while orphanhood contributed to it to a minimum degree (5.44 per

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cent). These findings highlight the importance of partnering with families and communities in fighting child labour. Since caregivers are part of the problem, they are critical partners to achieve its solution as well. The CLFZ model showed a great impact in addressing the family-rooted causes of child labour by working with them.

An analysis of services provided through the CLFZ approach shows that most of the child labourers benefited from actual rescue and counselling (89.26 per cent), school re-admission (71.54 per cent) and family income generating activities (9.8 per cent), confirming that local mechanisms such as the CLCs were able to respond to basic need of child labour victims or to refer them for services. The CLFZ focus on formal education was confirmed to be an essential strategy for child labour eradication. Legal representation was requested only by 1.3 per cent of the cases, confirming that law enforcement by the State is weak and it is used as a last resort.

An analysis of the project impact on children indicates that 3 out of 4 cases were positively finalized and exited. The remaining cases (22.63 per cent) were still pending by the end of the project, being under the CLCs monitoring. Children

relapsed to labour or whose whereabouts was unknown at the closure of the project were few (13 cases) suggesting that the CLFZ model creates a supportive local environment able to restore protective life conditions.

Trying to understand factors which may enhance child resilience, it appeared that a child's positive desire for formal education (25.65 per cent) and inner motivation (8.92 per cent) facilitated the child's active permanency, reducing relapse. Looking for external supporting factors related to the CLFZ approach, community support through CLCs appeared to be the first (32 per cent) to trigger success of the cases, followed by government support (22.3 per cent) through district and volunteer children officers, chiefs and village elders. This is a positive indicator of how the CLFZ model may effectively facilitate joint actions by community and State actors in eradicating child labour by supporting coordination and sharing of responsibility in child protection. The community-government collaboration appeared to be more effective for children than family support, probably less relevant (4.83 per cent) due to persistent cultural and economic factors which the CLFZ approach may need time to influence.



Photo ANPPCAN: BMU committee members in Mbita (Homa Bay County)



6.

THE CHILD LABOUR FREE STANDARD

Few companies are currently targeting child labour in the context of promoting good workplace practices and enhancing their Corporate Social Responsibility approach. In this learning process, the pilot Child Labour Free Standard provides guidance to enterprises needing to exercise judgment in selecting which practices, or combination of practices, are best suited to eliminating harmful child labour in their particular context.

This Good Practice presentation is meant to share learning and experiences with the private sector, providing business firms with a good practice approach successfully applied by other businesses in addressing child labour in their own workplaces and supply chains. First, enterprises should adhere to national and local labour laws in the country. In addition, they should abide by UN and ILO Conventions and accompanying documents setting minimum standards regarding the employment of children. The Standard adds to what a firm can do to contribute to child labour eradication.

6.1 THE CHILD LABOUR FREE CERTIFICATION STANDARD – OVERVIEW

The Child Labour Free Certification (CLFC)

Standard stems from the commitment to building the foundations of Child Labour Free Zones in Kenya through strengthening child protection mechanisms, including in the supply chain. The economic sectors in Kasarani, mapped by CESVI in 2012,²⁷ initially included manufacturing, mining and quarrying, the hospitality industry, domestic work, and at Lake Victoria the fishing industry. However, during the project period, the agriculture sector became the major focus of the certification. The certification awards a Child Labour Free (CLF) label to companies compliant with CLF Standards, after they voluntarily join as licensees and undergo independent verification, across the supply chain.

6.1.1 The CLFC legal framework

The CLFC Standard is derived from the internationally recognized children's rights rules that establish the global framework on child labour, and does not create new international legal obligation:

- The United Nations Convention on the Rights of the Child, in particular Article 32

²⁷ Njoka, J. (2012). *Survey on Economic Sectors in Nairobi and Nyanza: Income Streaming and Economic Supply Chain in relation to child labour*. Nairobi

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- ILO Minimum Age Convention, 1973 (No. 138).
- ILO Worst Forms of Child Labour Convention, 1999 (No. 182).

In addition, the Standard recognizes the Kenya National Labour laws: The Employment Act (2007), the Education Act (2013), the Children Act (2001) and the Kenya Constitution (2010).

The CLFC Standard is a work in progress. It elaborates existing standards for business, addressing child labour, including:-

- The Ten Principles of the United Nations Global Compact²⁸.
- The United Nations Guiding Principles on Business and Human Rights (2011)²⁹.
- The International Standards Organization (ISO) Directives.
- The Social Accountability International (SAI) Directives.
- The Action Plan for Companies to Combat Child Labour, Stop Child Labour, European Campaign.
- The Global Reporting Initiative (GRI) Guidelines.
- The Good Weave Standards.

6.1.2 The CLFC objective

The objective of the Standard is to eradicate child labour from companies' production through the corporate social responsibility (CSR)

28 See www.unglobalcompact.org. See also, *A World Fit for Children* (2002) and, *A World Fit for Children Plus 5* (2007).

29 Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework as annexed to the Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, A/HRC/17/31, United Nations, 21 March 2011, available at www.ohchr.org/documents/issues/business/A.HRC.17.31.pdf. Endorsed by the United Nations Human Rights Council in A/HRC/RES/17/4.

approach. This objective has a great bearing on children's rights as an essential investment for future sustainability. Human rights apply to all children and safeguarding their rights helps to build strong, well-educated communities; such communities are vital to creating child-labour-free zones and a stable, inclusive and productive business environment. The Standard provides enterprises with an ethical instrument for dealing with children's rights and supports achievement of Millennium Development Goal (MDG) 2 for Universal Primary Education.

All the same, CESVI acknowledges that the Standard cannot work in isolation since forces producing child labour are many, complex, and interrelated. Hence, a holistic and integrated approach to address its underlying causes is needed.

6.1.3 The CLFC purpose and scope

The CLFC Standard outlines the requirements necessary to obtain the Child Labour Free Certification which enables enterprises to:

- (a) Formulate, maintain and enforce policies and procedures to manage child labour issues that the company can control or influence;
- (b) Enhance positive action for children's rights so as to build their reputations, improve risk management and enhance the social licence to operate from people living and working where the business is conducted.

Applicant companies have a duty to adhere to the Standard and ensure that their direct supply chain complies with it. The Standard covers all workers and workplaces in various economic sectors. It applies to all operations for which the company is responsible. This includes all processing activities from sourcing of raw material to the finished product and includes subcontracted processes. Companies are liable for the operations of their subcontractors/suppliers and are encouraged to continuously monitor their compliance with the Standard which applies to all supply chains directly linked to the applicant company.



Companies shoulder greater responsibility to ensure that supply chains (direct suppliers of raw materials and subcontractors) promote social responsibility in their sphere of influence. The companies are obliged to continuously assess their partners' activities across the supply chain, educate and regularly update them on the requirements of the Standard. This ensures that interpretation of the Standard is consistent while addressing the specific needs of different sectors.

The Tripartite Certification Body provides support services to help applicant companies and their suppliers to implement the Standard.

6.1.4 The CLFC Standard structure

The Certification Standard and related tools were designed through a consultancy provided by Ufadhili Trust. The full certification package was finalized in January 2013 during a two-day companies' workshop which validated it. The Standard structure outlines the specific criteria and requirements for a company to be licensed in a systematic way.

The Standard applies to a firm's operations and includes 7 principles:

- a) Child Labour is not allowed (ILO C.138).
- b) Worst Forms of Child Labour are not allowed (ILO C.182).
- c) Children have the right to freedom of expression and participation (Convention on the Rights of the Child, 1989, art.12, 13, 23, 31).
- d) Children have the right to non-discrimination (Convention on the Rights of the Child, 1989, art.2).
- e) Decent working conditions are supported (ILO Occupational Safety and Health Convention 1981 (C.155)).
- f) Environmental conservation and community engagement in child rights are supported.
- g) Transparent business practices compliant with local and international regulations are promoted.

6.1.5 The CLFC label

The CLFC label is a logo signifying that the company's product has fulfilled the requirements of the Standard. It is the license indicating compliance and adherence to the action plan, identified during auditing and verification. The label awards three progressive levels of compliance, these being bronze, silver and gold.



6.2 THE CLF CERTIFICATION PROCESS

The first step in establishing Child Labour Free Certification (CLFC) for business companies was the mapping of the economic networks in the project areas, which provided an analysis of the main economic activities in Nairobi and Nyanza as they relate to child labour and allowed for the identification of companies to potentially engage in the activity. Initial attempts to obtain secondary data on child labour in the business sector failed because the data proved to be unreliable. Primary data was gathered, therefore, from

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key informants in Ruaraka, a geographic area which has the second-largest aggregate of light and heavy industry in Kenya, and in the Lake Victoria region. Sources of information included managers of business companies, the district heads of the Children's Department and Ministry of Labour offices, Chiefs, the police and local civil society actors. Data provided qualitative insights including:

- Basic information on economic networks.
- Sources of raw materials, along the supply chain.
- Provision of labour force and current markets.
- Disposal of waste.
- Engagement in any form of CSR and existence of codes of conduct.
- Interest in the CLFC.

Results highlighted that child labour was found mainly at the bottom of the company supply chains where raw materials are sourced. In Ruaraka, many children are engaged in recycling of waste plastics and paper. When schools close, a sizeable number of children engage in plastic waste recycling and metal collection which is sold to brokers who then sell to the recycling companies. Given the diversity of the industrial sub-sectors in the area, there was a complex identification of raw materials used and their sources. Most companies source raw materials internationally, others source locally, while only few procure materials both locally and internationally.

The raw materials sourced locally include fresh vegetables and construction materials. Materials sourced from outside the country (Tanzania, South Africa, India, United Kingdom and China) include construction machinery, vaccines, fungicides, pharmaceuticals, fertilizers and insecticides.

The local market comprises mainly rural-based farmers and retailers of products such as agricultural chemicals and fertilizers. Companies selling their products to these target groups are particularly crucial as they can actually be used to put pressure on users to avoid child

labour. Exporting companies sell foodstuffs and pharmaceuticals to the Eastern and Southern African region.

With regard to wastes, the companies have equally varied methods of disposal. Most have sub-contracted other firms to dispose of their wastes. The two main places where garbage finds its way are the Dandora dumpsite and Athi River especially for the wastes that end up being incinerated. Wastes going to Dandora include paper, cans, foodstuffs and plastics. These are known to attract scavenging children who find an easy market in some firms.

In Nyanza, information indicated that the main buyers of fish from Suba are based in Kisumu and Nairobi. On rice plantations in Kisumu, the company that is critical in production is the National Irrigation Board (NIB) with its headquarters in Nairobi.

The corporate social responsibility (CSR) of the companies was identified as being largely limited to cash hand-outs for road repairs, school support for destitute children, foodstuff and clothing, provision of basic infrastructure to local schools, and material support to local events for youth and children. Codes of conduct, mainly endorsed by large manufacturing companies, did not include any clause on child labour.

As a result of the mapping of economic networks, the following sectors were targeted because it was found that they were exploiting child labour along critical segments of the supply chain:

- 1) Manufacturing – recycling in Kasarani district (Nairobi).
- 2) Agriculture – French beans, rice, sugar cane.
- 3) Fishing industry – in particular of the Omena species in Mbita sub-county, Lake Victoria.

The Ruaraka Business Community (RUBICOM), an association of about 40 businesses based in



Ruaraka, had been identified as the entry project partner. Introductory visits were paid to most of its members to present data collected on child labour in the area and to suggest improvements in their corporate social responsibility, in particular to those engaging children in commercial agricultural production, and in waste recycling of plastics, scrap metal and paper materials in their supply chain. The CLFC initiative was introduced to interested companies.

While the process took off, more enterprises not operating in Ruaraka applied for the certification. As a result, being evident that the certification had taken a countrywide scope, new partners came on board to provide a national outlook and adequate legal grounds. A major outcome of this expansion was the official incorporation in the certification system of the Ministry of Labour, Federation of Kenya Employers and COTU, who willingly embraced the CLFC and took a leadership role in running a tripartite initiative, while RUBICOM maintained a local profile for companies based in the Ruaraka industrial area.

Four workshops were carried out to train firms interested in the initiative. An induction workshop, held in November 2012, introduced the value of and procedures for attaining the Child Labour Free Certification to 15 companies. A subsequent training workshop on the same was held for a further 18 business enterprises in January 2013. The content of the training workshops included the certification process in detail by way of presentations and discussion of the CLFC Standards. A specific code of conduct was introduced, mirroring the certification requirements. Internal and external monitoring systems, including monitoring tools, were introduced. Initial practical testing of the tools revealed that companies scored very low on community engagement and on monitoring of suppliers (e.g., code of ethics and screening system of suppliers). On the other hand, high scores were achieved on keeping records and documentation, and adhering to minimum wage and employment

requirements. Two regional workshops in Kisumu and Mbita followed, reflecting the same content and targeting 5 companies and 17 Beach Management Units (BMUs) in Nyanza. The participation in the exercise of BMUs, made up of associations of fishers willing to certify their fish production, was the unforeseen outcome of a connection with the CLFZ programme concomitantly carried out in Nyanza by ANPPCAN, being a project partner.

On 18 January 2013, the Child Labour Free Certification was officially launched for the participating companies.

The Project set up two committees chaired by the tripartite initiative to manage the certification implementation and monitoring. The Standards Committee is the decision-making body of the child-labour-free certification standards. The Certification Committee is the implementing body of the CLFC process. CESVI acted as the CLFC secretariat with permanent staff to build and sustain logistics and the external auditing of the certification process. Companies conducted their own internal self-assessment and monitoring through the use of appropriate tools. In addition, an external monitoring system for applicant firms was put in place to establish their compliance with the CLFC standards through external consultants hired and trained to provide technical support to the exercise.

Out of 35 enterprises (18 companies and 17 BMUs) which had initially responded to the initiative and were trained, 12 companies in Nairobi and 7 BMUs in Nyanza embarked in the certification process. The action saw progressive engagement in the process which took the enterprises through a systematic review of their policies, guidelines, documentation in relation to production systems, suppliers' contracts and management, working conditions, workers' contracts, safety, environmental protection, support to the local community and ethical procedures. In particular, companies needed to investigate the possible presence of child labour in their supply chain and address its adverse impacts as part of their

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corporate social responsibility programme, through actions running from identification to prevention, mitigation, and remediation.

During the project period 4 companies were audited: East Africa Foundry Works, Frigoken

Limited, Kundan Singh Construction Limited and Vetcare Kenya Limited. In addition, 7 BMUs from Mbita (Homa Bay County) went through the same process: Koguna, Tabla, Olambwe, Kisui, Nyachebe, Nyagina and Chiro.

Table 6: CLFC process - summary of activities

Geographical areas	Enterprises visited	Enterprise trained	Enterprises which applied for certification	Enterprises submitting self-assessment	Enterprises Audited	Enterprises Certified
Nairobi	50	18	12	4	4	1
Nyanza	20	17	7	7	7	

The wide-ranging scrutiny of overall business processes found most of the enterprises willing to be certified but unable to fully meet the criteria. Remediation plans were drafted and agreed; however most companies needed time to comply with the required standards.

The two major obstacles which were identified are internal company issues which took priority over the certification, including human resource management, a volatile market, internal transparency procedures, but above all the complexity and traceability of their supply chain. Other enterprises, but in particular the BMUs, were suspended by requirements to confirm compliance with working conditions, salaries, environment, etc., as they are indirectly related to child labour. Hence, a number of enterprises opted out of the initiative. The Standards Committee resolved to be consistent in maintaining the required high standards rather than having companies certified with a low level compliance. Meanwhile, supermarkets chains, including Nakumatt, Uchumi and Tuskys, expressed their interest in being part of the process in relation to the impact the Certification could have on consumers' segments concerned with child labour exploitation.

Due to the high level of compliance required, by the end of the project period only Frigoken Ltd. had fully qualified for the certification, while a few others were engaged in a corrective plan of action. The first CLFC award event was held on 5 February 2014 in Nairobi.

“One of the emerging strategies for combating child labour is through Corporate Social Responsibility. The Child Labour Free Certification programme is one of the key activities which has been identified on elimination of child labour through CSR... This initiative, which is based on public/private partnership, needs to be encouraged in order to enhance resources, both human and capital. This public/private sector partnership can be mainstreamed in the elimination of child labour at all levels”.

**Hon. Samwel Kambi, Cabinet Secretary,
Ministry of Labour, Social Security and
Services**

Child Labour Free Certification award, 5 February,
2014, Nairobi

The Certification steps

1. The company applies for certification.
2. After approval by the Certification Committee, the company completes a self-evaluation based on the Standards.
3. A site audit is carried out by an audit team. Spot checks are also made on the supply chain.
4. A corrective plan is agreed upon by the company in case of non-compliance.
5. The audit report and the corrective plan are approved by the Certification Committee.



6. A second audit is carried out to verify full compliance.
7. A Gold, Silver or Bronze Certification Label is awarded accordingly, or denied.
8. Impromptu surveillance audits are carried out.
9. Recertification is required after two years.

6.3 CLFC BENEFITS

Aside from the motivation to be good neighbours and valued members of their communities, companies are increasingly compelled by business considerations to address child labour. Since they are profit oriented and not aid organizations, the competitive advantage of the Child Labour Free Certification in the local and global market over companies that do not take an ethical approach needs full appreciation of the following benefits:-

- ✓ **It enhances a company's ethical image and brand reputation.**

Companies accused of exploiting child labour, either in their own operations or in those of their suppliers, risk serious harm to their status and consequent loss of market share. Several highly publicized cases in recent years have demonstrated that influencing the suppliers' behaviour is vital to a company's reputation.

- ✓ **It increases demand for goods by socially responsible manufacturers and buyers.**

In today's global marketplace, the power of socially and environmentally conscious consumers has taken shape, expecting the supply of quality products and services through responsible social and environmental practices. The growing trend among companies requires use of socially responsible practices as a means of attracting and retaining customers. Examples including fair-trade tea, conflict-free diamonds or child-labour-free carpets, show how increasing number of businesses are branding their products along ethical principles in order to gain market advantage over competitors.

- ✓ **It improves the company's human capital.**

Human capital is an essential element of any company. Private firms need a healthy, educated and well-motivated labour force to facilitate production and market growth. The use of child labour can undermine these objectives by distorting labour markets, limiting the growth of human capital, and negatively impacting society as a whole.

- ✓ **It increases the certified products' value.**

Children are sought for work most frequently due to their dexterity and lower cost. However, research indicates that these advantages are more perceived than real. Children, in general, have a shorter attention span and low quality control appreciation. These factors result in higher product rejection rates, which in turn offset any labour cost savings or advantages due to size or dexterity.

- ✓ **It builds transparency and trust among partners and with consumers.**

A well-managed network of business partners with clearly defined rules of engagement and a properly informed consumer base on child labour issues helps to build social accountability and transparent business.

- ✓ **It improves the company's CSR profile.**

The fact that philanthropy is often mistaken for CSR is probably because it was the most common strategy businesses utilized to do good for many years. Yet, the business world is changing and shifting its focus towards strategic CSR targeting prevention of harm and integration of societal improvement into economic value creation. This has become the key tactic used to redefine companies' relationships with society.

- ✓ **It supports better supply chain management and performance.**

The processes for documentation and testing of supply chain procedures ensure that quality raw materials go into the production system with no child labour involved. The process also requires

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thorough evaluation of new suppliers before orders are placed, enhancing mutually beneficial supplier relationships.

- ✓ **It enhances compliance with local and international legislation.**

The certification standards define objectives and targets that are measurable and practicable, in line with legal requirements.

- ✓ **It improves the relationship with government, trade unions, NGOs and local communities.**

The tripartite initiative provides a common platform for appraisal of child labour eradication efforts by companies, highlighting their engagement at the legal and ethical level within the business community.



Photo Monia: End of working day salary for child in Nairobi.

7.

CHILD LABOUR FREE CERTIFICATION GOOD PRACTICES

7.1 THEME: CSR AND CHILD LABOUR IN THE WORKPLACE AND SUPPLY CHAIN

Action against child labour is most effective when it involves a range of stakeholders from the public and private sectors as well as civil society. Governments have a role to play in drafting and enforcing laws and providing educational opportunities. Civil society performs a valuable function by filling gaps in government services and by lending a voice to community concerns. Business enterprises are more and more working with government and civil society to address complex issues such as child labour, increasingly compelled by business considerations. This trend applies equally in the Kenya context where the business community has a vested interest in the improvement of the country's economic profile by ensuring that conditions in the production chain are acceptable and legal.

The Child Labour Free Certification gradually focused on agricultural production standards to boost the commitment to corporate social responsibility within one of the leading economic

sectors in Kenya where most child labour is found. Proven good practices introduced in this chapter can contribute to sustainable supply chains and have the potential to be adapted for use across other economic sectors as well.

Good practices under the CLFC are analysed under the following areas:

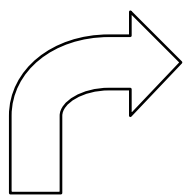
1. Enterprise and community education.
2. Enterprise's policy development.
3. Enterprise's internal implementation requirements.
4. Monitoring compliance.
5. Enterprise and multi-stakeholders partnerships.
6. The tripartite initiative.
7. CFLZ and CLFC combined approach.

7.1.1 Good Practice 1: Enterprise and community education

Part of the reason that harmful child labour persists

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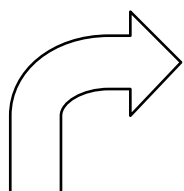
in many parts of the world is the inadequate recognition by enterprises of its potential for long-term damage. Educating companies' management on the causes and dynamics of child labour, as well as on principles linking business with human rights, can build the private sector's capacity to become an influence for good in the community, not only in economic terms. By joining the certification process, which included training components on standards related to child labour, companies started developing internal procedures that demonstrated a commitment to end child labour and extending their social impact by raising awareness within local communities.



Educate local business owners, workers, families and communities on the detrimental aspects of child labour. Small business owners, local employers, and families may not be aware of existing laws pertaining to minimum age requirements and working conditions for young workers. Inform communities and local employers of national and local legislation pertaining to child labour and the penalties that can be incurred for violating the laws.

7.1.2 Good Practice 2: Enterprise policy development

Even small firms need to be aware of local and national regulations on child labour and to develop internal labour policies or codes of conduct to ensure legal compliance. The certification process supported enterprises in establishing a code of conduct including child labour eradication. Those which already had one were much facilitated during the certification process, as it became the platform on which to build the company's policy to acknowledge and comply with all relevant national and local labour laws.



A company's policies should prohibit child labour in its own workplace and in the workplaces of any suppliers doing business

with the company. Successful policies do not only address the immediate situation but deal with the root of the problem. Adequate policies need to support child labourers by assisting them to leave harmful work without loss of essential individual or family income, or by helping them to combine education with income-earning opportunities (where they are of legal age to work). Soliciting employees' input and involvement in the development of a corporate policy can help to build ownership, shared accountability on the issue at all levels and engage workers in child labour eradication within households and local communities. Trade unions should lobby to ensure the inclusion of clauses within their collective bargaining agreements to combat and prevent the use of child labour and to promote decent work. Standards to be applied should at least match ILO Convention No. 138 and ILO Convention No.182. COTU may want to consider the desirability of adopting a standard child labour clause which all affiliates are requested to try to negotiate through collective bargaining agreements.

7.1.3 Good Practice 3: Enterprise Internal implementation requirements

There are a few internal procedures that enterprises are required to apply to successfully process and maintain the Child Labour Free Certification.

- Maintain a strict system for age verification as part of hiring policy.
- Establish protocols on how to respond when child labour is detected, even in the supply chain, including offering employ-

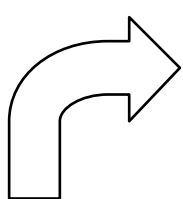


ment or skills enhancement to adult family members of children found working, to supplement the family's lost income.

- Communicate the child labour internal policy to employees, suppliers and contractors, and the community, and motivate them to comply with the same.
- Obtain the support of senior management and provide training to all senior staff.
- Cultivate a core group of committed staff members to act as main supporters of the issue.
- Provide training and awareness programmes for employees at all levels.
- Build accountability by assigning clear responsibilities at all levels.
- Reward staff for their efforts towards eliminating harmful child labour.
- Create a mechanism by which employees and others can report violations with the assurance of confidentiality.

7.1.4 Good Practice 4: Monitoring compliance

Even the best resolve of an enterprise to apply the Child Labour Free Standard can run into problems during implementation. That is why both internal and independent monitoring and enforcement are critical components of the certification process. One of the first findings during the implementation of the Project was that no child was found working within the formal industrial system due to compliance with the laws on worker hiring. Yet, scores of children were being exploited at the other end of the supply chain, creating the need to thoroughly scrutinize it.



There are two types of monitoring utilized to substantiate compliance with the Child Labour Free Standard:

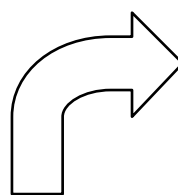
1. Internal Monitoring conducted by company personnel on

the Standards requirements, empowering employees to conduct verification in the workplace and supply chain.

2. Independent Monitoring carried out by the tripartite initiative. In this case, the monitors inspected the company premises and sampled sections of the supply chain. The supply chain compliance could be verified thanks to the tripartite members who availed their structured monitoring system through the Ministry of Labour (County Labour Officers) and COTU stewards. This gave greater independence and credibility to the monitoring process and its results.

7.1.5 Good Practice 5: Enterprise and Multi-Stakeholders Partnerships

When it comes to tackling child labour issues, private sector companies can obtain valuable support from government agencies and civil society organizations, including NGOs, international organizations and communities, to work towards a common objective. Alone, they struggle with the level of responsibility and lack the influence and knowledge necessary to take up the challenge in an effective manner.



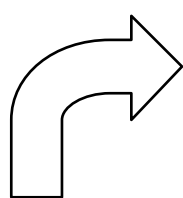
During implementation, some of the more successful responses were made when the Project established good relations and had constructive dialogue with companies. Some improved the traceability of their products and became aware of the importance of taking into account child labour and other human rights violation at the lower tiers of their supply chain. Companies found that the CLFC standard, run

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by a public-private initiative, could support and advise on how best to handle the particular issue of child labour.

7.1.6 Good Practice 6: The tripartite initiative

The Project's overall multi-stakeholder engagement approach followed a model that included the Government, trade unions, employers, civil society, stakeholders in specific economic sectors, public sector representatives, and any actors influencing the child labour issue.

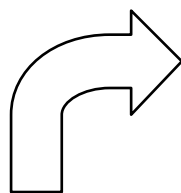


With regard to the Child Labour Free Certification, the Project not only provided advice and feedback to companies but also took a step further and started a tripartite initiative made up of the Ministry of Labour, the FKE and COTU to run the certification process. The CLFC steering committee members currently include representatives of the three agencies, fostering dialogue, collaborative approaches, and sustainable solutions, besides providing an advisory role. The tripartite initiative provided a solid and official platform to companies for a systematic approach on implementing human rights, including anti-child-labour policies, in their business, including the supply chain.

7.1.7 Good Practice 7: CFLZ and CLFC combined approach

Transforming the social norm and revitalizing education is key to the CLFZ approach, which relies on consensus-building around the ideal that “no child should work – every child must be in school”. On the other hand, the main criticism of most certification schemes is the inability and unwillingness of enterprises to go beyond the limited “audit model”, which makes it impossible,

or at least very difficult, to eradicate child labour from the lower tiers of supply chains. During the project period, it was found that the CLFC initiative had the potential to link enterprises to area-based approaches in eradicating all forms of child labour. As most working children were found at the beginning of companies' supply chain, where raw materials are produced, the area-based approach was effective for local mobilization, and for monitoring of the supply chain to ensure that the areas from where companies source their raw materials are free of child labour and that children are in school.



Although enterprises may already have their code of conduct or internal policies on child labour, most of them do not yet effectively use their leverage in the lower tiers of their supply-chain to ensure enforcement. Through the Project, companies were lobbied to become active agents of change, adding a further important innovation to the Child Labour Free Zone approach by tackling child labour in area-based production chains. By linking the Child Labour Free Certification to the CLFZ partners and stakeholders in production areas, companies could be monitored and child labour could be directly tackled more effectively.

The Certification process engaged enterprises to incorporate such an approach in their systems and practices. For companies this was a unique opportunity to proactively participate in the realization of Child Labour Free Zones and thus become primary partners in their establishment. Besides, by taking part in multi-stakeholder initiatives or other sustainability programmes focused on a specific sector or supply chain, companies



were stimulated to go beyond this vertical approach and also participate in and support an area-based – horizontal – approach in a specific location of high importance to their sector and/or supply chain. The specific roles that enterprises can play will be more clearly defined, as more private businesses enter the certification process.

mechanism in collaboration with the Government. The unions also supported sensitization and monitoring of child labour in project areas.

3. The Federation of Kenya Employers worked together with the Government and the trade unions to address child labour. It was a critical stakeholder at the national level, participating in the Certification process through the provision of technical advice and chairing the Certification Committee, with the aim of sensitizing its members on child labour eradication.

7.2 LESSONS LEARNED

7.2.1 The tripartite approach

Action against child labour tends to be most effective when it involves significant stakeholders representing the public and private sectors as well as civil society. In Kenya, the Project developed an integrated and coordinated approach between government, the private sector, and NGOs. These included efforts to maximize coordination and encourage collaboration, integration and shared learning between and within different project actors resulting in the progressive establishment and strengthening of a tripartite initiative. This allowed for full exploitation of the respective mandates and functions:

1. The Kenya Government, through the Ministry of Labour, Social Security and Services, holding the mandate to make and enforce laws, provided operational opportunities for the Certification, becoming the lead player and focal stakeholder of the Certification by chairing the Standards Committee.
2. Civil society, through COTU, performed a valuable function by giving voice to community concerns. Trade unions were not involved in direct withdrawals of child labourers, but they worked to include child labour clauses in collective bargaining agreements (CBAs). The umbrella trade union (COTU) participated in formulating the Certification-relevant structural

7.2.2 Supporting companies' acquisition of CLFC

In spite of initial positive success indicators (a high number of participating and applicant enterprises), the Certification testing phase indicated that most companies had difficulty in complying with the standards due to complex supply chains, the high standards set for Certification, and companies' own internal priority issues. Given the variations across economic sectors and geographical regions, there are multiple recommendations learned to support companies' compliance with the CLFC standards:

- a) Companies should adhere to national and local laws and rules, since the first step in achieving CLFC is to comply with relevant legislation concerning child protection, the minimum age for employment, working conditions and the environment. Beyond this, employers must be certain that their supply chain does not expose children to harmful labour.
- b) Companies must exercise good judgement in selecting which remediation practices, or combination of practices, are best suited to eliminating child labour in their particular context.
- c) Companies need internal sensitization to acknowledge that while not all work undertaken by children may seem to be

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harmful, any jobs considered harmless to an adult can have a detrimental impact on children, especially when disrupting education or threatening health and development.

- d) Some certification requirements were unfamiliar to companies, such as identification and capacity to influence the supply chain or development of internal policies and regulations to prevent child labour, including at the point of sourcing of raw material. During the Project, to facilitate companies' compliance, the tripartite initiative shifted from generic target companies to companies whose supply chain was traceable within Kenya and holding the added advantage of having already acquired concurrent quality standards certifications (e.g. ISO, SA8000).

7.2.3 Targeting family-based child labour in the agriculture sector

As the certification process was rolled out, lessons were progressively learned so as to redirect the intervention towards better-identified target companies. It appeared that companies having a complex supply chain linked to foreign markets could not be included in the exercise for obvious reasons related to a transparent audit system which needs to verify compliance at the level of the source of raw materials. Looking for companies with a traceable supply chain, the agricultural sector took priority, having suppliers who can be easily identified and monitored, and being a sector of central importance to East African economies both for food and for export earnings. Moreover, in line with the global trend, the prevalence of child labour is highest in agricultural production in Kenya, wherein estimates indicate that 60 per cent of working children are involved. While not all the work they do is harmful, agriculture is one of the three most dangerous sectors in which to work at any age, alongside construction and mining, and where employment interferes with access to education.

Cultural aspects in this industry are quite relevant as well, being very common for children to work as part of the family unit. Parents expect and often need their children to help out in the fields and plantations. Child's work is viewed as a rite of passage indicating maturity, besides bringing additional income.

ILO Convention No. 138, which sets the universal minimum age for employment, recognizes the special circumstances presented by family-based child labour. Article 5 of Convention No. 138 states:

"The provisions of the Convention shall be applicable as a minimum to the following: mining and quarrying; manufacturing; construction; electricity, gas and water; sanitary services; transport, storage and communication; and plantations and other agricultural undertakings mainly producing for commercial purposes, but excluding family and small-scale holdings producing for local consumption and not regularly employing hired workers."

Due to the special circumstances surrounding family-based labour practices, working with small-scale suppliers such as family-owned cooperatives or small holder farms may require a slightly different approach from that applied to other supply chains. Besides, given the difficulty in enforcing practices throughout such a dispersed supply chain of family-run businesses, special emphasis needs to be given to awareness raising and education within local communities by companies providing markets to farmers.³⁰

Practice indicates that awareness programmes designed to inform households and communities of child labour's consequences are more effective in ensuring a healthy balance between children's labour inputs and educational needs than external attempts to police and enforce standards. Parents are often unaware of the concerns surrounding harmful child labour and the potentially damaging

³⁰ IFC (2002). *Good Practice Note: Addressing Child Labour in the Workplace and Supply Chain*. Good Practice Note Number 1, IFC Environment and Social Development Department, Washington D.C.



consequences of such work on their children. Along this line, periodic monitoring by companies is required to assess whether increased awareness is indeed improving the conditions under which children work within the family.

7.2.4 Monitoring the supply chain

Businesses that do not allow child labour practices in their own workplaces may find themselves confronted by it in their supply chain. This is particularly true given that companies have little control over the practices of their suppliers. They may, however, be directly affected by it in terms of reputational risk. Moreover, since child labour is found more often in the informal than in the formal sectors, a much greater risk is posed by suppliers in the former, where conditions are less regulated. The situation is especially difficult to control where the work is a traditional family activity or contracted out to the household.

The most effective methods companies have used to manage supply chain risks related to child labour range from binding agreements such as contracts and rigorous monitoring through their field staff, to providing suppliers with training assistance and monetary incentives to improve their workplace practices.

7.2.5 Child Labour Free Markets

The localized approach of the CLFC could first and foremost improve the policies and practices of enterprises throughout their local supply chain to enable them to achieve “child-labour-free production areas”. Kenya also has a major responsibility and role to play being a consumer as well as a producer. In fact, besides exporting agricultural produce to the Northern markets, including coffee, tea, flowers and other horticultural produce, it has a growing internal market for the same. Consistent with this trend, child-labour-free markets need be established locally to make the process sustainable and fully owned. Since child labour is rooted in poverty

and in cultural attitudes as well, child-labour-free markets would be a powerful tool for sensitizing large sectors of the local population, introducing concepts in line with the rights of the child, and hence stimulating progressive cultural change. This locally based approach would also revisit the traditional ethical approach the Northern economy has played in relation to the Southern producers. The Top (North) – Down (South) approach by multinational companies compelling producers to enforce human rights would be combined with a Bottom (South) – Up (North) approach, with producer companies inspiring and lobbying the multinationals in the fight against child labour by exporting child-labour-free products to the Northern markets.

7.3 CASE STUDY ON THE CHILD LABOUR FREE CERTIFICATION

7.3.1 Frigoken and the child labour free French beans

Frigolken Ltd was awarded the Child Labour Free Certification on 4th February 2014. Founded in 1989 and based in Ruaraka, Nairobi (Kenya), Frigoken is a member of the Industrial Promotion Services under the Aga Khan Fund for Economic Development. The company processes various types of horticultural produce, with its main export product being French green beans. It is the largest exporter of processed green beans from Kenya, accounting for over 80 per cent of the total exports. On average, the company processes over 100,000 tonnes of vegetables per year. To be noted that according to the Kenya Horticultural Crops Development Authority, Fresh Beans exports accounts for 29 per cent of Kenya’s vegetable exports.

The company supply chain is made of more than 20,000 local smallholder farmers who strictly follow farming protocols verified by a large network of field staff. Products are marketed in Europe in a range of canned, jar, and frozen packages, with customers including supermarket chains and vegetable processors.

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Photo CESVI: the CLFC auditors team in Embu - Kenya

During the Frigoken's audit exercise there was extremely high degree of professionalism observed in the company documentation and working environment. The management was equally committed to take adequate corrective measures to address the non-compliances identified against the certification standards. It was confirmed that Frigoken was socially committed in involving its supply base of small scale farmers in signing supply contracts including a clause against child labour. The company's field inspectors provide internal monitoring of the suppliers' compliance by checking on child labour presence in the farms, among other technical requirements. Frigoken provided a comprehensive list of its suppliers allowing the certification auditors to inspect various geographical areas in the country. County labour officers from the Ministry of Labour joined the team which paid site visits to areas with high density of farmers growing French beans for the enterprise. Confirmation of the findings was supported by interviews made to school teachers, community leaders, community members and children.

"We take social responsibility seriously as it contributes to our business performance. Frigoken has a code on child labour. However we had not fully internalized the code to our supply chain. The certification audit enabled us to reflect in a more holistic manner on how Frigoken can influence our supply chain in order to combat child labour. Since the award of the certification we have received a number of enquiries from our customers on the certification modalities. Our investors Industrial Promotion Services (IPS) have now recommended all our companies in the agricultural sector to follow suit".

Lorna Kwamboka, Human Resources Manager Frigoken

7.3.2 The Beach Management Units

There is adequate evidence that the combination of the CLFZ approach and the CLFC process piloted in Nyanza region works, resulting in remarkable success for the children working in the fishing industry (night fishing in high waters, mending nets, cleaning boats, drying fish), who have all returned to school while child labour has been totally eradicated from the target beaches, confirming a child labour free product.

The pilot initiative was carried out in Mbita (Homa Bay County) along the shores of Lake Victoria, where the child-labour-free area-based approach was linked with the Child Labour Free Standard certification process.

Beach Management Units (BMUs) are formal structures created under the Fisheries Act and are charged with the responsibility of both administration and coordination of services within the beach areas. This structure, comprising boat owners and fishers, was instrumental to the development of the concept of "Child Labour Free Zones" as it worked towards the mitigation of all forms of child labour within its arrangements.

After an initial sensitization and subsequent training, 20 BMUs soon included a clause against child labour in their bylaws. Immediate action for child labour eradication from the beaches resulted in the official declaration of child-labour-free beaches in a colourful event held in Kisumu on 28 September 2013.



Photo CESVI: Mrs. Ogendo Hjordis - EU Kenya delegation at CLFZ launch event, Kisumu

It is against this background that the Child Labour Free Certification initiative involved 7 BMUs in Mbita Sub-county. Training on a corporate social responsibility programme envisaged the branding of omena (silver cyprinid – a species of ray-finned fish) as a child-labour-free product to be sold in the market outlets. After applying and submitting their self-assessment, the BMUs were duly audited and found compliant with the child labour free certification requirements, except for parameters related to fishermen’s contracts (working hours and overtime). As the BMUs confirmed their aspiration to comply with the missing requirements through remediation plans, the potential of this pilot initiative was substantiated by gains both for the BMUs and the local child protection system. Another challenge was identified over the

traceability of tier suppliers up to the supermarket shelves. Hence, their compliance is being sorted out, as Unions are trying to review their contracts in accordance with those for casual labourers and the value chain is being traced from the market buyers (supermarkets).

The achieved efficiency gain was that auditing of raw product suppliers took place combined with awareness-raising and capacity-building programmes related to CLFZ. This resulted in improved compliance with basic Certification Standards against child labour while labour rights violations were tackled. This implied as well that the local community sought the support of the BMU and vice versa, as the BMU sought cooperation with local community groups, government agencies (e.g., the Fisheries Department, DCS), trade unions and NGOs to be an effective partner in child labour eradication and children’s reintegration into the formal school system. The mutual cooperation provided an on-going and intertwined monitoring system guaranteeing sustainable compliance by the BMUs.

The additional potential efficiency gain is that companies embracing the CLFZ model may inspire others to embark on similar strategies, thereby creating a ripple effect. As the model develops and becomes implemented in more and more areas, the “CSR competitive advantage” of enterprises participating in the area-based approach will increase, as they will be better able to tackle child labour in their supply chain and show the results.



CONCLUSIONS

In recent years, the devastating consequences of the exploitation of children by way of child labour across the globe have generated considerable interest in international and local communities. At the same time, as various actors have implemented projects to eradicate child labour, there have been relatively few resources available to share the effectiveness of their work. What concepts, methods and tools might be used to effectively address child labour? How do we know what may really work in a specific context for individual children, families and communities to benefit over the short and long term from projects designed to wipe out child labour? Too often, practitioners must take a leap of faith that their projects are having positive effects on the lives of children, families, and communities.

This report has exemplified a few models of impacts and shared lessons learned, promoting cross-fertilization of strategies, and contributing to building effective intervention practices based on a project implemented in rural and urban Kenyan settings. A few conclusions can be drawn:

1. Eliminating child labour is not a quick fix and requires long-term development planning with the active involvement of the communities concerned and systemic changes in the country economic structure, including supply chains.
2. Creation of sustainable child-labour-free zones (CLFZs) is achieved when communities internalize and own the concept. This is what the project sought to emphasize through building the capacity of different actors to play and integrate their roles in the elimination of child labour. An open challenge remains with regard to urban low-income areas where the impact of CLFZs was not felt as much as in rural areas.
3. Child labour programmes need to put in place a systematic approach, focusing both at the national and location level to support policy making, stakeholder coordination, monitoring and response. At the location level, community stakeholders need to efficiently organize themselves into operational committees (e.g., Child Labour Committees) that include participants from government, the private sector, civil society organizations and community leaders. Coordination is to be provided by the Ministry of Labour through harmonized management by the Department of Children's Services and the Child Labour Division.
4. The identified good practices provide concrete examples of a range of activities which work at community level and within business enterprises' operations, engaging the Government, civil society, NGOs, employers and trade unions. There are indications that in the communities where good practices take place more children are in school, there is greater understanding of



the concept and dangers of child labour and a significant decrease in the numbers of children involved in exploitative work.

5. Trade unions need to consider negotiating with employers on traditional demands that would have a positive long-term effect on child labour, including promoting a living wage and hence reducing families' dependence on children's income. Reviewing the piece-rate or task system would also reduce the need for children's extra hands. Moreover, unions should focus on child-labour-specific agreements through collective bargaining, depending on its level and the nature of the employment situation. Some possibilities may include direct employment, with agreements that the enterprise will not employ any child below the minimum age set in national legislation and in ILO standards. Agreements on indirect employment would insert a clause in contracts with suppliers or subcontractors that they will not use child labour. Negotiation could be for the provision of education or vocational training for former child workers or creating employment for their caregivers.
6. Children and business companies are strongly connected, though often neither directly nor deliberately. Children are found working in supply chains as well as in the neighbourhoods where companies operate. They are also family members of the employees of the enterprises, and form an important consumer group. Business has massive power to protect or endanger the interests of children through the way in which it controls and monitors the supply chain, provides decent working conditions to employees, and exerts its influence on economic and social development. As an increasing number of companies take a strong and public stand on corporate social responsibility, it is essential that children are positioned as a focal issue, and not just as recipients of charitable support. Sourcing of raw materials, manufacturing, business operations, marketing, investments, relationships with county and national government; these all deeply affect children's lives. Hence, child protection needs to be incorporated as a relevant business mandate, so that what is good for business may be good for children as well.
7. National employers' organizations may agree to lobby for strong policies against the use of child labour in an area or within a specific sector of industry. In addition to lobbying other actors, an employers' organization can encourage its members to do the right thing by avoiding employing child labourers. It can encourage members to be more aware of the hiring policies of their suppliers, notably those in the informal economy. Members may also be encouraged in having their products certified as child labour free. This will assist producers seeking to supply international buyers. The employers' organization may have a role to play in making firms aware of the Child Labour Free Certification and its benefits.
8. The agricultural industry, as the core employer of children through family-based (smallholder farms being first or second tier suppliers) labour practices, has the potential to play a significant and effective role in creating a child-labour-free nation. It needs to reshape its corporate social responsibility approach to human rights and establish an integrated monitoring and response system. Other economic sectors may follow suit.
9. Livelihood improvement and access to investments are effective but cannot rely on NGOs programming. The Vision 2030 country development programme, aiming at establishing a newly industrializing, middle-income country, needs to provide access to opportunities for adequate wages, training, education and financial credit towards productive investment, in order

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to enhance the wellbeing of families and improve children's lives. This requires co-ordination, collaboration and cooperation between government, the private sector and civil society to establish an enabling environment embedded in national development and well-resourced government policies and programmes.

10. The merging of the CLFZ and the CLFC models is in the early stages of learning how to consolidate and scale up community and private-sector-led change processes on child labour. Integration of the two approaches would contribute to building a child-labour-free nation by combining complementary interventions provided by communities and the private sector, including governance, corporate social responsibility, community empowerment, quality education and livelihoods. Through the CLFZ, communities may engage in the fight against child labour by monitoring enforcement of required child-labour standards applied to the enterprise and its supply chain, valuing quality education, providing safe and protective environments for children, building constructive relationship with companies. Through the

CLFC, enterprises may become actively involved in efforts to eradicate child labour in a certain geographical area related to their business operations, cooperating closely with communities, relevant local institutions, unions and NGOs for decent working conditions, economic empowerment, withdrawal and education of child labourers and environmental protection.

This report, gathering concepts and practice developed during the implementation of the Project, has highlighted some emerging good practices contributing to the move towards a child-labour-free Kenya. It has raised a number of questions for on-going debate and made some tentative suggestions. It does not claim to be a definitive and exhaustive document as it should be considered a "working paper", since child labour is a complex issue and needs to be viewed in the wider context of a multidisciplinary approach. We anticipate that, through its dissemination, practitioners, field-based managers, and coordinators of child labour initiatives will access a critical review of child labour programming and receive further inputs across a variety of actions moving towards communities that are free of child labour.

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