

Kenya Country Profile

Compiled by Transform Alliance Africa

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Kenya Country Brief and Fact Sheet



Laws, Policies and Guidelines Related to Care for Children

Key international policy instrument	Country response
United Nations Convention on the Rights of the Child (1989)	Signatory
Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2000)	Ratified, 2003
The Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (1993)	Signatory
African Charter on the Rights and Welfare of the Child (1990)	Signatory
Convention on the Rights of Persons with Disabilities	Ratified, 2009

Key national legislation, policy instruments and frameworks

The Children's Act, 2001 (currently under review)

Charitable Children Regulations, 2005

Adoption regulations, 2005

National Standards for best practices in Charitable Children institutions, 2013

The Guidelines for the Alternative Family Care of Children in Kenya, 2014.

The Government has developed **the National Plan of Action for Children in Kenya, 2015-2022**. This plan encourages parental and family care for children, as opposed to institutionalisation.

Key Figures and Statistics

According to a 2015 report, Kenya is estimated to have 3.6 million orphan and vulnerable children and over 40,000 children are living in approximately 830 institutions – often referred to as CCIs (Charitable Children's Institutions)¹. The majority of these CCIs are privately run; 26 are state run. There are no clear figures on children in other alternative care arrangements.

Social Protection and Alternative Care Options

To alleviate poverty, the government currently runs three cash transfer programs: one for Orphans and Vulnerable Children (CT-OVC), another for those living with severe disabilities, and one for the elderly. Over 500,000 thousand households are currently targeted by the government's 'National Safety Net Programme'.

¹ Global Affairs Canada, UNICEF, Government of Kenya, Taking Child Protection to the next Level in Kenya, 2015

However, a clear link to alternative family based care is absent.

The 2014 Alternative Care Guidelines provide a range of options which include Kinship Care, Foster Care, Places of Temporary Shelter, Guardianship, Adoption, Supported Child-headed households, Supported Independent Living, Institutional Care, After Care and Care for Children in Emergency Situations. However, the child protection system in Kenya is still over-reliant on institutional care which is entrenched in the Children's Act.

The majority of orphans and vulnerable children are supported informally through kinship care, often with minimum or no support from the government. A study conducted in 2012² shows that formal foster care is not widely practiced, however, current efforts are geared towards enhancing the practice.

Most children are placed in institutional care due to poverty and lack of or poor access to education, healthcare, food, or specialised services to children with disabilities. Other factors include harmful cultural practices, family breakdown, abandonment, natural disasters, and ethnic and political conflicts.³

Fast Facts and Latest Developments

- The government in conjunction with UNICEF, and with technical support from Hope and Homes for Children and other actors are undertaking a pilot in Kisumu County focussed on implementing the Guidelines for the Alternative Family Care of Children in Kenya.
- In 2017 the government of Kenya suspended registration of new CCIs citing unnecessary placements and unscrupulous practices which included child trafficking
- In 2018, the Association for Alternative Family Care of Children (<http://alternativecare.or.ke>) was officially launched. The Association is a vehicle that brings together a critical mass of organisations – individuals, academia and government – for care reforms and the promotion of implementation of the Guidelines for the Alternative Family Care of Children
- A moratorium on intercountry adoptions came into force in 2015. The government cited the reason that the practice was used for child trafficking.
- The government launched the Guidelines for the Alternative Family Care of Children in Kenya and the National Standards for Charitable Children's Institutions in 2015 to enhance Kenya's legal framework and existing legal practices for children without adequate parental care and those at risk of separation from their families.
- The Association for Alternative Family Care of Children was launched and registered in February 2017, it brings together individuals, Government and non-governmental organisations to work towards enhancing coordination and synergy in the implementation of the Guidelines for the Alternative Family Care of Children in Kenya.
- Political will in the country has brought in international civil society focussed on care reform: CRS, Maestral International and Lumos are all working in Kenya, which

² Advancing the rights of children deprived of parental care: Domestic adoption of children in Kenya (2012)

³ Guidelines for Alternative Family Care of Children in Kenya, Government of Kenya (2014)

is one of the target countries for the Changing the Way We Care initiative, an initiative that received an award from the McArthur Foundation in 2016.

- The Government of Kenya, with the support of Hope and Homes for Children, visited Rwanda for a learning and exchange visit in February 2018. The visit encouraged the government to accelerate reforms and strengthened resolve on care reform in Kenya.

Recommendations

The government has suspended registration of new charitable children's institutions. However, there are concerns that more unregulated and unregistered institutions might be springing up.

- **The government should strengthen oversight and monitoring of the system.**
- The national Guidelines for the Alternative Family Care of Children clearly state the **need for a deinstitutionalisation strategy**. The government should take the lead in the development this strategy as it is not currently in place.
- The government and civil society actors should work together to **strengthen the social work force**, as at present there is inadequate capacity in the government and civil society organisations in the country to implement a deinstitutionalisation strategy.
- To **sustain and enhance child protection and care reform efforts**, they should be linked to social protection initiatives, increased funding, and improving oversight and implementation of already existing laws and policies.
- **There is a need to strengthen the child protection information management system**, and widen its scope to factor in children in all forms of alternative care.



These Country Fact-Sheets developed by Transform Alliance Africa (TAA) Members are a snapshot of important national information relevant to care reform. They provide an overview of key policy and legislative frameworks, alternative care approaches and social protection, and latest developments in the sector. Note that the fact-sheets will be updated after every 6 months. If you have information relevant to care-reform please send an email to the Coordinator stephen@transformallianceafrica.org. We will consider the information in our next update.