



MINISTRY OF LABOUR AND SOCIAL PROTECTION

OFFICE OF THE CABINET SECRETARY

SPEECH BY

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**DURING THE RETREAT ON THE CHILDREN BILL 2020 WITH
THE PARLIAMENTARY COMMITTEE FOR LABOUR AND
SOCIAL WELFARE**

**ON
12TH FEBRUARY, 2021**

AT THE LAKE NAIVASHA RESORT

The Chairperson, Labour and Social Welfare Committee of the National Assembly, Hon. Peter Mwathi,

Committee members present

The Chief Administrative Secretary, Ministry of Labour and Social Protection;

The Principal Secretary, State Department for Social Protection;

The Principal Secretary, State Department for Labour

NCAJ Representative Lady Justice Teresia Matheka

UNICEF Representatives Present;

All Ministry Senior Staff present in this forum;

Distinguished Guests;

Ladies and Gentlemen;

Good morning,

It gives me great pleasure to join you today as we deliberate on the Children Bill. Honourable Chairperson, let me start by thanking you and your committee for the exemplary support you have continued to give my Ministry in the implementation of its mandate. We have held a number of meetings with this committee, on both issues of social protection and Labour. My appeal is that you continue championing our issues in parliament.

Let me thank the Honourable Members for the commitment you have shown in supporting matters of children and especially the keen interest towards ensuring the enactment of the Children Bill 2020. In November, last year, we held a successful retreat on the Children Bill in Mombasa and deliberations and resolutions from that retreat necessitated this retreat we are holding today. In particular, the Honourable members wished to know

the financial implication in the implementation of this bill, among other issues that the committee would wish clarified. Our technical team is ready to make presentation on all these issues to further enlighten you on the Children Bill and address and clarify any concerns you may raise.

The importance attached to this bill by my Ministry is born of the realization that over one half of our population is largely composed of children and young persons, and since children hold our present and future, as they mirror the image of the society, their issues must therefore be given greater attention in planning, prioritization and provision.

The Government of Kenya recognizes the importance of children in the society and as a country, we embrace a value that cherishes a holistic child rights-based approach. As a country, we have made great strides in protecting the rights of the child. In particular, My Ministry has deployed Children officers in all the 47 counties and over 290 sub-counties; we have also ensured the establishment of a multi-sectoral Area Advisory Councils; Court Users Committees; Community Child Protection Committees at the sub-county level; and have also seen a gradual increase in the number of Children Courts.

We have also witnessed growth in facilities catering for children. Such as; Child Rescue Centres; Children Remand Homes; Reception Centres for Children; Children Rehabilitation Schools; Child Protection Centres; Child Protection Units; and Charitable Children's Institutions; a toll Free Child Help Line 116 among many others.

To cushion children and their families against economic shocks and disadvantages, the Government is implementing a robust Social Protection

Programs through Cash Transfer Programs, Scholarships for Public Boarding Schools, Street Families Rehabilitation Trust Fund, CDF Education Bursary and National Government Affirmative Action Fund Education Bursary.

Honourable Members, in spite of these gains, more still needs to be done for the child in Kenya. It is for this reason that the Children Bill 2020, which is an improvement of the gains made by the Children Act 2001 is important for the children of this country. You will agree with me that from 2001 to now, a lot has changed in the country and the world at large, hence necessitating the need for this bill.

Kenya has experienced a lot of emerging issues that negatively impact on the child. Some of these include; lack of parental responsibility and breakdown in cultural norms and values which enhanced child protection; increased cases of teenage pregnancies, especially at the time when our children were at home due to COVID-19 putting to question the efficiency of parenting skills in the country. This Children Bill seeks to create a legal framework for enhanced parental responsibility.

This bill has made effort to align the Children Act 2001 to the Constitution of Kenya 2010 specifically section 53 (1) (e) of the Constitution of Kenya, that stipulates that raising children should not just be left to one parent but should be done equally. According to the Children Act 2001 the first responsibility of raising a child lays with the mother. In case the parents are not married, the father has to apply to acquire parental responsibility, which clearly, discriminates against fathers. This Children Bill seeks to cure.

Family strengthening is one of the hallmarks of the Children Bill. In an effort to enhance and strengthen alternative family care, the Bill has come up with structures and mechanisms that move away from institutionalization of children to having children raised in family set ups.

Honourable Chairperson, Kenya has been on the forefront in the ratification of both international and regional human rights legal instruments, with provisions coming into effect on the strength of Article 2 of the Constitution. A number of these International legal instruments were ratified after enactment of Children Act 2001. It is therefore important to have a law that aligns to these instruments.

As I conclude, allow me to recognise the support of a number of organizations who have been greatly involved in the process of developing this Children Bill. These include but not limited to; UNICEF Kenya, The National Committee for the Administration of Justice (NCAJ) under the chair of Lady Justice Martha Koome ; and the National Steering Committee. I recognize and appreciate the work that you have all done.

Honourable Chairperson and committee members, the ball is now in our court. Let us use this forum to help shape the future of our children and the country at large.

I Thank you and God bless you.