



**MINISTRY OF LABOUR AND SOCIAL PROTECTION  
OFFICE OF THE CABINET SECRETARY**

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**DURING THE LAUNCH OF THE REPORT ON THE  
“MINIMUM AGE OF CONSENT FOR SEX:  
ADDRESSING THE DILEMMA**

**17<sup>th</sup> MARCH, 2020**

**PANAFRIC HOTEL, NAIROBI**

**Chairperson, National Gender and Equality Commission, Dr. Joyce M. Mutinda**

**Chairperson, Task Force National Council on the Administration of Justice, Lady Justice Martha Koome**

**Chairperson, Kenya Women Parliamentary Association, Hon. Gathoni Wamuchomba**

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

**Chairperson Senate Committee on Labour and Social Welfare, Sen. Johnson Sakaja**

**Country Representative, UNICEF, Kenya, Ms. Maniza Zaman**

**Country Director, Plan International Kenya, Ms. Kate Maina**

**Representatives from Government Ministries, Departments and Agencies,**

**Distinguished Guests, Ladies and Gentlemen,**

**Good Morning,**

It gives me great pleasure to join you today to for the official launch of the Report on the “**Minimum Age of Consent for Sex: Addressing The Dilemma.**

Kenya is a signatory to the UN Convention on the Rights of the Child (UNCRC) and the African Charter on the Rights and Welfare of the Child (ACRWC) representing a commitment towards prevention and response to all forms of violence against children. The Constitution of Kenya, Article 53, is explicit on the protection of the child from all forms of exploitation

and abuse, and several Kenyan laws also protect the child from situations of vulnerability.

The Ministry of Labour and Social Protection and in particular the State Department for Social Protection, is responsible for programmes geared towards safeguarding the welfare and rights of the child from all forms of violence, abuse, exploitation and neglect; man-made and natural emergencies, as stipulated in the National, Regional and International legal instruments.

Through the Department of Children Services, my Ministry has put in robust measures to strengthen a child protection system to focus on legal and policy reforms, institutional capacity development, planning, budgeting, monitoring and information management. However, it's important to recognise the fact that, child protection is indeed complex and requires a multi-sectoral and multi-disciplinary approach, reasons why we involve many partner and professionals.

The Constitution on Kenya clearly stipulates that a child is an individual who has not attained the age of eighteen years. The Sexual Offences Act, No. 3 of 2006 which gives the minimum age of consent for sex as 18, is one such law that is meant protect our children from situation where they could be taken advantage of sexually, before they reach adulthood.

Our society has been threatened over and over again with the threats of violence and abuse targeting our children. This challenge is however, not unique to Kenya, and this is not a justification for the violence but an

acknowledgement that one society's challenges could be similar to the challenges in other communities.

**Ladies and Gentlemen,**

On 16<sup>th</sup> of July 2020, My Ministry launched the **Violence Against Children (VAC) Survey 2019 Report** which measured the magnitude of the VAC, the impact of violence on children and how children access the available services, and the **National Prevention and Response Plan on Violence Against Children 2019-2023** which gives us a strong planning tool for combating all forms of violence against children in the country.

Data from the Report indicated that Sexual violence was experienced by 15.6% of females and 6.4% of males before age 18. Among females, 6.8% experienced unwanted sexual touching, 7.5% experienced unwanted attempted sex, 4.3% experienced pressured sex, and 4.3% experienced physically forced sex in childhood. Sexual exploitation of children is reportedly common in major tourist destinations such as Nairobi, Mombasa, Kisumu, Kakamega, Nakuru, as well as in other major towns in Kenya.

Following the launch of the Survey and the Plan, the Ministry has launched a public behaviour change campaign on Violence against Children, ***Spot it, Stop it***. The campaign aims at creating awareness from the national to the grass root levels, on violence meted against children, and how we can stop it. The campaign aims to empower children to recognize, and report

any form violence against children to a toll free **Helpline 116**. We are calling on all of you to be part and parcel of this campaign.

The Government in collaboration with various development partners, has made efforts and established across the country, twenty-three Child Protection Units which provide children with a child friendly environment where they can articulate their problems or discuss the issues affecting them within a private setting while ensuring the rights and welfare of children both in contact and in conflict with the law is upheld while in Police custody; and six Child Protection Centres set within the community, where vulnerable children can be protected from abuse, violence, neglect and exploitation, and serve as a hub of information and services, primarily for children and the whole community.

One of the recommendations from this Report we are launching today, is the fast tracking of enactment of the Children Bill, 2020. I am glad to inform you that the Children Bill, 2020 was approved by the Cabinet on 25<sup>th</sup> February 2021, and the Ministry is now working towards its presentation to the National Assembly for enactment. Section 4. (1) of the Bill state that the State shall take measures to progressively achieve the full Realization of the rights of the child. And Section 7. (1) state that, “In all actions concerning children, whether undertaken by public or Private social welfare institutions, courts of law, administrative authorities or Legislative bodies, the best interests of the child shall be the primary consideration. Indeed, Lowering the age of consent for sex is not in the best interest for our children, as it may lead to an increase in sexual exploitation whose consequences includes teenage pregnancy, which robs

girls of their childhoods, their education and their future. These pregnancies tend to be the result of having fewer choices in life.

This report also recommends that, *“the family must lay greater emphasis on value based parenting to ensure children are exposed to value systems that respect self image and dignity and which provides children with correct information about their sexuality, reproductive life and how sexuality is connected to economic and social well-being of human kind”*.

The family is the natural and fundamental unit of the society and the necessary basis of social order, and therefore, the family must take a center stage in bringing up of children and in protecting the rights of children.

Parenting education has been increasingly recognized as critical in both optimizing child development and ensuring safety and security of children. My Ministry developed the Family Promotion and Protection Policy, 2019, whose one of the key guiding principles is responsible parenting. Likewise, one of the strategic areas for the National Prevention and Response Plan on Violence Against Children 2019-2023 is on family support including parenting programmes.

My Ministry, through the Department for Social Development in developing a National Parenting Programme that will provide a set of activities or services to enhance positive parenting that will focused on parental behavior, based on the best interest of the child that is nurturing, empowering, non-violent and provides recognition and guidance which involves setting of boundaries to enable the full development of the child.

Positive parenting programme is especially now recognized as one of the evidence-based strategies to address violence against children.

**Ladies and gentleman:**

From the foregoing, as the Cabinet Secretary in-charge of Children Affairs and based on the Children Bill 2020, I would strongly recommend that the **age of consent should not be LOWERED AT ALL**, but measures should be put in place to mitigate the predicaments where young boys as opposed to girls are imprisoned for engaging in sexual activities. Besides, there should clear regulations and establishment of a comprehensive child rehabilitation programs for any children in conflict with the law. In the long term, the government should develop and implement programs that address the sexual and reproductive health of children.

**Thank You and God Bless You All**