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The Role of Advocacy against Child Labour

Philista Onyango



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Abbreviations and acronyms

AMWIK	Association of Media Women in Kenya
ANPPCAN	African Network for the Prevention and Protection against Child Abuse and Neglect
AP	Action Programme
CBO	Community Based Organization
CCLC	Community Child Labour Committee
CDF	Constituency Development Fund
COTU	Central Organization of Trade Unions
CSEC	Commercial Sexual Exploitation of Children
CSO	Civil Society Organization
CWSK	Child Welfare Society of Kenya
DCLC	District Child Labour Committee
FBO	Faith-Based Organization
FKE	Federation of Kenya Employers
IABA	Integrated Area Based Approach
IEC	Information, Education and Communication
IGA	Income Generating Activity
ILC	International Labour Committee
ILO	International Labour Organization
IMC	Inter-ministerial Committee
IPEC	International Programme on Elimination of Child Labour
ISPCAN	International Society on Prevention of Child Abuse and Neglect
KAP	Knowledge, Attitude and Practice
KCP	Kenya Country Programme
KNBS	Kenya National Bureau of Statistics
LCLC	Local Child Labour Committee
MoU	Memorandum of Understanding

NCLP	National Child Labour Policy
NGO	Non-Governmental Organization
NPA	National Plan of Action
NSC	National Steering Committee
OVC	Orphaned and Vulnerable Children
PoS	Programme of Support
TA	Technical Advisor
TACLE	Tackling Child Labour Through Education
TBP	Time-Bound Programme
UNCRC	United Nations Convention on the Rights of the Child
USK	Undugu Society of Kenya
WHO	World Health Organization

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1 Introduction

Although Civil Society Organizations (CSOs) use advocacy as a strategy to influence policies, laws and programmes that states should be providing to their citizens, especially those related to the rights of children, not much has been done in terms of research to measure the effectiveness of these endeavours. Thus, it becomes difficult to associate the advocacy activities, in which, CSOs are involved with influencing decisions or actions that states or governments undertake to address issues affecting the rights of children. Often, some of the lobbying activities by CSOs to initiate the enactment of laws or formulation of policies for decades merely result in ineffective implementation and myriads of draft policies.

In Kenya, a number of CSOs lobbied for the enactment of Sexual Offences and the Anti-Trafficking Bills with little success. It took a nominated member of Parliament to complete the process expeditiously. But, even after the enactment of this legislation, the implementation process is wanting. For example, cases of sexual abuse take too long in court processes, making many parents of the victims give up and fail to pursue the cases. A significant number of policies on different issues of children are still in drafts. The Counter-Trafficking Act is still to be implemented effectively since its enactment in 2010, while a draft policy on child labour, whose formulation stated in 1996, remains a draft in 2014.

In the Kenyan context, CSOs are described as a range of organizations not for profit, ranging from Community-Based to Non-Governmental Organizations. In another terminology they are lumped together as non-state actors. The Faith-Based Organizations (FBOs) are also considered part of this category. Whatever the label attached to these groups, their common feature, is their complimentary role vis-à-vis the state. A large number of these organizations address issues related to child rights. Many came into existence after Kenya ratified the UN Convention on the Rights of the Child (UNCRC) in 1990/91. Most of them tend to identify areas of action the government is failing to address and use advocacy to win the attention of the government or the relevant authority. A significant number of these organizations have played major roles in the process of formulating policies and enacting laws affecting children in Kenya. Moreover, they have been in the forefront to ensure implementation and enforcement of the policies and legislations affecting children in the country.

Important areas where CSOs in Kenya have contributed significantly by means of advocacy include the enactment of the Children Act 2001, Sexual Offences Act 2006, the formulation of policies on Orphans and Vulnerable Children (OVC), child labour, education and of recent the national children's policy. Another area is the creation of a national child protection system, known as a framework for child protection systems in Kenya, among others. For this to happen, massive awareness-raising and lobbying with different significant groups ranging from donors, international organizations, intergovernmental organizations, government ministries and children themselves were undertaken. The remaining challenge, however, is to attribute all these accomplishments to CSOs only. Thus, there is a need for documenting some of the activities of some CSOs in Kenya in these processes.

1.1 Background

1.1.1 Civil Society Organizations and Advocacy in Kenya

The purpose of this study was to assess the effectiveness of advocacy by CSOs, using a case study of the African Network for the Prevention and Protection against Child Abuse and Neglect (ANPPCAN) in relation to its child labour activities in Kenya. CSOs undertake development work that complements that of the government. All are registered under state regulations, whether they are Non-Governmental Organizations (NGOs); Community-Based Organizations (CBOs); Foundations or Trusts. The NGOs are registered by an NGO Board, which is a parastatal body created by the government under the NGO Act. They are either registered as International NGOs or National NGOs. There is also a Council for NGOs which plays a regulatory role. ANPPCAN is registered in Kenya as an International NGO, because of its continental outlook.

A large number of NGOs in Kenya deal with children issues, especially, child rights, ANPPCAN among them. The majority of NGOs operating in Kenya has used advocacy to push for issues with notable success as stated above. ANPPCAN has used advocacy in many of its programmes, including child labour. It is the child labour programme that is being reviewed in terms of advocacy activities.

Advocacy, in its most basic form, is intended to change an existing situation that is unfavourable to a particular group of people. To ANPPCAN advocacy was seen as undertaking a series of actions specifically aimed at persuading and influencing behaviour of different groups in Kenya to address child labour. At the national level it targeted the policy-makers and implementers: ministries and government machineries with authority to deal with children issues in the country, as well as members of parliament. At the district level the targeted groups were those with authority to deal with children issues at district level, in respect of education, social welfare, planning (economic), administration (political) protection (police, department for children services, judiciary, among others) and health (Ministry of Health).

At the community level, schools, teachers, children and parents were targeted, as well as community leaders. All these groups were subjected to advocacy with a view to bringing about change as far as child labour was concerned so that policies are adopted and laws are enacted to stop child labour; that programmes are initiated to assist parents and children to ensure children stay in school and those children already working, removed and returned to school or for vocational training.

Given the atmosphere of denial regarding child labour in Kenya, ANPPCAN decided to use the findings that had been obtained from the WHO-supported study to inform, advice, persuade, propose or suggest, train and lobby with different groups at three levels to raise awareness, as well as to make these groups respond to child labour issues in the country. In all these efforts, collaborative and inclusive methods were used in advocacy to prevent a confrontational type of advocacy. This led to creating and strengthening different structures, starting with Income Generating Activities (IGAs) in schools, creating linkages and alliances, involvement of children and parents in these efforts and, finally, undertaking further studies to generate more information to underpin the efforts. The details of these activities will be presented in this document.

1.1.2 The Methodology Used

This study has used two main methods, including desk reviews and in-depth interviews with the main duty-bearers of the ILO/IPEC programme in Kenya and the Ministry of Labour.

The desk reviews included the review of the available implementation reports at ANPPCAN's offices on the programme over the years; all the external evaluations and review reports of the ILO/IPEC programmes in Kenya from 2001–2013 and all the publications on good practices available at the ILO/IPEC offices in Geneva and Nairobi. It also included a review of literature on child labour and advocacy as a strategy used by CSOs. Furthermore, available documents from the Ministry of Labour, i.e. the National Plan of Action (NPA) and the draft National Child Labour Policy (NCLP), were assessed.

The four representatives of the duty-bearers interviewed came from the Ministry of Labour and the ILO/IPEC offices in Nairobi who were the main actors as far as ILO/IPEC Programme in Kenya is concerned. They were senior officers in both organizations and involved in the implementation of the programme. Also interviewed in-depth was a senior official working with an NGO, which had been implementing a child labour programme for many years in Kenya. This individual had previously worked with the Ministry of Labour when the ILO/IPEC programme was introduced in Kenya.

1.1.3 ANPPCAN and Child Labour

ANPPCAN, a pan-African child rights organization was registered in Kenya as an International NGO in 1995. Before that year it had been registered as a society since 1988, but had to be transformed into an NGO with the introduction of the NGO Act in 1993. ANPPCAN has a number of Chapters spread over Africa with its headquarters in Nairobi, Kenya. According to the NGO Act, all NGOs registered in Kenya are supposed to either fund or undertake activities. ANPPCAN's headquarters, better known as ANPPCAN Regional Office, decided to seek resources and provide selective services related to issues affecting children. The activities being undertaken in Kenya are limited and only started after undertaking studies to provide evidence and guidance regarding the areas to be addressed. The strategies the Regional Office uses are mainly research, awareness-raising, advocacy, capacity-building and alliance-building or partnerships. All this is aimed at preventing and responding to cases and situations of child abuse and neglect, as well as exploitation of children.

As far as ANPPCAN is concerned child labour is what actually created ANPPCAN. Individuals behind ANPPCAN had undertaken a major study on child labour in Kenya and decided to disseminate information in different fora as it was a sensitive issue to address in early 1980s. Most governments in Africa disregarded child labour as an issue of significance to deal with. In fact, political leaders did not accept that child labour existed. Thus, the conference held in Enugu, Nigeria in 1986 whose theme was child labour, simply set an agenda at continental level. It was at this conference that ANPPCAN was founded.

The study in Kenya between 1982 and 1985 had revealed that child labour was rampant, but there was total silence.¹ This information was used in different fora as the study was sponsored by World Health Organization (WHO). The WHO used the study to bring in major actors such as the ILO and UNICEF

¹ Bwibo, N. O. and Onyango, P. (1987): Final Report to WHO on Child Labour and Health Research, University of Nairobi, Kenya.

at the international level and was concerned with the effect of child labour on children's health. The WHO was the first UN organization to adopt a policy on child labour. The International Society for Prevention of Child Abuse and Neglect (ISPCAN) used the information to advocate for the prevention and exploitation of children through its huge international congresses. All this spurred the ILO to take action targeting countries where studies were done with further studies on child labour. In 1992, the ILO initiated a programme to address child labour and Kenya was one of those first countries to be selected.

The programme, known as ILO/IPEC, was introduced in Kenya in 1992 and the ANPPCAN Regional Office, became one of the first beneficiaries, as discussed later in this document.

2 The Situation of Child Labour in Kenya

Available information reveals that child labour is widespread in Kenya. Historically, child labour dates back to the pre-independence period, where children worked in plantations (coffee, pyrethrum, tea, sisal), cotton ginneries, mines, on railway lines, and in white households as apprentices for future jobs as cooks and houseboys. However, missionaries, such as Bishop Owen, were able to document and address child labour during the period.

The post-independence era witnessed the stubborn nature of child labour. According to the WHO-supported study (1982–1985), child labour was rampant and children as young as five years were found to be working in domestic service, while many children worked in agriculture, both commercial and subsistence. By 1998, according to National Bureau of Statistics 1.3 million children aged 5–17 years were working, the majority of whom between 10 and 14 years. They worked in commercial and subsistence agriculture (coffee, tea, sisal, sugarcane, miraa, flower, banana and mango farms), domestic service, fishing, quarries, sand harvesting, transportation, construction, herding and commercial sex (prostitution).²

In Kenya, most of the work children do is not regulated by labour laws. Many children work in hazardous and exploitative situations. Often, their situations are invisible such as those in domestic services. Children work long hours, often with little or no pay. They also experience physical and sexual abuse. Those in agriculture are exposed to toxic chemicals, snake bites and are facing work beyond their capabilities.

The majority of child workers get into these situations through their parents and friends. Often the prospective employers promise heaven to these parents whose conditions are also financially vulnerable. The promises range from well-paying jobs, provision of free education and a good life. The studies indicate deceit of gullible poor parents who unknowingly collaborate. In some situations children voluntarily accompany their parents to pick coffee or tea while others drop out of school to go and work to support their poor families.

Child labour is widespread in the country, with children working in both rural and urban areas. According to the Kenya National Bureau of Statistics (KNBS) study of 1998/99, children working in

² Republic of Kenya (2001): The 1988/99 Report on Child Labour; National Bureau of Statistics.

agriculture constituted 57.6%, while 17.9% of children worked in domestic service. The KNBS Analytic Report on child labour suggested that by 2005/6 child labour had declined from 1.3 million to 773,696, attributed to the introduction of free primary education, as well as the ILO/IPEC contribution.³ Recent studies on trafficking of children indicate that many children are trafficked to coastal and the lake regions of Kenya for economic and sexual exploitation.⁴ Studies also show that the majority of children who get into child labour have dropped out of the school system.

Factors associated with child labour are many, but the leading ones are poverty within the family level and unemployment. Thus, many children fail to complete their education. Besides, children from poor homes fail to transit to secondary education and vocational training. These children also fail to attend school regularly and eventually drop out of school. This situation has been exacerbated by HIV and AIDS, which has rendered many children parentless in some parts of Kenya. Thus, even though the literature, especially emanating from the KNBS, indicates that child labour is on decline, many children are still working in worst forms of child labour.

3 Responses to Child Labour in Kenya

3.1 Introduction of ILO/IPEC Programme

The study done by a team from University of Nairobi between 1982 and 1985, funded by WHO had raised some awareness amongst government officials in Kenya, especially within the Ministry of Labour, where the technical staff were pleased with the findings of the study. The WHO had also published a policy document on child labour and health of children and shared information widely with its counterparts, mainly government officials and the ILO during the period. ISPCAN also included child labour in its prestigious congresses and lobbied with different professionals to address the issue in their respective countries.

It is not surprising, therefore, that between 1990 and 1991 the Ministry of Labour approached the ILO for assistance, after which a consultant was hired to update the University of Nairobi study. The update confirmed the findings of the previous WHO-supported study leading to several fora organized for different stakeholders dealing with children in 1990 and 1991. The stakeholders were drawn from key ministries dealing with children, as well as NGOs that were already addressing child labour, e.g. ANPPCAN. The ILO introduced the IPEC programme and Kenya became among the first countries to benefit, and in 1992 the government signed a Memorandum of Understanding (MoU) with the ILO. The list of ILO/IPEC programmes in Kenya since then is most impressive. It reads as follows:

³ Kenya National Bureau of Statistics (2008) Analytical Report of Child Labour, Nairobi, Kenya.

⁴ ANPPCAN (2009): Towards Elimination of Child Trafficking in Ethiopia, Kenya, Tanzania and Uganda, ANPPCAN Regional Office, Nairobi.

- The Country Programme (1992 – 2002)
- ILO (2009): An Inventory of ILO-IPEC contribution to the fight against Child Labour In Kenya
- Education and Training Programme (1999 – 2004)
- Commercial Agriculture Project (2002 – 2005)
- Child Domestic Labour Project (2003 – 2005)
- Capacity Building Programme (2003 – 2005)
- Skill Training Programme (2005 – 2007)
- Time Bound Project of Support (2004 – 2009)
- Tackling Child Labour through Education (2009)
- Creating the Enabling Environment to Establish Models for Support to the Implementation of National Action Plan (SNAP)
- Child Labour Free Zone areas

All the above programmes and projects have received ILO/IPEC support, extending over two decades since its inception in 1992.

3.2 Implementation of ILO/IPEC Programme

The partnership approach was introduced by the Government at the onset of the Kenya Country Programme (KCP) in 1992. Different stakeholders were requested to develop what was termed Action Programmes (APs). The first beneficiaries included four Government ministries: the Ministry of Labour, which was hosting ILO/IPEC; Home Affairs, which was hosting the Department for Children Services; Education, which was dealing with education and touching the lives of many children; and the Ministry of Planning (Central Bureau of Statistics). The second group of implementers were the social partners of Ministry of Labour, namely; Central Organization of Trade Unions (COTU) and Federation of Kenya Employers (FKE).

The third group included quasi-government departments: Kenya Broadcasting Corporation (electronic media); Kenya Institute of Administration; Nairobi City Council; Kisii District Children Advisory Committee; and the Malindi District Children Advisory Committee. The final group in implementation was the Association of Media Women in Kenya (AMWIK); Undugu Society of Kenya (USK), which was dealing with street children; the Child Welfare Society of Kenya (CWSK), which is an NGO with national outlook; and ANPPCAN.

Thus, between 1992 and 2002, the ILO/IPEC had supported 68 action programmes and 16 small projects, better known as mini projects. The programmes and projects were implemented by 22 organizations that included government ministries, social partners of the Ministry of Labour (i.e. the

central Organization of Trade Unions – COTU and the Federation of Kenya Employers – FKE) and CSOs and FBOs. The ANPPCAN Regional Office was one of the implementing organizations. Since the Kenya Country programme, better known in Kenya, as the International Country Programme to Eliminate Child Labour (IPEC) in the 1990s, many organizations, both state and non-state actors, have participated in child labour programmes.

During the period 2002–2012, the implementation of the Action Programmes remained the task of government ministries; social partners of Ministry of Labour, CSOs and FBOs, universities and other research institutions. However, the period 2005–2010 saw a decline of participation by government ministries such as Department for Children Services and the Ministry of Labour. Participation by the ANPPCAN Regional Office also declined and it only participated in the implementation of Time-Bound Programme (PoS) for only 18 months.

The challenge facing the ILO/IPEC programmes was their discrete nature. These programmes were not designed to support each other, making continuity and sustainability almost impossible. Although ILO/IPEC was seen as the funding partner, it is apparent that IPEC depended on individual donors. Thus, the programme seemed to have been donor driven. In fact, all programmes and projects ended when donor support dried up and without preparing the stakeholders, especially government departments, to prepare for the eventual exit. Participation in the implementation seems from the evaluation report to have been driven by the ILO/IPEC Country Office. This view is supported by key individuals interviewed as illustrated by the following statement of an official from the ILO/IPEC Office in Nairobi: “ILO-IPEC is implementing two projects now, namely, the SNAP and TACLE projects. The SNAP project is on child labour free zones, which is aimed to establish models to fight child labour.”⁵

In Kenya, a National Steering Committee on Child Labour was created in 1994 as a policy body which was multi-sectoral and composed of key government ministries and selected NGOs, which had been involved in child labour. The committee was coordinated by the Ministry of Labour. This committee was created following lobbying by CSOs involved in child labour advocacy, but failed to function and remained dormant up to 2010 according to all the external evaluation reports from 2001 until 2009 undertaken by ILO/IPEC. All the key informants interviewed supported this observation and attributed this unfortunate state of affairs to several reasons, ranging from staff constraints at the Division of Child Labour in the Ministry of Labour to lack of resources. Members of the National Steering Committees as well as those of the Inter-ministerial one expected to be paid sitting allowances as is the tradition with government officers, although this matter was never discussed between the ILO and the Ministry of Labour.

3.3 ANPPCAN’s Child Labour Programme

3.3.1 The Target Districts

ANPPCAN’s child labour activities started in 1993 in four districts in Kenya and by 2009 the organization had worked in 13 districts in the country. The initial activities targeted four districts,

⁵ Interview with ILO/IPEC official in Nairobi.

which the WHO-supported study had identified as having many children working in agriculture, mainly coffee represented by Kiambu and Muranga; Siaya district was targeted because the district supplied many children in domestic labour, while South Nyanza district at that time was sending many children to work in sisal farms at the Coast, especially in Kipingo and Taita Taveta. These were huge districts which since then have been sub-divided into smaller districts and lately into counties.

Later, ANPPCAN expanded its child labour work to other districts: Makuyu, (coffee), Butere-Mumias (sugar cane), Kericho (tea), Bondo (domestic work, fishing and herding), Homa Bay (fishing and quarry), Suba (fishing and domestic work), Taita Taveta (sisal), Malindi (domestic, sexual exploitation of children (CSEC), and Migori (tobacco farms).

3.3.2 The Use of Study Findings to Design the Implementation Approach

The first four districts determined the strategies adopted used and activities undertaken on ground. The University of Nairobi study supported by the WHO had shown that awareness levels were very low and child labour was not seen by many as a problem. The disregard of child labour as a challenge affecting children in Kenya was huge. To begin with, there was confusion between what is work and child labour. Many Kenyans according to this study believed that children should work to learn skills and above all if they do not attend school, what would they otherwise be doing?

On the other hand, there were those who preferred children as maids, as they were easier to control as workers and their labour was cheap and easily available. The majority of Kenyans reported to be engaging the services of children said they could not afford the services of adult maids. In Kiambu district, male adults were reported to prefer coming to Nairobi to look for jobs because the money paid to coffee pickers was too low. Hence, the farms had to depend on labour provided by women and children. The low pay also induced women to bring their children along to help them pick coffee to add to their portions, in order to raise their earnings.

The regime of the day was most defensive about child labour as it connoted poverty and the researchers from the University of Nairobi were considered liars who wanted to get easy money. The Head of State at that time even denounced them after a well- attended workshop in 1982 on child labour when the media reported the proceedings of the workshop and findings of the study. Attempts to validate research findings in research sites in Nairobi met with a lot of resistance as child labour was not perceived to be a problem. The researchers had to device other means to raise awareness. The traveling theatre of the University of Nairobi came in handy and was used to disseminate the study findings from the two study sites in Nairobi, namely Makongeni and Buruburu Estates.

The above influenced the design of ANPPCAN's programmes on child labour. From the onset, those involved identified the targeted communities as key. Thus, the design included planning with community-based groups starting with key actors at the district level and gradually moving to the grassroots. It also involved identification of key actors at all levels and engaging them to learn what they understood as child labour. The design also included reviewing all information on each district compiling districts profiles to understand each district specifically. The information obtained in each district confirmed some of the overall study findings. All these were related to the objectives of the programme and the proposed activities to be done. The National Development Plans were also reviewed in relation to each district, mainly to verify the findings in terms of the programmes and activities being undertaken by the government on the ground.

3.3.3 The Use of Folk Theatre and Involvement of Children

As a way of entering each district, drama was selected as a suitable method of doing so and the Ministry of Education was considered a key actor in this regard. The Ministry of Education allowed ANPPCAN to use selected schools (both primary and secondary) in drama activities to introduce the programme. The concept of a travelling theatre was sold to the Education department in each district after sharing summaries of the study. Instead of using university students, children in schools were selected to perform by their drama teachers. A well-known drama teacher in the district was identified through the Department of Education to work with drama teachers in the selected five schools in each district. The selected schools were those with a problem of school drop-out. The five drama teachers were supported by a drama senior lecturer from the University of Nairobi. This team was prepared by ANPPCAN staff on child labour using the findings of the study. The five drama teachers went back to the schools and developed themes on child labour situations as identified by children in schools.

Children were selected and trained by drama teachers. The drama teachers and head teachers organized performances in the district to different audiences starting with their schools where children and teachers were entertained with messages from child labour. The children also performed for parents and at nearby markets. ANPPCAN staff were trained on how to record the performance and how to conduct discussions after the performances. Each district had five schools performing to different audiences. The best performing school went to perform at district headquarters where everyone working in the district attended.

These performances were not only used to create awareness on child labour, but also used to obtain more information about child labour in each district from the perspective of children, teachers, parents, leaders and those working in the district. The performances were also used to identify the stakeholders to be included in the programme. ANPPCAN wrote reports of all the performances which were analysed and summarised for each district.

3.3.4 Identification of Duty-Bearers and Needs at District Level

The key actors in a district were identified: Ministries of Education, Labour, Department for Children Services, Probation, Agriculture, Information, Provincial Administration, Social Development and a few NGOs and FBOs. This was followed by district-based workshops with the aim of consolidating all the information obtained about child labour. In the first workshops, the district heads were given the opportunity to present what they were doing in the district and to share their successes and problems they were facing.

There was very little good news to be shared, since many of the heads of department reported having no resources in the districts and lack of support from their ministry headquarters. They were expected to perform but without adequate support. Lack of resources made it difficult for them to go to the grassroots (community) to monitor government activities. Only the Provincial Administration had vehicles to visit rural projects. The Ministry of Education depended on head teachers to report school issues to them. Almost all the department heads mentioned confirmed what was obtained in the drama discussions. The district profiles also confirmed many of the problems facing those working in the districts. These officers found it hard to implement development projects or intentions from their headquarters owing to resource constraints.

In all the four districts school drop-out was a real problem, confirming that the majority of children who engage in child labour had previously been attending school, but dropped out, especially after

grades 5 and 6. Although poverty levels were high the majority of the parents were disinclined to take up loans and in most cases all the funds released to assist the poor in the districts were returned to the Treasury. People could not access these facilities because of long distances involved, and because there was no active engagement between the people at the local level and government employees to assist them in accessing information about loans.

In a collective fashion, those attending the workshops developed priority areas to be addressed during the project period. These areas fitted very well to what ANPPCAN wanted to do. Each district team was helped to develop work plans with ANPPCAN staff. This team was formed into what is known in Kenya as Child Labour Committees. The Ministry of Education chaired the committees and hosted them. The Children's Department was given secretarial duties and the Ministry of Labour became the treasurer or vice versa. The District Child Labour Committees opened bank accounts where they kept the funds sent by ANPPCAN. The district teams were trained to implement their work plans.

The work plans contained a range of activities, ranging from awareness-raising, visiting schools and identifying children out of school, training teachers, constituting child labour committees up to school level, initiating IGAs in schools, monitoring and reviewing activities and providing reports to ANPPCAN. ANPPCAN developed specific activities for these committees ranging from capacity-building, supporting them to attend national meetings, training them on project development, raising awareness and lobbying as well as report writing. Some were also taught how to develop proposals and raise resources on their own. ANPPCAN also bought them equipment with saved resources during workshops. They became focal points for other activities in the districts.

The District Child Labour Committees undertook all the training and advocacy activities at divisional, locational and school levels. ANPPCAN's staff remained with an oversight role and advocacy activities at the national level. For example, issues identified at the local level that hindered their work were brought to the attention of their respective ministries. Fora were deliberately organized to bring headquarter staff in contact with district staff. Some ministries improved resource allocations to their district offices.

After working in districts, the drama component of the Action Plan of ANPPCAN was removed as child labour was no more a taboo issue. It had been accepted through the media and almost in the school system in Kenya. But other activities remained the same where the design and implementation was done with the people on the ground. This has become ANPPCAN's approach in all its development efforts, that is, the issue must be owned by those affected and they must be involved in its implementation.

3.4 The Strategy ANPPCAN Used to Enhance its Advocacy Efforts

Advocacy was the main strategy ANPPCAN used to address child labour in the 13 districts where it implemented ILO/IPEC programmes, which was known in Kenya as an International Programme to Eliminate Child Labour (IPEC).

Advocacy has been defined as the process of bringing about change in behaviour, attitudes, policies and practices in relation to an identified issue. It is a process which depends on many approaches. This ranges from campaigns, lobbying, awareness-raising, mass mobilization to sharing or providing

information to inform or provoke action. It is a strategy which works well with other people to address an issue.⁶

In other situations, advocacy may be the only way of drawing the attention of communities, decision-making organizations and stakeholders to an important issue which requires a solution. Effective advocacy requires that the problem is clearly defined based on research evidence. In ANPPCAN's case the WHO-supported study in which some of its members participated became handy. An attempt by ANPPCAN to address the problem in Nairobi with the employers (in locations where the study was done on domestic labour) elicited a response by the employers that ANPPCAN ought to go to rural areas with awareness-raising as the majority of the children came from rural areas! Emphasis was then put on prevention. The study also helped ANPPCAN to identify targets for advocacy.

Thus, given the situation regarding child labour, ANPPCAN's advocacy strategy avoided activism as a more aggressive type of advocacy. Rather, there was need to inform, educate and bring other groups on board to address child labour issues, which were quite sensitive. Both the producers and suppliers (parents), the victims (children), and the consumers, including the perpetrators who ferried children to labour markets, had to be included. This was only possible through an inclusive approach. The involvement of these groups was paramount and hence efforts were made to reach out to them and make them cooperate with the activities ANPPCAN. The principle of "starting where people are" was applied.

Advocacy requires resources. Even if ANPPCAN had identified child labour as a problem and was directed by the employers to target rural communities (as sources of child labour), it was impossible to move. Proposals that ANPPCAN presented to different groups to enable it to address child labour, yielded nothing until the ILO/IPEC programme was introduced in Kenya in 1992 and ANPPCAN was able to access funds to start its advocacy work.

From the onset, ANPPCAN had decided (based on the WHO-funded study) that communities where child workers originated must know what was happening to their children so that they could stop sending them to go and work for others; that those parents who sent their children to go and stay with their relations in towns for better life, must know that this was not the case and that these relations were, in effect, abusing their children; that the schools from which the children were dropping out must be brought into the picture to find ways to keep children in school; that heads of departments working in these districts, especially education officers, children officers, probation, labour officers and the Provincial Administration, must know what was happening to the children from their districts.

At the national level, ANPPCAN wanted to reach the key stakeholders (duty-bearers), mainly the main ministries and groups that deal with children issues at national level. The aim was to create and establish partnerships and linkages with these groups to recognize that child labour was an issue affecting the rights of children and needed to be addressed. This group should be able to address policy and legal issues related to child labour based on what the study had found. Policies did not exist and the laws were outdated and could not deal with issues of children effectively.

Child labour was just one of the many issues affecting children in Kenya. This spurred ANPPCAN to undertake other studies, e.g. a Knowledge, Attitude and Practice (KAP) study on Child Abuse and Neglect and another on Street Children. All this was done not only to understand the situation of

⁶ www.advocateforchildren.org

children better, but also to bring in key government departments which ought to take action to curb the vices. Such state offices included the Attorney General's Office, the Judiciary and the Police. The findings were widely shared leading to a Hearing on Street Children. ANPPCAN also linked up with an international group which was an initiative of ISPCAN called International Working Group on Child Labour. This network organized international fora that key government officials attended and were able to share with others.

The government had initiated development initiatives in 1983 such as the District Focus for Rural Development, where resources were supposed to be channelled to assist rural populations, especially the poor. There were other programmes such as Poverty Eradication also targeting the poor. ANPPCAN wanted to examine how poor people were benefiting from these programmes. All this guided the approaches ANPPCAN used to address child labour in Kenya.

4 Approaches ANPPCAN used to Advance Its Advocacy Strategy

4.1 Awareness-Raising

The WHO-supported child labour study findings showed that the public and the authority in Kenya were indifferent to child labour. It was not considered a problem. Yet, the children in child labour, especially in domestic settings, were working under exploitative conditions where some were sexually abused by members of the households where they were working. The working children were paid very little money or not paid at all. They worked very long hours. The majority of children working in domestic were having nightmares and wetting their beds despite the fact that they had passed the age when bed-wetting was common. Those working in coffee and tea farms were working under hazardous conditions. Children were being ferried by lorry at night from Muranga to work in coffee estates in Kiambu. Some of the children lost their lives through accidents, some of them reported in newspapers.

The study further revealed that the majority of children in child labour had attended school but dropped out due to lack of school fees and uniforms. They came from large families from districts in rural Kenya. The study also found that a significant number of children were involved in criminal activities and a large number of them ended up in correctional institutions (Approved Schools) for theft from employers and loitering in the streets of Nairobi with the intent of prostitution.

Equipped with this information, ANPPCAN designed a programme that targeted districts prone to sending children into child labour with awareness-raising. The programmes targeted children, parents, teachers and duty-bearers in the districts ranging from children officers, education officers, police community leaders to chiefs and assistant chiefs. Drama was used to send messages. The drama activities were followed by questions and discussion. Issues addressed in the targeted districts were also included in the action plans that were developed for each district.

The media played a major role in raising-awareness, both at national and rural levels. The Standard newspaper led in reporting cases of child labour and helped in raising awareness. It often reported what ANPPCAN was doing on child labour during the period. The rural press, which was a branch of

the Ministry of Information in rural Kenya, was also supportive of child labour activities in the districts where ANPPCAN was working.

4.2 Enhancement of Knowledge

The findings of the studies were widely disseminated to different groups. This was done through seminars or workshops at the district level, as well as at national conferences which ANPPCAN organized to educate the participants on what was happening to children in Kenya. Reports from these gatherings were widely shared.

ANPPCAN organized very many fora where presentations were made on all aspects of child labour. Some of these events were collaboratively organized with the Ministries of Labour, Education and Department for Children Services. Other child mandated organizations such as UNICEF were also involved. These fora made recommendations to the authorities. The fora on education urged the government to make basic education free and compulsory.

4.3 Creating and Strengthening Systems and Inter-Sectoral Linkages to Address Child Labour

Child labour committees were created first in the districts to raise awareness, and monitor child labour. These committees were constituted from the district to the divisional, locational and school levels. This was followed in later years by the creation of child help desks where cases of school drop-out or child abuse cases were reported. The family members were informed of these services and they were manned by trained volunteers from the communities. Child rights clubs were also started in schools where ANPPCAN was operating and were sensitized on child labour, as well as child rights. The children in these clubs identified children not attending school and reported to head teachers who took action. Some of the clubs started saving money to buy uniforms for children who could not afford to buy them.

The role of these structures was to enhance multi-sectoral linkages through the child labour committees, identify children at risk and those in worst forms of child labour, identify their needs, plan for appropriate interventions and mobilize local resources to support the children. Later on, these systems were used to identify poor parents and to link them with other programmes in the districts, such as micro-finance, private enterprises or assist them to start income generating activities.

4.4 Coalition on Child Rights and Child Protection

The above initiatives were taken to the national level where ANPPCAN created a Coalition on Child Rights and Child Protection, comprising eight key ministries dealing with children issues. These included the Ministries of Labour, Education, Health, Home Affairs (Children's Department), Information (Kenya Broadcasting Corporation), Planning, Local Government, and the Attorney General's Office. Two NGOs with a national outlook were included. The Coalition was trained on children's issues and on skills about how to address issues at the national level. Child labour was one

of the eight issues affecting children in Kenya that the Coalition selected. The Coalition was chaired by the Director of Children Services and ANPPCAN coordinated it.

With advocacy at both district and national levels major issues emerged and needed to be addressed. The first one was the review of all laws affecting children and the formulation of child labour policy. The majority of the members of the Coalition participated in the formulation of the policy and the review of the laws. The Coalition lobbied the government to ratify international and regional conventions and in fact worked with the government to domesticate them.

The Coalition was later expanded to include local government (Nairobi City Council), the police and private sector representation. It addressed systems for protecting children and established child protection teams in 42 districts.

The Coalition was dissolved in 2002 after the enactment of the Children Act 2001, which established the Council for Children Services. By the time it was dissolved, a document had been developed on a national child protection referral system, which was handed over to the Department of Children Services.

4.5 Capacity Building

The constituted child labour committees were trained on child labour as an issue, starting with members of District Child Labour Committees (DCLCs) who were imparted skills on how to raise awareness of child labour in the district. The DCLCs trained the rest of the committees to undertake awareness-raising activities in their respective communities.

The capacity-building of CLCs was achieved by linking them to other institutions in the districts, which included micro-finance, private enterprises to provide financial and technical services. At the district level, some of the DCLC members were incorporated into other government supported programmes, such as the Bursary Funds and the Constituency Development Funds (CDF).

4.6 Building Alliances and Partnerships

ANPPCAN organized fora in each district targeting all duty-bearers. Often the head officers of the districts, i.e. the district commissioners, were asked to open the fora and encouraged to stay and listen to key presentations on the situation of children in their respective district. Members of Parliament from some of the districts were invited to attend or to grace the occasion. All these groups were provided with IEC materials to read and share with others. The materials included reports on district profiles; summary report on the WHO study or any other study on child labour. The DCLCs were instructed to share all workshop/seminar reports with the duty-bearers and key stakeholders in the district. A large number of duty-bearers were members of child labour committees.

Apart from the district focus forums, members of District Child Labour Committees, especially their officials, were invited and sponsored to attend national fora, which were specifically organized by ANPPCAN to discuss child labour in Kenya or other fora organized by ANPPCAN on issues affecting children. These groups were thus enabled to create linkages with other groups.

Linking up with other stakeholders working in the districts created interest and provided opportunities for other stakeholders to address child labour, not only in the ANPPCAN-targeted districts but also in other districts. A good example is World Vision which was able to pick up child labour as an challenge to address.

4.7 Sharing Information and Experiences

ANPPCAN targeted stakeholders in these districts with a lot of information on child labour, education, child abuse and neglect, trafficking of children by means of posters, manuals, workshops and conference reports. Guidelines on how to undertake monitoring and evaluation, on awareness-raising and child abuse and child rights were produced sometimes in collaboration with DCLCs or independently and disseminated to the established systems in the districts. ANPPCAN organized fora in these districts to share experiences.

4.8 Community Conferencing

This was initiated through drama performances and used as a means to gather information about child labour from community perspective. Children were trained through drama teachers to deliver messages. This was the best liked and the most effective tool. It not only assisted ANPCAN to collect data, but also provided entertainment to different audiences and educated them on child labour in the process. After each performance, many questions were asked which generated into discussions about the factors generating child labour in the district.

5 Achievements and Outcomes

5.1 At Community Level

The main intention of ANPPCAN with its child labour programme applying advocacy as the main strategy was to make parents, teachers and children themselves be aware of child labour and its impact on the children and to prevent children from drifting into child labour in the first place. This aim was reached as school attendance increased tremendously in the targeted districts. The performance of the children from these schools in national examinations reportedly also improved.

The other intention was to keep children in schools, at least for them to complete primary education. The child labour committees jointly proposed starting income generation in schools and to use the money from the IGAs to undertake school activities. Through IGAs some schools constructed classrooms and ablution blocks, which also improved the school environment. The money from IGAs was used to buy uniforms for children whose families could not afford to buy them. Many schools also used the money to feed children in school so as to ensure that children had at least one meal a day.

School child labour committees, the children and teachers identified children at risk of dropping out of school and supported them. Similarly, they identified children below the age of 15 years who had dropped out of school and become child labourers with a view to returning to school, while those aged 15 years and above were supported for vocational training. Advocacy in this regard drew the attention

of different constituents including families, children, communities, duty-bearers in some 14 districts in Kenya to the plight of children and efforts to to keep them in school through IGAs.

According to project reports deposited at ANPPCAN's offices between 2006 and 2008 regarding activities in Busia, Kiambu, Maragua, Siaya and Suba districts, some 4,155 children (2,139 males and 2,016 females) involved in the worst forms of child labour (sugarcane in Busia; coffee and tea in Kiambu and Maragua; child domestic labour in Siaya and fishing and commercial sexual exploitation in Suba) were identified, removed and returned to school or vocational training by fellow children, teachers, child help-desk volunteers, parents, provincial administration (the chiefs, assistants, chiefs and FBOs). Those below 15 years of age were supported to enrol in primary school and those aged 15–17 years and not comfortable with going back to school were supported to join vocational training. To sustain the efforts some 250 parents of children withdrawn from child labour and placed in educational institutions were supported with KES 2,500 each to initiate income-generation activities.⁷

The period also witnessed some 2,987 children (1,605 males and 1,382 females) at risk of dropping out of school into the worst forms of child labour as identified and supported to stay in school. Considering that ANPPCAN programme started withdrawing children from child labour and supporting them since 1994, many children in the targeted districts have benefited from this programme.⁸ This is supported by external evaluators of ILO/IPEC which had the following to say:

Two good practices were identified from the programme title Prevention of child domestic labour in major supply areas through community mobilization and empowerment in Homabay Kenya, which was being implemented by ANPPCAN. The first was the decentralization of multi-sectoral child labour committees from district to divisional village and school level. The second was the supporting of income generating activities for primary schools and polytechnics in order to prevent pupils from dropping out of school and support those that have been withdrawn.⁹

Under the decentralization of multi-sectoral child labour committee, the reviewer noted that the active involvement of schools through the committees ensured that education was central to the elimination of exploitative child domestic work. This was because at school level, teachers are closest to children and parents. Hence they can effectively monitor attendance, performance and retention. Schools could also adopt their own strategies to deal with challenges faced in school, some of which acting as push factors to remove children from school into domestic child labour.

The reviewers also observed that involving local leaders and authorities in creating child labour committees in the villages and schools (community level) buttressed the legitimacy of the committee structures to provide the necessary authority to reach the target groups and hence increase public awareness. The multi-disciplinary nature of the local committees enabled its members and participants to share experiences and was an effective strategy to build capacity for addressing child labour. Apart from ensuring sustainability at the local level, the strategy facilitated mainstreaming of child labour at the district level, especially at the planning stage.

⁷ ILO (2008), Good practices in Combating Child Labour in Kenya: A Case Study of Busia, Maragua, Siaya and Suba Districts (2006 – 2008), p. 4.

⁸ Ibid p. 4

⁹ ILO (2006: Emerging Good Practices on Action to Combat Child Domestic Labour in Kenya, Tanzania and Uganda, p. 17.

5.2 At District Level

The accomplishment here is demonstrated by this quote from the external evaluators:

An interesting dimension of this setup is made up of 90% government employees (on payroll) and thus there is assurance of continuity and sustainability. As well, issues of child labour are mainstreamed in local government planning and resource allocation. The remaining 10% is made up of civil society organizations working in the area so as to allow information sharing, avoidance of duplication and sharing of resources.¹⁰

The reviewers saw this process as enhancing sustainability because the district officials already made aware of the child labour problem would be more likely to address child labour as they address other development issues in a district. The reviewers saw child labour being mainstreamed at the district level during planning and resource allocation. Also, it was noted that the maximum use of resources was made when activities at the district level were well coordinated. Given the fact that education officers were responsible in the district child labour committees, information obtained on the weakness in the education system was able to reach the district faster and action taken immediately.

Decentralization was seen to be working well. Teachers and parents made up the school committee, which was responsible for school-based income-generating activities (IGAs). ANPPCAN, on the other hand, was responsible for capacity-building of these committees through training, ongoing consultation and reporting. This, the reviewers found to be good practice.

The establishment of school-based IGAs managed by the schools and the parents was considered a good practice because the income accrued from the efforts was used to keep poor children in school by supporting children from poor and vulnerable families. In some situations, the money was also used to build classrooms for children, which increased retention. Thus, children being turned away from school to collect school fees were stopped as the established IGAs played that role.

The systems created after awareness-raising were able not only to continue advocacy work at district and community levels, but also to monitor child labour in a district. These systems were able to pool resources to address child labour in their respective departments and organizations. They were able to participate in all the reviews of legislation and policies. The observation by some authors was thus confirmed that advocacy is a multi-faceted process involving many actors, and enable different stakeholders and duty-bearers to participate in a decision-making process. The child labour committees became significant focal points not only on child labour, but also for other issues affecting children in the districts. They enhanced coordination of activities in the targeted districts. They also brought child-related issues to the attention of the national level.

5.3 At National Level

Advocacy at the district level did not only lead to the establishment of systems at that particular level, but also to the creation of systems at the national level – in Kenya known as a Coalition on Child Rights and Child Protection in Kenya. This saw the formulation and drafting of a policy on child labour and the enactment of Children Act 2001, which established a legal body for children, i.e.

¹⁰ Ibid. p. 18

National Council for Children Services that replaced the Coalition, which at any rate was an informal arrangement. The Coalition also created a mechanism to improve child protection, not only by creating child protection teams in some 42 districts, but also the establishment of a national child protection system. In fact, this was the origin of the development of Kenya's Framework on Child Protection System which became a reality in 2010.

6 Challenges that the Advocacy Strategy Faced

ANPPCAN's advocacy strategy to combat child labour in Kenya by targeting 13 districts yielded major results, which ranged from pushing the agenda of child labour, both at local, district and national levels to creating systems, better known as child labour committees, a concept which has been used by many stakeholders in Kenya in general and by ILO/IPEC in other countries in the world, in its efforts to fight child labour. Through advocacy, communities and duty-bearers in the targeted districts were mobilized to start responding to child labour, especially its worst form. The strategy enhanced ownership, coordination of efforts, pooling of resources, scaling up of activities and monitoring child labour from district, divisional to school levels, through creating other related structures such as help-desks, child rights clubs where parents, children and duty-bearers were fully involved.

The advocacy brought in inter-organizational coordination, which was inter-sectoral and multi-disciplinary in nature. It provided an opportunity for groups working at the district level to pool resources and share information. The advocacy efforts went further to bring child labour concerns up from the local level to the national level, which led to the creation of the Coalition on Child Rights and Child Protection, a structure that brought in key duty-bearers as far as child labour is concerned at national level. This development saw the formulation of a child labour policy, the enactment of the Children Act 2001 and finally the creation of the National Council for Children Services and a document on a National Child Protection System in 2002. The ILO/IPEC external evaluators found this strategy viable and considered it a good practice for subsequent replication during the period 2001–2009! However, the strategy faced some challenges that warrant attention.

6.1 Documentation of Advocacy Strategy

Despite the fact that ANPPCAN started involving children in drama activities in 1993 up until 1995 very little documentation was made of these activities both at ANPPCAN and the Ministry of Labour (the main agency) and ILO/IPEC. The first evaluation was undertaken in 2001, covering the 1997–1998 period recognized the good practices identified in all the countries where ILO/IPEC programmes were being implemented, the practices which were initiated in Kenya by ANPPCAN. This included children themselves giving performances where the use of theatre, drama and dance was considered as effective ways of raising public awareness.¹¹

¹¹ILO/IPEC (2001) Good Practices in Action against Child Labour: A Synthesis of 7 Country Studies, p. 29.

Another area highlighted in same report was community-based awareness-raising which was observed by the reviewers to have generated more results.¹² Similarly, awareness-raising efforts at the national level were reported as good practices as well as building community structures, such as child labour committees. Although the report attributed these practices to Tanzania, the fact of the matter, was that it was done in Kenya from 1994 by ANPPCAN. Income-generating activities were found to be one of best practices, by these evaluators as well.¹³

6.2 Provision of Opportunity to Share Good Practices to Scale Up

Although all the evaluations of action plans from 2001, 2003 to 2009 identified good practices, which could have been scaled up to combat child labour, they were not widely shared. In fact, the reports have not been effectively shared even with the stakeholders directly involved. The majority of these reports were only brought to attention of this researcher through a colleague who has access to ILO documents in Geneva. Hence there was no opportunity to scale up these practices apart from what ANPPCAN did in the subsequent districts when it participated in the implementation of different phases of ILO/IPEC programme. But all this remained an non-formal arrangement because no legal or policy framework was created for replicating the good practices elsewhere. Above all, there was no feedback to implementing organizations such as ANPPCAN that the ILO/IPEC had actually integrated into some of the strategies developed in Kenya! Arguably, such positive feedback would have yielded even better results, especially if scaled up.¹⁴

The failure to scale up good practices in Kenya, by and large, can be attributed to the fact that the ILO/IPEC operated as an implementer of the projects it supported. ILO/IPEC saw the need to do so and acted accordingly. This was well illustrated by key officials interviewed from the Ministry of Labour and the ILO/IPEC offices in Nairobi. First, according to the officials interviewed, the ILO/IPEC had established models to be handed over to the government for replication nationwide, yet the same official observed that the staff capacity at the Division of Child Labour in the Ministry of Labour was wanting. There was even lack of funds in the Ministry to hold meetings of the National Steering Committee (NSC). Consequently, the government was severely constrained in terms of staff and other resources to scale up the good practices identified.

When the ILO official was asked whether the ILO should be the implementer instead of providing technical support and advice to the government, the answer was: "We are focused on numbers and not on impact." Pushed further to explain what donors expected e.g. the number of children withdrawn, x number of families supported, etc., the answer was: "Considering the money we have, we are only piloting the model so that the government can adopt it and apply it elsewhere." What then happens to piloted areas after the ILO exits? This is a genuine question anybody can ask when reading the report.

¹² Ibid pp. 30, 32, 41, 42, 45.

¹³ Ibid pp. 42, 43, 45.

¹⁴ Onyango, P. (2003): Taking Stock of Achievements and Lessons Learnt, ILO/IPEC, Nairobi Office.

When the official was further asked when the government would be ready to take over the project, the answer was that the ILO was working on a sustainability strategy. Considering that the ILO was providing the money and implementing the pilot model projects, it would be expecting too much from the government to scale up the model or to sustain the pilot projects. It is not surprising, therefore, that child labour is on the increase again in sub-Saharan African countries, Kenya included, according to recent statistics from the ILO itself.

6.3 Structures Created Remain Non-formal

Although advocacy efforts led to the establishment of child labour committees in most districts, accompanied action programmes, these structures remained voluntary with major consequences. Nothing was done to formalize them. Lobbying by different groups, including ANPPCAN, did not make much difference. The two key institutions, namely the Ministry of Labour and ILO/IPEC, which should have worked to formalize these structures, decided instead to take what may be termed a side-walk and a slow lane, respectively. The side-walkers are described as those who are not really following the roadmap to development or even wealth creation and time is of no essence on what they do.

Consequently, the Ministry of Labour takes a back seat and leaves the agenda of combating child labour to others, especially the ILO, as demonstrated by the remarks from the official interviewed from the Ministry of Labour. When asked about the achievements and challenges of the Time-Bound Programme (TBP), the answer was: “Although not in the office at that time, implementation was a challenge given that without a national policy, there were no proper mechanisms for its implementation. For instance, the programme worked through DCLCs, which were not legalized.” This simply confirmed what the series of evaluation reports had stated, and the inaction of the Ministry of Labour taking the side walk and leaving it to the ILO to finance the struggle against child labour in Kenya.

Slow-laners or slow-walkers are those who take their time for things to happen. They are into pilots and experiments to solve problems. Thus, the ILO/IPEC, despite the fact that some good practices had been identified for replication, took its time and kept on introducing independent programmes for two decades without paying attention to methodologies that were bringing real change as far as child labour was concerned. By 2009, the structures that were created to combat child labour and had demonstrated that they could actually perform were left dormant and by 2012 other structures were being proposed. The strategy that was being introduced in 2010 and followed up to 2013, better known as the Integrated Area-Based Approach (IABA) was introduced in Kenya in 1996 and what ILO needed was to upscale it, instead of giving it a different name! This approach comprised child labour committees from districts to villages and schools, as well as, the National Steering Committee and Inter-ministerial committees at the central level. In fact, the TBP was designed to perfect the strategy which was supposed to be integrated from bottom to top with the Ministry of Labour as the driver of the process, while ILO gives the necessary technical and material support. It was indeed, disheartening for the champions in the struggle against child labour in Kenya to witness an evolving situation, where ILO had become the driver of combating child labour, while the Ministry of Labour had taken the back seat. Yet, key structures to combat child labour, were fully in place.

The evaluation of ILO/IPEC Action programmes in 2005 and 2009 had the following to say about these structures:

CCLCS and DCLCs are functional and will continue to operate irrespective of funding and the evaluator had this to say, “The community child labour committees were one of the best practices in the strategy.” By this time some 84 CCLCs had been created in Kenya and a total of 184 CCLCs created in the 5 countries under evaluation (Kenya, Malawi, Tanzania, Uganda and Zambia).¹⁵ These structures were still found to be the most effective approach (strategy), to deal with child labour by the reviewers of good practices in 2009.¹⁶

Once more, in 2009, a review of good practices on the Elimination of Child Labour in Kenya by ILO/IPEC, still considered child labour committees to be viable structures that enhanced community participation, ownership, as well as monitoring the situation of child labour in Kenya. The report devoted four pages to a discussion of these structures, but still failed to discuss their formalization as had been discussed in other fora.¹⁷ By 2012, an interviewed official from the Ministry of Labour confirmed that these systems remained unofficial, yet the IABA strategy has been in force since 2010. The pertinent question, therefore, is why the ILO’s noble strategy did not formalize these committees in view of the fact that they are still operational!

In 2009, the evaluation team recommended that the DCLCs be empowered with the mandate, skills, and resources to allow them coordinate, monitor and provide oversight and coordination of child labour activities in the country. It was also recommended that the expectations of LCLC members be revisited and that appropriate forms of remuneration and recognition be built into the arrangement. The Government of Kenya was urged in the report to ensure that the job description of every DCLC member stipulate a performance expectation and guidelines to undertake child labour actions related to their specific job. Furthermore, it was recommended that the Government of Kenya should require every NGO and private sector actor that undertakes a programme on child labour in the district, first report to the DCLC, suggesting that the envisaged roles of these structures were important. Against a background that by 2010 the ILO was still introducing models, one wonders whether the ILO uses the information emanating from the evaluators, appointed and paid by the organization.

To demonstrate the important role of the DCLCs, the evaluation team covered them in most sections of the report. In fact, during the implementation of the Time-Bound Programme (TBP) some 450 school-based LCLCs were started, once more underscoring the importance of their role. Again, the Ministry of Labour and the ILO/IPEC in Kenya, took the sidewalk and slow lane, once more missing a golden opportunity to scale up child labour activities countrywide. The evaluators went further to recommend that priority be given to ownership and a clear management and monitoring role of DCLCs and LCLCs. There was also need to effectively link these structures with other stakeholders, e.g. charities that provide support, feeding programmes, health, as well as providing them with a budget.¹⁸

¹⁵ ILO/IPEC (2005): Regional Programme on Prevention, Withdrawal and Rehabilitation of Children Engaged in Hazardous Work in Commercial Agriculture, p5 and 35.

¹⁶ ILO/IPEC (2009): Good Practices on Elimination of Child Labour in Kenya, p16 – 20.

¹⁷ Ibid pp. 21, 23.

¹⁸ ILO (2009) IPEC Evaluation by an Independent Expanded Final Evaluation by a Team of External Evaluators, pp. 8–12, 13–15, 20.

In discussing ownership, the evaluators observed that the ILO/IPEC sub-contracted NGOs as partners, making them better sourced than the DCLCs, thus, in effect, disempowering the DCLCs regarding decision-making, while denying them resources. These committees did not only suffer from lack of resources, but significant staff turnover and uneven mandates from the ministries. The LCLCs were created from projects and depended on volunteers with the likelihood of ending with the projects. Yet, these structures were viable vehicles through which child labour could be effectively dealt with in Kenya had they been formalized and provided with adequate resources.¹⁹

In 2010, a Global Conference on Child Labour in the Hague (Netherlands) adopted an ambitious Roadmap for Achieving the Elimination of the Worst Forms of Child Labour by 2016. This once more put the ILO/IPEC on the path of another pilot strategy and an Integrated Area-Based Approach (IABA) for laying foundations for child labour free zones was born. In Kenya, ILO/IPEC introduced the IABA strategy through an initiative known as Support to the National Action Plan (SNAP) project with three immediate noble objectives:

- at the end of the project, relevant national policies, programmes and legislation harmonized with the National Action Plan (NAP) to eliminate child labour and enforced;
- at the end of the project, the capacity of national and local authority and social partners is enhanced to support the effective implementation of the NAP;
- at the end of the project, effective models for establishing child labour free zones (CLFZs) are tested in three districts with documented process and experiences.

The resources raised for this project were supposed to support the activities of the NPA 2004–2015, developed by the government of Kenya through the Ministry of Labour with the main aim of eliminating the worst forms of child labour in Kenya by 2015. This notwithstanding, the ILO/IPEC went ahead and employed three (3) officers in the three targeted districts, namely, Busia, Kilifi and Kitui.

The government, through the Ministry of Labour, simply signed the MoU for a project running between 2010 and November 2013. The implementation of this important project depended, once more, on the child labour committees (CLCs), which were non-formal and did not really have an official mandate to fight child labour, apart from the labour officers who are members of DCLC in the districts. Based on the above, the first objective of this project would be difficult to achieve if the implementers of the project are ILO staff using the non-formal systems on the ground. It is also difficult to comprehend how this project supported the National Plan of Action, whose driver was the government of Kenya through the Ministry of Labour.

Similarly, achieving the second objective would most likely face major challenges, especially at the national level, in supporting the effective implementation of the NPA, as long as the involvement in the development and the design of this project was not inclusive, i.e. leaving out the ministry as the main driver of the project. This scenario is well demonstrated by the following interview with ILO official:

Interviewer: *The Time Bound Programme (TBP) had targets, timelines on the elimination of the worst forms of child labour, which lasted only four years (until 2008), while the NPA will last until 2015. Why this difference in time horizon?*

¹⁹ Ibid p. vii

ILO Official: *But it (ILO) is not the implementer of the NPA. ILO, depending on resources, continues to work and develop activities, so long as they are within the framework of the NPA. If ILO has resources for four years, that is as much it can support the NPA. So ILO cannot say it will have to align itself with NPA.*

This statement speaks volumes. In all the available project documents, the ILO was actually raising money to support government efforts to implement the NPA, which in essence was and still is the government's strategic plan to fight the Worst Forms of Child Labour in Kenya. Yet, the ILO was actually set to implement activities stemming from the NPA!

The above statement by the ILO official interviewed for this study reveals that there are, in effect, two parallel systems fighting child labour in Kenya. One system is led by the government, through the Ministry of Labour with a NPA to fight the worst forms of child labour by 2015. The implementation of this strategic plan (NPA) seems to depend on the ILO through one of its programmes, known as IPEC.

On the other hand, the ILO raises funds from different sources with the sole intention of supporting the objectives of the government, through the NPA, whose driver is the Ministry of Labour. However, according to the many evaluation reports and the interview, the ILO picks areas from the NPA and implements them in their own right. The involvement of the government as the driver has been minimal from 2005 to date. For example, when the ILO/IPEC official was asked how they selected the three districts for their IABA strategy, the response was that the ILO did the study. This is borne out by the report that identified the good practices in the three districts in 2013. This report documented very well the steps undertaken by the ILO/IPEC team to implement the SNAP project. In most cases, it was the ILO/IPEC team that conducted the activities of the project, which was supposed to be supporting the NPA.²⁰ All these projects have been evaluated by external evaluators, except the NPA, which is still to be evaluated, although it started in 2004. Thus, the ILO/IPEC implements some activities under the NPA, but at the same time, it is not an implementer of the NPA, as stated by the ILO official interviewed.

The above confusion over roles presents real challenge for advocacy undertaken by other stakeholders such as NGOs. The Ministry of Labour effectively not being in the driver's seat made it difficult to push issues regarding child labour by other stakeholders, such as ANPPCAN. For example, efforts to change policies using advocacy were gravely hindered by inaction on the part of the Ministry of Labour. Despite the fact that efforts to formulate the policy on child labour started in 1996, to date the policy remains a mere draft yet to be adopted. Recent efforts to revive the policy were actually recommending the creation of other systems at district and community level, labelling them "friends of child labour committees," once more creating non-formal structures and causing confusion. The revision of the draft child labour policy seems to have been done without consulting the rich information available on reviews and evaluations of child labour activities from 1992 to 2010. Once more, it confirms the lack of information sharing and the side lane nature of most of our institutions. And it seriously hinders advocacy efforts.

²⁰ ILO (2013). Integrated Area-Based Approach: A Case of Busia, Kilifi and Kitui, pp. 13–14.

7 The Situation of Child Labour after the Intervention and Identification of Good Practices

To further look at advocacy and its effectiveness in different situations, the researchers decided to look at the current situation of child labour after the intervention and the identification of the many good practices. Thus, has there been significant change? The results are as discouraging as they were in 2012 when the attempts of looking at advocacy was initiated.

In Kenya, for example, the ILO/IPEC was still busy identifying good practices, according to a report, i.e. on emerging good practices in laying foundations for child labour free zones in Kenya. This is a case study of three districts in Kenya – Busia, Kilifi and Kitui – where eleven good practices have been identified.²¹ In the conclusion of this report the beneficiaries of the good practices are stated clearly but the report fails to indicate how the useful good practices will be disseminated to the ILO partners and others.

Information emanating from reports produced by the ILO, UNICEF, the World Bank, UNESCO, among others, suggest that the factors that lead children into child labour continue to persist in sub-Saharan Africa. Consequently, despite the many efforts spearheaded by the ILO, information indicates that child labour, especially its worst forms, is on the increase in sub-Saharan Africa. According to reports, one in five children is still working in sub-Saharan Africa.²² Thus, sub-Saharan Africa is reported to have witnessed the largest increase in child labour. The obvious conclusion is that the many good practices that have been identified through the ILO programmes and projects, including massive global advocacy, has not yielded much in sub-Saharan Africa. This should be a source of concern for everyone, including governments in this region.

The situation in Kenya is not different as far as the worst forms of child labour are concerned. Reports indicate that many children are enrolled in primary school, but transition to secondary school remains low, leaving a large number of children to resort to the worst forms of child labour, such as, prostitution, fishing and agriculture. Many end up in domestic child labour, where they are abused. Reports emanating from the US Departments of Labour and State in 2013 confirm that the worst forms of child labour are still rampant in Kenya, while the government is not doing much to rectify the situation.

²¹ International Labour Organization Office (2013) Geneva pp. 1-41

²² ILO/IPEC (2013): Making Progress Against Child Labour: Global Estimates and Trends, 2000–2012.

8 Lessons Learnt and Pre-conditions to Effective Advocacy

8.1 Availability of resources is a Pre-condition

Effective advocacy is a long-term activity that requires resources. ANPPCAN's efforts were thwarted by the method of one-year funding periods and with already pre-determined donor demands. There was a time, especially with the Programme of Support (Time Bound), where the emphasis was put on the number of children withdrawn. This has been confirmed by all the officials interviewed for this report. Donors want numbers and the strict reporting requirements and formats have exacerbated the situation for NGOs. For advocacy to be effective longer time horizon is needed, without reporting on a quarterly basis.

The parents of withdrawn children were expected to get into business with some KES 2,500. ANPPCAN was supported for 18 months to operate in five districts and to undertake myriads of activities. Although ANPPCAN had been working in these districts some of the government employees had been transferred and the process had to start all over again. The resources allocated to traverse the large districts with bad roads were not sufficient to support the district child labour committees and those operating at the local level. This limited the work referred to as 'good practices' in most of the ILO documents.

Putting an issue on the public agenda depends on other factors. While it was easy for ANPPCAN as well as other NGOs to target communities and schools in the districts, this was not the case upstream, where perhaps activism was required as a tool of advocacy. Availability of resources was also important to bring key stakeholders to address an issue. For example, when it became apparent that child labour committees had to be embraced and formalized at the national level or at the ministerial level, resources were needed to do so. If the permanent secretaries or director of programmes or members of parliament were to be involved, resources were needed to take these groups to high class hotel venues and to pay allowances commensurate with their status.

ANPPCAN had an advantage and one of its officials was involved in the development of the Time Bound Programme. The design of this programme included the creation of an inter-ministerial committee, which was supposed to be chaired by the Vice President of the country who was sympathetic to children issues and his ministry was hosting the Department of Children Services. This inter-ministerial committee did not work during implementation, simply because the key actors did not allocate resources. As a result, this committee never met according to the external evaluators. However, this committee was crucial if the created structures both at the district level, such as the DCLCs and those at the national level such as the National Steering Committee on Child Labour, were to be effective. Thus, putting issues on the public arena requires resources.

The availability of resources depends, in turn, on other factors. For example, another lesson learned is that the implementers of programmes shape or modify their design and allocate resources according to what they consider important from their respective vantage points. This is clearly reflected in the interview with the ILO officials in Kenya.

***Interviewer:** One of the objectives of the Time Bound Programme was to put in place an Inter-Ministerial Committee on Child Labour. The NPA was sought to mainstream child labour across government ministries. What is the status?*

***ILO/IPEC Official:** The Ministry of Labour should answer that. It was the Ministry's mandate to form and steer this forward. In my view, forming an IMC on child labour and operationalizing it was being over ambitious. It was not possible to bring together Ministers from different ministries.*

The above response from the ILO official was a misinterpretation of the intention as the design was not to bring ministers together, but simply to constitute a team of key ministries, which had been identified in the design to coordinate and integrate activities on child labour in the country. The design was based on the views of stakeholders, who were brought together by the ILO, who in turn also brought an expert from Geneva. But when it came to implementation, the ILO official on the ground to facilitate implementation considered it irrelevant and preferred to work with individual ministries without bringing them together, thus exacerbating the challenge of integration and coordination at the national level. This also had implications for raising resources within the government. This inter-ministerial committee was supposed to strategically make the government allocate resources to fight child labour in Kenya. It involved key ministries such as Planning, Treasury, Education, Health, among others.

In the Tackling Child Labour through Education, the ILO through its IPEC programme was working directly with the Ministry of Education, yet the Ministry of Labour through the NPA had identified universal basic education as a priority area to combat child labour in the country. Reports of the funders of most ILO projects had reported that the Division of Child Labour in the Ministry of Labour lacked financial and ministerial support. This was a major gap that needed an arrangement such as the IMC to address and push for change. Thus, instead of the ILO/IPEC assisting the government to operationalize this committee, key project staff on ground considered it too ambitious.

8.2 Capacity and Motivation

Combatting child labour requires long-term interventions. While it may benefit from advocacy, it needs skills and commitment by the central stakeholders in the programme. In other words, skills of stakeholders with a mandate and commitment are a precondition. It is most disheartening to read reports by the ILO evaluators identifying good practices from as early as 2001 up to 2012, with hardly any response from either the Ministry of Labour or the ILO/IPEC Kenya offices. Best practices were being identified almost on a yearly basis with no action whatsoever. In fact, important information was obtained and kept in ILO documents without sharing with those who had a mandate to take action.

The ILO evaluators made very good recommendations based on what they obtained from their field visits and reports provided by the ILO/IPEC office in Kenya. These recommendations were repeated regularly by different evaluators of different programmes but no action was forthcoming neither from ILO Geneva nor its Country office to guide the government. Rather, new programmes were subsequently introduced without taking into consideration the lessons learnt from previous programmes since 1992. This serious omission can only be attributed to lack of skills and commitment at all levels, including the Ministry of Labour.

Capacity constraints were raised by one of the key officials interviewed for this study as illustrated by this conversation:

Question: *The ILO/IPEC programme started in 1992. Can you describe the situation?*

Answer: *“I worked in the Ministry of Labour from 1982 – 1994. Hence I was in the Ministry when ILO/IPEC programme started. At that time the government was in charge and ILO/IPEC Office was based at the Ministry and both organizations worked well. Together, a National Steering Committee, composed of key ministries and NGOs dealing with children issues in the country. The Committee made decisions on how child labour was being addressed and the funds were directed through the Ministry.”*

“But in 1996, ILO/IPEC moved from the Ministry and the confusion followed to-date. The Ministry signs the MoUs, but ILO/IPEC deals with the money. The National Steering Committee, which was created in 1993 became weaker and weaker and with the arrival of TBP in 2005, it hardly met. In fact with the IABA strategy this committee never met and died!”

Question: *What about the Inter-Ministerial Committee on Child Labour?*

Answer: *“This came as a recommendation from the several meetings undertaken to discuss the development of TBP, which was actually driven by ILO. The Ministry of Labour went ahead and started it and only brought in key ministries e.g. Labour, Education, Planning, Department for Children Services, Treasury and Home Affairs because the Vice President who was based in this Ministry was to chair it. This system was supposed to enhance coordination and generate resources at national level for fighting child labour. It did not really take off after several meetings. The Ministry officials at that time tried, but there seems to have been no support even technical on how to operationalize the committee which was crucial.”*

Question: *Why?*

Answer: *“The problem is that the Ministry of Labour seems to sign documents (MoU) with ILO, but it does not follow. In the project design, the Technical Advisor (TA) employed by ILO was supposed to be based at the Ministry to work with the Ministry to implement its NPA. Personally, I think she was not qualified and failed to understand the TBP. The TA became an advisor to the few ILO staff based in UN offices in Gigiri than an Advisor for the government. As such, there was a huge capacity gap, which even those coming from Geneva did not detect.”*

Notwithstanding human resource capacity constraints, the TA to assist the government is reflected in all the project evaluations by the ILO itself. How could ILO Geneva fail for two decades to read the reports and either change the strategy or engage the services of someone with the skills needed to assist the government to mobilize its own resources? The groups that were giving ILO money, such as the Department of Labour through US DOL, also had a challenge. They sent the independent evaluators, who produced reports, which they simply gave ILO, but it seems that there was no follow-up as reflected in their own reports.

In response to advocacy, the Ministry of Labour was the first to create a Child Labour Unit. This unit was later elevated to a Division and by the time of the Time Bound Programme (Programme of Support [PoS]) was being developed and implemented, it became a department. Still, all along the structure was reported by the evaluators as dysfunctional. Since the unit was created in 1995, over ten programmes or projects had been implemented in Kenya by the ILO through its IPEC programme. These programmes or projects have been evaluated, highlighting the need for structural strengthening, but nothing happened. Once more it was probably owing to lack of capacity, in turn reflecting lack of priority.

The capacity issues within the Ministry of Labour and among the ILO/IPEC staff in Kenya becomes more evident when one reads a report by the US Department of Labour titled Findings on *Worst Forms of Child Labour – Kenya*.²³ In this report, Kenya Government efforts towards preventing and eliminating worst forms of child labour are reported for 2012.

According to this report, the Kenya Government made a moderate advancement in efforts to eliminate the worst forms of child labour by increasing its financial contributions to social protection programmes, focusing on orphans and vulnerable children. The Government also passed an education bill that strengthened compulsory education. But the report concludes that gaps in legislation persist and the draft list of hazardous work for children had not been adopted. The government had still to commit resources for enforcement efforts, and children in Kenya still continue to be engaged in the worst forms of child labour, especially in agriculture and fishing.

The report continues to reveal that the Ministry of Gender, Children and Social Development (MGCSD) continued to operate four (4) referral centres in areas with high rates of child labour. Above all, the MGCSD allegedly employs 500 child labour officers (Source: U.S. Embassy Nairobi, February 2013)! The above information is misleading because the centres this ministry will be running are not really there to eliminate and prevent worst forms of child labour. This ministry does not employ child labour officers as labour officers are employed only by the Ministry of Labour. The report, further enumerates the programmes, in which the government of Kenya has participated with the sole purpose of eliminating the worst forms of child labour. These programmes were heavily funded by the US government (USDOL), the European Community and the World Bank. Yet, according to the US Department of State's 2014 Report on Trafficking in Persons, Kenya was put under Tier 2 watch list and was still being considered a source, transit and destination country for men, women children subjected to forced labour and sex trafficking. Thus, according to this recent report within the country, Kenyan children are trafficked and forced to labour in domestic service, agriculture, fishing, cattle herding, street vending and begging. Children, both girls and boys are also exploited in prostitution throughout Kenya (<http://www.ungit.org>).²⁴ The fact that many efforts have been made to address child labour in Kenya for many years and one still gets statements such as those above in many reports on child labour, one is left with questioning the capacity of those involved in the fight, as well as the strategies being pursued, advocacy included.

A lot of advocacy activities were undertaken by different CSOs vis-à-vis ministries, in particular the Ministry of Education and the Department for Children Services. ANPPCAN also adopted an advocacy strategy which yielded some results. All these efforts resulted in a draft National Child Labour Policy. But NGOs cannot force governments to employ the right people. But one could expect the ILO to prevail upon the government to look at the staff requirements, especially if the ILO was armed with very well written reports from evaluators to support its case for easing the capacity constraints. Even so, how can the ILO act to that end if its own staff might be deployed in the wrong places?

Effective advocacy requires long-term and short-term thinking. ANPPCAN's advocacy strategy concentrated in the targeted districts and later realized that child labour was but one of the many problems facing children in the country. Many children were being abused physically, including sexual abuse. Awareness levels were very low and programmes capable to respond to the many cases

²³ <http://www.dol.gov/ilab/reports/child-labour/kenya.htm>

²⁴ US Department of State Trafficking in Persons Report 2014, p 227.

were not available. This led ANPPCAN to create a Coalition on Child Rights and Child Protection. This Coalition advocated for improved legislation and the Children Act 2001 was enacted. The Act created a National Council for Children Services. This type of advocacy reflected long-term thinking which yielded positive results.

Information and education are major preconditions for advocacy regarding issues that require long-term interventions. The National Coalition on Child Rights and Child Protection created by ANPPCAN went through extensive training by renowned experts in the area of child abuse and exploitation. The Coalition identified eight issues affecting children in the country. Child labour was one of the issues. The members were provided with massive materials, including legislation and conventions on child rights. They were imparted skills on how to undertake advocacy both at national and community levels. The Coalition organized fora at the national level leading to the identification of worst forms of child labour. The Coalition lobbied for free and compulsory education and finally the Coalition ended up creating child protection teams in 44 districts in Kenya. It was able to develop curricula for teachers' training colleges and police on child abuse issues, including child labour.

8.3 Effective Sharing and Use of Information Provided

The advocacy strategy which most CSOs pursued to combat child labour with support from ILO/IPEC and in collaboration with different government departments, helped accomplish much in terms of prevention, direct support of children and legislative and policy framework, as well as the creation of viable structures. However, as demonstrated by evaluation and review reports of ILO/IPEC programmes in Kenya between 2001 and 2009, the evaluators also identified major challenges that needed to be addressed.²⁵

Unfortunately, this information seemed to have been kept within the ILO domain, as reflected in communications coming from ILO Committee based in Geneva better known as International Labour Committee (ILC). Based on the reports presented to the ILO from Ministry of Labour on the government's effort to implement Convention 182 on the Worst Forms of Child Labour, this committee in its 101st ILC Session in 2012 is regretting that it had not received the Kenya Government's report, which was to contain full information on the matters raised in its previous direct request to Government on implementation issues.

Article 1 of the Convention, which demands that governments take immediate measures to prohibit and eliminate the worst forms of child labour, the ILC had previously requested Kenya government to provide a copy of the National Child Labour Policy (NCLP), since the Government had previously stated that the draft NCLP had not been endorsed by the National Labour Board. The Committee went further to request the Government to provide a copy of NCLP as soon as possible!²⁶

This report challenges the manner in which organizations with a mandate on issues such as child labour actually use the information. The NCLP which was drafted in 1996 is not progressive in its revised version from 2006 and may not be an effective strategy of eliminating worst forms of child labour in the country.

²⁵ ILO/IPEC Evaluation Reports from 2001–2009.

²⁶ ILO (2012): Direct Request (CEACR) – adopted 2011, published 101st ILC Session (2012).

On the other hand, the Ministry of Labour, which is representing the Government of Kenya in ILO engagements with governments, appeared in this Direct Request (2012) to be misleading ILO with the information provided. The Ministry of Labour kept on furnishing the ILO with information of what is in the process of being done. For example, under the TACLE project the monitoring capacity of District Child Labour Committees (DCLCs) and the Local Child Labour Committees (LCLCs) would allegedly be strengthened and enhanced. Yet, the Ministry of Education was implementing TACLE project, not the Ministry of Labour. Besides, the DCLCs and the LCLCs had been reported as non-formal systems in all evaluation reports. Hence, can the ILO be monitoring projects with non-formal entities without the authority to do so? Similarly, according to the report, the NSC, the DCLC and the LCLC were entrusted with the monitoring of the implementation of the NPA 2004–2015, while the NSC having established linkages in related policy areas, according to this report, was entrusted with the responsibility of monitoring implementing agencies and child labour activities in Kenya. Yet, all the evaluations of child labour activities had revealed that the NSC was ineffective and in 2009 it only met once! Thus, misleading information was given to the ILC which is an important committee of the ILO to monitor activities of government in relation to the implementation of Convention 182.

8.4 Advocacy Needs Fast-Laners to be Effective

Advocacy as a concept has been defined variously depending on the purpose of the interventions. However, on issues such as child labour one expects change. Hence, advocacy in this context is really lobbying to effect some changes whether at the community level with activities targeting awareness-raising, education and the building of constituencies for change or at the national level targeting policy and legislative changes. There must be a need or a purpose for taking action. On occasion it is observed, however, that actions are taken just for the sake of being seen to be doing something. The failure to follow up the good practices identified and documented up to 2013 by the ILO indicates that combating child labour is not a felt need for governments in sub-Saharan Africa

Thus, instead of the ILO insisting that the Government puts its house in order it kept on asking the Government to send documents. If the advocacy spearheaded by CSOs, such as ANPPCAN had found fast-laners within the ILO and the Ministry of Labour, Kenya would have reduced the incidence of child labour by impressive percentages. It has taken more than 20 years for the Ministry of Labour to realize that its role in the elimination of the worst forms of child labour rests squarely within its docket and not the ILO. Its side-lane walk has neither benefited the many children in child labour nor complemented the many efforts CSOs undertake. In fact, the Ministry of Labour's role in the ILO/IPEC programme has not borne any fruits, especially since 2004 with the introduction of Time Bound Programme, better known at the ILO Country Offices as Programme of Support for National Action Plan of 2004–2015. It is not clear what role the Ministry of Labour has played, apart from sending reports of activities which the ILO through its IL Committee keeps on requesting. One reviewer of the ILO/IPEC programmes observed the role of the Ministry of Labour as follows:

It was difficult to discern the relationship or partnership between the Ministry of Labour and ILO/IPEC. IPEC remained autonomous in implementing and coordinating IPEC Activities in the country. Thus, it is being suggested that the Ministry reviews its partnership with IPEC.²⁷

²⁷ Onyango, P. (2002): Review on IPEC Action Against Child Labour in Kenya (1992 – 2002) p45.

9 Conclusion

The purpose of this study was to review ANPPCAN's activities as a case of the advocacy role CSOs can play in Kenya and to ascertain how the advocacy strategy it used contributed to desired changes in its efforts to combat child labour in Kenya. The method used was to review literature, mainly the activity reports from 1992 to 2013 and the external evaluation reports available at the ILO offices in Geneva and Kenya and ANPPCAN's Regional Office. An extensive desk review was undertaken for the task. Four officials from two key actors – the Ministry of Labour and ILO/IPEC offices in Kenya, as well as a representative of a lead NGO which had participated in the implementation of the ILO/IPEC programmes in Kenya – were interviewed in depth.

The findings show that ANPPCAN's Advocacy strategy initiated in 1993 in four districts and later scaled up to another 13 districts in Kenya, yielded tangible results, which have been reported by external evaluators since 2001 to 2009. The advocacy outcomes, such as the created child labour committees, both at district and community levels have been replicated by other organizations in Kenya and other countries as well. By 2013, reports of good practices still recognize the importance of child labour committees as suitable structures to be used to fight child labour. The national advocacy efforts leading to the creation of national structures have been recorded as good practices. Involving children in advocacy activities through drama, as well as creating child labour clubs in schools to raise awareness are some of the good practices identified. Keeping children in school through school-based income generation activities (IGAs) have been found by reviewers and evaluators as good practices that can lead to enhanced sustainability of the programmes.

The creation of the inter-sectoral linkages and partnerships/alliances, thus building constituencies for change of behaviour and attitudes, were some of the advocacy strategy results that have been assessed by the many evaluators as positive. Building capacities of the created structures to raise awareness, remove children from the worst forms of child labour, as well as monitoring child labour at both local and district levels have been highlighted as efforts worth emulating. Integrating child labour initiatives into both formal and non-formal existing national and community-based mechanisms has proved to be effective and considered good practices to serve as models. The role of CSOs towards policy changes on child labour has been mentioned by all the key informants interviewed.

However, while the above has demonstrated success of advocacy, there are areas of concern in the whole process. While massive mobilization and lobbying was done at district, community, school and national levels, through workshops and seminars leading to proposals of formulating a child labour policy in 1996, to date (2013) that policy remains a mere draft. Although the evaluators started appreciating the roles of the DCLCs and the CCLCs and recommended mainstreaming them into the government machinery, this has still to be implemented and, in fact, there are proposals to start creating other systems or structures. Despite the fact that IGAs had contributed tremendously to keeping (retaining) children in school, as well as to improving school attendance and performance in national examinations, there has been no attempt of replication or scaling up these efforts by the government.

The apparent indifference of the Ministry of Labour made the complementary role of CSO invisible, as all advocacy efforts were retained in reports sent to the ILO. The ILO/IPEC also did not add much value to these efforts, as information seemed not to have been shared or used to the benefit of the overall goal of eliminating worst forms of child labour in the country.

Apparently, the advocacy strategy most CSOs pursued failed to influence the inaction on the part of the government. Evaluator after evaluator made recommendations, which were not acted upon. The ILO/IPEC kept on providing money to combat child labour without bothering to reflect on the evaluation reports. This has gone on for over two decades. This whole scenario became challenging when the ILO/IPEC resorted to implementing the programmes itself with the aim of creating modules for the government to emulate, as was well articulated by the officials interviewed from ILO/IPEC offices. The ILO moved with partners that could enable it to produce results in terms of numbers to meet the demands of the donors funding its projects. This simply sidelined the government of Kenya through its Ministry of Labour. The government signed the MoUs, and yearly appeared at ILO meetings in Geneva with reports which were often challenged for matters left unattended by the government in terms of ILO Convention 182 on the Worst Forms of Child Labour.

This led the researchers to conclude that for advocacy to be effective there are pre-conditions. They include resources; capacities of mandated organizations; motivation; education and information; how information is shared and utilized; and above all champions who take action and drive the process forward. Activism and confrontational tools of advocacy could have been applied, especially with the introduction of Time Bound Programme in 2004.

Above all, since the institution that is supposed to be in the forefront of the fight against child labour in Kenya appears to be sidelined it is not surprising that child labour is reported by the ILO to be on the increase in sub-Saharan Africa, Kenya included. This situation is exacerbated by the fact that the ILO/IPEC was the implementer of the projects the ILO was raising funds to support under the NAP, which is a government programme (a strategic plan) to eliminate worst forms of child labour in Kenya by 2015. The uncoordinated efforts of donors may also thwart advocacy efforts as the field gets crowded. The two large US government departments appear not to synchronize activities with the ILO. The least they should have done is to find out how far the Government of Kenya was implementing or up-scaling the models the ILO had been generating in Kenya.

The Hague Global Child Labour Conference in 2010 produced the Roadmap for Achieving the Elimination of the Worst Forms of Child Labour by 2016 which was adopted by acclamation. The Roadmap contains seven (7) Principles to guide actions to be undertaken by governments, social partners, civil society organizations and international organizations. This Roadmap is being driven by the ILO in collaboration with its partners as reflected in the subsequent Global Child Labour Conferences.

Guiding Principles One and Two recognize the key role governments hold if child labour has to be eliminated (Worst Forms) or reduced. Guiding Principle No. 1 states that “Governments have the primary responsibility for enforcing the right to education for all children. The social partners and other civil society and international organizations have important roles in promoting and supporting such action.”²⁸ Guiding Principle No. 2 states that “Government responsibility should be assumed at highest level.”²⁹ Looking at what has been taking place in countries such as Kenya up to 2013, one is left wondering why it is still difficult for the governments being targeted by the Principles and Actions not to take the driver’s seat and why the ILO is actually displacing the governments in the driver’s

²⁸ ILO (2010): Report on the Hague Global Child Labour Conference 2010, pp. 1-6.

²⁹ Ibid.

seat, especially in sub-Saharan Africa. Poverty notwithstanding, is it not high time to critically revisit the type of partnerships donors and international organizations has with governments in this region?

The efforts and experiences in fighting child labour in countries in sub-Saharan Africa, including Kenya, provide valuable insights that may help to change the strategies for the future.

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