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REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY


THIRTEENTH PARLIAMENT – SECOND SESSION – 2023

DIRECTORATE OF DEPARTMENTAL COMMITTEES  
DEPARTMENTAL COMMITTEE ON SOCIAL PROTECTION

REPORT ON THE RATIFICATION OF:

1. THE HAGUE CONVENTION ON CIVIL ASPECTS OF INTERNATIONAL CHILD ABDUCTION;
2. THE HAGUE CONVENTION ON JURISDICTION, APPLICABLE LAW, RECOGNITION, ENFORCEMENT AND COOPERATION IN RESPECT OF PARENTAL RESPONSIBILITY AND MEASURES FOR THE PROTECTION OF CHILDREN; AND
3. THE HAGUE CONVENTION ON INTERNATIONAL RECOVERY OF CHILD SUPPORT AND OTHER FORMS OF FAMILY MAINTENANCE.

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 THE NATIONAL ASSEMBLY PAPERS L A I D	
DATE: 25 APR 2023	DAY: TUESDAY
TABLED BY:	Chairperson, Departmental Committee on Social Protection
CLERK-AT THE-TABLE:	Inzogu mwale

APRIL 2023

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## **LIST OF ABBREVIATIONS AND ACRONYMS**

**NA** – National Assembly

**UN** – United Nations

**AG** – Attorney-General

**UNCRC** – United Nations Convention on the Rights of the Child

## ANNEXURES

- Annexure 1: Adoption List
- Annexure 2: Minutes
- Annexure 3: Letter from Ministry of Foreign Affairs committing the conventions to National Assembly
- Annexure 4: Copy of the memoranda on the ratification of three Hague conventions on private law



## CHAIRPERSON'S FOREWORD

This report contains proceedings of the Departmental Committee on Social Protection on the Ratification of The Hague Convention on the Civil Aspects of International Child Abduction; Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children, and The Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance.

Pursuant to section 8 of the Treaty Making and Ratification Act, 2012 and National Assembly Standing Order 170A, the three Conventions were committed to the Committee for consideration and reporting to the House. In compliance with Article 118 (b) of the Constitution, section 8 of the Treaty Making and Ratification Act, 2012 and Standing Order 170A, the Committee placed an advertisement in the print media on 15<sup>th</sup> March, 2023, inviting the public to submit memoranda on the three Conventions. The memoranda were to be received on or before 30<sup>th</sup> March, 2023. At the close of the submission deadline, the Committee had not received any memorandum relating to the Conventions. The Committee also held a meeting on Friday, 14<sup>th</sup> April, 2023 with the Ministry of Labour and Social Protection, Ministry of Foreign and Diaspora Affairs and the Office of the Attorney-General to discuss the conventions.

The Committee observed that The Hague Convention on the Civil Aspects of International Child Abduction was to protect children from the harmful effects of international abduction by encouraging prompt return of abducted children to their country of habitual residence and to organize or secure the effective rights of access to a child. Further, the Committee observed that The Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children sought to empower competent authorities to protect children and cooperate in a varied range of cross-border situations, offering States practical means to fulfil international obligations arising from the United Nations Convention on the Rights of the Child. The Committee also observed that The Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance sought to ensure the effective international recovery of child support and other forms of family maintenance.

Pursuant to section 8 of the Treaty Making and Ratification Act, 2012 as read together with Standing Order 170A, the Committee recommends that the House approves the Ratification of:

1. The Hague Convention on the Civil Aspects of International Child Abduction;
2. The Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children; and
3. The Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance.

The Committee registers its appreciation to the Speaker of the National Assembly, Clerk of the National Assembly for providing overall guidance and direction, the Office of the Director, Departmental Committees and the Committee Secretariat for the technical and logistical support extended during the consideration of the Conventions.

Finally, I take this opportunity to acknowledge and appreciate the Committee Members for their patience, sacrifice and commitment, which enabled the Committee to consider the conventions within the set timelines.

Pursuant to section 8 of the Treaty Making and Ratification Act, 2012, National Assembly Standing Order 170A and 199, it is my pleasant duty to table the Report of the Committee on the Ratification of the Hague Convention on the Civil Aspects of International Child Abduction; Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children and Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance for debate and adoption by the House.



**Hon. Alice Wambui Nga'nga', MP.**  
**Chairperson, Departmental Committee on Social Protection**



## CHAPTER ONE

### 1. PREFACE

#### 1.1 Establishment and Mandate of the Committee

1. The Departmental Committee on Social Protection is one of the twenty Departmental Committees of the National Assembly established under **Standing Order 216** whose mandates pursuant to the **Standing Order 216 (5)** are as follows:

- i. To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;*
- ii. To study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;*
- iii. on a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;*
- iv. To study and review all legislation referred to it;*
- v. To study, assess and analyse the relative success of the ministries and departments as measured by the results obtained as compared with their stated objectives;*
- vi. To investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;*
- vii. To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments);*
- viii. To examine treaties, agreements and conventions;*
- ix. To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
- x. To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
- xi. To examine any questions raised by Members on a matter within its mandate.*

#### 1.2 Committee's subjects

2. In accordance with the Second Schedule of the Standing Orders, the Committee is mandated to consider social welfare and security, pension matters, gender affairs, equality and affirmative action, affairs of children, youth, persons with disability and senior citizens.
3. In executing its mandate, the Committee oversees the Ministry of Labour and Social Protection, Ministry of Youth, Sports and the Arts and Ministry of Public Service, Gender and Affirmative Action.