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THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT – FOURTH SESSION – 2025

**DIRECTORATE OF DEPARTMENTAL COMMITTEES
DEPARTMENTAL COMMITTEE ON SOCIAL PROTECTION**

**REPORT OF THE DEPARTMENTAL COMMITTEE ON SOCIAL
PROTECTION ON ITS CONSIDERATION OF
THE CARE AND PROTECTION OF CHILD PARENTS BILL
(SENATE BILL NO. 29 of 2023)**

**CLERKS CHAMBERS
DIRECTORATE OF DEPARTMENTAL COMMITTEES
PARLIAMENT BUILDINGS
NAIROBI**

APRIL 2025

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LIST OF ABBREVIATIONS AND ACRONYMS

KANU	-	Kenya African National Union
ODM	-	Orange Democratic Movement
TSP	-	The Service Party
UDA	-	United Democratic Alliance
UDM	-	United Democratic Movement
WDM-K	-	Wiper Democratic Movement Kenya

LIST OF ANNEXURES

1. Report Adoption Schedule
2. Committee Minutes
3. Copy of the newspaper advertisement on public participation
4. Letters inviting stakeholders to meetings with the Committee
5. Stakeholders' submissions

CHAIRPERSON'S FOREWORD

This report contains proceedings of the Departmental Committee on Social Protection on its consideration of the Care and Protection of Child Parents Bill (*Senate Bill No. 29 of 2023*). The Bill underwent First Reading on 13th March 2024 and was thereafter committed to the Departmental Committee on Social Protection for consideration and reporting to the House pursuant to the provisions of Standing Order 127(1).

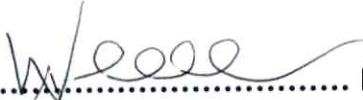
The Bill, which contains forty-two (42) clauses, seeks to provide for a framework for the care and protection of child parents within the Counties, to provide a framework through which an expectant girl child or a child parent may actualise their right to basic education and health, and at the same time ensure the care of their children, to provide assistance to needy child parents and their caretakers, to ensure the care of their children, to address teenage pregnancies and dropping out of school, and for related objectives.

Following placement of advertisements in the print media on 22nd March 2024 seeking public and stakeholder views on the Bill pursuant to Article 118(1)(b) of the Constitution and Standing Order 127(3), the Departmental Committee on Social Protection received memoranda from the National Executive through the State Department for Social Protection and Senior Citizen Affairs under the Ministry of Labour and Social Protection, as well as from the Witness Protection Agency.

The Committee is grateful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during its sittings. The Committee further wishes to thank the stakeholders who made their respective submissions on the Bill. Finally, I wish to express my appreciation to the Honourable Members of the Committee and the Committee Secretariat who made valuable input during consideration of the Bill and production of this report.

On behalf of the Departmental Committee on Social Protection and pursuant to provisions of Standing Order 199(6), it is my pleasant privilege and honour to present to this House the Report of the Committee on its consideration of The Care and Protection of Child Parents Bill (*Senate Bill No. 29 of 2023*).

I thus wish to table this Report on The Care and Protection of Child Parents Bill (*Senate Bill No. 29 of 2023*) in this Honourable House, with the recommendation that the Bill be **approved without amendments**.

Sign.......... Date.....24.4.2025.....

The Hon. Alice Wambui Ng'ang'a, CBS, M.P.

Chairperson, Departmental Committee on Social Protection

PART ONE

I PREFACE

I.1 ESTABLISHMENT 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 mandate pursuant to the **Standing Order 216 (5)** is 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 their 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 the 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.*

I.2 MANDATE OF THE COMMITTEE

2. In accordance with the Second Schedule to 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 following State departments and Commission;
 - i. The State Department for Social Protection and Senior Citizen Affairs
 - ii. The State Department for Children Welfare Services
 - iii. The State Department for Gender and Affirmative Action
 - iv. The State Department for Youth Affairs and Creative Economy
 - v. The State Department for Public Service (National Youth Service)
 - vi. The National Gender and Equality Commission (NGEC)

I.3 COMMITTEE MEMBERSHIP

4. The Departmental Committee on Social Protection was constituted by the House on 27th October 2022 and comprises of the following Honourable Members:

Chairperson

Hon. Alice Wambui Ng'ang'a, CBS, MP

Thika Town Constituency

UDA PARTY

Vice-Chairperson

Hon. Hillary Kiplang'at Koskei, MP

Kipkelion West Constituency

UDA PARTY

Hon. Faith Wairimu Gitau, CBS, MP

Nyandarua County

UDA PARTY

Hon. Owen Baya Yaa, CBS, MP

Kilifi North Constituency

UDA PARTY

Hon. Timothy Wanyonyi Wetangula, MP

Westlands Constituency

ODM PARTY

Hon. Edith Vethi Nyenze, MP

Kitui West Constituency

WDM-K PARTY

Hon. Samuel Moroto Chumel, CBS, MP

Kapenguria Constituency

UDA PARTY

Hon. Paul Abuor, MP

Rongo Constituency

ODM PARTY

Hon. James Onyango Oyoo, MP

Muhoroni Constituency

ODM PARTY

Hon. Susan Nduyo Ngugi, MP

Tharaka Nithi County

TSP PARTY

Hon. Hussein Abdi Barre, MP

Tarbaj Constituency

UDA PARTY

Hon. Agnes Mantaine Pareiyo, MP

Narok North Constituency

JUBILEE PARTY

Hon. Amina Abdullahi Dika, MP

Tana River County

KANU PARTY

Hon. Linet Chepkorir, MP

Bomet County

UDA PARTY

Hon. Zamzam Mohamed Chimba, MP

Mombasa County

ODM PARTY

I.4 COMMITTEE SECRETARIAT

5. The Committee is facilitated by the following Parliamentary staff:

Mr. Finlay Muriuki

Lead Clerk/ Head of Secretariat

Mr. Ahmednoor Hassan

Clerk Assistant III

Ms. Jemimah Waigwa

Senior Legal Counsel

Mr. Adan Ahmed Abdi

Fiscal Analyst II

Ms. Grace Maneno

Research Officer III

Mr. Benjamin Ochutsi

Hansard Officer III

Ms. Naomi Onsomu

Public Communications Officer

Mr. Derrick Kathurima

Media Relations Officer

Mr. Cosmas Akhonya

Audio Recording Officer

Ms. Eva Kaare

Serjeant-at-Arms

PART TWO

2 BACKGROUND OF CHILD PARENTS PROTECTION IN KENYA

2.1 INTRODUCTION

6. Article 53 of the Constitution of Kenya¹ provides that every child has a right to name, nationality free and compulsory education basic nutrition, shelter, and healthcare. It further provides for their right to be protected from abuse, neglect, harmful cultural practices, all forms of violence, inhumane treatment and punishment, and hazardous or exploitative labour. The Article further states that every child has a right to parental care and protection, as well as right not to be detained, except as a measure of the last resort.

2.2 SITUATIONAL ANALYSIS

7. There are currently several pieces of legislations that protect the rights of children;
8. **The Children Act, 2022** is an Act of Parliament to give effect to Article 53 of the Constitution; to make provision for children rights, parental responsibility, alternative care of children including guardianship, foster care placement and adoption; to make provision for care and protection of children and children in conflict with the law; to make provision for, and regulate the administration of children services; to establish the National Council for Children's Services and for connected purposes.
9. Kenya ratified the **UN Convention on the Rights of the Child**² on 30th July, 1990. The Convention ensures that Member-States are committed to providing basic rights for all children within its borders. The Convention on the Rights of the Child is an international, legally binding agreement setting out the various civil, political, economic, social and cultural rights of every child. It ensures that the best interests of the child are taken into account when making decisions about the child, access to education and healthcare.

2.3 COMPARATIVE ANALYSIS

10. In **India**, the Juvenile Justice (Care and Protection of Children) Act 2015³ came into force on January, 2016, replacing the Juvenile Justice (Care and Protection of Children) Act, 2000. The Act consolidates the law relating to children suspected and/or found to be in conflict with the Law and Children in need of care and protection.
11. The Objective of the Act is to provide a framework for the care, protection, treatment, development and rehabilitation of children in need of care and protection, protect rights of children who are in conflict with the Law, promote rehabilitation and social reintegration of children, establish specialized institutions and mechanisms for care, protection, treatment and rehabilitation of children in need of care and protection or who come in conflict with the Law.

¹ The Constitution of Kenya retrieved from <http://kenyalaw.org/kl/index.php?id=398>

² The Convention on the Rights of the Child retrieved from <https://www.unicef.org/child-rights-convention>

³ Retrieved from <https://samistilegal.in/juvenile-justice-care-and-protection-of-children-act-2015/#:~:text=The%20Act%20strikes%20a%20balance.protection%20and%20reintegration%20into%20society.>

12. In **Canada**, different provinces and territories have specific laws and services to support young parents, recognizing their unique needs. Child, Youth and Family Services Act (Ontario)⁴ Provides support and services to young parents, ensuring their needs are met alongside the needs of their children. The Act governs programs and services for children, youth, and families including child welfare, residential care, adoption, youth justice, etc.
13. The objective of the Child, Youth and Family Services Act is to promote the best interests, protection and well-being of children. Children and youth receiving services under the CYFSA have certain rights, including the right to express their views freely and safely about matters that affect them, be consulted on the nature of the services provided and participate in decisions about services provided to them, raise concerns or recommend changes to their services, and to receive a response, without interference or fear of coercion, discrimination or reprisal.
14. In **South Africa**, Children's Act 2005 commenced in June, 2007. The Act was intended to give effect to the rights of children as contained in the Constitution of South Africa. It also set out principles relating to the care and protection of children, defines parental responsibilities and rights, make provisions regarding children's court, adoption, surrogate motherhood, etc. It also provides for international adoption and creates offences relating to children.
15. The Act comprehensively provides for the care and protection of children, with specific measures to support young parents.

⁴ Child, Youth and Family Services Act (Ontario) retrieved from <https://www.ontario.ca/laws/statute/17c14>

PART THREE

3 OVERVIEW OF THE CARE AND PROTECTION OF CHILD PARENTS BILL (SENATE BILL NO. 29 OF 2023)

3.1 INTRODUCTION

16. The key objectives of the Bill are to;
 - a) provide a framework for the protection of the rights set under Article 53(1)(c) and (d) of the Constitution in relation to Child Parents,
 - b) provide a framework through which the expectant girl child and a child parent can realize their right to education and at the same time, ensure care and protection of his/her child; and
 - c) provide a framework of standards for the establishment and regulation of care Centers by County Governments.
17. In order to secure the objectives of the Act, the Bill provides for the roles of National Government, the County Governments and the National Council for Children Services.
18. The National Government will be obliged to put in place mechanisms that will help establish comprehensive capacity building programmes for child parents to ensure they practice responsible parenting.
19. In consultation with the Cabinet Secretary responsible for matters relating to education, the National Government, will establish non-discriminatory enrolment back to school or training programmes and initiate necessary strategies that will identify persons to benefit from the programmes. Further, the National Government in collaboration with the National Social Assistance Authority, will be obliged to ensure all needy child parents of children born with special needs or caretakers of such needy parents are beneficiaries of social assistance.
20. The Bill provides that the Council shall collaborate with the relevant state and private agencies as may be necessary for the implementation of this Act. The Council shall conduct inquiries, including public inquiries into matters relating to the welfare, care and protection of expectant children and child parents.
21. The County Governments shall put in place County Executive Committees that shall put in place plans and strategies for delivery of Social Services and child care support services to expectant children and child parents within the County. In collaboration with the County Education Board, the Counties shall ensure access to education, formulation of programmes for integration of child parents into the society, design a policy framework for prevention of child pregnancies and programmes for support mentorship and development of child parents as well as the establishment of care centres.

3.2 REVIEW OF THE BILL

22. The Care and Protection of Child Parents Bill, 2023 (Senate Bill No. 29 of 2023) is sponsored by Sen. Miraj Abdillahi Abdulrahman, M.P. In the National Assembly, the Bill is co-sponsored by Hon. Beatrice Kemei, M.P. It seeks to provide for a framework for the care and protection of child parents within the Counties; to provide a framework through which an expectant girl child or a child parent may actualise their right to basic education and at the same time ensure the care of their children; and for connected purposes. The Bill is divided into seven (7) parts and has 42 clauses.
23. **Part I of the Bill** contains the preliminary provisions. Clause 1 is the short title. Clause 2 of the Bill provides for the definition of various terms as used in the Bill including the definition of the term “child parent” which means a person who has not attained the age of eighteen years and is a mother or a father of a child. This part also contains the object clause and provides that the objects of the Bill are to:
- (a) provide a framework for the protection of the rights set out under Article 53(1)(c) and (d) of the Constitution in relation to child parents;
 - (b) provide a framework through which the expectant girl child and a child parent can realise their right to education and at the same time, ensure the care and protection of his or her child; and
 - (c) provide a framework of standards for the establishment and regulation of care centres by county governments.
24. **Part II of the Bill** provides for the care of expectant children and child parents.
25. Clause 4 provides for the obligations of the national government with respect to child parents and provide that, the obligations of the national government shall include: to put in place mechanisms that will help establish a comprehensive capacity building programme for child parents to ensure they practice responsible parenting; establish, in consultation with the Cabinet Secretary responsible for matters relating to education, non-discriminatory enrolment, back to school or other training programmes and initiate necessary strategies that will identify persons within the group to benefit from the programmes; and collaborate with the National Social Assistance Authority to ensure that needy child parents of children born with special needs or care takers of such needy parents, are beneficiaries of social assistance.
26. Additionally, the clause obligates the national government to collaborate with county governments by establishing a mechanism for the care of expectant children and child parents to ensure that the rights conferred on a child under Article 53 of the Constitution are attained with respect to such children, among others.
27. Clause 5 of the Bill provides for the obligations of county governments and stipulates that each county executive committee member shall put in place management plans and strategies for the delivery of social services and child care of neglected support services to expectant children and child children, parents within the County.
28. **Part III of the Bill** provides for the school drop-out prevention and re-entry programmes.

29. Clause 6 of the Bill provides that the national government and county governments shall formulate policies for the re-admission and integration of children who have dropped out of school by reason of pregnancy; and put in place programmes and interventions for the identification of factors leading to child pregnancies and the dropping out of institutions of basic education and training, by children; and identify measures that could prevent the dropping out of children from institutions of basic education and training, among other roles.
30. Clause 7 of the Bill provides that each institution of basic education and training shall develop a management plan for the support of any learner who falls pregnant while enrolled in the institution.
31. Clause 8 of the Bill provides for the rights of pregnant and parenting learners and provides that every child who while enrolled in an institution of basic education and training, falls pregnant and as a result, drops out of school; or is of school going age but falls pregnant while out of school, shall have the right to be readmitted or enrolled into an institution of basic education and training.
32. This Part also provides for the role of governments in ensuring re-admission of drop out children; management of teenage pregnancies in school; medical examination; provision of pre and post-natal health information; provision of counselling and support services; confidentiality; disclosure of the identity of the person responsible for a child's pregnancy; right to re-admission; re-admission and obligations of parents and guardians; obligations of institutions of basic education; and creates an offence against any institution that fails or refuses to readmit a child.
33. **Part IV of the Bill** provides for the establishment of care centers by county governments in or within the vicinity of an institution of basic education and training in order to ensure access to such facilities by a child parent for care of children of not more than three years of age. A care centre established may render services to child parents who intend to resume with their education and who have no access to care services; or such other persons within the county who have no person to care for the child or access to childcare services.
34. This Part further provides for requirement for registration and licensing of care centres; registration of care centres and licensing of applicants by a county government; location assessment of intended care centre; and cancellation of a licence, among other provisions.
35. **Part V of the Bill** provides for the care of children within the care centres. Clause 32 in particular provides that in delivering child care services under this Act, a licensee shall ensure that there is established a system for sharing with parents, information on matters that may affect the children cared for in the care centre; the protection and promotion of the welfare of each child in the care centre; that every child receives personalised care; that all children are within the sight and sound of the personnel in the care centre; and that each child is provided with the basic necessities including food.
36. Clause 33 of the Bill provides that the number of children resident in the care centre at any time shall not exceed the number specified in the licence; and a child who is not within the age limits specified in the licence shall not be admitted.
37. Clause 35 of the Bill provides that the licensee of a care centre registered shall ensure that the following services are provided in the centre: continuous care services to children in the care centre; care and supervision services to children in the care centre who may have special needs

and those in need of special care and attention; counselling and rehabilitation to a child parent who has sought the services of the care centre; outreach programmes; and recreational activities.

38. **Part VI of the Bill** provides for the inspection and evaluation of safety in a care center. Clause 37 provides that the licensee of a care centre shall maintain premises that meet the requirements of the occupational health, safety regulations and building standards; ensure the welfare and safety of the children within the care centre; put in place fire fighting equipment, first aid and other emergency equipment and non-prescription medicine as the county executive committee member may prescribe; and have a list of the contacts of emergency service providers including hospitals, readily available to all members of staff.
39. Clause 38 of the Bill provides for monitoring and evaluation and specifically provides that county executive committee member shall, for the purposes of monitoring and evaluating the provision of services by care centres registered under the Act, designate such authorised officers or other county public officers to act as inspectors, as the county executive committee member may consider appropriate
40. **Part VII of the Bill** provides for miscellaneous provisions including the general penalty and saving provisions.

PART FOUR

4 PUBLIC PARTICIPATION/STAKEHOLDERS CONSULTATION

- 4.1. Following the call for memoranda from the public through placement of adverts in the print media on 22nd March 2024 as well as stakeholder invitation vide a letter Reference Number NA/DDC/SP/CORR/2023/089 dated 5th June, 2024, the Committee received memoranda from the following stakeholders:
- i. The State Department for Social Protection and Senior Citizen Affairs under the Ministry of Labour and Social Protection.
 - ii. The Witness Protection Agency
- 4.2. The analysis of the submissions made by the Principal Secretary for the State Department for Social Protection and Senior Citizens and the Witness Protection Agency are contained hereunder.

SUBMISSION BY THE STATE DEPARTMENT FOR SOCIAL PROTECTION AND SENIOR CITIZEN AFFAIRS

- 4.3. Clause 2 of the Bill on the definition of the child parent provides that a child parent means a person who has not attained the age of 18 years and is a mother or father. Section 144(i) (l), (q), (r) (u) (v) (y) (dd) (ee) and (ff) which categorizes a child in need of care and protection caters for a child parent.
- 4.4. Clause 2 of the Bill defines a principal as a lead educator or administrator in an institution of basic education and training and includes a proprietor or director of a private school or a person in charge of a borstal institution. The definition used in the Bill does not accord with definition used in the Teachers Service Commission Act and the Basic Education Act.
- 4.5. Clause 3 of the Bill provides for the objects of the Bill which is to among other things, provide a framework for the protection of the rights set out under Article 53(1)(c) and (d) of the Constitution in relation to child parents. The Children Act was enacted to give effect to Article 53 of the Constitution and seeks to safeguard the best interests of the child elaborately making provision for every child. Clause 13 of the Children Act provides for the right to basic education for every child. Section 9 of the Act also provides that no person shall discriminate against a child on grounds of age, sex and religion among others. Section 63(1) of the Children Act provides that the Cabinet Secretary shall, in consultation with the Council and by notice in the *Gazette*, establish children rescue centres in every county for the temporary care of children in need of care and protection pending placement in alternative care or other interventions under the Act. Part VI of the Act provides for the role of the county governments. It is the role of the county governments to provide facilities for the provision of childcare facilities and are mandated, in consultation with the Cabinet Secretary to develop policies and guidelines for the better carrying out of the functions.
- 4.6. Clause 4(2) of the Bill provides that the national government shall put in place mechanisms that will help establish a comprehensive capacity building programme for child parents to ensure they

practice responsible parenting. It is the responsibility of the National Council for Children Services to advise the Cabinet Secretary on matters relating to child protection and formulate, approve and monitor programmes relating to children. The National Guidelines for School Re-entry Learning and Basic Education, 2020 as developed by the Ministry of Education and the Children Act are adequate to cater for the needs of child parents.

47. Clause 4(3) of the Bill provides that the Council shall collaborate with the relevant public entities to ensure expectant children and child parents have access to community and State based care support systems. This is a function of the Council as outlined in section 42 of the Children Act, thus no more functions should be assigned to the Council by another legislation which has not created it.
48. Clause 5 of the Bill provides for obligations of the county governments with respect to the care of neglected children. The main legislation on child protection is the Children Act as it assigns roles to various actors. Section 61 and 62 of the Children Act gives effect to Paragraph 9 of Part 2 of the Fourth Schedule to the Constitution, and section 63(6) provides for room for collaboration between the national and county governments in establishing children rescue centers.
49. Clause 6(1) of the Bill makes provision for the role of national and county governments in the prevention of drop out. The National Guidelines for School Re-entry in Early Learning and Basic Education, 2020 which is a national guideline formulated by the Ministry of Education should be fully implemented in order to address this concern.
50. Clause 10 of the Bill provides for the management of teenage pregnancies in school. This Clause contravenes the provisions of section 146 of the Children's Act which requires an authorized officer to take such child to a health institution so as to receive appropriate treatment. Further, such authorized officer is required to notify the parent or a guardian who has parental responsibility over the child.
51. Clause 11(1) of the Bill provides that if the principal of institution of basic education forms an opinion that a child is pregnant, the principal of the institution shall refer the child to a health institution or a medical examination as may be necessary to determine the status of the child. The principal of the institution is not recognized as an authorized officer as per the Children's Act. The Act empowers an authorized officer to take such a child to a registered health institution so as to receive the appropriate treatment.
52. Clause 14 of the Bill provides that the management of an institution shall ensure there is confidentiality, in case a child falls pregnant in an institution of basic education and training. This can only be carried out by an authorized officer and not the management of the institution according to the Children's Act. If the pregnancy is as a result of sexual violence, then such a case should be handled in accordance with the provisions of the Sexual Offences Act, 2006 and the Penal Code Cap 63 Laws of Kenya.
53. Clause 15 of the Bill provides that where it is determined the person responsible for pregnancy is an adult, the principal shall report the case to the County Director of Education, the nearest police station and the Council. It is trite in law that perpetrators of sexual violence should be dealt with in accordance with the provisions of the Sexual Offences Act, 2006 and the provisions of the Penal Code (Cap.63) Laws of Kenya. Further, section 29 of the Children's Act provides that any person

may institute court proceedings in order to safe guard the rights of a child which are deemed to have been violated or infringed or threatened.

54. Clause 21—31 provides for the establishment of care centers, services rendered thereto, and the requirements for the registration and licensing of care centers. The United Nation General Assembly Resolution on the Rights of the Child focuses on the promotion of family and community care rather than institutional care. Article 45 of the Constitution provides that the family is the natural and fundamental unit of the society and the necessary basis of social order which enjoys the recognition and protection of the state. In addition, section 67(2) of the Children's Act provides for the placement of children in charitable children institutions as a last resort. The establishment of the care centers therefore goes against the family promotion and protection spirits and impedes the effects of implementation of the National Care and Reform Strategy which was developed in 2022. Further, the provision that the County Executive Committee may establish committees and appoint such authorized offices for the implementation of the provisions of the Bill, is contrary to the provisions of the Children Act since this is a function of the Secretary Children Services and not a function of the County Executive Committee Member.
55. Clauses 32—36 of the Bill provides for the care of children, delivery of child in a care centre, management of a care centre, records relating to children in a care centre, services rendered within a care centre, and the role of management of a care centre. Section 65 of the Children's Act mandates the Council to put in place the necessary regulations that the Bill proposes in its provisions.
56. Clause 37—39 of the Bill provides for the inspection and evaluation of safety care centres. In particular, this part provides for safety in care centre, appointment of inspectors and powers of an inspection officer. Section 88 of the Children's Act provides that the Cabinet Secretary responsible for matters relating to children can appoint among others an inspection committee to inspect rehabilitation rescue centre whose recommendations are implemented by the Secretary of Children's Services.
57. Clause 40—42 of the Bill provides for the general offences and formulation of Regulations by the Cabinet Secretary. This should be addressed once the Children's Act is implemented in full.
58. Conclusion: The State Department for Social Protection & Senior Citizens is in the process of developing key regulations and guidelines in order to fully implement the Children's Act (Cap.141). There is no gap identified by this Bill since all the provisions are addressed by the provisions of the Children's Act and the National Guidelines for School Re-entry in Early Learning and Basic Education, 2020. In the circumstances, the Department objects the enactment of the Bill into law as it will lead to duplication as the areas have already been addressed by the existing laws.

SUBMISSIONS BY THE WITNESS PROTECTION AGENCY

59. The short title of section 5 of the Bill ought to be amended to read 'Obligations of a county government with respect to the care **of neglected expectant children and child parents.**' The title should speak to the content. The addition is bolded.

60. Section 6(1)(e) should be amended to include the bolded words '(i) aimed at capacity building for **expectant children** and child parents...'
61. Section 6(2)(a) should be amended in reference to the development of the code of conduct of the institution to insert the word **comprehensive** before the word strategies to prevent teenage pregnancies.
62. Amend section 7(1) to correct a minor misspelling of the word learner.
63. General observation under section 8(2) and (3): The section calls for continuous sensitization of the communities including children so that they are aware of the options available. The Bill should include a provision for this as a new section 8(4) as follows: "County governments shall develop and implement continuous sensitization programs aimed at raising awareness among communities and children about the options available for child parents and how to access the various protection services available."
64. Amend section 9(1) to add a new provision for the national and county governments to establish programs to ensure that the justice process for the child continues/is enabled/continues and that the affected child is supported/ guided as appropriate to access justice. Further the courts to expedite hearing of child victims and hold such hearings during school holidays as much as possible in the best interest of the child. This will ensure minimal interruptions in learning.
65. General observation under section 10 on management of teenage pregnancies in school: section provides that teenage pregnancies will be referred to the principal of the institution. What happens where such a principal is the one responsible for the pregnancy? The section should provide the next senior officer 'District Education Officer' as alternates in such cases.
66. Section 21 should cover children of all ages under subsection (1) so that it can be of accessible by a child parent who is definitely older than the 3 years mentioned under that subsection. A new section should be introduced with the short title: "Case management and reintegration of victims involved in legal proceedings"
67. Expectant children and child mothers involved in legal proceedings should be supported to access confidential support services, secure accommodation facilities, witness protection where applicable and the necessary legal assistance to safeguard their rights and interests as provided under section 94 and 96 of the Children Act CAP 141 and the Witness Protection Act CAP 79. Specifically, the county shall in liaison with the relevant institution: ensure that expectant children and child mothers have access to confidential support services, including counselling and psychological support, to address any trauma or emotional distress resulting from their involvement in legal proceedings.
68. Provision shall be made for secure accommodation facilities where expectant children and child mothers can reside safely during the duration of the legal proceedings, while ensuring their special protection from potential threats or harm.
69. Expectant children and child mothers shall be provided with legal assistance and representation to safeguard their rights and interests during legal proceedings, including the provision of legal aid.

70. The County shall ensure that expectant children and child mothers are provided with access to education and vocational training opportunities to enhance their skills and prospects for employment and self-sufficiency.
71. The County shall ensure and facilitate caregivers, social workers, paralegals and legal practitioners undergo training programs to equip them with the necessary skills and knowledge to implement the measures under (1) effectively while providing care and support to expectant children and child mothers.”
72. Explanation: While the Bill rightfully prioritizes the welfare of expectant children and child mothers, it is imperative to acknowledge and address the unique challenges they may face in situations where their safety and security is at risk due to involvement in legal proceedings and cooperation with the prosecution in respect to individual accountability in cases of defilement, incest or rape. Further due to such accountability effects some children may be threatened and or intimidated by the accused person or their relatives to cause them to abandon their claim for protection. The Witness Protection Agency may be called upon to provide special protection as a last resort.
73. Add under Section 25: the conditions for the issuance of a licence under the Act include a police clearance certificate and verification with the judiciary sex offenders register provided under the sexual offences Act, CAP 63A, for all the persons who shall manage children in the institution.

PART FIVE

5 COMMITTEE OBSERVATIONS

74. The Departmental Committee on Social Protection noted that the Bill seeks to provide a framework through which an expectant girl child or a child parent may actualize their right to basic education and at the same time ensure the care of their children.
75. The Bill obligates the national and county governments to establish mechanisms aimed at capacity building of child parents and to put in place preventive programmes including the sensitization of children and their parents on issues that have a negative impact on the school attendance of children.
76. There exist adequate legal mechanisms that deals with issues of access to justice by children and witness protection.
77. Section 2 of the Children Act defines an authorized person to include a police officer, a chief, a children's officer, a probation officer, prison officer, a registered medical practitioner, a labour officer, a teacher, or any other officer authorized by the Secretary or under any other written law for the purposes of the Act. Section 144 of the Act defines a child in need of care and protection to include pregnant children.
78. Further, section 145 of the Act obligates any person who has reasonable cause to believe that a child is in need of care and protection to report the matter to the nearest authorized officer.
79. Additionally, section 146 of the Act provides that if it appears to an authorized officer that a child is in need of healthcare, the officer shall forthwith take the child to a registered health institution, and the health institution shall provide the appropriate treatment, care and necessary hospital accommodation for the child. The provisions of the Bill complement the provisions of the Children Act.
80. The Bill provides for establishment of centre cares of children of not more than three years of age as children beyond three years are expected to be joining early childhood education centres.
81. Clause 25 of the Bill obligates the county governments to prescribe by legislation the conditions for issuance of licences to operate a care centre.
82. Following further consultations between the sponsor of the Bill and representatives from the State Department for Social Protection and Senior Citizen Affairs and the State Department for Basic Education, it was agreed that the Bill does proceed for consideration as it sought to enhance the legal framework to guarantee the realization of the right to education of expectant girl child or a child parent.
83. The Committee additionally noted that the Bill sought to codify the National Guidelines for School Re-entry in Early Learning and Basic Education, 2020 into law.

PART SIX


5 COMMITTEE RECOMMENDATIONS

84. Pursuant to Standing Order 127, the Committee recommends **THAT, the Bill does proceed for Second Reading.**

SIGNED:  DATE: 24-04-2025

HON. ALICE WAMBUI NG'ANG'A, CBS, M.P.

(CHAIRPERSON, DEPARTMENTAL COMMITTEE ON SOCIAL PROTECTION)

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 29 APR 2025	
DAY: TUESDAY	
TABLED BY:	HON. ALICE NG'ANG'A (CHAIRPERSON)
CLERK-AT THE-TABLE:	IMZSPV MWALE



REPUBLIC OF KENYA
THIRTEENTH PARLIAMENT- THIRD SESSION (2024)
THE NATIONAL ASSEMBLY

IN THE MATTER OF ARTICLE 118(1)(b) OF THE CONSTITUTION
AND
IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF:

1. THE KENYA SIGN LANGUAGE BILL (NATIONAL ASSEMBLY BILL NO. 1 OF 2024);
2. THE CARE AND PROTECTION OF CHILD PARENTS BILL (SENATE BILL NO. 29 OF 2023);
3. THE WHISTLEBLOWER PROTECTION BILL (NATIONAL ASSEMBLY BILL NO. 56 OF 2023)

INVITATION TO SUBMIT MEMORANDA

WHEREAS, Article 118(1) (b) of the Constitution requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees and Standing Order 127(3) of the National Assembly Standing Orders requires House Committees considering Bills to facilitate public participation;

AND WHEREAS the Kenya Sign Language Bill (National Assembly Bill No. 1 of 2024); the Care and Protection of Child Parents Bill (Senate Bill No. 29 of 2023); and the Whistleblower Protection Bill (National Assembly Bill No 56 of 2023) were read a First Time and referred to the relevant Departmental Committees for consideration and reporting to the House;

IT IS NOTIFIED that:

1. The Kenya Sign Language Bill (National Assembly Bill No. 1 of 2024) is a Bill sponsored by Hon. Umulkher Harun Mohamed, MP that seeks to provide for the recognition, promotion, development and use of the Kenyan Sign Language, thereby giving effect to Articles 7(3)(b), 44, 50(2)(m), 54(1)(d), and 120 of the Constitution and to ensure that members of the deaf community are treated with dignity in all spheres of life and have access to both information and justice;
2. The Care and Protection of Child Parents Bill (Senate Bill No. 29 of 2023) is a Bill sponsored by Sen. Miraj Abdillahi Abdulrahman, MP that seeks to create a framework for the care and protection of expectant children and child parents so as to ensure that their rights to education and health are protected; to provide assistance to needy child parents and their caretakers; to ensure the care of their children; to address teenage pregnancies and dropping out of school; and for connected purposes; and;
3. The Whistleblower Protection Bill (National Assembly Bill No. 56 of 2023) is a Bill sponsored by Hon. Irene Muthoni Kasalu, MP that seeks to provide for the procedure for the disclosure of information relating to improper conduct in the public and private sectors; to provide for the protection of persons who make such disclosure against victimisation; to establish the Whistleblower Reward Fund; and for connected purposes.

NOW THEREFORE, in compliance with Article 118(1) (b) of the Constitution and Standing Order 127(3), the Clerk of the National Assembly hereby invites the public and stakeholders to submit memoranda on the Bills to the respective Departmental Committees listed below:

NO.	BILL	COMMITTEE
1.	The Kenya Sign Language Bill (National Assembly Bill No. 1 of 2024)	Social Protection
2.	The Care and Protection of Child Parents Bill (Senate Bill No. 29 of 2023)	Social Protection
3.	The Whistleblower Protection Bill (National Assembly Bill No. 56 of 2023)	Justice and Legal Affairs

ADDENDUM: Through a public notification dated Friday, 8th March 2024, The Kenya Sign Language Bill (Senate Bill No. 9 of 2023) was referred to the Departmental Committee on Sports and Culture. We hereby wish to notify the general public that the said Bill will now be considered by the Departmental Committee on Social Protection.

Copies of the Bills are available at the National Assembly Table Office, Main Parliament Buildings and on www.parliament.go.ke/the-national-assembly/house-business/ bills.

The views/ memoranda may be forwarded to the Clerk of the National Assembly, P.O. Box 41842- 00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Buildings, Nairobi; or emailed to cna@parliament.go.ke to be received on or before Friday, 5th April 2024 at 5.00 p.m.

S. NJOROGE
CLERK OF THE NATIONAL ASSEMBLY
22nd March 2024

"For the Welfare of Society and the Just Government of the People"



KIRIRI WOMEN'S UNIVERSITY OF SCIENCE AND TECHNOLOGY

VACANCY ANNOUNCEMENT

Kiriri Women's University of Science and Technology (KWUST) is a Fully Chattered Women's University of Academic Excellence in the Scientific and Technological formation with an aim of fostering international standards of excellence in teaching, learning and research.

Applicants are invited to fill the following Academic positions in the:

- School of Education,
- School of Computer Science and Information Technology
- Department of Hospitality and Management.

SENIOR LECTURERS

Applicants must have a Ph.D. Degree in relevant area from an accredited recognized University; at least three (3) years of full-time teaching experience at the University level as a Lecturer or six (6) years of post qualification research or industry experience. A minimum of thirty-two (32) publication points as a Lecturer or equivalent, of which at least twenty-four (24) should be from refereed scholarly journals, supervised at least three (3) Postgraduate students to completion as a Lecturer or equivalent; registered with relevant professional body, evidence of active participation in Departmental activities and good quality teaching and evidence of ability to attract research funds. The successful candidate will be expected to teach, supervise students and initiate and carry out research.

LECTURERS

Applicants must possess an earned PhD Degree from a recognized University in the area of specialization, have at least 3 (three) years of full-time teaching experience at the University level in the relevant area; have experience in curriculum development; a minimum of at least two articles published in refereed journals; minimum of twenty-four (24) publication points, evidence of active participation in Departmental activities and good quality teaching; evidence of ability to attract research funding is an added advantage, active involvement in Community service and outreach activities and registered with the relevant professional body (where applicable).

Applications are also invited to fill the following Administrative positions:

SYSTEMS ADMINISTRATORS

Applicants must have a Bachelor's Degree in Computer Science, Information Technology, or a related field. Proven experience of five (5) years working in a similar role, preferably in an Institution of Higher Learning. Strong knowledge of computer hardware, operating systems, networking protocols, and security principles. Proficiency in configuring and troubleshooting software applications, Knowledge of management information systems such as Microsoft Dynamics Nav. Ability to manage learning management systems such as Moodle. Familiarity with server administration, virtualization, cloud computing, and enterprise-level IT infrastructure. Excellent problem-solving skills and the ability to work under pressure and Effective communication and interpersonal skills for interacting with colleagues at all levels. Certifications such as CompTIA A+, Network+, Security+, Cisco CCNA, or Microsoft MCSA/MCSE is an added advantage.

CUSTOMER CARE OFFICERS

Applicants must have a Bachelor's degree in Marketing, Business Administration, or a related field. Proven four (4) years working experience in customer service, telemarketing and digital marketing, excellent communication skills, both verbal and written, strong interpersonal skills and the ability to build rapport with customers. Proficiency in using CRM software, digital marketing tools, Goal-oriented mindset with a focus on achieving targets and driving results, Adaptability, Ability to work independently as well as part of a team in a fast-paced environment.

APPLICATION

Interested applicants should submit two copies of application letters together with copies of CV, certificates, academic transcripts and testimonials to the address given below, the names and addresses of three (3) referees one of whom should be your present or previous employer and the applicant should clearly indicate their current remuneration package.

The office of the Vice Chancellor,
Kiriri Women's University of Science and Technology
P.O. Box 49274 - 00100, Nairobi.

Email: yc@kwust.ac.ke

So as to reach us by Monday 08th April, 2024.



REPUBLIC OF KENYA
THIRTEENTH PARLIAMENT- THIRD SESSION (2024)
THE NATIONAL ASSEMBLY

IN THE MATTER OF ARTICLE 118(1)(b) OF THE CONSTITUTION
AND

IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF:

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S. NJORGE
CLERK OF THE NATIONAL ASSEMBLY

22nd March 2024

"For the Welfare of Society and the Just Government of the People"



**THE NATIONAL ASSEMBLY
13TH PARLIAMENT – FOURTH SESSION – 2025
DEPARTMENTAL COMMITTEE ON SOCIAL PROTECTION**

REPORT ADOPTION SCHEDULE

ADOPTION OF REPORT ON: *THE CARE & PROTECTION OF CHILD PARENTS BILL
(SENATE BILL NO. 29 OF 2023)*

Date: *17TH APRIL 2025*

NO.	NAME	SIGNATURE
1	Hon. Alice Wambui Ngángá, CBS, MP Chairperson	<i>[Signature]</i>
2	Hon. Hilary Kiplangat Kosgei, MP Vice-Chairperson	<i>[Signature]</i>
3	Hon. Faith Wairimu Gitau, MP	
4	Hon. Owen Baya Yaa, MP	<i>[Signature]</i>
5	Hon. Edith Nyenze, MP	<i>[Signature]</i>
6	Hon. Timothy Wanyonyi Wetangula, MP	
7	Hon. Samuel Moroto, MP	<i>[Signature]</i>
8	Hon. Paul Abuor, MP	<i>[Signature]</i>
9	Hon. James Onyango Oyoo, MP	<i>[Signature]</i>
10	Hon. Susan Nduyo, MP	
11	Hon. Agnes Mantaine Pareyio, MP	<i>[Signature]</i>
12	Hon. Hussein Abdi Barre, MP	<i>[Signature]</i>
13	Hon. Amina Dika, MP	<i>[Signature]</i>
14	Hon. Zamzam Mohamed Chimba, MP	<i>[Signature]</i>
15	Hon. Linet Chepkorir, MP	<i>[Signature]</i>



THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT-FOURTH SESSION-2025
DIRECTORATE OF DEPARTMENTAL COMMITTEES
DEPARTMENTAL COMMITTEE ON SOCIAL PROTECTION
MINUTES OF THE 25TH SITTING OF THE DEPARTMENTAL
COMMITTEE ON SOCIAL PROTECTION HELD ON THURSDAY,
17TH APRIL, 2025 IN BUNGE TOWER, 3RD FLOOR, COMMITTEE
ROOM 20 AT 12:15PM

PRESENT

1. **Hon. Alice Wambui Ng'ang'a, C.B.S M.P. - Chairperson**
2. **Hon. Hilary Kiplang'at Koskei, M.P - Vice Chairperson**
3. Hon. Edith Nyenze, M.P
4. Hon. Agnes Pareyio, M.P
5. Hon. Owen Baya Yaa, M.P
6. Hon. Samuel Moroto, MP
7. Hon. Paul Abuor, M.P
8. Hon. James Onyango Oyoo, MP
9. Hon. Hussein Abdi Barre, MP
10. Hon. Amina Abdullahi Dika, M.P
11. Hon. Zamzam Mohamed Chimba, M.P
12. Hon. Linet Chepkorir, M.P

APOLOGIES

1. Hon. Wetangula Timothy Wanyonyi, M.P
2. Hon. Susan Ngugi, M.P
3. Hon. Faith Wairimu Gitau, M.P

COMMITTEE SECRETARIAT

- | | |
|--------------------------|---------------------------------------|
| 1. Mr. Finlay Muriuki | - Committee Lead Clerk |
| 2. Mr. Ahmednoor Hassan | - Clerk Assistant III |
| 3. Ms. Noel Amutabi | - Legal Counsel |
| 4. Ms. Grace Maneno | -Research Officer III |
| 5. Mr. Derrick Kathurima | -Media Relations Officer |
| 6. Ms. Naomi Onsomu | - Public Relations Officer |
| 7. Ms. Judy Losuron | - Intern, Social Protection Committee |

AGENDA

1. Prayers
2. Preliminaries/Introductions
 - a. Adoption of the Agenda
 - b. Remarks by the Chairperson.
3. Confirmation of Minutes/ Matters Arising
4. **Consideration and Adoption of the Report on The Care and Protection of Child Parents Bill (Senate Bill 29 of 2023)**
5. Adjournment /Date of the Next Meeting

MIN. NO. NA/DC-SP/2025/I 35: PRAYERS/PRELIMINARIES

The Chairperson called the meeting to order with a word of prayer at 12:20p.m.

MIN. NO. NA/DC-SP/2025/I 36: ADOPTION OF THE AGENDA

The agenda of the meeting was adopted having been proposed by Hon. Hussein Abdi Barre, M.P. and seconded by Hon. James Oyoo, M.P.

MIN. NO. NA/DC-SP/2025/I 37: CONFIRMATION OF MINUTES

The Agenda was deferred.

MIN. NO. NA/DC-SP/2025/I 38: CONSIDERATION AND ADOPTION OF THE REPORT ON THE CARE AND PROTECTION OF CHILD PARENTS BILL (SENATE BILL 29 OF 2023)

The Committee undertook consideration of the draft report on the Care and Protection of Child Parents Bill (Senate Bill No. 29 of 2023) and made the following observations;

1. The Bill seeks to provide a framework through which an expectant girl child or a child parent may actualize their right to basic education and at the same time ensure the care of their children.
2. The Bill obligates the national and county governments to establish mechanisms aimed at capacity building of child parents and to put in place preventive programmes including the sensitization of children and their parents on issues that have a negative impact on the school attendance of children.
3. There exist adequate legal mechanisms that deals with issues of access to justice by children and witness protection.
4. Section 2 of the Children Act defines an authorized to include a police officer, a chief, a children's officer, a probation officer, prison officer, a registered medical practitioner, a labour officer, a teacher, or any other officer authorized by the Secretary or under any other written law for the purposes of the Act. Section 144 of the Act defines a child in need of care and protection to include pregnant children.
5. Further, section 145 of the Act obligates any person who has reasonable cause to believe that a child is in need of care and protection to report the matter to the nearest authorized officer.
6. Additionally, section 146 of the Act provides that if it appears to an authorized officer that a child is in need of healthcare, the officer shall forthwith take the child to a registered health institution, and the health institution shall provide the appropriate treatment, care and necessary hospital accommodation for the child. The provisions of the Bill complement the provisions of the Children Act.
7. The Bill provides for establishment of centre cares of children of not more than three years of age as children beyond three years are expected to be joining early childhood education centres.
8. Clause 25 of the Bill obligates the county governments to prescribe by legislation the conditions for issuance of licences to operate a care centre.
9. Following further consultations between the sponsor of the Bill, the State Department for Social Protection and Senior Citizen Affairs and the State Department for Basic Education, it was agreed that the Bill does proceed for

consideration as it sought to enhance the legal framework to guarantee the realization of the right to education of expectant girl child or a child parent.

10. The Committee additionally noted that the Bill sought to codify the National Guidelines for School Re-entry in Early Learning and Basic Education, 2020 into law.

Committee Resolution

The Committee, following consideration of the Bill, recommended that Pursuant to Standing Order 127, the Bill does proceed for Second Reading.

MIN. NO. NA/DC-SP/2025/139: ADJOURNMENT/DATE OF THE NEXT MEETING

The meeting was adjourned at 12:50 p.m. The next meeting will be held on 17th April 2025 at 1.00pm.

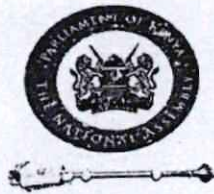


24-4-2025

Signed..... Date.....

HON. ALICE WAMBUI NGÁNGÁ, C.B.S, M.P.

(Chairperson)



PARLIAMENT OF KENYA
THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote:

REF: NA/DDC/SP/CORR/2025/008

17th March 2025

Mr. Joseph Mogosi Motari, CBS
Principal Secretary

State Department for Social Protection and Senior Citizens Affair
Ministry of Labour and Social Protection
Social Security House, Bishops Road
NAIROBI

Dr. Belio R. Kipsang, PhD, CBS
Principal Secretary

State Department for Basic Education
Ministry of Education
Jogoo House B, Taifa Road
NAIROBI

Sen. Miraj Abdillahi Abdulrahman, MP
Honourable Nominated Senator

The Senate
Parliament of Kenya
Main Parliament Buildings
NAIROBI

Hon. Beatrice C. Kemei, MP
Member for Kericho County

The National Assembly
Parliament of Kenya
Main Parliament Buildings
NAIROBI

Dear *Hon Kemei*,

**RE: INVITATION TO DELIBERATE ON THE PROTECTION AND CARE OF
CHILD PARENTS BILL, 2023**

The Departmental Committee on Social Protection is established under National Assembly Standing Order 216 which mandates it to amongst others "*study and review all legislation referred to it*".

The Care and Protection of Child Parents Bill (Senate Bill No. 29 of 2023), which is sponsored by *Sen. Miraj Abdillahi Abdulrahman, MP*, was forwarded to the National Assembly for consideration having been passed by the Senate. The Bill, which was read a First Time on 19th March 2024, seeks to create a framework for the care and protection of expectant children and child parents so as to ensure that their rights to education and health are protected, to provide assistance to needy child parents and their caretakers, to ensure the care of their children, to address teenage pregnancies and dropping out of school, and for connected purposes.

Article 118(1)(b) of the Constitution requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees. Further, Standing Order 127(3) of the National Assembly Standing Orders requires House Committees considering Bills to facilitate public participation.

Following a meeting of the Committee held on 19th September 2024, it was agreed that an additional **Joint Consultative Meeting** composed of the State Department for Social Protection & Senior Citizens Affairs, the State Department for Basic Education, and the Co-Sponsors of the Bill (Senator Miraj Abdillahi Abdulrahman, MP and Hon. Beatrice Kemei, MP) be held to agree on the optimal way forward regarding the said Bill.

To this end therefore, you are hereby invited to the Joint Consultative Meeting to be held on **Thursday, 3rd April 2025** in **Committee Room 12, Main Parliament Buildings** from **12.00noon**.

The officers overseeing this activity are Mr. Finlay Muriuki (Committee Clerk) who may be contacted on Tel. No. 0722 687468 or email: finlay.muriuki@parliament.go.ke or Mr. Ahmednoor Hassan (Assistant Committee Clerk), on Tel. No. 0748 993663 or email: ahmednoor.hassan@parliament.go.ke.

Yours



JEREMIAH W. NDOMBI, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

Copy to: **Hon. Kimani Ichungwah, MGH, CBS, MP**
The Leader of the Majority Party
The National Assembly
Parliament of Kenya
Main Parliament Buildings
NAIROBI

Dr. Alfred Mutua, EGH
Cabinet Secretary
Ministry of Labour and Social Protection
Social Security House
Bishops Road
NAIROBI

Mr. Julius Migos Ogamba
Cabinet Secretary
Ministry of Education
Jogoo House B
Taifa Road
NAIROBI



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17th March 2025

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Principal Secretary
State Department for Social Protection and Senior Citizens Affairs
Ministry of Labour and Social Protection
Social Security House, Bishops Road
NAIROBI

Dr. Belio R. Kipsang, PhD, CBS
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State Department for Basic Education
Ministry of Education
Jogoo House B, Taifa Road
NAIROBI

Sen. Miraj Abdillahi Abdulrahman, MP
Honourable Nominated Senator
The Senate
Parliament of Kenya
Main Parliament Buildings
NAIROBI

Hon. Beatrice C. Kemei, MP
Member for Kericho County
The National Assembly
Parliament of Kenya
Main Parliament Buildings
NAIROBI

Dear *Sen Abdulrahman*

**RE: INVITATION TO DELIBERATE ON THE PROTECTION AND CARE OF
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Yours



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For: CLERK OF THE NATIONAL ASSEMBLY

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17th March 2025

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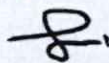
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
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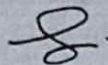
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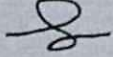
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Yours

JEREMIAH W. NDOMBI, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

Copy to: **Dr. Alfred Mutua, EGH**
Cabinet Secretary
Ministry of Labour and Social Protection 
Social Security House
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NAIROBI

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REF: NA/DDC/SP/CORR/2024/110

31st October, 2024

Mr. Joseph Mogosi Motari, MBS
Principal Secretary
State Department for Social Protection and Senior Citizens Affair
Ministry of Labour and Social Protection
Social Security House, Bishops Road
NAIROBI

Dr. Belio R. Kipsang, PhD, CBS
Principal Secretary
State Department for Basic Education
Ministry of Education
Jogoo House B, Taifa Road
NAIROBI

Hon. Beatrice C. Kenei, MP
Member for Kericho County
The National Assembly
Parliament of Kenya
Main Parliament Buildings
NAIROBI

Dear Hon Kenei:

**RE: INVITATION TO DELIBERATE ON THE PROTECTION AND CARE OF CHILD
PARENTS BILL, 2023**

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The Care and Protection of Child Parents Bill (Senate Bill No. 29 of 2023), which is co-sponsored by *Sen. Miraj Abdillahi Abdulrahman, MP* and *Hon. Beatrice C. Kemei, MP*, was forwarded to the National Assembly for consideration having been passed by the Senate. The Bill, which was read a First Time on 19th March 2024, seeks to create a framework for the care and protection of expectant children and child parents so as to ensure that their rights to education and health are protected, to provide assistance to needy child parents and their caretakers to ensure the care of their children, to address teenage pregnancies and dropping out of school, and for connected purposes.

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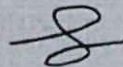
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Dr. Belio R. Kipsang, PhD, CBS
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State Department for Basic Education
Ministry of Education
Jogoo House B, Taifa Road
NAIROBI

Sen. Miraj Abdillahi Abdulrahman, MP
Nominated Senator
The Senate
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NAIROBI

Dear *D. Kipsang*

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**THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK**

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote:

5th June, 2024

REF: NA/DDC/SP/CORR/2024/089

Mr. Joseph Mogosi Motari, MBS
Principal Secretary
State Department for Social Protection and Senior Citizens Affairs
Ministry of Labour and Social Protection
Social Security House, Bishops Road
NAIROBI

Dear

RE: INVITATION BY THE DEPARTMENTAL COMMITTEE ON SOCIAL PROTECTION TO SUBMIT MEMORANDUM ON THE PROTECTION AND CARE OF CHILD PARENTS BILL, 2023

The Departmental Committee on Social Protection is established under National Assembly Standing Order 216, which mandates it to, amongst others, which mandates it to amongst others, "study and review all legislation referred to it".

The Care and Protection of Child Parents Bill (Senate Bill No. 29 of 2023), which is sponsored by *Sen. Miraj Abdillahi Abdulrahman, MP*, was forwarded to the National Assembly for consideration having been passed by the Senate. The Bill, which was read a First Time on 19th March 2024, seeks to create a framework for the care and protection of expectant children and child parents so as to ensure that their rights to education and health are protected, to provide assistance to needy child parents and their caretakers, to ensure the care of their children, to address teenage pregnancies and dropping out of school, and for connected purposes.

Article 118(1)(b) of the Constitution requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees. Further, Standing Order 127(3) of the National Assembly Standing Orders requires House Committees considering Bills to facilitate public participation.

In this regard therefore, the National Assembly's Departmental Committee on Social Protection requests you to send written submissions on the said Bill (*copy enclosed herewith*). Soft copies of the submissions may be emailed to the Office of the Clerk of the National Assembly through cna@parliament.go.ke and copied to the under-listed Liaison Officers to be received not later than Tuesday, 18th June 2024.

The Committee's Liaison Officers on this subject are: **Finlay Muriuki**, Tel No. 0722687468 or email address: finlay.muriuki@parliament.go.ke and **Ahmednoor Hassan**, Tel No. 0748993663 or email address: ahmednoor.hassan@parliament.go.ke.

Yours

JEREMIAH W. NDOMBI, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

Copy to: **Hon. Florence K. Bore, EGH**
Cabinet Secretary
Ministry of Labour and Social Protection
Social Security House
Bishops Road
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Yours



JEREMIAH W. NDOMBI, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

Copy to: **Hon. Florence K. Bore, EGH**
Cabinet Secretary
Ministry of Labour and Social Protection
Social Security House
Bishops Road
NAIROBI



Republic of Kenya

MINISTRY OF EDUCATION
STATE DEPARTMENT FOR BASIC EDUCATION

**Subject: BRIEF ON THE CARE AND PROTECTION OF CHILD PARENTS
BILL, 2023 (SENATE BILL NO. 29 OF 2023)**

We submit as follows: -

1. The Ministry of Education has developed the **National Guideline for School Re-Entry in Early Learning and Basic Education 2020** to steer the development and implementation of interventions for learners who drop out of school for various reasons such as **early pregnancies**, drug and substance abuse, HIV and AIDS, Gender Based Violence, inhibitive cultural practices, child labour, special needs and disabilities. The guideline is aimed at enhancing access, retention, transition, relevance, equity, quality, safety and security in education pursuant to the Basic Education Act Cap 211 and the Constitution and to provide an opportunity for all learners to progress and access quality education in basic education institutions.

PARTS OF THE BILL

LONG TITLE

2. It is provided that the main objective of the Act shall be, *inter alia*, to provide a framework through which an expectant girl child or a child parent may actualize their right to basic education.

The main objective of the Basic Education Act Cap 211 is to give effect to Article 53 of the Constitution which provides, *inter alia*, that every child has a right to free and compulsory basic education. This role to actualize the right of every child to free and compulsory basic education is already been carried out by the Cabinet Secretary responsible for education and if the same shall be performed by the Cabinet Secretary responsible for matters related to children then there shall be conflict and duplication of roles.

3. Clause 3 of the Bill on Objects at paragraph (b) provides that, "*the objects of this Act are to provide a framework through which the expectant girl child and a child parent can realize their right to education and at the same time ensure the care and protection of his or her child;*"

The realization of the right to education for every child regardless of their status is one of the objectives of the Basic Education Act and it is a role been carried out by the Cabinet Secretary responsible for education. Thus, the provision as indicated creates a duplication with the role of the Cabinet Secretary responsible for education.

PART II – CARE OF EXPECTANT CHILDREN AND CHILD PARENTS

4. The provisions of clause 4 (2) (b), (d) and (e) of the Bill are already covered under the **Basic Education Act Cap 211** and the **National Guideline for School Re-Entry in Early Learning and Basic Education 2020** and are roles already been undertaken by the Cabinet Secretary responsible for education.

PART III – SCHOOL DROP-OUT PREVENTION AND RE-ENTRY PROGRAMMES

5. The roles stated under clause 6 of the Bill on the role of the National and County Governments, are measures already identified and incorporated in the **National Guideline for School Re-Entry in Early Learning and Basic Education 2020**.

6. Clause 13 of the Bill provides that, "*the institution of basic education and training shall provide necessary counselling services to the pregnant child and to her parents or guardians regarding management of the pregnancy, the provision of support services to the child and the parents to ensure the child's emotional stability and well being during and after pregnancy and the importance of continuing with education after delivery*".

The requirement for an institution of basic education and training to provide counselling and support services should only be to the child and in the case of the parents or guardians, the institution of basic education and training can be required to continuously engage them regarding the well-being of the

child. Furthermore, the guidance and counselling programmes are already integrated into the learning process and are guided by the Guidance and Counselling Policy, 2023.

7. Clause 20 of the Bill provides that, *“where an institution of basic education and training refuses to re-admit a child under this Part, the principal and each member of the management board of the institution commits an offence and shall be liable to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding six months or to both”*.

The Basic Education Act Cap 211 makes provision for the implementation of the right of every child to free and compulsory basic education which includes the responsibility of the Cabinet Secretary for Education to ensure compulsory admission and attendance of children at school or an institution offering basic education and that no child shall be discriminated upon when seeking admission, on any ground or be denied admission into a public school. This is further fortified in the **National Guideline for School Re-Entry in Early learning and Basic Education 2020** which provides for a re-entry process for learners who drop out school because of pregnancy. Therefore, the proposed provision is unnecessary and should be deleted.



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17th March 2025

Mr. Joseph Mogosi Motari, CBS
Principal Secretary
State Department for Social Protection and Senior Citizens Affairs
Ministry of Labour and Social Protection
Social Security House, Bishops Road
NAIROBI

Dr. Belio R. Kipsang, PhD, CBS
Principal Secretary
State Department for Basic Education
Ministry of Education
Jogoo House B, Taifa Road
NAIROBI

Sen. Miraj Abdillahi Abdulrahman, MP
Honourable Nominated Senator
The Senate
Parliament of Kenya
Main Parliament Buildings
NAIROBI

Hon. Beatrice C. Kemei, MP
Member for Kericho County
The National Assembly
Parliament of Kenya
Main Parliament Buildings
NAIROBI

Dear *Dr. Kipsang*

**RE: INVITATION TO DELIBERATE ON THE PROTECTION AND CARE OF
CHILD PARENTS BILL, 2023**

The Departmental Committee on Social Protection is established under National Assembly Standing Order 216 which mandates it to amongst others "*study and review all legislation referred to it*".

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Following a meeting of the Committee held on 19th September 2024, it was agreed that an additional **Joint Consultative Meeting** composed of the State Department for Social Protection & Senior Citizens Affairs, the State Department for Basic Education, and the Co-Sponsors of the Bill (Senator Miraj Abdillahi Abdulrahman, MP and Hon. Beatrice Kemei, MP) be held to agree on the optimal way forward regarding the said Bill.

To this end therefore, you are hereby invited to the Joint Consultative Meeting to be held on **Thursday, 3rd April 2025** in **Committee Room 12, Main Parliament Buildings** from **12.00noon**.

The officers overseeing this activity are Mr. Finlay Muriuki (Committee Clerk) who may be contacted on Tel. No. 0722 687468 or email: finlay.muriuki@parliament.go.ke or Mr. Ahmednoor Hassan (Assistant Committee Clerk), on Tel. No. 0748 993663 or email: ahmednoor.hassan@parliament.go.ke.

Yours



JEREMIAH W. NDOMBI, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

Copy to: **Hon. Kimani Ichungwah, MGH, CBS, MP**
The Leader of the Majority Party
The National Assembly
Parliament of Kenya
Main Parliament Buildings
NAIROBI

Dr. Alfred Mutua, EGH
Cabinet Secretary
Ministry of Labour and Social Protection
Social Security House
Bishops Road
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Mr. Julius Migos Ogamba
Cabinet Secretary
Ministry of Education
Jogoo House B
Ta fa Road
NAIROBI



Republic of Kenya

**MINISTRY OF EDUCATION
STATE DEPARTMENT FOR BASIC EDUCATION**

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We submit as follows: -

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LONG TITLE

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REPUBLIC OF KENYA

Telegraphic Address
'Bunge', Nairobi
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Fax: 2243694
E-mail: clerk.senate@parliament.go.ke



The Clerk's Chambers
The Senate
Parliament Buildings
P. O. Box 41842 -00100
Nairobi, Kenya

PARLIAMENT OF KENYA
OFFICE OF THE CLERK OF THE SENATE

REF: SEN/L&P/MSG.2024/[11(B)]

14th March, 2024

Mr. Samuel J. Njoroge, CBS,
Clerk of the National Assembly,
Parliament Buildings,
NAIROBI.

*Friday message
to facilitate
in w/h
20/3/24*

Dear *Mr. Clerk,*

**RE: PASSAGE AND CO-SPONSORSHIP OF THE CARE AND PROTECTION OF
CHILD PARENTS BILL (SENATE BILLS NO. 29 OF 2023)**

Reference is made to the above matter and to our letter REF: SEN/L&P/MSG.2024/
(010-011) dated 7th March, 2024.

In accordance with Standing Order 162 (2) of the Senate, Sen. Miraj Abdillahi
Abdulrahman, MP, the sponsor of the Care and Protection of Child Parents Bill,
2023 (Senate Bills No. 29 of 2023), has now designated **Hon. Beatrice Chepngeno
Kemei, MP** to co-sponsor the Bill in the National Assembly.

Pursuant to Articles 110 (4) of Constitution and the provisions of Standing Orders
46 (2), 161 (1) and 162 (2) of the Senate, I hereby forward to you a revised Message
in respect of the Bill.

Yours truly,

[Signature]
**J.M. NYEGENYE, CBS,
CLERK OF THE SENATE.**

Encls.

*Dps/Dcs
To Mr and Justice
Notify the committee responsible,
[Signature]
19/3/24*

NATIONAL ASSEMBLY
RECEIVED
19 MAR 2024
CLERK'S OFFICE
P O Box 41842, NAIROBI



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT - (THIRD SESSION)

THE SENATE

MESSAGES

MESSAGE TO THE NATIONAL ASSEMBLY

No. 011 (B) of 2024

SUBJECT: PASSAGE OF THE CARE AND PROTECTION OF CHILD PARENTS BILL, 2023 (SENATE BILLS NO. 29 OF 2023)


PURSUANT to Article 110 (4) of the Constitution and the provisions of Standing Order 46 (1) of the Standing Orders of the Senate, I hereby convey the following Message from the Senate -

"WHEREAS, the Care and Protection of Child Parents Bill, 2023 (Senate Bills No. 29 of 2023) was published vide the Kenya Gazette Supplement No. 107 of 30th June, 2023 as a Bill for an Act of Parliament to provide a framework for the care and protection of child parents within the Counties, to provide a framework through which an expectant girl child or a child parent may actualise their right to basic education and at the same time ensure the care of their children, and for connected purposes;

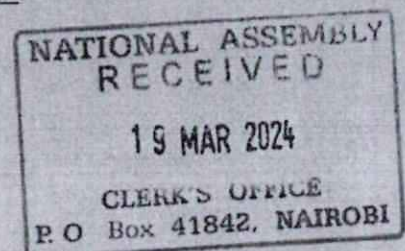
AND WHEREAS, the Senate considered and **passed** the said Bill, on Thursday, 7th March, 2024 **without amendments** and in the form attached hereto;

NOW THEREFORE, in accordance with the provisions of Article 110 (4) of the Constitution and Standing Orders 46 (1) and 161 (1) of the Standing Orders of the Senate, I hereby convey the said decision of the Senate and seek the concurrence of the National Assembly on the Bill.

FURTHER, in accordance with the provisions of Standing Order 162 (2) of the Senate, Sen. Miraj Abdillahi Abdulrahman, MP, sponsor of the said Bill, has designated **Hon. Beatrice Chepngeno Kemei, MP** to co-sponsor the Bill in the National Assembly."


RT. HON. AMASON JEFFAH KINGI, EGH, MP
SPEAKER OF THE SENATE

14th March, 2024





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When replying, please quote:

REF: **NA/DDC/SP/CORR/2025/008**

17th March 2025

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Principal Secretary

State Department for Social Protection and Senior Citizens Affair
Ministry of Labour and Social Protection
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NAIROBI

Dr. Belio R. Kipsang, PhD, CBS
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State Department for Basic Education
Ministry of Education
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Sen. Miraj Abdillahi Abdulrahman, MP
Honourable Nominated Senator

The Senate
Parliament of Kenya
Main Parliament Buildings
NAIROBI

Hon. Beatrice C. Kemei, MP
Member for Kericho County

The National Assembly
Parliament of Kenya
Main Parliament Buildings
NAIROBI

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Yours



JEREMIAH W. NDOMBI, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

Copy to: **Hon. Kimani Ichungwah, MGH, CBS, MP**
The Leader of the Majority Party
The National Assembly
Parliament of Kenya
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Mr. Julius Migos Ogamba
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Ministry of Education
Jogoo House B
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REPUBLIC OF KENYA

**MINISTRY OF LABOUR AND SOCIAL PROTECTION
STATE DEPARTMENT FOR SOCIAL PROTECTION & SENIOR CITIZEN AFFAIRS
OFFICE OF THE PRINCIPAL SECRETARY**

Tel: +254 (0) 2729800/2727980-4
Fax: +254 (0) 2726222/2734417
Email: ps@socialprotection.go.ke
When replying, please quote

Social Security House, Bishops Road
P.O. Box 40326 - 00100
Nairobi
KENYA

OUR REF: **mmmmmm**

Date: **June 14, 2024**

Jeremiah W. Ndombi, MBS
Clerk of the National Assembly
Main Parliament Buildings
NAIROBI

copy by e-mail: cna@parliament.go.ke

finlay.muriuki@parliament.go.ke / ahmednoor.hassan@parliament.go.ke

Dear

**RE: INVITATION BY THE DEPARTMENTAL COMMITTEE ON SOCIAL
PROTECTION TO SUBMIT MEMORANDUM ON THE CARE AND
PROTECTION OF CHILD PARENTS BILL, 2023**

Reference is made to your letter dated 5th June 2024 under Ref. NA/DDC/SP/CORR/2024/089 regarding the above subject matter.

Attached is our written memorandum on the Care and Protection of Child Parents Bill, 2023.

Joseph M. Motari, MBS
PRINCIPAL SECRETARY

Encl.

Copy to:

Hon. Florence K. Bore, EGH
Cabinet Secretary
Ministry of Labour & Social Protection
Social Security House
NAIROBI



REPUBLIC OF KENYA

**MINISTRY OF LABOUR AND SOCIAL PROTECTION
STATE DEPARTMENT FOR SOCIAL PROTECTION & SENIOR CITIZEN AFFAIRS**

The following is the Ministry's position on the Care and Protection of Child Parents Bill No.29 of 2023(hereinafter "the Bill") sponsored by Hon. Miraj Abdillahi Abdulrahman.

A. INTRODUCTION

Children welfare, care and penal protection are functions performed by the State Department for Social Protection & Senior Citizen Affairs within the Ministry of Labour and Social Protection. These functions are performed through the implementation of the Children Act, 2022. This Act is the main legislation which outlines provisions on protection of children. It gives effect to Articles 53 of the Constitution of Kenya, 2010 on matters relating to children. The Act also gives effect to other Articles of the Constitution of Kenya *to wit* Articles 27,47,48,49,50 and 51 as they touch on the rights of children.

B. COMMENTS ON THE BILL

The Object and Basic principles of the Bill is to provide a framework for the care and protection of child parents within the Counties; to provide a framework through which an expectant girl child or a child parent may actualize their right to basic education and at the same time ensure the care of their children; provide a framework of standards for the establishment and regulation of care centres by county governments.

I respond as thus:

PART I-PRELIMINARY

These are Clauses 1 to 3 of the Bill.

1. Clause 2 of the Bill defines a child parent as:

In this Act-

“child parent” means a person who has not attained the age of eighteen years and is a mother or a father of a child.

Comment: -

Section 144 of the Children Act, 2022 categorizes a child in need of care and protection. In particular, the children whose plight the Bill intends to address are captured under section 144 (i) (l) (q) (r) (u) (v) (y) (dd) (ee) and (ff).

All these provisions when read together caters for a child parent as proposed in the Bill.

2. Clause 2 of the Bill defines principal as:

“principal” means the lead educator or administrator in an institution of basic education and training and includes the proprietor or director of a private school or a person in charge of a borstal institution; -

Comment:

The definition of the term *principal* in the Teachers Service Commission Act No.20 of 2012(TSC Act) is more comprehensive as it proceeds to state the Body that appoints the principal and further proceeds to give the responsibility of the principal which is to implement education policy guidelines and professional practices. This definition has also been adopted under the Basic Education Act,2013.

The definition in the TSC Act does not include borstal institution. However, the Borstal Institutions Act (Cap 92) Laws of Kenya, outlines the establishment and administration of these institutions. Additionally, section 88 of the Children Act,2022 empowers the Cabinet Secretary to appoint an inspection committee to inspect rehabilitation any rescue centre, child protection centre, charitable children’s institutions, remand homes or rehabilitation school or a borstal institutions.

3. Clause 3 of the Bill focuses on the objects as follows:

The object of this Act are to—

- (a) provide a framework for the protection of the rights set out under Article 53(1)(c) and (d) of the Constitution in relation to child parents; -

Comment:

The Children Act, 2022 was enacted to give effect to Article 53 of the Constitution of Kenya 2010. Specifically, part II of the Act provides for the safeguards for the rights and best interests of the child with sections 5-29 elaborately making provisions for every child.

- (b) provide a framework through which the expectant girl child and a child parent can realize their right to education and at the same time, ensure the care and protection of his or her child; and

Comment: -

Section 13 of the Children Act, 2022 provides for the right to basic education for every child. The provisions of this section as read together with section 9, which makes a provision for non-discrimination, ensures that an expectant girl child and child parent have access to education and receive requisite care.

Section 9 provides: No person shall discriminate against a child on the grounds of age, origin, sex, religion, creed, custom, language, opinion, conscience, color, birth, health status, pregnancy, social, political, economic or other status, race, disability, tribe, residence or local connection or any other status.

- (c) provide a framework of standards for the establishment and regulation of care centres by county governments.

Comment: -

Section 63(1) of the Children Act 2022 assigns the responsibility of establishing children rescue centres in every County to the Cabinet Secretary responsible for matters relating to children's affairs. This is done in consultation with the National Council for Children's Services.

In doing so, the Cabinet Secretary may collaborate with a County government for purposes of establishing these centres as demonstrated in s.63(6).

Part VI of the Children Act,2022 recognises the role of county governments in the discharge of its functions as specified in part II of the Fourth Schedule of the Constitution of Kenya 2010. County governments are responsible for providing or

facilitating the provision of pre-primary education and childcare facilities. This is done in consultation with Cabinet Secretary responsible for children matters as both the national and county governments are required to develop policies and guidelines for carrying out these specified functions.

This provides an opportunity for the National and County government to collaborate and carry out this function.

PART II – CARE OF EXPECTANT CHILDREN AND CHILD PARENTS

These are Clauses 4 and 5 of the Bill

4. Clause 4(2) of the Bill provides that:

In ensuring that the National Government fulfils its obligations under subsection (1), the Council shall —

- (a) put in place mechanisms that will help establish a comprehensive capacity building programme for child parents to ensure they practice responsible parenting;

Comment: -

This is a duplication of one of the functions assigned to the Council under section 42 of the Children Act. It is the responsibility of the National Council for Children's Services to *inter alia* formulate, approve, evaluate and monitor implementation of programmes to create public awareness in all matters relating to the rights and welfare of children.

- (b) establish, in consultation with the Cabinet Secretary responsible for matters relating to education, non-discriminatory enrolment, back to school or other training programmes and initiate necessary strategies that will identify persons within this group to benefit from the programmes;

Comment: -

The *National Guidelines for School Re-entry Learning and Basic Education, 2020*, a national guideline formulated by the Ministry of Education, outlines guidelines for the implementation of the Basic Education Act of 2013.

This Guidelines together with the Children Act,2022 are adequate to cater for the needs of child parents and ensure that they continue with their education. The emphasis should be to implement these provisions and rather than enact a new law.

(c) collaborate with the National Social Assistance Authority to ensure that needy child parents of children born with special needs or care takers of such needy parents, are beneficiaries of social assistance

Comment:

National Social Assistance Authority is established under the Social Assistance Act,2013. This Act was passed without policy guidance from my Ministry as well as the National Treasury hence has not been implemented to date due to governance challenges. The Act is currently in the process of being reviewed in order to come up with a comprehensive law to handle the social protection and social security in the country.

(d) address any educational and related barriers faced by pregnant and parenting learners; and

Comment: -

This is the responsibility of the Ministry of Education.

(e) guarantee funding and sustainability of the initiative and other child welfare programmes aimed at benefiting child parents

Comment: -

Funding is based on budgetary provision. The resources available to the Ministry cannot guarantee funding and sustainability to the initiative unless adequate funds are allocated for this purpose.

5. Clause 4(3) of the Bill provides:

In performing its functions under subsection (1), the Council shall —

(a) collaborate with the relevant public entities in the establishment of mechanisms that ensure that expectant children and child parents have access to community and State based care support systems;

Comment: -

Section 42 of the Children Act has outlined the functions of the Council. Thus, it cannot be assigned more functions by another legislation which has not created it.

6. Clause 5 of the Bill provides for obligations of the county government with respect to the care of neglected children.

Comment: -

The Children Act,2022 is the main legislation on child protection. It assigns roles to various actors and specifically to the County governments as captured under sections 61 and 62 of the Act which gives effect to the Fourth Schedule part 2 paragraph 9 of the Constitution of Kenya 2010. Section 63(6) of the Act also provides for room for collaboration between the National and County governments in establishing children rescue centres.

PART III - SCHOOL DROP OUT PREVENTION AND RE-ENTRY PROGRAMMES

This part tackles Clauses 6 to 20 of the Bill.

7. Clause 6(1) of the Bill makes provisions for the role of national and county governments in the prevention of drop out.

Comment: -

The roles of both the National and County Government is stipulated in the Children Act, 2022. Further, the *National Guidelines for School Re-entry in Early Learning and Basic Education, 2020*, a national guideline formulated by the Ministry of Education should be fully implemented in order to address this concern.

8. Clause 10 of the Bill on management of teenage pregnancies in school:

10(3) The principal shall not inform the parent or guardian of the child's pregnancy where they have sufficient grounds to believe that it may prejudice the safety and well-being of the pregnant child.

Comment: -

This Clause contravenes the provisions of section 146 of The Children Act,2022 which requires an authorised officer to take such a child to a registered child health

institution so as to receive the appropriate treatment and care. The authorised officer is thereafter required to notify the parent/guardian or a person who has parental responsibility over the child or the Secretary/his representative.

(* Secretary here is the Secretary of Children's Services appointed in accordance with section 37 of the Children Act,2022).

9. Clause 11(1) of the Bill provides that:

Where the principal of the institution of basic education is of the opinion that child may be pregnant, the principal shall refer the child to a health institution or a medical examination and such other health examination as may be necessary to determine the status of the child.

Comment: -

Section 144 of the Children Act,2022 deems such a child to be in need of care and protection. Section 146 of the Children Act,2022 empowers an authorised officer to take such a child to a registered child health institution so as to receive the appropriate treatment and care.

The issue of informed consent when conducting medical examination especially on a minor has not been addressed in the Bill. It is noted that it is the principal, who is not an authorised officer as per the Children Act 2022, who refers the child to a health institution or medical examination.

10. Clause 14 of the Bill provides that:

Every case of a child who falls pregnant in an institution of basic education and training shall be handled by the management of the institution in a manner that ensures confidentiality.

Comment: -

This can only be carried out by authorized officers as per the Children Act, 2022 and not the management of the institution. If the pregnancy is as a result of sexual violence including defilement, then such are handled in accordance with the provisions of the Sexual Offences Act, 2006 and Penal Code (Cap 63) Laws of Kenya.

11. Clause 15 of the Bill provides that:

Where it is determined that the person responsible for the pregnancy is an adult, the principal shall report the case to the County Director of Education, the nearest police station and the Council.

Comment: –

Perpetrators of sexual violence should be dealt with in accordance with the provisions of the Sexual Offences Act, 2006 and the Penal Code (Cap 63) Laws of Kenya and not handled administratively as proposed in the Bill.

In addition, Section 29 of the Children Act allows any person to institute court proceedings in order to safeguard the rights of a child which are deemed to have been denied, violated or infringed, or is threatened.

PART IV - ESTABLISHMENT OF CARE CENTRES

12. These are Clauses 21 to 31 of the Bill.

The establishment of care centers, services rendered thereto, the requirements for the registration and licensing of care centres are captured in part IV of the Bill.

Comment: -

As mentioned in paragraph 3 above, establishment of care centres should be in accordance with section 61,62 and 63(6) of the Children Act,2022

Further, section 67(2) of the Children Act 2022 guides on the placement of children in charitable children's institutions(CCI): the placement of a child in a CCI shall be done a last resort. This is further retaliated in the seventh schedule 16(1) that CCI that is registered under section 65 of the Children Act 2001 shall not undertake any activity after 10 years from the date of commencement of this Act.

The 2019 UN General Assembly Resolution on the Rights of the Child also focused on the promotion of family and community care rather institutional care. This approach is in line with Article 45 of the Constitution of Kenya 2010 which provides that the family is the natural and fundamental unit of society and the necessary basis of social order and shall enjoy the recognition and protection of the state. It is to this end that the National Care Reform for Children in Kenya was developed in 2022.

The establishment of these care centres therefore goes against the family promotion and protection spirits and it impedes the effects implementation of the National Care Reform Strategy.

13. Clause 31 of the Bill provides that:

A county executive committee member may establish a committee and appoint such authorized officers as may be necessary for the implementation of the provisions of this Act.

Comment: -

This is a function of the Secretary Children's Services and not that of the County Executive Committee Member.

The term "Authorized officers" is not defined in the Bill but under the Children Act, 2022.

PART V – CARE OF CHILDREN WITHIN A CARE CENTRE

14. These are Clauses 32 to 36 of the Bill

Comment:

Section 65 of the Children Act, 2022 mandates the Council to put in place the necessary regulations that the Bill proposes in its provisions.

PART VI – INSPECTION AND EVALUATION OF SAFETY IN A CARE CENTRE

15. These are Clauses 37 to 39 of the Bill

Comment:

Under section 88 of the Children Act, 2022 the Cabinet Secretary responsible for matters relating to children can appoint an inspection committee to inspect rehabilitation any rescue centre, child protection centre, charitable children institutions, remand home or rehab schools or a borstal institution.

The functions of the Inspection Committee are outlined in section 88(3) of the Act.

The report on the recommendations of the Inspection committee are implemented by the Secretary of Children's Services.

PART VII – MISCELLANEOUS PROVISIONS

16. These are Clauses 40-42 of the Bill.

Comment: -

These provisions for general offences, general penalty and formulation of Regulation by the Cabinet Secretary should be addressed once the Children Act, 2022 on its full implementation.

C. CONCLUSION

The Children Act, 2022 is the main legislation that makes provision for children rights, the care and protection of children, parental responsibility, alternative care of children and regulation of administration of children services. The Act further provides areas in which the national and county government may collaborate to ensure that the provisions of the Act are effected. No gap has been identified as all the Clauses in the Bill are addressed by the provisions of the Children Act, 2022.

Further, the Basic Education Act, 2013 and the *National Guidelines for School Re-entry in Early Learning and Basic Education, 2020* by the Ministry of Education provide support services for the re-entry of learners who, for whatever circumstances including pregnancy, have been out of school. The Guidelines outline the necessary support services for this category of children.

In the circumstances, the State Department for Social Protection & Senior Citizen Affairs within the Ministry of Labour & Social Protection objects to enactment of this Bill. We are in the process of developing key regulations and guidelines in order to fully implement the Children Act, 2022. Enactment of this Bill into law will lead to a duplication as all the areas have already been addressed by existing laws.

SUBMISSIONS BY

Joseph M. Motari, MBS

PRINCIPAL SECRETARY

**STATE DEPARTMENT OF SOCIAL PROTECTION & SENIOR
CITIZEN AFFAIRS**



REPUBLIC OF KENYA

PARLIAMENT

SENATE BILLS

(Bill No. 29 of 2023)

**THE CARE AND PROTECTION OF CHILD
PARENTS BILL, 2023**



(A Bill published in the Kenya *Gazette* Supplement No. 107 of 30th June, 2023 and passed by the Senate, without amendments, on 7th March, 2024)

THE CARE AND PROTECTION OF CHILD PARENTS BILL, 2023

ARRANGEMENT OF CLAUSES

Clause

PART I – PRELIMINARY

- 1 — Short title.
- 2 — Interpretation.
- 3 — Objects.

PART II – CARE OF EXPECTANT CHILDREN AND CHILD PARENTS

- 4 — Obligations of the National government with respect to child parents.
- 5 — Obligations of a county government with respect to the care of neglected children.

PART III — SCHOOL DROP-OUT PREVENTION AND RE-ENTRY PROGRAMMES

- 6 — Role of national and county governments in the prevention of school drop-out.
- 7 — Management plans.
- 8 — Rights of pregnant and parenting students.
- 9 — Role of governments in ensuring re-admission of drop out children.
- 10 — Management of teenage pregnancies in school.
- 11 — Medical examination.
- 12 — Provision of pre and post-natal health information.
- 13 — Provision of counselling and support services.
- 14 — Confidentiality.
- 15 — Disclosure of the identity of the person responsible for a child's pregnancy.
- 16 — Right to re-admission.
- 17 — Re-admission.
- 18 — Obligations of parents and guardians.
- 19 — Obligations of the institution of basic education.
- 20 — Offence.

PART IV – ESTABLISHMENT OF CARE CENTRES

- 21 — Establishment of care centres.
- 22 — Services rendered in a care centre.
- 23 — Requirements in relation to a care centre.
- 24 — Requirement for registration and licensing a care centre.
- 25 — Registration of care centres and licensing of applicants by a county government.
- 26 — Location assessment of intended care centre.
- 27 — Cancellation of a licence.
- 28 — Notice of non-compliance.
- 29 — Closure of a care centre.
- 30 — Submission of reports on the management of a care centre.
- 31 — Establishment of committees and appointment of authorised officers.

PART V - CARE FOR CHILDREN WITHIN CARE CENTRES

- 32 — Delivery of child care in a care centre.
- 33 — Management of a care centre.
- 34 — Records relating to children in a care centre.
- 35 — Services rendered within a care centre.
- 36 — Role of management of a care centre.

**PART VI – INSPECTION AND EVALUATION OF SAFETY IN A
CARE CENTRE**

- 37 — Safety in a care centre.
- 38 — Appointment of inspectors.
- 39 — Powers of an inspection officer.

PART VII – MISCELLANEOUS PROVISIONS

- 40 — General penalty.
- 41 — Regulations.
- 42 — Saving of existing care centres.

THE CARE AND PROTECTION OF CHILD PARENTS BILL, 2023

A Bill for

AN ACT of Parliament to provide a framework for the care and protection of child parents within the Counties; to provide a framework through which an expectant girl child or a child parent may actualise their right to basic education and at the same time ensure the care of their children; and for connected purposes.

ENACTED by the Parliament of Kenya, as follows —

PART I—PRELIMINARY

- Short title. 1. This Act may be cited as the Care and Protection of Child Parents Act, 2023.
- Interpretation. 2. In this Act—
- “Cabinet Secretary” means the Cabinet Secretary responsible for matters related to children;
- “child care” means services that have as their primary purpose the care and supervision of children as defined under this Act;
- “child parent” means a person who has not attained the age of eighteen years and is a mother or a father of a child;
- “care centre” means facility that provides child care services, but does not include a family home;
- Cap 141. “Council” means the National Council for Children’s Services established under section 41 of the Children Act;
- “county executive committee member” means the county executive committee member responsible for matters relating to social services; and
- Cap 212. “learner” has the meaning assigned to it under the Teachers Service Commission Act.
- “principal” means the lead educator or administrator in an institution of basic education and training and includes the proprietor or director of a private school or a person in charge of a borstal institution;

“institution of basic education and training” means a public or private institution or facility used wholly or partly, regularly or periodically for conducting basic education and training and includes a school, a tuition facility, an educational centre, an academy, a research institution, a school correctional facility or a borstal institution;

Objects.

3. The object of this Act are to—

- (a) provide a framework for the protection of the rights set out under Article 53(1)(c) and (d) of the Constitution in relation to child parents;
- (b) provide a framework through which the expectant girl child and a child parent can realise their right to education and at the same time, ensure the care and protection of his or her child; and
- (c) provide a framework of standards for the establishment and regulation of care centres by county governments.

PART II – CARE OF EXPECTANT CHILDREN AND CHILD PARENTS

Obligations of the National Government with respect to child parents.

4. (1) The national government shall, to the extent of its constitutional mandate, promote the care and protection of expectant children and child parents.

(2) In ensuring that the National Government fulfils its obligations under subsection (1), the Council shall —

- (a) put in place mechanisms that will help establish a comprehensive capacity building programme for child parents to ensure they practice responsible parenting;
- (b) establish, in consultation with the Cabinet Secretary responsible for matters relating to education, non-discriminatory enrolment, back to school or other training programmes and initiate necessary strategies that will identify persons within this group to benefit from the programmes;
- (c) collaborate with the National Social Assistance Authority to ensure that needy child parents of children born with special

needs or care takers of such needy parents, are beneficiaries of social assistance;

- (d) identify, in consultation with personnel of institutions of basic learning and such other institutions as it may consider appropriate, children who are pregnant and who are in need of interventions to enable them realise the rights conferred on a child under Article 53 of the Constitution;
- (e) address any educational and related barriers faced by pregnant and parenting learners; and
- (f) guarantee funding and sustainability of the initiative and other child welfare programmes aimed at benefiting child parents.

(3) In performing its functions under subsection (1), the Council shall —

- (a) collaborate with the relevant public entities in the establishment of mechanisms that ensure that expectant children and child parents have access to community and State based care support systems;
- (b) collaborate with the county governments and relevant State and private agencies in carrying out activities for the provision of such pre-natal, post-natal and other health services, education and other support services to expectant children and child parents within the respective counties;
- (c) conduct research, analysis of data and disseminate information on the welfare of expectant children and child parents in the Republic; and
- (d) collaborate with the county governments in —
 - (i) establishing a mechanism for the care of expectant children and child parents to ensure that the rights conferred on a child under Article 53 of the Constitution are attained with respect to such children; and
 - (ii) expanding and strengthening the educational framework and the community and family based care and support systems for the care of expectant children and child parents; and

(e) perform such other functions as may be necessary for the implementation of this Act.

(4) The Council may, for the purpose of subsection (3), conduct inquiries, including public inquiries, into any matter relating to the welfare, care and protection of expectant children and child parents within a County.

Obligations of a county government with respect to the care of neglected children.

5. Each county executive committee member shall—

(a) put in place management plans and strategies for the delivery of social services and child care support services to expectant children and child parents within the County;

(b) collaborate with the County Education Board and the county executive committee member responsible for education in establishing –

(i) programmes to ensure that expectant children and child parents have access to education services; and

(ii) academic support programmes that ensure that learners with extended absences for reasons related to pregnancy and parenting are able to enrol back into school or to such other education facility in order to access education services;

(c) formulate and implement county specific programmes for the integration of expectant children and child parents into society and institutions of basic education within the respective County;

(d) design, in collaboration with the Council and within the policy framework established by the national government, county specific programmes for the prevention of child pregnancies and programmes for the support, mentorship and development of expectant children and child parents;

(e) put in place and implement in consultation with the relevant public entities, interventions for the care, protection and alleviation of the plight of expectant children and child parents –

- (i) with special needs or requiring special care and attention within the County; and
- (ii) living in conditions of acute hardship including street children and children who abuse drugs or who suffer any form of child abuse;
- (f) establish such child care centres and implement such programmes as may be necessary for the provision of child care services to child parents who intend to enrol back to school and who do not have access to support services for the care of their child; and
- (g) collaborate with the Council in the provision of such technical assistance, information and facilities as may be necessary to ensure the efficient delivery of social services with respect to expectant children and child parents within the county.

PART III — SCHOOL DROP-OUT PREVENTION AND RE-ENTRY PROGRAMMES

Role of national and county governments in the prevention of drop out.

6. (1) The National and county governments shall –
- (a) formulate policies for the re-admission and integration of children who have dropped out of school by reason of pregnancy;
 - (b) put in place programmes and interventions–
 - (i) for the identification of factors leading to child pregnancies and the dropping out from institutions of basic education and training, by children; and
 - (ii) that prevent the dropping out of children from institutions of basic education and training; and
 - (c) put in place programmes for the assistance and education of vulnerable children and children in areas identified as having a high drop-out rate owing to child pregnancy;
 - (d) collaborate with the relevant stakeholders in the establishment of drop-out prevention programmes that provide information and education to build upon the

children's own knowledge, skills, values and attitudes;
and

(e) put in place programmes—

(i) aimed at capacity building for child parents to ensure that they are able to support their families;
and

(ii) for responsible parenting.

(2) Prevention programmes established under subsection (1) shall —

(a) involve the parents and guardians of the children in the governance of institutions of basic education and training and in the development of the code of conduct of the institution and strategies to prevent teenage pregnancies;

(b) encompass the provision of relevant information and support for the prevention of teenage pregnancies;

(c) include the sensitisation of children and their parents on issues that have a negative impact on the school attendance of children;

(d) create linkages between institutions of basic education and training and the communities they serve with the aim of encouraging school attendance, sensitization and collaboration on issues affecting school attendance;
and

(e) promote healthy lifestyles through positive role modelling and encouraging children to participate in activities and advocacy and awareness programmes that have a positive impact and encourage a healthy lifestyle.

Management
plans.

7. (1) Each institution of basic education and training shall develop a management plan for the support of any learner who falls pregnant while enrolled in the institution.

(2) The management board of an institution of basic education and training shall —

- (a) put in place programmes with the aim of preventing teenage pregnancies;
- (b) treat each case of a learner who falls pregnant while in an institution of basic education and training confidentially and professionally;
- (c) adopt an inclusive approach that involves the support of the child and parents or guardians of the affected child or children who are at risk of dropping out of school; and
- (d) in putting in place interventions or responses in situations of child drop out, ensure that the educational interests of the child are upheld.

Rights of pregnant and parenting learners.

8. (1) Every child who —

- (a) while enrolled in an institution of basic education and training, falls pregnant and as a result, drops out of school; or
- (b) is of school going age but falls pregnant while out of school,

shall have the right to be re-admitted or enrolled into an institution of basic education and training.

(2) Every child under subsection (1) shall have the right to —

- (a) remain in school and to receive the necessary support to continue with their education and participate fully during their pregnancy or as a parent learner;
- (b) fully participate in educational programs and activities of the institution ;
- (c) guidance and support to enable the child to return to her regular education programme after delivery and after the baby is weaned; and
- (d) be re-admitted unconditionally at the same level the child was in before they left the institution to deliver the baby.

(3) Where a child intends to join an institution of basic education and training other than that which the child was in prior to

her pregnancy, the principal shall, in consultation with the Sub-County Director of Education facilitate the child in gaining admission into another institution of basic education and training.

Role of governments in ensuring re-admission of drop-out children.

9. (1) The National and county governments shall –

(a) develop and implement a plan for identifying and re-engaging –

- (i) children who have dropped out of institutions of basic education owing to teenage pregnancies; and
- (ii) vulnerable children who have dropped out of, or who are likely to drop out of institutions of basic education and training owing to factors beyond their control,

in order to ensure that they are re-admitted and integrated into the education system;

(b) establish partnerships with community based organisations, education providers and other relevant stakeholders in order to –

- (i) provide a broad range of educational options and services for children who drop-out of school under this Part; and
- (ii) counsel children in schools on adolescent sexuality, responsible behaviour and the consequence of child pregnancies; and

(c) ensure that the education system in place takes into account the best interests of children who fall pregnant while in school.

(2) In this section, a “vulnerable child” means a child who faces circumstances that increase the likelihood of dropping out of an institution of basic education owing to child pregnancy.

Management of teenage pregnancies in school.

10. (1) Where a child falls pregnant or a teacher or person in authority within an institution of basic education and training has a reason to believe that a child within the institution is pregnant, the matter shall be referred to the principal of the institution.

(2) The principal shall, upon receipt of the information under subsection (1) and before any action is taken, inform the parent or guardian of the child's pregnancy.

(3) The principal shall not inform the parent or guardian of the child's pregnancy where they have sufficient grounds to believe that it may prejudice the safety and well being of the pregnant child.

Medical examination.

11. (1) Where the principal of the institution of basic education is of the opinion that a child may be pregnant, the principal shall refer the child to a health institution for a medical examination and such other health examination as may be necessary to determine the status of the child.

(2) A child shall not be compelled to undergo a medical examination where she refuses to undergo the examination.

(3) Where a child refuses to undergo a medical examination under subsection (2), the institution of basic education shall not be held liable for any consequences that may arise from the failure by the child to undergo the medical examination.

Provision of pre and post-natal health information.

12. The health professionals under section 11 shall provide the child with pre and post-natal health information and such other information as may be necessary, including any risks that may arise, to ensure the health and welfare of the child is maintained.

Provision of counselling and support services.

13. The institution of basic education and training shall provide the necessary counselling services to the pregnant child and to her parents or guardians regarding the management of the pregnancy, the provision of support services to the child and the parents to ensure the child's emotional stability and wellbeing during and after pregnancy and the importance of continuing with education after delivery.

Confidentiality.

14. Every case of a child who falls pregnant in an institution of basic education and training shall be handled by the management of the institution in a manner that ensures confidentiality.

Disclosure of the identity of the person

15. (1) Where it is determined that the person responsible for the pregnancy is an adult, the principal shall report the case to

responsible for a child's pregnancy.

the County Director of Education, the nearest police station and the Council.

(2) Where the person responsible for the pregnancy is determined, under subsection (1) to be a teacher, the principal shall make a report to the Teachers Service Commission, in addition to the persons under subsection (1).

Right to re-admission.

16. (1) Every child who drops out of an institution of basic education and training by reason of pregnancy shall, subject to the provisions of this Act, be admitted back into an institution of basic education and training unconditionally upon weaning the baby and shall be allowed to join at the level at which she left prior to dropping out.

(2) The Cabinet Secretary responsible for matters relating to basic education shall issue guidelines for the conditions for the re-admission of children into institutions of basic education and training under subsection (1).

Re-admission.

17. An institution of basic education shall not discriminate against a child who falls pregnant while in school or who is readmitted in school and shall put in place measures to ensure the re-integration of the child back into the school.

Obligations of parents and guardians.

18. A parent or guardian of a child who falls pregnant shall not be discharged from their responsibilities regarding the pregnant child and shall collaborate with the institution of basic education in supporting and monitoring the health of the child and ensuring that the child continues with her education after delivery and the baby is weaned.

Obligations of the institution of basic education.

19. (1) The management of an institution of basic education and training shall—

(a) allow a child who falls pregnant while in school to continue with classes for as long as possible prior to delivery;

(b) counsel the child and her parents or guardians on the importance of ensuring good outcome of the pregnancy by attending ante-natal clinic and ensuring safe delivery, and the possibilities of continuing with education after delivery;

(c) provide academic support, parenting and life skills classes and strategies to prevent future unplanned pregnancies; and

(d) assist pregnant and parenting learners to gain access to affordable child care facilities.

(2) The management of an institution of basic education of training shall not discriminate against a child who falls pregnant while in school and shall put in place, enforceable rules and such other mechanisms to ensure that the other children within the school do not mistreat or in any way discriminate against the child.

(3) The management of an institution of basic education and training shall not exclude a child under this part from any programmes of the school or force the child to attend different programs from those of her peers only for the reason of the child being pregnant.

(4) A child who falls pregnant while in school shall be given an opportunity to make up for any missed classes or examinations in the case of pregnancy-related absences.

Offence.

20. Where an institution of basic education and training refuses to re-admit a child under this Part, the principal and each member of the management board of the institution commits an offence and shall be liable to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding six months or to both.

PART IV – ESTABLISHMENT OF CARE CENTRES

Establishment of care centres.

21. (1) A county government may establish and maintain such care centres as it may consider necessary for the care of children of not more than three years of age.

(2) A county government may, for the purposes of sub-section (1), establish care centres in, or within the vicinity of an institution of basic education and training in order to ensure access to such facilities by a child parent.

(3) A person shall not establish or manage a care centre unless the centre is registered and a licence issued in accordance with the provisions of this Act.

(4) The provisions of subsection (3) shall not apply with respect to a care centre that is established by a county government.

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Services rendered
in a care centre.

22. A care centre established under this Act may render services for the care of children who are not more than three years and who are born to—

- (a) child parents who intend to resume with their education and who have no access to care services; or
- (b) such other persons within the county who have no person to care for the child or access to child care services.

Requirements in
relation to a care
centre.

23. In establishing a care centre, a county government shall ensure that the –

- (a) premises of the care centre meet the requirements set out under this Act and prescribed under the relevant county legislation;
- (b) design of the care centre premises allows for adequate supervision of children;
- (c) day care services delivered in the care centre are affordable;
- (d) care centre is accessible, taking into account the needs of a child and any special needs that a child may have;
- (e) children cared for in the care centre will not be exposed to any undue threat to their health or safety arising from the nature of the premises or their environs;
- (f) personnel within the care centre are qualified to provide day care services and handle any illnesses and emergencies that may arise in relation to a child cared for in the care centre; and
- (g) care centre is equipped with suitable equipment for the delivery of child care services as may be prescribed by the county executive committee member.

Requirement for
registration and
licensing of a care
centre.

24. (1) A person shall not own or operate a care centre unless—

- (a) the care centre is registered in accordance with this Act; and

- (b) such person is issued with a licence to operate the care centre under this Act.

(2) A person who contravenes the provisions of subsection (1) commits an offence and shall be liable, on conviction, to a fine not exceeding five hundred thousand shillings, or to imprisonment for a term not exceeding one year, or to both.

Registration of care centres and licensing of applicants by a county government.

25. (1) A person who intends to establish a care centre shall make an application to the county executive committee member in the prescribed form for registration and the issuance of a licence to operate the care centre.

(2) Legislation by each county government shall set out the –

- (a) criteria for the registration of care centre within the respective county;
- (b) information required to be submitted by an applicant for registration;
- (c) process of determination of an application for registration of a care centre;
- (d) the conditions for the issuance of a licence under this Act;
- (e) the grounds for and the process of rejecting an application or cancelling a licence issued under this Act; or
- (f) the process of issuance of a licence to an applicant for the management of a care centre; and
- (g) process of application for the renewal of licences, de-registration and revocation of a licence issued to an applicant under this Act.

Location assessment of intended care centre.

26. (1) An applicant for registration and licencing shall undertake and submit, together with the application for registration under section 25, a location assessment report setting out evidence of the steps taken to ensure that the premises used for the purposes of the care centre are appropriately and suitably located.

(2) A location assessment report shall contain the following information—

- (a) whether the premises are suitably located so that children cared for in the care centre are –
 - (i) effectively safeguarded; and
 - (ii) able to access services to meet the needs identified for their care;
- (b) accessibility of the care centre and distance from institutions of basic education and training within the county;
- (c) whether there are environmental factors that would represent a hazard to children within the care centre; and
- (d) such other criteria as the county executive committee member shall determine.

(3) A person who is licensed under this Act shall undertake a location assessment to review the appropriateness and suitability of the location of the premises at least once in every four calendar years.

Cancellation of a licence.

27. (1) The county executive committee member may, subject to the provisions of section 28, cancel a licence issued to an applicant under this Act in accordance with regulations made under subsection (4).

(2) The county executive committee member shall not cancel a license under subsection (1) unless the committee member—

- (a) issues to the licensee, a notice in writing, of at least fourteen days of the intention to revoke the licence; and
- (b) grants the licensee, an opportunity to be heard on the revocation.

(3) The county executive committee member shall cancel the licence issued to an applicant in relation to, and de-register, a care centre which has ceased to be a care centre or which has been closed down.

(4) County legislation shall prescribe the grounds for, and the process of, cancelling a licence issued to a person to manage a care centre under this Act.

Notice of non-compliance.

28. (1) A county executive committee member shall, before cancelling the licence issued to a person to manage a care centre under this Act issue to the licensee a compliance notice in the prescribed form.

(2) A compliance notice issued under subsection (1) shall—

(a) be in writing;

(b) notify the licensee of the non-compliance and the steps required to be undertaken in order to comply; and

(c) inform the licensee of the time period within which the manager is required to comply with the notice.

(3) The county executive committee member may, upon request by the licensee and, where there are sufficient grounds shown by the licensee, extend the period of compliance for such period as the committee member may consider necessary to ensure compliance.

Closure of a care centre.

29. (1) Where a licensee intends to close down a care centre for any other reason other than the de-registration of the care centre, the licensee shall inform the county executive committee member of the intention to close down the care centre and submit a report to the committee member containing information regarding—

(a) the children that have been cared for in the care centre;

(b) the management and persons employed in the care centre;

(c) any investigations or cases that may have been carried out or instituted against the care centre or that are pending in relation to the care centre; and

(d) such other information as the county executive committee member may require.

(2) A licensee shall not close down the care centre unless the licensee has applied for and obtained the approval of the county executive committee member in the prescribed form.

(3) The county executive committee member shall, upon receipt of an application to close a care centre under subsection (2), consider

the application within a period of thirty days and approve the application for such closure except where -

- (a) the manager fails to comply with subsection (2); or
- (b) such closure would be against public interest.

Submission of reports on the management of a care centre.

30. (1) The licensee under this Act shall, within three months from the end of each financial year, submit to the county executive committee member and the Council, a report on the management of the care centre containing the following information—

- (a) compliance with the standards for service delivery, prescribed in this Act or any other law;
- (b) the average number of children that are cared for on a daily basis in the care centre;
- (c) compliance with principles of sound management systems;
- (d) compliance with the conditions for continued registration; and
- (e) such other information as the county executive committee member may require.

(2) Where the manager of a care centre fails to submit a report in accordance with sub-section (1), the county executive committee member may revoke the licence issued to the licensee and de-register the care centre or take such action, as the county executive committee member may consider necessary to ensure compliance.

Establishment of committees and appointment of authorised officers.

31. A county executive committee member may establish a committee and appoint such authorized officers as may be necessary for the implementation of the provisions of this Act.

PART V - CARE OF CHILDREN WITHIN A CARE CENTRE

Delivery of child care in a care centre.

32. In delivering child care services under this Act, a licensee shall ensure—

- (a) that there is established a system for sharing with parents, information on matters that may affect the children cared for in the care centre;

- (b) the protection and promotion of the welfare of each child in the care centre;
- (c) that every child receives personalised care;
- (d) that all children are within the sight and sound of the personnel in the care centre; and
- (e) that each child is provided with the basic necessities including food.

Management of a care centre.

33. A licensee shall ensure that—

- (a) the number of children resident in the care centre at any time shall not exceed the number specified in the licence;
- (b) a child who is not within the age limits specified in the licence is not admitted into the care centre;
- (c) the standards set out in -
 - (i) legislation enacted by the county government pursuant this Act; or
 - (ii) any other legislation applicable to a care centre, issued,are observed in relation to the care centre; and
- (d) the licence is displayed in a conspicuous place in the care centre.

Records relating to children in a care centre.

34. The licensee of a care centre shall keep or cause to be kept a register containing all available information on the status, health and welfare of a child and such information as relating to the parents of the child as the county executive committee member may prescribe.

Services rendered within a care centre.

35. The licensee of a care centre registered under this Act shall ensure that the following services are provided in the care centre—

- (a) continuous care services to children in the care centre;

- (b) care and supervision services to children in the care centre who may have special needs and those in need of special care and attention;
- (c) counselling and rehabilitation to a child parent who has sought the services of the care centre;
- (d) outreach programmes; and
- (e) recreational activities.

Role of
management of a
care centre.

36. (1) The licensee of a care centre shall—

- (a) ensure that the premises used for the purposes of the care centre are designed and furnished so as to—
 - (i) meet the needs of each child; and
 - (ii) enable each child to participate in the daily life of the care centre;
- (b) ensure that any care that is arranged or provided for a child, relates to the child's development;
- (c) seek to develop and maintain effective professional relationships with such persons, bodies or organizations as may be appropriate having regard to the range of needs of children to whom the care centre provides care and accommodation;
- (d) ensure the provision of quality service in the care centre;
- (e) ensure the continuous training of the personnel in the care centre;
- (f) apply principles of sound financial management and submit quarterly financial reports to the county executive committee member; and
- (g) monitor activities at the care centre in order to deal speedily with any incidents of abuse of the children in the care centre and take steps to report such incidents to the appropriate authority.

(2) The licensee of a care centre shall ensure that –

- (a) the standard of care provided in the care centre is reviewed from time to time to ensure that the obligations with respect to the provision of care in the care centre under this Act are met;
- (b) the care is delivered by persons who –
 - (i) have the experience, knowledge and skills to deliver that care; and
 - (ii) are under the supervision of a person who is appropriately skilled and qualified to supervise that care; and
- (c) there is in place a medical facility within the vicinity of the care centre.

**PART VI – INSPECTION AND EVALUATION OF
SAFETY IN A CARE CENTRE**

Safety in a care
centre.

37. (1) The licensee of a care centre under this Act shall–

- (a) maintain premises that meet the requirements of the occupational health, safety regulations and building standards;
- (b) ensure the welfare and safety of the children within the care centre;
- (c) put in place fire fighting equipment, first aid and other emergency equipment and non-prescription medicine as the county executive committee member may prescribe; and
- (d) have a list of the contacts of emergency service providers including hospitals, readily available to all members of staff.

(2) In providing the equipment specified under subsection (1)(c), the licensee shall ensure that such equipment is accessible during an emergency.

(3) The equipment and medicine under subsection (1) shall be maintained or kept by a centre in such manner as to ensure that it is out of the reach of children and ensures that the safety of the children is not compromised.

(4) The county executive committee member shall prescribe minimum standards for the health and safety of children and for a satisfactory environment for the housing of the children in the care centre.

Appointment of inspectors.

38. (1) The county executive committee member shall, for the purposes of monitoring and evaluating the provision of services by care centres registered under this Act, designate such authorised officers or other county public officers as inspectors as the county executive committee member may consider appropriate.

(2) The County Public Service Board shall, in consultation with the county executive committee member, issue to every inspector appointed under subsection (1) in writing or in such form as the County Public Service Board may determine, a certificate of appointment and authority to act as an inspector.

(3) A person appointed as an inspector under subsection (1) may, at all reasonable times, enter a care centre and—

- (a) have access to every part thereof;
- (b) interview any personnel in the care centre;
- (c) inspect, photocopy, print out, or copy onto disk any documents, whether held in electronic or paper form, that the person believes on reasonable grounds to be those of the care centre; or
- (d) remove any document specified in paragraph (c), whether in its original form or as an electronic or paper copy.

(4) Every person exercising any power under this section shall, at the time of inspection, possess the appropriate written authorisation and evidence of identity, and shall produce them to the person in charge of the care centre concerned or, as the case may be, the person having possession or control of the books, records, or accounts concerned—

- (a) on first entering the premises; and
- (b) whenever subsequently reasonably required to do so by the person in charge.

(5) For the purposes of this section, inspection, in relation to any care centre, includes meeting and talking with the children residing in the care centre.

(6) The county executive committee member shall make regulations for the conduct of inspections of care centres under this Act.

Powers of an inspection officer.

39. Every written authorisation issued to an inspector under section 38 shall contain—

- (a) a reference to this section;
- (b) the full name of the person authorised; and
- (c) a statement of the powers conferred on that person by this section.

PART VII - MISCELLANEOUS PROVISIONS

General penalty.

40. A person who is convicted of an offence under this Act for which no penalty is provided is liable to a fine not exceeding three million shillings, or to imprisonment for a term not exceeding two years, or to both.

Regulations.

41. (1) The Cabinet Secretary may, in consultation with the Council, make regulations generally for the better carrying out of the provisions of this Act.

(2) Notwithstanding the generality of subsection (1), the Cabinet Secretary may make regulations –

- (a) setting out the standards required to be adhered to by County Governments in the establishment of care centres;
- (b) prescribing the programmes that may be administered in a care centre; and
- (c) prescribing the qualifications required to be held by persons managing, employed in or rendering services in a care centre.

(3) Regulations made under subsection (2) may prescribe different standards and other requirements—

- (a) for services of different types or descriptions rendered in relation to children cared for in a care centre; and

(b) in respect of different types of licences.

(4) For the purposes of Article 94(6) of the Constitution –

(a) the authority of the county executive committee member to make regulations shall be limited to bringing into effect the provisions of this Act and the fulfilment of the objectives specified under subsection (1); and

Cap. 2.

Cap. 2A

(b) the principles and standards set out under the Interpretation and General Provisions Act and the Statutory Instruments Act, in relation to subsidiary legislation shall apply to regulations made under this Act.

Saving of existing care centres.

42. (1) Subject to subsections (2), (3) and (6), every care centre that, immediately before the commencement of this Act, was registered as a care centre under any other law shall be deemed to be registered as a care centre under this Act, and continue to be so registered for the relevant period of registration subject to such conditions of registration as may be imposed under this Act.

(2) Despite subsection (1), the county executive committee member may give written notice to the registered owner of a care centre registered under subsection (1), requiring a person who manages that centre to apply for registration under section 21 within three months of the date of that notice, and if the person —

(a) fails to apply for registration within the specified period, the care centre ceases to be registered under subsection (1) at the end of that period; or

(b) applies for registration within the required period, the centre shall continue to be a registered care centre under subsection (1) until that application has been determined.

(3) Despite subsection (1), if subsection (4) applies, the county executive committee member may, by written notice to a person who operates a care centre that is deemed to be registered under subsection (1), declare that the care centre is no longer registered under subsection (1) and the notice has effect accordingly.

(4) The county executive committee member may give a notice under subsection (3) only if it is satisfied that the person managing the care centre has failed to comply with —

- (a) this Act on the requirements of registration; or
- (b) any conditions for registration.

(5) The county executive committee member may, despite the fact that the care centre concerned does not meet the minimum requirements for registration prescribed under this Act, issue to the person managing the care centre a transitional certificate in such manner as the county executive committee member may prescribe and subject to such conditions as the committee member may impose.

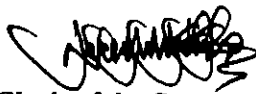
(6) Where the county executive committee member is not satisfied that the conditions specified in a certificate issued under subsection (5) are being complied with, the county executive committee member may, by written notice to the person managing the care centre, cancel the certificate of registration.

(7) Every notice under subsection (3) or subsection (6) shall set out the reasons for the action taken.

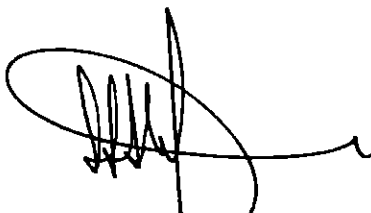
(8) Subsections (1) to (6) shall not limit any powers to cancel or suspend the registration of a care centre in the manner prescribed by the county executive committee member.

The Care and Protection of Child Parents Bill, 2023

I certify that this printed impression is a true copy of the Bill as passed by the Senate on Thursday, 7th March, 2024.


Clerk of the Senate

Endorsed for presentation to the National Assembly in accordance with the provisions of standing order 161 of the Senate Standing Orders.


Speaker of the Senate



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT - (THIRD SESSION)

THE NATIONAL ASSEMBLY

MESSAGES

MESSAGE FROM THE SENATE

(No. 004 of 2024)

PASSAGE OF TWO BILLS BY THE SENATE

Honourable Members,

1. Pursuant to Standing Order 41(1) of the National Assembly Order, I wish to report to the House that I have received two Messages from the Senate regarding the passage of the Water (Amendment) Bill (National Assembly Bill No. 33 of 2023) and the Care and Protection of Child Parents Bill (Senate Bill No. 29 of 2023).
2. **Honourable Members**, the first Message conveys that on Thursday, 7th March 2024, the Senate considered and **passed** the Water (Amendment) Bill (National Assembly Bill No. 33 of 2023) **with amendments**. You will recall that on Wednesday, 23rd August 2023, the National Assembly passed the Bill **with amendments**, following which it was referred to the Senate for consideration in accordance with the provisions of Article 110(4) of the Constitution.
3. **Honourable Members**, the second Message relates to the passage, by the Senate, of the Care and Protection of Child Parents Bill (Senate Bill No. 29 of 2023). The Bill, which was published *vide* Kenya *Gazette* Supplement No. 107 of 30th June 2023, seeks to provide, *inter alia*, a framework for the care and protection of child parents within the counties, to provide a framework through which an expectant girl child or child parent may actualize their right to basic education, and ensure care of the children.

4. The Message conveys that on Thursday, 7th March 2024, the Senate **passed** the Bill **without amendments** and now seeks the concurrence of the National Assembly pursuant to Article 110(4) of the Constitution and Standing Orders 161 of the Senate Standing Orders.
5. **Honourable Members**, in order for the House to commence consideration of the Senate Amendments to the Water Bill, 2023, I direct as follows -
- (i) That, the Clerk circulates the schedule of the Senate amendments to the Water (Amendment) Bill, 2023 to all Honourable Members; and
 - (ii) That, the Senate amendments to the Water (Amendment) Bill, 2023 will stand referred to the Departmental Committee on Blue Economy and Irrigation for consideration and reporting to the House as appropriate.
6. With regards to the second Message, **Honourable Members**, Standing Order 143(1)(c) of the National Assembly Standing Orders requires the Speaker to cause a Bill received from the Senate to be read a First Time upon conveyance of its Message, I therefore direct –
- (i) That, the Bill be listed in the Order Paper for the First Reading at the next sitting; and
 - (ii) That, the Bill will stand committed to the Departmental Committee on Social Protection for consideration.

The House is accordingly guided!



THE HON. GLADYS J. BOSS, MGH, MP
DEPUTY SPEAKER OF THE NATIONAL ASSEMBLY
Wednesday, 13th March 2024

② DD/DLPS
to wife & deal
Araphine
17/3/24

① DLPS
→ Process. Other documents (accounts)
are awaited from the Senate



REPUBLIC OF KENYA
THIRTEENTH PARLIAMENT - (THIRD SESSION)
THE SENATE
MESSAGES

MESSAGE TO THE NATIONAL ASSEMBLY

No. 011 of 2024

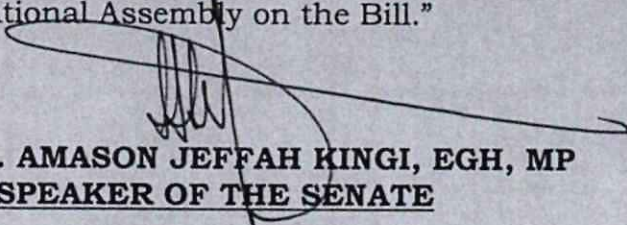
SUBJECT: PASSAGE OF THE CARE AND PROTECTION OF CHILD PARENTS BILL, 2023 (SENATE BILLS NO. 29 OF 2023)

PURSUANT to Article 110 (4) of the Constitution and the provisions of Standing Order 46 (1) of the Standing Orders of the Senate, I hereby convey the following Message from the Senate -

"WHEREAS, the Care and Protection of Child Parents Bill, 2023 (Senate Bills No. 29 of 2023) was published vide the Kenya Gazette Supplement No. 107 of 30th June, 2023 as a Bill for an Act of Parliament to provide a framework for the care and protection of child parents within the Counties, to provide a framework through which an expectant girl child or a child parent may actualise their right to basic education and at the same time ensure the care of their children, and for connected purposes;

AND WHEREAS, the Senate considered and **passed** the said Bill, on Thursday, 7th March, 2024 **without amendments** and in the form attached hereto;

NOW THEREFORE, in accordance with the provisions of Article 110 (4) of the Constitution and Standing Orders 46 (1) and 161 (1) of the Standing Orders of the Senate, I hereby convey the said decision of the Senate and seek the concurrence of the National Assembly on the Bill."


RT. HON. AMASON JEFFAH KINGI, EGH, MP
SPEAKER OF THE SENATE

7th March, 2024

