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**THE NATIONAL ASSEMBLY
PAPERS LAID**

DATE: 28 APR 2025

**DAY:
TUESDAY**

**TABLED
BY:**

**HON. ALICE MGA'ANGA
(CHAIRPERSON)**

**CLERK-AT
THE TABLE**

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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).


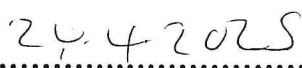
The Bill, which contains forty-two (42) clauses, seeks to provide for a framework for the care and protection of child parents within the Counties, to provide a framework through which an expectant girl child or a child parent may actualise their right to basic education and health, and at the same time 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.....

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

- I. 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)

1.3 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 Aburor, 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 international 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

41. 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
42. 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

43. 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.
44. 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.
45. 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.
46. 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: 

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:	IMZSPU MWALE