

**SUMMARY REPORT OF THE CONFERENCE ON SESSIONAL  
PAPER NO. 1 OF 2005 ON A POLICY FRAMEWORK FOR  
EDUCATION, TRAINING AND RESEARCH AS IT  
RELATES TO CHILD LABOUR**

Emerging Issues and Recommendations on Sessional  
Paper No. 1 of 2005 on a Policy Framework for  
Education, Training and Research

*June 22 – 23, 2005*  
**Nairobi Safari Club**



ANPPCAN Head Office  
P.O. Box 1768, Code 00200  
City Square, Nairobi  
Tel: 3873990, 3876502, 3861086  
Fax: 3876502  
Email: [regional@anppcan.org](mailto:regional@anppcan.org)  
Website [www.anppcan.org](http://www.anppcan.org)



ILO/IPEC,  
P. O. Box 40513 - 00100,  
Nairobi, Kenya  
Tel. 254 2 2717969,  
Fax. 254 2 2716942  
Email: [ilopec@ilopec.co.ke](mailto:ilopec@ilopec.co.ke)

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## **LIST OF ABBREVIATIONS**

<b>ANPPCAN</b>	African Network for the Protection and Prevention against Child Abuse and Neglect
<b>DICECE</b>	District Centres for Early Childhood Education
<b>ECD</b>	Early Childhood Development
<b>EFA</b>	Education for All
<b>FGM</b>	Female Genital Mutilation
<b>FPE</b>	Free Primary Education
<b>IGAs</b>	Income Generating Activities
<b>ILO</b>	International Labour Organization
<b>IPAR</b>	Institute of Policy Analysis and Research
<b>MOEST</b>	Ministry of Education, Science and Technology
<b>NER</b>	Net Enrolment Rate
<b>PTAs</b>	Parent Teacher Associations
<b>TTCs</b>	Teacher Training Colleges
<b>UPE</b>	Universal Primary Education

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## **ACKNOWLEDGEMENTS**

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We appreciate the input made by the Ministry of Education, Science and Technology Officers, representatives of the District Labour Committees, Ministry of Planning, Ministry of Finance The State Law Office, NCKK representatives, The Catholic Secretariat, Kenyatta, Moi, and Daystar University scholars, The Aga Khan Foundation, representatives of media houses, IPAR and GTZ.

Most of all we would like to thank ILO/IPEC for providing financial support without which the function would have been difficult to convene. Last but not least, we would like to thank ANPPCAN staff for their dedication and for working tirelessly to ensure that the function was a success. May God bless you all.

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## BACKGROUND

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The conference to deliberate on the Sessional Paper No. 1 of 2005 on Policy Framework for Education, Training and Research as it relates to child labour in Kenya was held on June 22 – 23, 2005 at the Nairobi Safari Club. It was organized by ANPPCAN and attracted participation of senior officials from Government Department, Civil Society Organizations, Universities, Technical Training Institutes, Faith Based Organizations and other development agencies with interest in the provision of Basic Education and Vocational Training. ILO/IPEC – Kenya provided financial resources for the conference. The conference attracted seventy four (74) participants.

The conference aimed mobilising stakeholders in education as well as child labour to review and discuss the Sessional Paper with the ultimate goal of not only making it known to the stakeholders, but also mobilising their support for its implementation as a key intervention in addressing child labour in Kenya.

Specific Objectives of the Conference were:

- ☑ To sensitize and mobilize partners and stakeholders on Sessional Paper No. 1 of 2005 and elicit their support for its implementation as it relates to child labour.
- ☑ To identify and deliberate on critical issues related to child labour in the Sessional Paper No. 1 of 2005, with ultimate goal of mapping out the way forward.
- ☑ To share experiences in the provision of Basic Education and Vocational Training in Kenya and identify critical issues that need to be addressed in the process of the implementation of Sessional Paper as a means of reducing child labour in Kenya.

ANPPCAN that organized the conference is a Pan-African organization whose major concern is the protection of the rights of children, especially, where their rights are being violated. It was founded in 1986 in Enugu, Nigeria during the first African Conference on Child Labour, hence the centrality of child labour in ANPPCAN's activities in the 21 countries where it has its Chapters.

In its fight against labour, ANPPCAN recognises the role of education in keeping children in school from labour. For this reason ANPPCAN greatly appreciates the efforts most governments make to provide education to children. In Kenya, specifically, the Government has made a bold move to provide Free Primary Education to children and has set targets on when to achieve this. The Sessional Paper No. 1 of 2005 is yet such bold moves the Government is undertaking. It is in this appreciation of Government efforts that made ANPPCAN Head office to organise such a forum, targeting policy makers and other stakeholders from civil society organizations to deliberate on the paper.

ANPPCAN has also been participating in the implementation of ILO/IPEC Programme on Education and Child Labour. In this programme ANPPCAN had reviewed the Status of Provision of Education to all Children in Kenya. ANPPCAN was looking for an opportunity to present the findings and the Conference provided such venue.

The Conference therefore, included presentations from key stakeholders in education, which was done at plenary sessions and followed with open discussions. The participants were then divided into groups, where each group deliberated on different sections of the Sessional Paper drawing heavily from presentations made during plenaries. The groups made recommendations, which were presented at plenary and adopted.

During the entire period of the Conference, major issues emerged which are being presented together with recommendations made for possible redress.

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## **EMERGING ISSUES**

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### **Access and Affordability**

- ☑ Many Children are yet to access Free Primary Education (FPE) due to prevailing factors such as uniforms, hunger, cultural practices (early marriage, FGM) and teenage pregnancies. Children exposed to such circumstances include street children, those orphaned by HIV/AIDS, children in slum communities, children of internally displaced persons, those with disabilities and children in child labour.
- ☑ Of concern, was also the affordability of education. The government recognised this concern some years ago and a proposal was made to allow parents to pay school fees in kind. Nomadic communities could pay using livestock and in areas where this was not viable, parents could pay by providing labour. This brilliant proposal has never been implemented and the policy paper should revisit this issue.

### **Transition**

- ☑ The meeting observed close to 2.3 million children eligible for secondary education in Kenya could not transit from primary to secondary level of education due to the high costs of education involved and the emphasis on high academic performance. Education facilities in the secondary schools were also inadequate. These issue combined in a competitive system eliminates many children and denies them the opportunity to transit to the next level of education and training as they are often considered failures. Every year, statistics are churned out that thousand of eligible children cannot proceed to secondary schools, universities or other institutions of higher learning. This is not addressed in the policy paper.

### **Non-Formal Education**

- ☑ Non- formal education is poorly managed, yet this is the predominant educational system available and accessible to majority of the children in marginalised communities such as slums, arid and semi-arid areas in Kenya. Non-formal education is also faced with many challenges related to quality, relevance, infrastructure, a comprehensive official framework.
- ☑ The process of reintegration of street children and children from child labour into the formal school system has not been addressed in the policy paper.

### **Early Childhood Education**

- ☑ It was observed that as much as Early Childhood Education improves retention rates of children, The Ministry of Education, Science and Technology was yet to take it up as a core programme. Services formerly rendered by local authorities on ECD were no longer visible. Consequently, only 35 per cent of the 0-5 age group are being enrolled in ECD centres. This group constitutes 20 per cent of Kenya's population and statistics reveal that this is a big number to be ignored in education notwithstanding that there is a policy framework.

### **Children with Disability**

- ☑ The meeting noted with concern that only 30,000 of 750,000 children with disabilities in Kenya, were enrolled in our education system. Indeed it was observed that this burden was

condemned to the civil society as the sector lacked trained teachers, friendly structures and facilities to aid mobility. There was also lack of a concerted effort in including this sector in the mainstream public education system. A few attempts have been made to integrate disability to the education system but no attempt has been made so far to review these efforts for effective implementation. This situation has led to discontinuation of efforts.

### **Legislation**

- ☑ The meeting observed grave anomalies regarding legislation on children in different government ministries namely MOEST, Labour and Department of Children's Services. There was need for review and harmonization of the different provisions if children are going to be effectively provided with services including education. It was also observed that issues of education were hardly coordinated and were often dealt with in segments. For example, Ministry of Labour deals with Youth Polytechnics while MOEST deals with technical training at a higher level. It is important to note that majority of children are in the lower level, and undertake their training in institutions managed outside MOEST. Harmonization and coordination while providing education and training in Kenya was found wanting which means that some sectors providing education may not be adequately addressed by the policy paper since they are not under the jurisdiction of MOEST.

### **Technical Training Institutions (Youth Polytechnics)**

- ☑ Majority of Kenyan children finish their education in class eight, while a great number does not even complete class eight. Youth polytechnics are therefore the best venues for skills training for this vast number. Although MOEST hopes to absorb youth polytechnics in the policy paper, the same paper does not come out clearly on how this effort will benefit this large group of children. There is also emphasis on turning national polytechnics into universities, once more denying the majority of Kenyans opportunities to acquire skills training. It was observed that courses offered in Technical Training Institutions were not meeting the market demand and the call for flexibility was not addressed in the policy paper. There were courses offered by the World Bank and ILO which were targeting the market but these were not offered by technical institutions for example soap making and juices. The training duration in these institutions was also noted to be too long for parents who did not have much money. The institutions were also located far for children who could not afford to pay for boarding facilities. There was need to review the relevance of curricula in technical training and entrepreneurship.

### **Diversity and Materials Used**

- ☑ The meeting felt that Kenya's environmental and cultural diversity needed to be reflected in our education system. For example, a nomadic child may not necessarily relate to agricultural oriented illustrations and vice versa. The meeting felt that this issue should be explicitly addressed and catered for in the policy paper.

### **Wealth Creation in Schools**

- ☑ The meeting noted that there existed examples of very successful efforts in income generation within the school system that have been used to meet the needs and retain children at risk of dropping out of school and even for returning to school those who have dropped out. The policy paper does not reflect this. It was also noted that it would be wise for the government to sustain the provision of FPE by including schools, which can generate resources because schools are potential sustainable local donors.

## **Grabbing of School Land**

- The meeting observed that land grabbing (at times by government officials) of portions earmarked for constructing schools and school related facilities could be stopped if the MOEST liaised with the Ministry of Lands to stop it. This would provide schools with the opportunity to expand in many town centres.

## **School Environment**

- The meeting noted that the school environment in Kenya had become very hostile to children. There were cases of sexual harassment, excessive punishment and all manner of abuse. For example, some children were made to kneel on ballast for hours, teachers were disorganized, teenage pregnancies rampant, drug peddling etc. the meeting felt the policy paper should have explicitly addressed this.

## **Research**

- The meeting noted that research would be useful and should target the education system itself. For example, in the school environment functions of the Board of Governors and PTAs do not compliment each other. In some situations, these roles were in conflict and detrimental to the educational environment of institutions. It is only through reviews that their relevance can be established.

## **HIV/ AIDS**

- Many parents of AIDS orphans die when these children are in school especially at primary level. However there are no mechanisms to ensure these children are retained in the school system. There are children in schools who are HIV positive yet no services are available to these children. Above all there are teachers who are infected or affected by HIV/AIDS. One would like to see this being addressed in the policy paper more eloquently.

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# RECOMMENDATIONS

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## 1. RESEARCH

There is need to undertake research with the aim of ascertaining the real problems affecting schools. This will provide vital information and will guide efforts in improving the school environment and ultimately ensure the effective provision of relevant quality education to enable children both girls and boys learn in a friendly environment that nurtures their intellectual, emotional and physical growth.

Areas identified for immediate studies were:

- Forms of discipline emerging since the ban of corporal punishment
- Teenage pregnancies and related issues as sexual harassment
- Pupil – teacher ratio and coping mechanisms
- General welfare of teachers e.g. Security issues, accommodation, leadership, involvement of teachers in decision making processes
- Alternative ways of empowering schools to produce or source for affordable sanitary towels
- HIV/AIDS as relates to schools or education
- Impact of HIV/AIDS in education
- Different approaches in dealing with HIV/AIDS related orphans
- The situation of non-formal education
- The IGAs in schools and their contribution to education among others
- Nature and extent of children with disabilities in Kenya including facilities available for such children

## 2. POLICY ISSUES

- To provide guidelines on wealth creation in schools and make it a National Policy.
- MOEST should initiate the gazettelement of all school land by the Ministry of Lands.
- Considering that the majority of children from disadvantaged groups are in non-formal education, the system should be made a parallel form of education in Kenya just as we have a parallel system in the university.
- MOEST should implement the policy that allows parents to pay school levies in kind in form of livestock and labour.
- Vocational training should be incorporated in some of the existing schools to save the parents from the burden of transportation and boarding expenses
- MOEST should come up with an Integration Policy for absorbing street children and those from child labour back into education and training.
- MOEST also needs to come up with a policy on how schools could protect and prevent numerous cases of AIDS orphans from dropping out of school considering that schools are secondary agents of socialization.
- It is highly recommended that the school feeding programme be made a National Policy as this will attend to the significant number of children who go to school hungry; a factor that makes them perform poorly or drop out.
- The policy paper under TIVET does not address those children who attend youth polytechnics and puts emphasis on the children who have completed O-levels. There is urgent need to revisit youth polytechnics in TIVET.

### 3. ACTIVITIES

- ☑ The MOEST in collaboration with the Ministry of Local Government should take initiative to build or expand public schools in the disadvantaged areas such as the arid, semi-arid and non formal settlements.
- ☑ MOEST should encourage the establishment of day secondary schools to enhance transition from primary level of education.
- ☑ Parents and teachers should be encouraged to appreciate and tap the talents and potential of all students as this will eliminate the current cut-throat competition in our education system. All talents should be recognised and appreciated and not wasted at the expense of awarding best schools and best students.
- ☑ MOEST needs to make an effort to ascertain the number of children with disability and provide facilities for disabled children.
- ☑ MOEST should liaise with the Ministry of Labour and Department of Children's Services to harmonize legislation regarding education and labour for children.
- ☑ Educational illustrations and examinations should take into consideration the geographical and cultural diversity surrounding children. They should consider the most appropriate method of communicating to children from the arid, semi-arid, nomadic and urban areas.

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## GROUP DISCUSSIONS AND RECOMMENDATIONS

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The participants to the conference were divided into 3 groups and assigned topics drawn from the Policy Framework for Education, Training and Research

### **GROUP 1: Early Childhood Development and Education and Primary Education**

#### **Early Childhood Development and Education**

**On Section 4.1** ‘the attainment of EFA by 2015 is a major goal and commitment for the National Alliance Rainbow Coalition (NARC) Government

***Recommendation:***

In addition to attaining EFA by 2015 or thereabout, the Government should review and harmonise national laws such as the Employment Act with provisions of international conventions and the Children’s Act, 2001 as part of the process of guaranteeing education is available to all children.

**On Section 4.6** ‘To implement the policies, the Government will employ the following strategies ...’

***Recommendation: The following strategies be added to the list of the strategies***

- The Government of Kenya should train and employ early childhood development and education (ECDE) teachers,
- The community should be empowered to take care of the health and nutritional needs of their children using their own initiatives,
- Enforce a policy that each primary school has an early childhood development centre and make the early childhood development centres accessible to all children in the community,
- Strengthen the district centres for early childhood education (DICECE) to provide teaching and learning materials to early childhood development (ECD) centres,
- The Free Primary Education programme should also be extended to early childhood development centres earlier than 2010,
- Special needs of the early childhood development (ECD) deserve a mention in the Policy document.

#### **Primary Education**

**Section 4.7**, ‘The policy of the Government on primary education is to achieve Universal Primary Education (UPE) by 2005 which is a key strategy towards attaining the overall goal of EFA by 2015...’

***Recommendation:***

- The government should now set a new timeline for achieving universal primary education as it is now clear that it cannot achieve the same in the year 2005.

**Section 4.8**, ‘Despite this performance, primary education continues to experience many challenges relating to access and equity.....’

***Recommendation:***

- The Government should clearly define the role of parents and the community in the

implementation of the free primary education programme.

- The government should come up with a standard teacher- pupil ratio and work towards it i.e. 1:40 for primary school and 1:25 for ECD centres.

**Section 4.13**, ‘To implement the policies, the Government will employ the following strategies...’

*Recommendation: The following strategies to be added to the list*

- Schools be encouraged to start income generating activities (IGAs) for their sustainability purposes and that of the take care of the needy children,
- Strengthen networking/linkages within the relevant ministries to provide synergy in the implementation of FPE,
- Security to be strengthened in all schools for teachers and pupils, especially in slum areas and violence prone areas,
- The Government, through the Ministry of Lands, should ensure that school lands is protected, gazetted and provided with title deeds,
- Schools in disputed land should be protected from acts of arson e.g. in the on-going Mau Narok eviction saga,
- Research on education should be sector specific, tailored and current. For instance, the percentage of children with special needs should be known and reviewed regularly,
- The Government should provide an alternative, orderly and regulated non-formal education and allow its curriculum to be operational with links to the mainstream education system,
- A policy on life skills training should be developed for primary schools to equip the children with skills for survival,
- Early Childhood Development should be structured further into different components and the roles of partners in ECD provision in the country be specified for the other partners or other stakeholders.

## **GROUP II: Secondary Education**

Recommendations on the Background of the Policy Framework

- ☑ Include NER rates to capture children of secondary school age who are out of school.
  - In the background, it should be noted that of all children of secondary school going age, some 73% are out of school, 47% of all those that complete primary school don't transit to secondary every year, while an estimated 80% of children from informal settlements have no access to secondary education.
- ☑ Local authorities have no mandate to plan for secondary schools construction and therefore the need to mandate them to provide infrastructure for secondary education.
- ☑ Need to capture gender disparity in education statistics.
- ☑ Discipline/ alternative methods of discipline be provided for in the sessional paper.
- ☑ Unrest and violence in schools and strategies for curbing it be spelt out in the sessional paper.
- ☑ Drugs and substance abuse and methods of addressing the problems be spelt out in the paper.
- ☑ The school environment reflected in sanitation, physical facilities, sexual abuse, corporal punishment, security, child labour in school presented in the form of cooking for teachers, farm-work, washing cars be addressed in the paper.
- ☑ Security for teachers and children/students.

- ☑ School management and involvement of parents/community should be made clear in the sessional paper. This should address misuse of PTAs, transparency in management, role of heads association and, power of principles.
- ☑ Legal framework dealing with education and children be harmonized.
- ☑ Qualification of board members be spelt out
- ☑ Quality assurance: who takes action and the cause of action where quality is compromised be spelt out in the sessional paper.
- ☑ Alternative forms of education such as non-formal education are not well addressed in the sessional paper. There is need to clearly spell out policy commitment to address the state of alternative and complementary forms of education.

### **Recommendations on Policy Proposals**

**On Section 4.18 (i)** Institutionalize secondary education as part of basic education in line with the Children Act, 2001

**On Section 4.18 (iv)** Extend the Bachelor of Education training programme to 5 years on subject matter and 2 years on pedagogy. Alternative education should be made a graduate course so that only those interested specialize in it and it does not become a dumping ground for those who cannot be admitted in other courses.

#### **Other recommendations:**

- Harmonise and control cost of secondary education to ensure affordability.
- Harmonise legislation on education and children, other legislations like Employment Act, etc., and review them progressively as social conditions keep changing.
- Establish government schools to enhance access to secondary education in the districts and urban slum areas. In the past, the government has not been widely involved in putting up of secondary schools.
- Emphasise on quality education, access, retention and continuity rather than examinations and mean scores.
- Device Frameworks for partnerships and collaboration in education provision

#### **Recommendations on Strategies to be used**

- Create linkages between non-formal and formal systems of education and place them under one ministry.
- Provide for specialisation at both secondary and technical education so that gifted children are re-routed through an accelerated curriculum and also to sustain interest in children.
- Review and harmonize all legislations and policies regarding children and education and provide for regular review to ensure social economic changes are taken into account.
- Adopt a multi-sectoral approach in the making and implementation of policies at all levels particularly those dealing with children and education.

## GROUP III: Technical, Industrial, Vocational and Entrepreneurship Training, (TIVET)

### Recommendations

#### On Certification

- A standard 8 certification should be made mandatory for entry for TIVET training. However, for pre-class 8 drop-outs, basic knowledge would be necessary, hence an accelerated basic literacy programme should be introduced for adult students joining TIVET. There is also need to introduce basic academic courses in TIVET programme to provide learners with opportunities for re-entry into the mainstream education system to advance their knowledge and skills.

#### Management

- Provide for operational management committees certified by the Ministry of Education, Science and Technology to oversee the running of TIVET institutions in the country.
- The headship of TIVET institutions must possess at least a minimum equivalent of one of the courses offered at the TIVET institution, e.g. in a computer training institution, the headship should possess information technology (IT) knowledge.
- Draw clear linkages between ministries offering TIVET training to allow for networking between them. However, the Ministry of Education ought to remain the overall custodian of both the training and education.

#### Curriculum

- Identify and allow a ministry to provide an MOES&T certified curriculum at subsidized (affordable) cost.
- Provide uniform curriculum for all TIVET institutions in the country.
- Undertake a review of the existing/outdated curriculum to bring it at par with new technology.
- **Provide for an industry - driven curriculum.**

#### Suggested revisions

The last sentence on **Section 1.24** starting, "However, employment upon graduation from Teacher Training Colleges (TTCs) is not guaranteed, as the number of graduating teachers does not match the vacancies available in schools, ' should be deleted as it is demoralising to teachers in training colleges. This is because graduate teachers can teach even in neighbouring countries.

**Section 4.34 (iv)** that reads "Provide loans and bursaries to enhance access to TIVET taking account of marginalised, such as female students and physically handicapped' should instead read, "Provide loans and bursaries to enhance access to TIVETs taking into account marginalised and vulnerable groups and students with special needs."

The role and place of social workers and counsellors should be provided for in the Sessional paper owing to the emerging need for their services in schools.

## LIST OF PARTICIPANTS

NO	NAME	ORGANISATION	ADDRESS
1.	Hezron Owallo	COTU	Box 13000-00100 NRB
2.	Patrick Maina Wachira	Don Bosco	Box 27754 Nairobi Tel: 890510/11
3.	William Adhoch	Department of Quality Assurance	Box 30426 – 00100 Nrb
4.	Joseph Kinyua Njagi	Ministry of Planning	Box 78115 Nairobi
5.	Karume Benjamin	ANPPCAN-Kenya Chapter	Box 46516 – 00100 Nrb
6.	Tabitha Kimani	Ministry of Agriculture	Tnkimani-tabby@yahoo.com
7.	Mary Killeen	DKA Support Office	Box 17697-00500 Nairobi, Tel: 533200
8.	Sr. Consolata Banda	Catholic Secretariat	Box20053 Nairobi
9.	Jacob.O.Omollo	IPAR	<a href="mailto:jomolo@ipar.or.ke">jomolo@ipar.or.ke</a> Tel 251179
10.	Bertha Mwai	Ministry of Labour and Human Resource Development	Box 40326, Tel 2729800,
11.	L. Muriithi	Ministry of Education Science and Technology	Box 60209 Nairobi
12.	Stephen Okindo Makaye	K.N. Hospital	
13.	Alexander N. Kariavu	KNUT	Box 30407 00100, Nairobi Tel 223509 Fax 222701 E-mail <a href="mailto:knut@nbnet.co.ke">knut@nbnet.co.ke</a>
14.	Lillian Khaghai Shimanyula	NCKK	Box 45009 Nairobi
15.	Fridah Kagwiria	NCKK	Box 45009 Nairobi
16.	Alloys Opiyo	Undugu Society of Kenya	Box 40417 Nairobi
17.	Carol Ngonze	World Vision Kenya	Box 50816 Nairobi
18.	Makori Moses Ombari	Ministry of Education Science and technology	Box 295 Butere Mumias
19.	Ndedda Crispin	Ministry of Health	Box 43319 Nairobi
20.	Mary Mugo	Ministry of Education Science and technology	Box 30040 Nairobi
21.	Beatrice Maingi	Ministry of Education Science and technology	Box 30040 Nairobi
22.	Eliud Sang	Nairobi Women	-
23.	John Mugo	GTZ	Box 31607
24.	Rufina N. Simiyu	Dept. of Social Services	Box 24430 Nairobi
25.	Loise Wanyoike	AMWIK	Box 30456 Nairobi
26.	Joseph Mukholwe	Information Department	Box 140 Nyeri
27.	Florence Kisirkoi	KIE	Box 30231 Nairobi, <a href="mailto:kied@yahoo.com">kied@yahoo.com</a>
28.	Muhia Kinuthia	Youth For Change Foundation	Box 6270 GPO Nairobi
29.	Eliud W. Baraza	MOEST	Box 30048 Nairobi
30.	Magdalene A. Okoth	MOEST	Box 30048 Nairobi
31.	Ken Ramani	The Standard Newspapers	Box 30080 Nairobi
32.	Paschal Wambiya	ILO/IPEC	Box 40513-00100 Nairobi
33.	Irene Mureithi	CWSK	Box 43982 Nairobi
34.	Dr.Philista Onyango	ANPPCAN Regional	Box 1768-00200 Nairobi
35.	Wambui Njuguna	ANPPCAN Regional	Box 1768-00200 Nairobi
36.	Celia Turkett	ANPPCAN Regional	Box 1768-00200 Nairobi, Tel 576502
37.	Ronald Guda	ANPPCAN Regional	Box 1768-00200 Nairobi Tel 576502

38.	Stephan Boncoeur	ANPPCAN Regional	Box 1768-00200 Nairobi Tel 576502
39.	Kennedy Bikuri	ANPPCAN Regional	Box 1768-00200 Nairobi Tel 576502
40.	Peter Munene	ANPPCAN Regional	Box 1768-00200 Nairobi Tel 576502
41.	Richard Ogada	ANPPCAN Regional	Box 1768-00200 Nairobi Tel 576502
42.	Peter Ng'ang'a	ANPPCAN Regional	Box 1768-00200 Nairobi Tel 576502
43.	Maurice.N.Ojowi	Sega Youth Polytechnic	Box 18 Sega - Siaya
44.	Alloys M.Okoth	Siaya District Child Labour Committee	Box 199 Siaya
45.	Richard N.Midamba	Homa Bay District Child Labour Committee	Box 78 Homabay
46.	James Mwai	ANPPCAN Regional	Box1768-00200 Nairobi
47.	Florence Munyoike	Muranga District Child Labour Committee	Box 118 Muranga
48.	Mburugah J.T.	Kiambu District Child Labour Committee	Box 9 Kiambu
49.	Rosemary.A. Anditi	Waondo Youth Polytechnic	Box Gembe
50.	Wanjau.H. Maina	DEO's Office SabaSaba	Box 195 SabaSaba
51.	Tom Oluoch	Bondo District Labour Committee	Box 580 Bondo
52.	Jack.O.Odongo	Homa Bay Youth Polytechnic	Box 174 Homabay
53.	Odul B. Argwings	Suba District Child Labour Committee	Box 297 Mbita
54.	Rose Odoyo	ANPPCAN Kenya Chapter.	Box 46516 0010 Nairobi.
55.	Nasra Hyder	State Law office	Box 40112 Nairobi.
56.	Prof. Fredrick Okatcha	Kenyatta University	
57.	Prof. Paul Acholla	Kenyatta University	
58.	Franco Lusaka	KBC.	Tel. 0735371046.
59.	Bobby Mkangi	CLAN	Box 7979-00200.
60.	Rozilla Adhiambo Isalambo	ANPPCAN Regional	Box 1768-00200.
61.	Sifuna Pacy Anazett	Moi University	Box 6125 00100. Nairobi.
62.	Wangari Ndirangu	Kenya News Agency	Tel. 218473.
63.	Juliana Nzomo	Aga Khan Foundation	Box 30484 00100 Nairobi.
64.	Elijah Kihumbi.	Ministry of Labour and Human Resource Department.	Box 34120-00100 Nairobi.
65.	Margaret W. Onyimbo	Ministry of Finance	Box 30007 Nairobi.
66.	Samwel Siringi	Nation	Box 49010-00100 Nairobi.
67.	Harith Salim	IQRA FM	Box 45163, Nairobi.
68.	William Adhoch	MOEST	Box 30426-00100 Nairobi.
69.	Joseph Mukwolwe	Information Department	Box 140, Nyeri.
70.	Christabel Telewa	Daystar university	Box 856443. Nairobi.
71.	Jane Mumo	MOEST	Box 30426-00100 Nairobi.
72.	Edward Ouma	CLAN	Box 7979-00200 Nairobi
73.	Janet Mangera	Kenya Catholic Secretariat	Box 4443133/4/5. Nairobi.
74.	Muliro Telewa	BBC World Service	Box 58621 – 00200 Nairobi.

### Supporting Team

#### Rapporteurs

- Peter Munene (ANPPCAN Regional Office)
- Kennedy Bikuri (ANPPCAN Regional Office)

**Secretariat**

- Joan Mutie (ANPPCAN Regional Office)
- Esther Wanyaga (ANPPCAN Regional Office)
- Michelle Midigo (ANPPCAN Regional Office)
- Elizabeth Ogembo (ANPPCAN Regional Office)