



What are the key priorities facing child protection system reform in 2023/4 in your country?

- **Kenya launched its National Care Reform Strategy in June 2022. This is a 10-year strategy, spanning 2022 to 2032. The government is tasked with ensuring the implementation of the strategy.**
- **The Government of Kenya is currently undergoing a financial crisis; hence, there is very little evidence to suggest that the government will commit finances to the implementation of the national care reform strategy. Therefore, mobilization of resources is crucial within the CSOs sector and the international donor community.**
- **The government bears the primary responsibility for ensuring proper coordination and oversight to guarantee the effective implementation of the strategy and to avoid the pitfalls**

### **Numbers of children in Institutions**

Kenya has a network of state run and privately operated Charitable Children's Institutions (CCIs). However, there are no credible estimates regarding the numbers and characteristics of children in CCIs. In response to the COVID-19 emergency, the Ministry of Labour and Social Protection directed the release of all children in institutions to their families, caregivers, or other alternative family care options. This directive led to the immediate release of an estimated 19,000+ children, indicating that many of them have living parents or relatives with whom they could be placed.<sup>i</sup> According to a statutory care reform publication, there are approximately 854 CCIs containing 47,000 children<sup>ii iii</sup>. In addition, there are an estimated 1,000–1,200 children living in 28 government-run institutions, including rehabilitation, remand, reception, and rescue centres.<sup>iv</sup> In a broadly cited publication, Desmond et al. suggested that there were 61,913 children living in institutions in 2015.<sup>v</sup> Despite the significant variation in the scale of the problem depending greatly on the source data used, there is very little available information about the characteristics and wellbeing of the children in CCIs.



# HOPE AND HOMES FOR CHILDREN



## Country Factsheet 2023

### Kenya

#### **The biggest positive change in the country over the last 12 months**

The Government of Kenya launched the National Care Reform Strategy (2022-2032).<sup>vi</sup> The strategy recognises the harm of institutional care and calls for investment in family care, including the development and strengthening of alternative family care. It advocates for the initiation of reintegration and transition programs for children from institutions, as well as providing support to families and communities to prevent separation. Additionally, the Children's Act 2022 <sup>vii</sup> recognises kinship care and other family care models, thereby solidifying care reform by mandating that all institutions transition to family and community-based care within the specified 10-year period outlined in the strategy.

#### **The biggest negative change in the country over the last 12 months.**

The Government of Kenya is currently grappling with severe financial challenges to the extent that it is facing difficulties in remunerating public servants. Consequently, allocating funds for the implementation of the care reform strategy is proving to be a daunting task, thus potentially delaying its execution.

#### **What are the other headlines or issues that you are working on in terms of child protection system reform?**

The Government has finalised the National Guidelines and Standards for Child Welfare Programs.<sup>viii</sup> These guidelines are intended to provide a framework within which stakeholders (state and non-state actors) can develop, design, and implement childcare and welfare programmes to enhance child rights, strengthen family and community-based care. These guidelines will provide a standardized approach to the design, development and implementation of child welfare programmes, eventually enhancing monitoring and evaluation, coordination, reporting and effective service delivery. Additionally, the government has also finalized the National Guidelines for Transitioning Child Care System in Kenya.<sup>ix</sup> The primary objective is to provide for a coordinated transitioning mechanism and approaches to implement the National Care Reform Strategy. The government has also started this year convening coordination meetings provided for in the National Care Reform Strategy for Children in Kenya to ensure effective oversight and coordination.



The Government of Kenya has been grappling with financial challenges since the onset of the COVID-19 pandemic in 2020, which have been further compounded by the ongoing war in Ukraine. These circumstances have necessitated the country to resort to borrowing funds to mitigate the effects of the pandemic, including various social protection measures. The structure of external debt involves relatively high servicing costs, prompting Kenya to allocate a significant portion of its revenue towards recurrent expenditure and debt repayment. Despite these constraints, Kenya has received support from the IMF and World Bank. Consequently, the government faces obstacles in allocating funds to the implementation of the national care reform strategy. Nonetheless, the government remains steadfast in its commitment to ensuring the execution of the strategy, with assistance from civil society organizations and the global donor community.

**Latest developments, e.g., Laws, policy, and moratoria**

**Positive**

1. The Government of Kenya signed into law, the Children's Act 2022 (CAP. 141)
2. Kenya launched its National Care Reform Strategy in June 2022. This is a 10-year strategy, 2022-2032.

**Negative**

1. The Children's Act 2022 has some sections that are not aligned to the overall objective of care reform, additionally, which may allow county level authorities establish residential care institutions.
2. While there is a legal and policy framework providing for and regulating foster care, participants believe these regulations need to be reviewed because they do not cover all foster care issues adequately.<sup>x</sup> There is also a need to establish guidelines for implementation of foster care.

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## Country Factsheet 2023

### Kenya

#### We call on the government to:

1. Undertake a systematic study of the situation of children in institutions both registered and unregistered, providing disaggregated data to create an accurate picture of the characteristics of children in institutions, the root causes of their placement and scale of the issue.
2. Allocate adequate funding to ensure implementation of the care reform strategy to ensure children are sustainably supported in families and communities.
3. Strengthen oversight and coordination of care reform at national, county and support CSOs level to ensure effective care reforms.

#### We call on the international donor community to:

1. Provide technical and financial assistance for programmatic interventions to assist the government of Kenya in the implementation of the national care reform strategy, to ensure closure of institutions, reintegration of children, development of services and structures aligned to prevention, and strengthening of families and communities.
2. Provide technical and financial assistance for programmatic to establish a baseline on children in all forms of alternative care including unregistered institutions. This should include disaggregated data to assist in monitoring and service delivery.
3. Support structures at national and county level that enhance and support children and young people with lived experience in care reform processes.

#### Hope and Homes for Children Kenya

**PO BOX 10752-00100  
Nairobi  
Kenya**

<https://www.hopeandhomes.org/what-we-do/where-we-work/kenya/>



**About our country factsheet**

This country factsheet provides an overview of the work of Hope and Homes for Children in Ukraine. It is intended to inform policymakers, donors, and the wider public about the scope of child protection system reform in each country, highlighting efforts to transition from institutions (orphanages) to family- and community-based alternatives.

Each country snapshot outlines both the strengths and weaknesses of current policies and actions within the child protection system. It provides a summary of publicly available data that we have been able to source, alongside our expert analysis of this information as it pertains to overall child protection reform. We also offer key recommendations for future interventions to drive continued improvement.

These insights are based on over 30 years of experience from Hope and Homes for Children. While significant progress in child protection reform is possible, challenges remain, especially in gathering comprehensive data and aligning definitions. Where applicable, definitions and programmes discussed are based on local legal and policy frameworks. For this reason, they are not readily comparable to country factsheets, produced by us for another country or jurisdiction.

**Data disclaimer**

The data is primarily sourced from official state sources. The situation with children in alternative care is dynamic, and changes may not necessarily be captured in present data set. All reasonable efforts have been made to ensure the accuracy of the data presented herein compiled. However, Hope and Homes for Children provides this data as the guidance only and cannot guarantee its accuracy, timeliness, or completeness. Nor can we be held responsible for its use.

Hope and Homes for Children – Head Office Hope and Homes for Children  
The Guild, King Street, Salisbury, SP2 0RS  
Tel: +44 (0)1722 790111 [office@hopeandhomes.org](mailto:office@hopeandhomes.org) [www.hopeandhomes.org](http://www.hopeandhomes.org)

Hope and Homes for Children – EU liaison office: Rond Point Schuman 6, 1040, Brussels, Belgium

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## Country Factsheet 2023

### Kenya

#### Footnotes and data sources

<sup>i</sup> [https://bettercarenetwork.org/sites/default/files/2021-04/26\\_Kenya%20National%20Care%20System%20Assessment.pdf](https://bettercarenetwork.org/sites/default/files/2021-04/26_Kenya%20National%20Care%20System%20Assessment.pdf)

<sup>ii</sup> <https://nccs.go.ke/sites/default/files/resources/overview%20of%20the%20national%20care%20reform%20for%20children%20%20presentation-.pdf>

<sup>iii</sup> [https://bettercarenetwork.org/sites/default/files/2022-02/289.11\\_EN\\_VST%20Care%20reform%20in%20Kenya.pdf](https://bettercarenetwork.org/sites/default/files/2022-02/289.11_EN_VST%20Care%20reform%20in%20Kenya.pdf)

<sup>iv</sup> <https://www.socialprotection.go.ke/services-care-reforms>

<sup>v</sup> Supplement to: Desmond C, Watt K, Saha A, Huang J, Lu C. Prevalence and number. of children living in institutional care: global, regional, and country estimates. Lancet Child Adolescent Health 2019; published online March 6. [https://doi.org/10.1016/S2352-4642\(20\)30022-5](https://doi.org/10.1016/S2352-4642(20)30022-5)

<sup>vi</sup> <https://nccs.go.ke/sites/default/files/resources/overview%20of%20the%20national%20care%20reform%20for%20children%20%20presentation-.pdf>

<sup>vii</sup> [https://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/2022/TheChildrenAct\\_2022.pdf](https://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/2022/TheChildrenAct_2022.pdf)

<sup>viii</sup> [https://bettercarenetwork.org/sites/default/files/2023-11/child\\_welfare\\_programmes\\_guidelines\\_2023.pdf](https://bettercarenetwork.org/sites/default/files/2023-11/child_welfare_programmes_guidelines_2023.pdf)

<sup>ix</sup> [https://bettercarenetwork.org/sites/default/files/2023-11/national\\_guidelines\\_for\\_transitioning\\_child\\_care\\_2023.pdf](https://bettercarenetwork.org/sites/default/files/2023-11/national_guidelines_for_transitioning_child_care_2023.pdf)

<sup>x</sup> [https://bettercarenetwork.org/sites/default/files/2021-04/26\\_Kenya%20National%20Care%20System%20Assessment.pdf](https://bettercarenetwork.org/sites/default/files/2021-04/26_Kenya%20National%20Care%20System%20Assessment.pdf) p. 23