report
of the Conference on Child Trafficking
17 August 2006
Nairobi
Report of the Conference on Child Trafficking

17 August 2006
Nairobi Safari Club

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<table>
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<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>AIDS</td>
<td>Acquired Immunodeficiency Syndrome</td>
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<tr>
<td>ANPPCAN</td>
<td>African Network for the Prevention &amp; Protection against Child Abuse and Neglect</td>
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<tr>
<td>AMWIK</td>
<td>Association of Media Women in Kenya</td>
</tr>
<tr>
<td>AU</td>
<td>African Union</td>
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<tr>
<td>CDF</td>
<td>Constituency Development Fund</td>
</tr>
<tr>
<td>CDW</td>
<td>Child Domestic Work</td>
</tr>
<tr>
<td>CEDAW</td>
<td>Convention on the Elimination of all Forms of Discrimination against Women</td>
</tr>
<tr>
<td>CRADLE</td>
<td>Child Rights Advisory Documention and Legal Centre</td>
</tr>
<tr>
<td>CSEC</td>
<td>Commercial Sexual Exploitation of Children</td>
</tr>
<tr>
<td>CSO</td>
<td>Civil Society Organization</td>
</tr>
<tr>
<td>CWSK</td>
<td>Child Welfare Society of Kenya</td>
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<tr>
<td>DCLC</td>
<td>District Child Labour Committee</td>
</tr>
<tr>
<td>FIDA (K)</td>
<td>International Federation of Women Lawyers - Kenya</td>
</tr>
<tr>
<td>HIV</td>
<td>Human Immunodeficiency Virus</td>
</tr>
<tr>
<td>IGA</td>
<td>Income generating activity</td>
</tr>
<tr>
<td>ILO</td>
<td>International Labour Organization</td>
</tr>
<tr>
<td>IOM</td>
<td>International Organization for Migration</td>
</tr>
<tr>
<td>IPEC</td>
<td>International Programme on the Elimination of Child Labour</td>
</tr>
<tr>
<td>MLHRD</td>
<td>Ministry of Labour and Human Resource Development</td>
</tr>
<tr>
<td>OECD</td>
<td>Organisation for Economic Co-operation and Development</td>
</tr>
<tr>
<td>OVC</td>
<td>Orphans and Vulnerable Children</td>
</tr>
<tr>
<td>SOLGIDI</td>
<td>Solidarity with Girls in Distress</td>
</tr>
<tr>
<td>SOLWODI</td>
<td>Solidarity with Women in Distress</td>
</tr>
<tr>
<td>UNICEF</td>
<td>United Nations Children’s Fund</td>
</tr>
<tr>
<td>UNODC</td>
<td>United Nations Office on Drugs and Crime</td>
</tr>
<tr>
<td>WFCL</td>
<td>Worst Forms of Child Labour</td>
</tr>
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</table>
ACKNOWLEDGEMENTS

The 2006 Child Trafficking Conference would not have been a success without the contribution of many individuals and groups. To begin with, gratitude is owed to Winrock International for the financial support, which ensured that the pilot project on trafficking of children into Domestic Child Labour and Commercial Sexual Exploitation was sustained for one year. This project provided valuable information for the Conference.

The OAK Foundation and Save the Children, Sweden, are on record for providing funds for the Rapid Assessment on Trafficking in Children whose tentative findings were shared at the Conference. This timely support is highly appreciated.

The individuals and organizations who left their busy schedule to attend the Conference and share experiences added great value to the Conference are being thanked sincerely.

To the presenters, panellists and those presiding over the sessions, you made the Conference most successful. To all of you we extend “Thank you very much.”

The small team at ANPPCAN who organized and conducted the Conference with ultimate dedication, you are being thanked profusely!
1.0 EXECUTIVE SUMMARY

The Child Trafficking Conference was held on 17 August 2006 at the Nairobi Safari Club. The national conference was organized by ANPPCAN and attracted the presence and participation of virtually all stakeholders undertaking counter trafficking initiatives within the region, senior officials from government departments, ministries and the civil society organizations, at large.

This forum marked the successful completion of a pilot project dubbed ‘social mobilization against trafficking of children into domestic work and commercial sex’. The project implemented from September 2005 to August 2006, aimed at addressing the problem of many children engaged, partially or fully, in the Worst Forms of Child Labour. Children at risk of dropping out of school or those already trafficked into domestic work and commercial sex were targeted in 3 urban districts in Kenya, namely, Nairobi, Mombasa and Malindi. Those at risk were supported to stay in school and prevented from joining the Worst Forms of Child Labour; while those who were fully engaged in domestic work and commercial sex were withdrawn for rehabilitation and provided with basic education or vocational training.

ANPPCAN’s strategic approach and objectives in this project were as follows:

- To strengthen intersectoral linkages and build capacities at the community level.
- To create awareness at the local level;
- To promote local level advocacy and affirmative action for children engaged in the WFCL and those at risk;
- To provide direct support to children at risk of joining and those withdrawn from CDW and CSEC to undertake education and skills training; and,
- To promote national level advocacy, documentation and skills sharing.

The Conference also provided an opportunity to share experiences with organizations that have been working on human trafficking. ANPPCAN took the opportunity to share tentative findings on the study conducted on trafficking in children and young women in Kenya, Tanzania and Uganda. This study was to help ANPPCAN to come up with a more comprehensive project to deal with the vice.

ANPPCAN’s strategic objectives for this conference were as follows:

- To provide a forum for sharing experiences at the national level and create awareness on trafficking children into CDW and CSEC;
- To create an opportunity and engage stakeholders in dialogue for the purpose of mapping strategies currently in use and strengthen partnerships for subsequent networking; and,
- To identify gaps in protection and prevention against child trafficking and prosecution of perpetrators.
2.0 EMERGING ISSUES

✓ The need for policy dialogue with key policy and decision makers

It was noted with concern that policy dialogue was yet to be undertaken with key policy makers in the various line ministries. Indeed, this was a major impediment at the national level. There was, therefore, need to further engage with decision makers in deliberations concerning Education, Child Labour, Reproductive Health, Sexual Offences and Counter-Trafficking policies. Sessions to deliberate on these issues were deemed necessary in pushing for reform in policy and practice, thus, improving the protective environment for children against trafficking children into WFCL.

✓ Alliance building and creation of synergy among multi-sectoral partners

The Child Trafficking Conference saw representatives of different sectors come together with a common goal; to combat child trafficking. The need, therefore, for an alliance consisting of all these representatives of different line ministries i.e. education, labour, Department of Children’s Services, social services, international and local NGOs, CBOs and FBOs was utterly emphasized. Alliance formation would be a key strategy for advocacy, resource mobilization and coordination. Indeed, a strong alliance would effectively engage in the co-ordination of nationwide and regionwide prevention, victim assistance interventions as well as effective and holistic service provision.

✓ Institutionalization of WFCL issues

By forming structures like Child Labour Committees (CLCs) both at the district and community levels, trafficking and other WFCL issues at the community can be addressed through an institution. Remarkable achievements have already been made in selected districts in Kenya against child labour since the inception of DCLCs over 10 years ago. These, if scaled up countrywide, will put all atrocities committed against children in the national limelight, while, at the same time providing a multi-sectoral forum at the community level to address the same issues. Structure formation will function as child friendly reporting desks and also aid in monitoring children at risk of being trafficked. On the overall, institutions established will play a big role in awareness creation of the hazards involved, thus, effectively combating child trafficking at the local level.

✓ Interventions both for catchment areas as well as for destinations

Child trafficking in the urban area, just as in the rural area, is intolerable. Findings from research and experience at ANPPCAN have shown that there is a definitive pattern of transit from rural areas to urban and then to international destinations. Therefore, interventions to deal with the menace in the catchment areas to the destinations (which are mostly urban areas) need to be thought over carefully if the chain is to be broken to save many innocent victims. This needs to be explored further to ensure that children in WFCL are effectively protected.
3.0 CONFERENCE PRESENTATIONS

3.1 Introduction and Opening Remarks

*Presiding Chair: Ambassador Dennis Afande*
*Chairperson of National Council for Children Services*

The meeting started with Ambassador Afande as the Chairperson of the morning session. He officially welcomed the guests present. He thanked ANPPCAN for organising the conference and congratulated her for winning the inaugural African Union ‘Children’s Champion’ Award - 2006, that was presented at the African Union (AU) regional summit in Banjul, Gambia. He highlighted the important work done by ANPPCAN, which has been instrumental in raising public awareness on children issues. He also thanked Dr. Onyango for providing ANPPCAN with able leadership. He pointed out that Heads of State in Africa, currently place value on children’s issues and have shown great support to efforts aimed at tackling the same. He gave an example of Kenya in adopting the UN Protocol on Human Trafficking. He proceeded to define Human Trafficking as a practice that led to exploitation, prostitution, forced labour, slavery or the removal of organs from one human being for the enrichment of another. He stressed that children, in particular, were at risk of irregular adoption by foreigners without following the laid down rules and regulations. Amb. Afande concluded by a run down of the programme of the meeting after which he welcomed the first panellists to start presentation.

3.2 Child Trafficking - The International Situation

*Randy Fleitman, Regional Labour Attaché, U.S. Embassy – Kenya*

Mr Fleitman started by thanking the organizers of the Conference and the delegates. He then proceeded to elaborate his role in co-operating with local government agencies, NGOs and international organisations to understand and fight the child trafficking problem. He recognized ANPPCAN as a critical partner in children issues, with whom they have partnered on numerous occasions. Mr. Fleitman went on to share U.S. policy on child trafficking and informed the delegates that the issue is based on a legally mandated annual Global Report on Trafficking in Persons, that is accessible on www.state.gov. Mr Fleitman noted that the U.S. government had major interests in resolving the trafficking problem, especially in instances where children and young women were forced into domestic servitude and sex slavery. It is estimated that 17,500 persons are trafficked annually from Kenya for these purposes.

Trafficking in persons was defined to be a trans-national crime that generates approximately $7-10 billion annually (U.S. FBI and UN reports), a figure that rivals trade in small arms and drugs. Thus, the recognition that all governments need targeted information to address this global problem. However, it is still hard to quantify precisely due to subjugation of victims and unreported cases. The U.S Department of State’s 2006 Trafficking in Persons Report states that annually, 50% of the 600,000-800,000 people trafficked across
international borders are minors. The International Labour Organisation (ILO) estimates that 12.3 million people are put into forced labour, bonded labour, forced child labour and sex slavery at any given time. Additionally, approximately 1.2 million children are trafficked internally or externally each year (UNICEF, 2003).

He went on to give the official definition of ‘Trafficking in Persons’ from the UN Convention against Trans-national Organized Crime Protocol to Prevent and Suppress Trafficking in Persons as, “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of abuse of power, of a position of vulnerability or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”.

The Protocol also describes child trafficking as the recruitment, transport, transfer, harbouring or receipt of a child (anyone under 18 years) for the purpose of exploitation even if this does not involve force, fraud, or coercion.

Causes

Traffickers prey on the vulnerable. Their targets are often children and young women. They use creative ploys to coerce or win the confidence of potential victims. Very often, these involve promises of marriage, employment, educational opportunities or a better life.

Poverty and lack of opportunities for education and employment drive men, women and children to grasp for any hope for a better life, making them vulnerable to trafficking. Desperate parents may push their children into harsh domestic servitude or sex tourism to provide income for the family.

The HIV/AIDS pandemic has left thousands of children orphaned and made them vulnerable, thus, forcing them to seek work opportunities. Armies and militia groups fighting in regional conflicts forcefully recruit many children. The Lords Resistance Army of Northern Uganda is notorious for using children as soldiers, errand boys and sex slaves.

It should, however, be noted that trafficking of children denies them access to education, re-inforcing the cycle of poverty and illiteracy that represses national development, thus perpetuating poverty.

Globalization as a Cause

As an economist whose goal is to encourage economic development and poverty reduction through liberalizing private investment and trade, Mr Fleitman ventured to assess the extent to which globalization causes trafficking.
Globalization is a very broad process that facilitates the movement of people, goods, information, technology and money around the world. Like all historical trends, including urbanization and industrialization, globalization involves basic human drives and means different things to different people. Some focus on its opportunities and benefits, while others focus on its risks and costs. However, nothing short of World War III can stop globalization, so all countries must find ways to make it work for them by seizing the opportunities and adjusting in ways that minimize the negatives.

He explained that critics of globalization often blame it for causing or exacerbating child labour and trafficking in persons. However, studies of the impact of globalization on child labour have been inconclusive because statistical evidence and reliable data are insufficient. Yet globalization continues to affect children in many ways. Studies done on the impact of foreign direct investment, increased trade and price liberalization show that, with the right government, social and economic policies, globalization can reduce child labour.

An example given was that of Vietnam, where trade policy liberalization raised the price of rice, an export crop, increasing rural family income and accounting for almost half of the decline in child labour that occurred during the 1990s.

In general, foreign direct investment decreases child labour through technological transfers and the modernization of industry. Globalization, thus, raises the benefits of education for both the individual and the national economy, highlighting the need for investment in education to fight both child labour and trafficking.

**Strategies to Combat Child Trafficking**

The UN Convention on the Rights of the Child, the Protocol to Prevent and Suppress Trafficking in Persons, and the Protocol against the Smuggling of Migrants by Land, Sea and Air provide a strong international basis for governments to address Trafficking in Persons. To be effective, anti-trafficking strategies must target both the supply and demand for trafficking victims. On the supply side, there is need to address the conditions that drive trafficking. There is need, for instance, to:

- encourage economic growth that reduces poverty;
- improve and expand educational opportunities;
- alert local communities of the dangers of trafficking; and,
- educate people on their legal rights.

This is an eternal task. Even the U.S. and the Organization for Economic Co-operation and Development (OECD) countries, with all their wealth, opportunity and education systems, still confront many cases of child trafficking, forced labour and sexual exploitation. However, the challenge has to be taken up.

Governments must pass and strengthen laws defining and criminalizing trafficking, and establish and equip institutions to implement their laws. They should then vigorously investigate and prosecute traffickers and those who aid or protect them, especially corrupt
public officials who profit from the trade. This will require intelligent gathering of information and coordination between the many relevant government departments and police agencies. Governments must also train personnel to identify trafficking victims and direct them to appropriate care, rather than treat them as criminals.

On the demand side, persons who employ and/or sexually exploit trafficked children must be traced and prosecuted. In destination countries, public awareness campaigns must be conducted to make it harder for trafficking and sexual exploitation of children to be concealed or ignored.

Nations should co-operate more closely to deny traffickers legal sanctuary and to facilitate their extradition for prosecution. They should also co-operate to facilitate the voluntary and humane repatriation of victims. Victims should be rescued, rehabilitated, reintegrated into their families, or offered alternatives if unable to return to their home communities. Government driven programmes are needed to protect witnesses and encourage them to testify against traffickers. More importantly, governments need to periodically reassess their anti-trafficking strategies and programmes to ensure they remain effective against new methods by traffickers.

**Visible Progress**

There has been progress in the battle against trafficking. Last year, 41 governments passed new legislations against human trafficking. In its research for its annual report on trafficking, the State Department found that worldwide convictions of traffickers rose from few hundreds, a few years ago, to about 4,700 in 2005. Malawi led Africa with 13 convictions of traffickers in 2005.

The U.S. and many European countries have tried to prevent their citizens from engaging in child sex tourism or trafficking by passing laws giving their courts jurisdiction on the matter. Under the PROTECT Act of April 2003, it is a crime, prosecutable in the United States, for a U.S. citizen or permanent resident, to engage in illicit sexual conduct in a foreign country with a person under the age of 18. U.S. courts have already convicted 23 Americans under this Act.

As an illustration, an American citizen Lester Weber was convicted on April 25, 2005 and sentenced to 25 years in prison for knowingly engaging in sexual act with two children in Kenya. The Kenya Police worked closely with the U.S. Immigration and Customs Enforcement, providing the necessary evidence for the U.S. court.

Mr Fleitman concluded by encouraging everyone to persist and intensify efforts to combat child trafficking. The Chairman passed a vote of thanks to Randy Fleitman for giving the delegation a view of the U.S. and the international scenario on child trafficking.
3.3 Child Trafficking: The Situation in East Africa

Dr Philista Onyango, Regional Director, ANPPCAN

Dr Onyango, the Regional Director, ANPPCAN, began by giving an insight to ANPPCAN’s recently concluded research in the three East African Countries, on Child Trafficking. The study was funded by Oak Foundation and Save the Children, Sweden. She pointed out the difficulties encountered in conducting the study in the 3 countries.

Background

- ANPPCAN and Anti-Slavery International collaboratively organized a conference in 2005, to deliberate on Human Trafficking and Forced Labour in Eastern and Horn of Africa.
- It emerged that little is known about human trafficking in this part of the world.
- ANPPCAN took the challenge and approached several groups for support to conduct a Rapid Assessment. OAK Foundation and Save the Children, Sweden got interested and supported the efforts.
- Four (4) countries were targeted – Ethiopia, Kenya, Tanzania and Uganda because of the existence of ANPPCAN Chapters in these countries.
- Eventually the studies were conducted in Kenya, Tanzania and Uganda as IOM was conducting a similar study in Ethiopia.

The study was to generate data on trafficking of children and young women in Kenya, Uganda and Tanzania with the ultimate goal of improving interventions and policies regarding trafficking in targeted countries.

Specific objectives of the study were:

- Collect in-depth information to determine the nature and the magnitude of the problem, paying attention to gender variances.
- Determine factors that lead to and sustain trafficking of children and women within and beyond the countries in order to identify the profiles of the survivors and perpetrators, methods of recruitment, routes, transportation used and the consequences of trafficking to the survivors and their families.
- Review and identify gaps in policy and legislative framework and capacities of efforts to combat trafficking in the 3 countries.
- Assess the level of awareness of trafficking in children and young women amongst key stakeholders such as government departments and civil society organizations that deal with issues related to trafficking.
- Determine the capacity of key stakeholders in dealing with trafficking of children and young women in the 3 countries and to use country specific recommendations to design and develop action programmes to combat and prevent trafficking of children and young women in and from the 3 countries.
Methodology used included:

- **Study Design**
  - Cross sectional and employed both quantitative and qualitative techniques of data collection and analysis
  - A review of available literature and conducting field studies in selected towns

- **Study Sites**
  - Purposively selected based on available literature and media reports
    - In Uganda, selected study sites include Busia and Kampala City,
    - In Kenya, we had Busia, Kisumu, Nairobi, Mombasa,
    - In Tanzania study areas were the Coast, Mbeya, Iringa, Dar es Salaam, Zanzibar and Kilimanjaro

- **Sample size as shown on the following table**

<table>
<thead>
<tr>
<th>Group</th>
<th>Kenya</th>
<th>Tanzania</th>
<th>Uganda</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Survivors (victims)</td>
<td>69</td>
<td>41</td>
<td>51</td>
<td>161</td>
</tr>
<tr>
<td>Family members of survivors</td>
<td>35</td>
<td>10</td>
<td>10</td>
<td>55</td>
</tr>
<tr>
<td>Law enforcement and Govt. Departments</td>
<td>19</td>
<td>55</td>
<td>6</td>
<td>80</td>
</tr>
<tr>
<td>Traffickers (private employers/bureau owners)</td>
<td>5</td>
<td>10</td>
<td>8</td>
<td>23</td>
</tr>
<tr>
<td>Civil Society and Faith Based Organizations</td>
<td>10</td>
<td>46</td>
<td>6</td>
<td>62</td>
</tr>
<tr>
<td>UN and International Organizations</td>
<td>5</td>
<td>10</td>
<td>2</td>
<td>17</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>143</strong></td>
<td><strong>172</strong></td>
<td><strong>83</strong></td>
<td><strong>398</strong></td>
</tr>
</tbody>
</table>

Methods of Data Collection

- Review of literature which led to selection of sites and identification of gaps for collecting data
- Interviews using structured questionnaires based on the objectives and identified gaps. This was administered to target groups in the sample.
- Focus group discussions were conducted with some survivors, family members
- In-depth case studies targeting survivors (life histories)
- Simple observations in study sites

Data Analysis

- A lot of data has been collected and in-depth analysis still to be done e.g. cross tabulations and tests of significance in each country study
- Qualitative and content analysis has been used to analyze both secondary and primary data from focus group discussions (qualitative data)
- Quantitative data analyzed using the SPSS package (Statistical Package for Social Science)

**The Findings According to Available Literature**

Literature on child trafficking is scanty. Information available is largely that of newspaper reports.

**Nature and Extent**

- Trafficking occurs at 2 levels, internal and international

  - Under internal trafficking, children are trafficked from rural to urban areas for domestic work, agricultural labour, street vending, smuggling at border areas, human sacrifices, servitude and prostitution. Young women are trafficked to work in bars, lodges and restaurants while doubling up for prostitution. Majority of traffickers at this level are women.

  - At the international level, children are trafficked to Kenya, Middle East and the UK for domestic work, prostitution, farm labour, to serve as camel jockeys in the Middle East and in fraudulent behaviour to acquire council houses in the UK. In Kenya, women traffickers usually pay repatriation costs.

**Factors that lead children to be trafficked**

*Push factors* listed in literature include:

- Orphanhood
- Increasing poverty
- Unemployment
- Lack of access to school
- Single parent household
- Broken families
- Gender inequality
- Inadequate legislation
- Poor law enforcement
- Wars and calamities
- Lack of social services

*Pull factors*

- Better life syndrome – desire for better life.
- Demand for cheap labour.
- Sexual exploitation and availability of many customers.

**Methods and Modes of Trafficking in Children**

- Family friends and acquaintances (those in position of trust).
- Often, deception is used but abduction and kidnapping are also frequently used.
- Traffickers are often women.
- Some of the traffickers had been victims of trafficking.
Some child traffickers are sexual workers themselves
In Uganda, sacrificing of children so as to overcome difficult circumstances was noted

**Consequences of Trafficking in Literature**
- Those trafficked end up in CSEC or as child soldiers which are currently considered as worst forms of child labour, according to the ILO Convention 182 on WFCL.
- Grave consequences on the physical and psychological health of children and young women
- Risks of infections including HIV/AIDS
- Exposure to social, emotional and other health risks including low self esteem, infertility, behavioural problems, substance abuse and even death
- Viewed with distaste, condemnation and low regard e.g. those abducted by the Lords Resistance Army (LRA) and those involved in prostitution
- Stigmatization

**Legislative Framework**
- Conventions and treaties do exist and are numerous
- Some key conventions and treaties eg UNCRC, the African Charter, ILO Convention 182 on WFCL have been ratified.
- Processes of domestication of the conventions have been initiated.
- Implementation and re-enforcement remains a big challenge.
- UN Protocol on Trafficking not ratified.
- The 3 countries have identified Penal Codes. The Tanzania one is progressive, but implementation is still a challenge.
- Immigration laws not progressive. In some instances, immigration laws require that the victims pay back to the government costs met on repatriation within 12 months.
- UN Protocol on Trafficking be ratified by the 3 countries. If ratified, immigration laws will have to be changed to conform with provisions of the protocol.
- Efforts to draft specific laws on trafficking are going on.

**Policy Framework**
- Broad policies on poverty reduction and education are available in the 3 countries according to literature. However, implementation is still problematic.
- Processes of policy formulation and enactment on children issues e.g. labour, OVCs are on.

**Programmes**
- Scanty information on programmes available. And, where such programmes exist, the focus is entirely on the destination (rehabilitation) but not on origin (prevention)
- The few interventions available are either local NGO or international NGOs driven.
- The Government of Uganda is reported to has conducted training for its labour officers.
- Programmes where parents take initiative to prevent children from being trafficked hardly exist.
✓ The NGO programmes are described as piecemeal, irregular and target few problem areas.
✓ Organizations specifically dealing with trafficked children into CSEC and CDW identified are few.

Literature concludes that child trafficking is not an important political issue in East Africa and lauds efforts of the Government of America (U.S.A.) and the Media for taking the lead in blowing the whistle where the 3 East African countries are put at Tier 2 of trafficking.

The Study Findings beyond Literature Review

Nature and Extent
- Predominantly internal with rural to urban being common
- Urban slums produce some of the children being trafficked

Origin
Kenya: Siaya, Busia, Muranga, Nyeri, Suba, Bungoma, Malindi, Machakos, Mombasa and Nairobi Slums

Uganda: Eastern districts (Tororo, Mbale, Jinja), Kampala City
Central Uganda districts (Masaka, Pakai, Moingi, Wakiso)
Western Uganda and Northern Uganda

Tanzania: Dodoma, Iringa, Morogoro, Shinyanga, Tabora, Mbeya, Rombo (Kilimanjaro)

Destination
Kenya: Nairobi, Mombasa, Kisumu, Malindi
Uganda: Towns of Busia, Tororo, Bugiri, Entebbe
Tanzania: Dar es Salaam, Morogoro, Mbeya, Arusha, Dodoma and Zanzibar

Cross-border trafficking exists in limited scale
Kenya ↔ Tanzania ↔ Uganda ↔ Kenya
Uganda ↔ Rwanda ↔ Democratic Republic of Congo
Uganda ↔ Middle East and the United Kingdom

Age at which children were trafficked
- Uganda
  - Age range of trafficked children was 5 – 18 years
  - Children trafficked at age range 5 –12 constituted 31%. Majority of the children at this age range were boys (59%)
Kenya
- The age range at trafficked children was 8 – 19 years in Kenya
- The majority were trafficked between age range of 13 – 15 years (80%)

Tanzania
- Age range 12 – 17 years
- Majority of children are trafficked at the age of 12 – 17 years (44%)

**Education**

<table>
<thead>
<tr>
<th></th>
<th>Kenya (%)</th>
<th>Uganda (%)</th>
<th>Tanzania (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>9</td>
<td>6</td>
<td>2.5</td>
</tr>
<tr>
<td>Primary</td>
<td>80</td>
<td>65</td>
<td>95</td>
</tr>
<tr>
<td>Secondary</td>
<td>12</td>
<td>29</td>
<td>2.5</td>
</tr>
<tr>
<td>N</td>
<td>69</td>
<td>51</td>
<td>41</td>
</tr>
</tbody>
</table>

But, at the time of being trafficked, many children were out of school. In Kenya, 53% of the children were out of school doing nothing; 38% were working near home and 9% were working in other towns. The majority had primary education and a significant number with secondary education. 95% of the Tanzanian children had completed primary education.

**Parental Status**

<table>
<thead>
<tr>
<th></th>
<th>Kenya (%)</th>
<th>Uganda (%)</th>
<th>Tanzania (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Orphans</td>
<td>38</td>
<td>43</td>
<td>30</td>
</tr>
<tr>
<td>Partial Orphans</td>
<td>29</td>
<td>40</td>
<td>12</td>
</tr>
</tbody>
</table>

The boys in the Ugandan sample were either partial or total orphans or did not know where their parents went at the time of the interview.

**Occupation of surviving parents**
- The majority of parents were peasant farmers and housewives.
- Few parents reported being employed, with some involved in trading.

**Factors that Facilitated and Sustained Trafficking**

<table>
<thead>
<tr>
<th>Push Factors</th>
<th>Pull Factors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Financial difficulties</td>
<td>High demand e.g. Iringa girls</td>
</tr>
<tr>
<td>Mistreatment from home/lack of care</td>
<td>Availability of jobs</td>
</tr>
<tr>
<td>Sexual harassment</td>
<td>Wanting to be like others</td>
</tr>
<tr>
<td>Early marriage</td>
<td>Opportunity to get education</td>
</tr>
<tr>
<td>Lack of anything to do at home</td>
<td></td>
</tr>
</tbody>
</table>
Patterns of Trafficking

Who arranges for children to be trafficked?
✓ Relatives
✓ Parents (mainly mothers)
✓ Bureaus and Employment Agents
✓ Children themselves
✓ Neighbours

Methods of Recruiting

✓ Deception
✓ Persuasion
✓ Use of force
✓ Children absconding from home
✓ Parents being paid money

Persons children left home with

<table>
<thead>
<tr>
<th></th>
<th>Kenya (%)</th>
<th>Tanzania (%)</th>
<th>Uganda (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relatives</td>
<td>36</td>
<td>34</td>
<td>30</td>
</tr>
<tr>
<td>Bureau agents</td>
<td>35</td>
<td>-</td>
<td>21</td>
</tr>
<tr>
<td>Employers</td>
<td>13</td>
<td>55</td>
<td>10</td>
</tr>
<tr>
<td>Family friends/neighbours</td>
<td>4</td>
<td>6</td>
<td>13</td>
</tr>
<tr>
<td>Self</td>
<td>12</td>
<td>5</td>
<td>18</td>
</tr>
<tr>
<td>Kidnapped/abducted</td>
<td>-</td>
<td>-</td>
<td>8</td>
</tr>
<tr>
<td>N</td>
<td>69</td>
<td>41</td>
<td>51</td>
</tr>
</tbody>
</table>

- Most children knew the persons they left home with (Kenya - 77%; Tanzania - 80 and Uganda - 89%)
- Dropping out of school and having nothing to do put children at risk of being trafficked
- Children who left home by themselves reported being mistreated (sexual harassment, defilement and beatings) or feeling that parents may not allow them back home

Purpose of trafficking

- Domestic services and farmwork
- Waiting customers in bars and working in restaurants as waitresses and cleaners
- Doubling as sex workers
- Smuggling goods
- Vending goods on the streets
- Provision of transport (boda boda in Kenya)
- Roasting chicken and meat at eating places
**Jobs children were doing at the time of the interview:**

<table>
<thead>
<tr>
<th></th>
<th>Kenya (%)</th>
<th>Tanzania (%)</th>
<th>Uganda (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Domestic work</td>
<td>61</td>
<td>46</td>
<td>2</td>
</tr>
<tr>
<td>Sex work</td>
<td>12</td>
<td>9</td>
<td>-</td>
</tr>
<tr>
<td>Construction/Security/Transport</td>
<td>14</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Hawking and Vending</td>
<td>9</td>
<td>-</td>
<td>12 (all boys)</td>
</tr>
<tr>
<td>Smuggling</td>
<td>-</td>
<td>-</td>
<td>2</td>
</tr>
<tr>
<td>Barmaid</td>
<td>4</td>
<td>-</td>
<td>6</td>
</tr>
<tr>
<td>N</td>
<td>69</td>
<td>41</td>
<td>51</td>
</tr>
</tbody>
</table>

**The persons trafficked children lived with**

- Employers
- Relatives
- Friends – on streets or rented rooms
- By themselves (alone)

More children in the Kenyan study stayed with employers. Majority of Ugandan children stayed with friends or alone.

**Conditions of Work: Exploitative and Hostile**

- Working without or with meagre pay
- Long hours of work
- Doing work not expected/promised
- Experiences of defilement, rape and sexual harassment
- Payment not regular
- Threats of dismissal
- Exposure to all forms of risks
- Most uncaring employers

**Impact of trafficking on children**

- Bad working conditions generated a lot of fear & illnesses
- Missed out on education
- Lost family ties/contact
- Experiences created fear and distress
- Felt ridiculed and abused
- Feeling not being considered human
- Got pregnant
- Lack of appreciation
- Fear of contracting HIV/AIDS
- Few children became financially independent (Kenya)
Apart from the Kenyan study, majority of children in Uganda and Tanzania have not been in contact with their families. Few children have social contact.

**Do children want to leave?**

- Many children want to remain due to their poor family situation
- Those who were too young could not remember their homes
- Those who remember have no resources to take them back home
- A significant number of children had no one at home to fall back on

**What children wish to be done?**

- Desire to go back to school/college
- Employers to respect them
- Child labour to be stopped and children to go back to school
- Wages for house girls be improved
- Desire to get better jobs
- Need for capital to do business

**Conclusion**

- Trafficking in children is real. It is mainly internal, but cross border is apparent
- Trafficking itself is a method as well as an activity of ferrying children into WFCL
- Working conditions are too bad with children being subjected to extreme exploitation and abuse
- Countries are at different levels of policy and legislative development
- Implementation and enforcement of legislations and policies is quite challenging as there is no enforcement
- Anti-child trafficking programmes are few and only focus on destination (rehabilitation) than on the problems of origin (prevention)
- Need to relate trafficking to child labour

The Chairperson then welcomed questions and remarks at the end of the presentation.

In response to a query on the number of women and children trafficked in Kenya, Dr. Onyango regretted that a national count was not available and that the ANPPCAN’s exercise was mainly a Rapid Assessment. She said that in the Rapid Assessment, only 67 children (30% boys) and 2 women (over 18 years of age) were interviewed in Kenya. She, however, expressed optimism that when the anti-child trafficking project is developed, a more comprehensive and national-wide data on human trafficking will be obtained.
4.0 OFFICIAL OPENING

Honourable Dr. A. A. Moody Awori, Vice President and Minister for Home Affairs, EGH, MP

Dr Onyango proceeded to officially welcome the Vice President, Honourable Dr. A. A. Moody Awori and the Minister for Home Affairs. She then introduced the issues and challenges that needed to be addressed. They included an appeal to the VP to pay closer attention to children in detention with their mothers. Also, enforcing the signing and ratification of the Protocol so that it is domesticated into law. An additional appeal for continued funding for youth polytechnics and vocational training was made, so as to ease the transition crisis for children completing primary education. Dr Onyango reaffirmed that ANPPCAN continues to partner with the government, through the Department of Children’s Services. She then welcomed the VP to give his speech.

Opening Speech by the Vice President and Minister for Home Affairs

Trafficking in persons has existed for centuries and has grown over the years, both in magnitude and scope. In Africa, trafficking in persons predates back to the slave trade which involved the kidnapping, capture, ill-treatment and transportation of people across the Atlantic and Indian Ocean to America and the Far East.

Trafficking of children is recognized as a distinct violation of children’s rights and comprises one of the worst forms of child labour. According to the United Nations Office for Drug Control and Crime Prevention, between 700,000 and 2 million people are trafficked worldwide each year. No one knows how many of these are children, but children are highly vulnerable, often unregistered, easily controlled and manipulated, making them an easy target.

Trafficking can occur within a country, across national borders or between regions and involves several actors. While trafficking patterns vary, it is relatively common for children to be trafficked for exploitation in urban centres and for children from poor countries to be trafficked to wealthier neighbouring countries and beyond. Many different actors may be involved in the trafficking process, including recruiters, intermediaries, transporters, employers, brothel and bar operators and even friends and family.

Trafficking in children means the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation, which include, sexual exploitation, forced labour, slavery or practices similar to slavery or the removal of organs.

In East Africa, both crossborder and internal trafficking of children has been reported. For instance, in Uganda children from the north are being trafficked into armed conflict situations to be used as child soldiers, or sex slaves, wives and porters. The perennial conflicts in Africa, especially in the Great Lakes region, have displaced large numbers of people, especially women and children, who are living as refugees or internally displaced
persons. Reports from recent studies carried out by the African Network for the Prevention and Protection against Child Abuse and Neglect (ANPPCAN) on * Trafficking of Children and Young Women in Kenya, Uganda and Tanzania * indicate that all the three countries are sources, transit and destination points for women and children trafficked within and across these countries or to other regions of the world such as Europe, the Middle East and Southern Africa.

In Kenya, children are being moved from their rural homes to serve as domestic workers in major towns around the country. These children often work for long hours, with little or no pay and are sometimes forced to work in very hostile conditions.

Child trafficking in Kenya is closely linked to many factors, including poverty, lack of access to education and training, unemployment, high numbers of children orphaned by HIV/ AIDS, lack of laws and policies to address child trafficking, natural disasters like drought that devastate the local economy, negative cultural practices and attitudes especially towards the girl child, for example, early marriages.

The consequences of trafficking in children, families and their communities are many. In the worst cases, it can be responsible for a child’s disappearance or death; permanently damage his/ her physical and mental health; it can also encourage drug dependency, break families apart and deprive children of their right to education and freedom from exploitation. If trapped in commercial sexual exploitation, a child may suffer violence from clients, physical and emotional damage and exposure to sexually transmitted diseases including HIV/ AIDS. Trafficked girls face the risk of pregnancy, early motherhood and illness that may affect their ability to have children in the future. In Kenya, reports abound of children working in the domestic sector being exposed to long hours of work, engaged in very exploitative conditions of work, suffering both sexual and physical abuse and denied food.

In most cases, these children are far away from home, with very little contact with the outside world and sometimes with no way of contacting their families.

In response to the issues of child trafficking into domestic work, the Conference was informed that a programme has been operationalised in Nairobi, Mombasa and Malindi, which uses a multi-sectoral approach in fighting the vice. The programme brings together relevant Government Departments, NGOs, CBOs and FBOs who are entrusted with the responsibility of putting into place mechanisms that address child trafficking into domestic work at the local level.

Child Help Desks have also been established in place in pilot districts, where all cases of child abuse are reported, including child trafficking. In Nairobi, Child Labour Committees are operational at the locational levels and schools. Activities at this level include awareness creation, data collection, documentation and advocacy. Rescued children are given emergency services and where possible further referrals are made. Through collaboration between partners, many children who were at risk of dropping out of school have been supported; others have been withdrawn from domestic work and commercial sex and placed in schools and skills training centres.
The Government is already involved in consultations with key stakeholders on the fight against trafficking in persons, especially children and several activities are taking place, e.g.

✓ Formation of a Steering Committee on trafficking in persons is underway
✓ A draft law on trafficking in persons is at the office of the Attorney General
✓ Although scanty, there is some data which has led to the implementation of programme activities at the local levels, for instance, the Coast region
✓ Children who have been rescued from trafficking have been put in places of safety and their security guaranteed
✓ Some officers from Kenya have received training on combating trafficking in persons in Zambia
✓ Trafficking in persons, especially children, has been included in the government plans with an aim of putting into place strategies that will reduce the practice
✓ The Government has entered into collaboration with stakeholders with the aim of putting into place necessary strategies to address the issue

There are major challenges in addressing child trafficking, especially those being trafficked into domestic work and commercial sex. They include the following:

✓ To be able to adequately protect children from being trafficked, they need to be provided with skills, which they can use to earn a decent living. The demand for skills training largely outstrips the resources available for children to undertake such training, and many of them risk being trafficked as domestic workers, especially after primary education.
✓ There are weaknesses in policy and legislation and especially so given that ILO Convention 182 has not been domesticated. Even where measures have been provided for against those who practice the worst forms of child labour, the penalties are very lenient. There is need to put stiffer penalties against the perpetrators of child labour, especially trafficking of children for exploitation.
✓ Other prevalent forms of work that predispose children to commercial sex have been identified and need further interventions e.g. drugs cartels and small arms trafficking take centre stage in all the urban non-formal settlements of Nairobi, Mombasa and Malindi. Advocacy work needs to reach more people in these crime prone areas.
✓ Efforts need to be put in place to ensure that children undergoing skills training are provided with relevant equipment that will enable them engage in income generating activities. The children could, for instance, be provided with carpentry tools or sewing machines depending on the trade.
✓ Poverty and HIV/AIDS have made thousands of children vulnerable to trafficking and any lasting and successful intervention must take cognizance of this factor. Children need protection by all Kenyans and their issues must be prioritized. This is to ensure that children are not exploited or abused, and that they access their rights as provided for by both national and international instruments.

Response to issues raised by Dr. Philista Onyango
➢ Assurance of domestication of convention coming soon to give law enforcers ‘teeth’ to fight the crime.
The Constituency Development Fund (CDF) can be utilised adequately when those in charge of this kitty, recognise that issues and interests of children take priority over other programmes. It is a versatile source of funds as there are no stringent restrictions on its use. A suggested utilisation facet was the building of extra classrooms to cater for the numerous underprivileged children. It was emphasized by the Honourable V.P. that the skills and resources, thus, gained by the children and young people would help them realise self-reliance.

He reminded the delegation that the Government had set aside one billion Kenya Shillings for children and this included money in the national budget for polytechnics. He further went on to emphasize that polytechnics should be utilised by all cadres of young people for the perfection of their skills. This can be made possible given that in every constituency, there is a polytechnic.

The scourge of HIV/AIDS orphans and poverty needs to be tackled by improving the economy so that caretakers do not neglect orphaned or handicapped children. He expounded on the issue of the handicapped children by informing the delegates that categories of those considered to be handicapped, is increasing. These include the blind, the deaf and autistic children. These groups would probably be more vulnerable to trafficking and, thus, efforts should be made to identify, educate and assist them to integrate well within their communities. He gave the example of a hand language that is being developed for the deaf/blind.

He concluded by reiterating that the Government is rising to the challenges posed, in the protection of the children. However, the onus remains on individuals to change their mental attitude so as to make a lasting change on issues of child protection. He called for the intensification of advocacy efforts and urged leaders to use every available forums to sensitize people on the rights of women and children.

The Child Trafficking Conference was then declared officially open.

A vote of thanks to the Vice President was given by Wambui Njuguna, the Director of Programmes, ANPPCAN. She called for continued lobbying for children’s issues and a corresponding increase in resources to children service providers in order to offer adequate services and protection to children. Appreciation was also extended to the Vice President, Moody Awori and the Ministry of Home Affairs through the Department of Children’s Services for sustained efforts on child protection in the country.
5.0 CHILD TRAFFICKING: RESPONSES & SERVICES AVAILABLE

Presiding Chair - Mrs Margaret Basigwa (Deputy Director, Children’s Services) & Kenya Panellists

5.1 International Organisation for Migration (IOM) Regional Programme Development Officer for East and Central Africa

TAL Ravive

The panellist began by highlighting that on 5 January 2005, Kenya acceded to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children, supplementing the UN Convention against Transnational Organized Crime. The protocol provided the universal definition of human trafficking (Parlemo Protocol, Art 3).

Kenya is a source, transit and destination country for trafficking in persons. The majority of internal trafficking is believed to occur for the purposes of domestic labour and sexual exploitation. People are trafficked into and outside Kenya for the purposes of forced labour, domestic servitude and sexual exploitation. International Organisation for Migration (IOM) is presently conducting research into the scope and nature of human trafficking in Kenya.

Globally, IOM is the leading international agency in the fight against human trafficking, and is implementing 400 counter trafficking projects around the world. IOM is implementing the second phase of its counter trafficking project in Kenya, entitled, “Countering human trafficking in Kenya through capacity building, awareness raising and assistance to victims” funded by the Royal Norwegian Embassy.

Research on Trafficking in Kenya (IOM independent funding)

- The research on trafficking in Kenya is funded independently by IOM and currently IOM is undertaking an ethnographical assessment on the phenomenon of human trafficking within Kenya. The purpose of this research is to provide the Government and stakeholders with current information and a comprehensive picture of human trafficking in the country. The findings of the research will also be used to develop effective counter trafficking responses.

Managing Labour Migration and Preventing Labour Related Trafficking

- In 2005/2006 IOM, in coordination with the Ministry of Labour and Human Resource Development (MLHRD), commissioned reports that detailed the current Government procedures for registering private recruitment agencies; assessed the capacities of the Kenyan Association of Foreign Employment Agencies (KAFEA) and made recommendations for strengthening its functions; compiled best practices in labour migration for sending countries and analysed Kenya’s compliance to such standards; assessed the level of awareness on trafficking in persons and international labour migration among labour migrants and
Government officials; assessed and made recommendations regarding training needs of Ministry of Labour and KAFEA officials; determined the major destinations for Kenya’s international labour migrants, assessed the level and types of services available to them, and made recommendations for the enhancement of such services and service delivery; assessed the current forms of inter-ministerial cooperation on counter trafficking issues and made migration in Kenya; and assessed and made recommendations for improving current procedures for the attestation of foreign contracts.

- In September 2005, IOM conducted a one-day specialized workshop with the Department of Human Resource Management & Employment and the Department of Labour, at which the links between human trafficking and labour migration were analysed and specific strategies for curbing human trafficking in Kenya identified.
- In March 2006, in response to a request by the MLHRD, IOM provided training and support for the workshop entitled “Validation of Audit Report on Private Employment Agencies and Strengthening of the Management and Coordination of Private Employment Agencies in Kenya.”
- Upcoming project activities will include the provision of technical assistance to the MLHRD and KAFEA, capacity building through targeted training for MLHRD and KAFEA staff, implementing recommendations for an inter-agency board for cooperation on matters pertaining to and effective management of labour migration, developing information services for labour migrants and applying information and communications technology for service delivery, and developing repatriation services for internationally trafficked Kenyans.

**Awareness Raising and Public Information Campaigns**

- IOM has conducted grassroots awareness raising in 5 target communities (Kibera, Nakuru, Eldoret, Mombasa and Kilifi), trained approximately 150 community leaders on the dangers of human trafficking and how they can raise awareness in their communities.
- In partnership with the Association of Media Women in Kenya (AMWIK), a local NGO, IOM broadcast 6 radio programmes with anti-human trafficking messages in May and June, 2006.
- In partnership with Global Child Hope, a local NGO, posters and leaflets with anti-human trafficking messages were designed and distributed in targeted locations in appropriate languages (English, Swahili, Kalenjin, and Somali)
- In March 2006, IOM conducted a national training workshop, where 12 journalists (representing reporters, editors and producers) were trained on human trafficking concepts and terminologies, patterns and trends of human trafficking in Kenya, writing effective human trafficking feature articles and also techniques of investigative journalism in uncovering human trafficking.
- IOM will continue to carry out similar public information campaigns over the next three years.

**Advocacy for Legislation**

- In late 2005, IOM commissioned a report from a distinguished law professor reviewing existing counter trafficking legislation in Kenya, identifying gaps and
recommendations for advocacy for counter trafficking legislation as well as a review of a draft anti-trafficking legislation prepared by a local NGO, the CRADLE - Children’s Foundation and making recommendations for its enhancement.

- In February 2006, in close collaboration with The Cradle - The Children Foundation and the Kenyan branch of the Federation of Women Lawyers (FIDA-Kenya), IOM established a technical team for the revision of the draft legislation. The team was composed of IOM, representatives from the local civil society organisations, namely The Cradle - The Children Foundation, FIDA Kenya, AMWIK, representatives from the Government of Kenya (Ministry of Justice and Constitutional Affairs and the Attorney General’s office) and the United Nations Office of Drugs and Crime (UNODC). Four technical team meetings sponsored by IOM were convened to deliberate on the draft legislation. The draft was presented to the Attorney General on 18 May 2006.

- Upcoming activities will include continued advocacy for the presentation of this bill to Parliament as a Government Bill, for onward passage and enactment to become a national counter trafficking legislation.

**Developing a National Plan of Action**

- In November 2005, IOM held a capacity building workshop attended by representatives of 11 government ministries and agencies and 15 civil society organizations (representing NGOs, media and private sector organisations and academia). In addition to receiving training on basic trafficking in persons’ concepts, means of identifying and assisting trafficked persons and international trafficking in persons legislation, participants were trained on the purposes of National Plans of Action and methods of their development. A key output of this activity was a document outlining key areas of focus for a Kenyan National Plan of Action.

- As a follow up to this activity, IOM will assist the Government of Kenya to convene a task force for developing a National Plan of Action, train task force members on human trafficking, its causes, effects, and effective responses and provide financial and logistical support to the Government of Kenya for hosting the task force meetings.

**Promoting Coordination and Cooperation**

- In late 2005, IOM established a stakeholders’ committee for the purposes of exchanging information and coordinating counter trafficking activities in Kenya. Four stakeholders’ meetings have been held to date, with representatives from Government departments, civil society organisations, the private sector, the media, and international organisations. These forums mark the first instance of multiple government and civil society stakeholders’ meetings specifically to discuss trafficking in persons in Kenya.

- Over the next three years, IOM will continue to provide coordination and cooperation in counter trafficking efforts within the country by assisting the Government of Kenya to hold quarterly stakeholders’ meetings.
Protection of Trafficked Persons and Direct Assistance

- Beginning in 2007, IOM will identify a local partner and establish a shelter specifically devoted to providing assistance to trafficked persons.
- In order to build the capacity of a local partner, IOM will train shelter staff on case management, psychosocial support and assistance to victims of trafficking.
- Trafficked persons will be provided with individualized assistance packages that may include, among other things, shelter, medical screening and treatment, psychosocial counselling, life skills training, legal aid, family reunification and educational support.

For Funding Appeals

Protection of Trafficked Persons and Direct assistance

- Additional funds are being sought in order to increase the number of victims that can be assisted and to establish more victim referral and care centres.
- Additional funds are also required for the development of a referral system linking victims of trafficking to the range of services that will assist them in the process of recovery and, when desired, their return and reintegration to their communities or countries of origin.
- IOM proposes to conduct a national mapping exercise of the existing institutional structures that can be mobilized as a base for a national referral system and of all assistance services available in the country. It also proposes to establish formal structures for co-operation between relevant agencies and to build the capacity of referral system members to offer quality services to trafficked persons.

Awareness Raising and Public Information Campaigns

- Additional funds are being sought in order to allow for expanded public information campaigns at the national level, including television programming, and to increase the number and geographic coverage of community-based awareness raising events.

Capacity Building for Law Enforcement and Government Agencies

- IOM is seeking funds to build the capacity of government agencies with direct counter trafficking responsibilities, including police, labour, consular and immigration agencies, through the introduction of counter trafficking modules into training curriculum, training of trainers and direct trainings. Funds are also required to promote the identification and prosecution of trafficking offenders, through training of law enforcement officials, prosecutors and members of the judiciary on existing (and potentially new legislation) that can be used to combat trafficking.
5.2 International Labour Organisation's International Programme for the Elimination of Child Labour (ILO-IPEC)

**WANGUI Irimu**

The panellist began by highlighting some of the strategies used by ILO-IPEC in addressing the Worst Forms of Child Labour in Kenya. These include prevention categorized into the following:

- Advocacy - use of the media to educate the public on WFCL;
- Education - release of the Global Report on Child Labour; and,
- Mainstreaming child labour issues in the Regulatory Framework.

Ms. Irimu reported that there have been many programmes implemented in Kenya in the fight against the worst forms of child labour and supported by ILO-IPEC. The programmes encompass the following:

- Withdrawal, rehabilitation, offering alternatives to children (e.g. education and skills training) and reintegrating them within their to families;
- Institutional capacity building; and,
- Building the knowledge base through research.

She finally reported on the current implementation of a 4 year time-bound programme in 10 districts and 4 towns in Kenya targeting the worst forms of child labour identified in the country.

5.3 **EQUALITY NOW**

**CAROLE Agengo**

Ms Ageng’o introduced Equality Now as a membership network organisation operating in 160 countries that advocates for the rights of women and girls. Equality Now participates in the fight against child trafficking through advocacy programmes targeting trafficking for purposes of prostitution. She went on to highlight some of the efforts being undertaken by Equality Now in the fight against trafficking across Africa. Ms. Ageng’o went on to share on the impact of harmful socio-cultural practices that were condoning subjugation of women, thus, making them more vulnerable to trafficking e.g. ritual sacrifices citing the example of the *Trokosi* system practiced in Northern Ghana and female genital mutilation (FGM) in Mali. This, she said, must be condemned in strongest terms possible. She underscored the need to strengthen partnerships as this would ensure holistic and co-ordinated support to victims of child trafficking.

5.4 **The International Federation of Women Lawyers - Kenya ( FIDA - K)**

**LUCYY Minayo**

The panellist gave FIDA-Kenya’s perspective of trafficking in Kenya. Her presentation went, thus,
FIDA Kenya’s vision is to see a just society that is free from all forms of discrimination against women. The organization’s mission is to eliminate patriarchal norms and practices that discriminate against women.

FIDA Kenya achieves its mission through the following:
- Offering quality legal services to a limited number of women.
- Undertaking transformative public interest litigation.
- Creating awareness of legal rights of women and educating them on how to claim them through self-representation in court.
- Researching and reporting on women’s rights violations, the effects and possible solutions.
- Lobbying and advocating for reform of laws and policies.

**Legal Aid Programme**

FIDA Kenya has three Legal Aid clinics in its three offices in Nairobi, Mombasa and Kisumu. The clients attended to at the clinics are women and cases taken up are mostly criminal matters (assault, rape, defilement and other sexual offences), civil (where there is discrimination on the basis of sex), succession and employment, where there is discrimination on the basis of sex. The organization engages in Public Interest Litigation to address gaps within the law. Other services offered include:

- Legal advice and representation in court on individual cases.
- Training clients on self-representation.
- Intervention in urgent cases.
- Counselling of victims and survivors of Gender Based and Domestic Violence.
- Creating awareness on legal issues surrounding women’s rights as well as awareness on women and human rights.

**The Women’s Rights Monitoring, Advocacy and Awareness Programme**

Under this programme, the organization does the following:

- Capacity building for police and provincial administration. FIDA Kenya sensitizes the police and provincial administration on gender and women’s rights as well as human rights since they are, in many instances, the primary recipients of reports on women’s rights violations.
- Trains monitors at grass roots level. These monitors are specifically trained to identify and report on the prevalence of Gender Based Violence, the nature and extent thereof. The reports, then serve to inform intervention strategies.
- Lobbies parliamentarians on the need to enact gender sensitive/ women friendly laws.
- Conducts advocacy campaigns on various women’s rights issues as well as ensures Government compliance to International Treaties.
**FIDA Kenya’s experience with regard to trafficking**

Through the three legal Aid clinics, the organization continues to receive many cases of human rights violations which when analyzed indicates an increase in the prevalence of human trafficking within the country.

- In the year 2005, the organization’s Nairobi Legal Aid Clinic received a complaint from a woman who alleged that she had been deceived into relocating to Germany on the pretext of availability of a job only to find it impossible to return to Kenya when the deal turned out to be a hoax. At the time the client was presenting her case to the clinic, she complained of health complications as a result of constant drugging. She also claimed to have been exploited sexually.

The organization was able to facilitate relocation of the client to a safe house in Mombasa run by SOLWODI.

The organization intended to pursue the client’s case through litigation. Unfortunately, the lady did not show up, thus, hampering the efforts at seeking redress.

- This year, a client presented a rather bizarre claim to one of the clinics. The client, a former street girl, claimed that through the Child Welfare Society of Kenya she had her new born child placed in a children’s home on temporary basis until she could get back on her feet. She claimed that she would visit the child every two weeks. She alleged that she was given some money by a volunteer at the home and told it was a present.

Immediately thereafter she was informed that her child had passed on. The client claimed that the child had not been ill when she last saw her. She also claimed the child shown to her at the morgue was not hers. Our interest was sparked due to the sudden disappearance of the volunteer, of Caucasian descent, who is said to have gone back to her country. We are currently pursuing the matter with the help of the police as a possible trafficking case.

Various research findings reveal that there are many cases of trafficking that go unreported mainly due to intimidation and fear of reprisals. The absence of a legal framework makes prosecution a daunting task. However, it is hoped that enactment of the proposed Counter Trafficking in Persons Bill will serve to alleviate this problem. It is further anticipated that enactment of the Witness Protection Bill will go a long way in facilitating more reporting.

Our experience at the clinic is that trafficking remains a relatively unknown phenomenon in Kenya making it difficult for society to recognize the same as an offence. Some cases that might pass for internal trafficking are presented as employment claims.

FIDA Kenya hosts a network of organizations including the International Organization for Migration (IOM), the CRADLE, Coexist, ECWD, among others, who are currently...
working together to develop strategies to address child trafficking. As a member of the network, FIDA Kenya was one of the organizations that drafted the Counter Trafficking in Persons Bill which was presented to the Attorney General in May 2006. It is hoped that this bill will be published soon and tabled before Parliament.

**Legal Framework**

The drafting of the Counter Trafficking in Persons Bill was precipitated by a gap in our laws on the issue. There is no comprehensive law on the subject.

Our Penal Laws are inadequate and fail to make provision for the same. Though trafficking is prohibited in both the Children Act and the Sexual Offences Act, the provisions are not clear. There is no clear definition of trafficking, which would aid investigators. It also seems that the piecemeal legislation protects children leaving adults open to the vagaries of trafficking.

In addition to the above, the Chief Justice is yet to promulgate rules to facilitate redress in Court under the Children Act as anticipated thereunder. There is urgent need to lobby for the promulgation of rules to bring to life the provisions of sections 4 – 19 of the Act on the Rights of the child.

It is our observation that there has been continuous flouting of adoption rules to further perpetuate trafficking and courts must be vigilant when making adoption orders, especially in so far as international adoptions are concerned.

Nevertheless, the organization still pursues strategic litigation as a viable option to tackle trafficking.

**Capacity Building**

The organization has been able to incorporate emerging issues during various training workshops. We have, thus, been able to train the police as well as Provincial Administration and FIDA Kenya monitors on the Sexual Offences Act as well as on Trafficking to arm them with the necessary information for efficient service delivery.

**5.5 Solidarity with Women in Distress (SOLWODI)**

**ELIZABETH Akindyi**

Ms. Elizabeth Akindyi shared with the delegates and highlighted that SOLWODI has worked through the years to rehabilitate young women who have been victims of trafficking, and sexual exploitation. She noted that through their head office in Germany, the organization has been able to intervene, assist, provide shelter and even repatriate trafficking victims especially from Germany. Over and above that, SOLWODI, working in close partnership with the Catholic Diocese of Mombasa, is spearheading a programme
an affiliate organization, Solidarity with Girls in Distress (SOLGIDI), to assist girl child victims of trafficking by providing them with alternatives including basic education.

She added that currently, under the ILO-IPEC time-bound programme, SOLWODI was implementing a programme to assist children under 18 years who have been trafficked into commercial sex. The strategy used includes counselling, provision of basic needs, vocational skills, start-up kit and reintegration into the community. She informed the Conference that plans were underway to scale up some of the good practices realized in the project upon availability of resources.
6.0 EXPERIENCES AND RECOMMENDATIONS FROM NAIROBI, MOMBASA AND MALINDI DISTRICT HEARINGS

Presiding Chair: Mrs Grace Banya, Chief Technical Advisor, ILO-IPEC

Omwendo Juma: Mombasa DCLC Chairman
Attas Ali: Malindi DCLC Chairman
Noah Sanganyi: Nairobi DCLC’s Chairman
Kilonzo Musilu: Busia DCLC
Maurice Oduor: Siaya DCLC

By implementing action against child labour, in 3 urban districts in Kenya, tremendous progress in strengthening inter-sectoral linkages and raising awareness at the local and national level was made. Local level advocacy and affirmative action for children engaged in the worst forms of child labour and those at risk was also undertaken. Direct support to children at risk of joining and those withdrawn from CDW and CSEC to undertake education and skills training was also effectively accomplished and this saw over 800 children targeted with 600 of the children in primary school and 200 in vocational training centres.

A notable achievement in this programme has been the creation and strengthening of the District, Divisional, Local and School based Child Labour Committees (CLC’s) in Nairobi, Mombasa and Malindi; mobilizing communities resources and to overseeing implementation of the projects at the community level spearheaded by ANPPCAN. Through training and enhancing their capacities, committees have been trained in relevant skills including understanding child labour and its worst forms, in community mobilization as well as understanding legislations both national and international on child labour. The CLC’s at every level attempted to raise local resources for children at risk and in WFCL by advocating for change in resource allocation for decentralized funds e.g. CDF, CACC and Bursary Funds.

Child Help Desks that are based at the community level were also established to improve monitoring of children who are at risk or those that have been withdrawn. The desks were to aid reporting of trafficking establishments for domestic labour or commercial sex for follow up and subsequent action.

Nairobi district, successfully accomplished the establishment of 8 operational divisional child labour committees. Membership was drawn from the Area Advisory Committees (established within provisions of Children Act, 2001), relevant government departments and representatives of active local CBOs. Six (6) training workshops for Kibera, Embakasi, Makadara, Westlands, Pumwani and Central divisional CLCs were conducted with 8 locational CLCs, 14 school based CLC’s and 25 help desks all operational. Awareness
raising, data collection, documentation and local level advocacy efforts against trafficking of children into child domestic work and commercial sex continues to be undertaken in
the district through these channels.

Mombasa DCLC has seen the establishment of a 15 member District Child Labour Committee. Members of the DCLC are drawn from the Department of Children’s Services, ministries of education, health, planning, the Department of Statistics, the Population Council, religious and civil society organizations. To date, the Mombasa DCLC has undertaken training and sensitization of 4 divisional CLC’s, 4 locational CLC’s and 6 school based CLC’s. 15 help desks are also operational within the district.

Malindi DCLC has the largest membership of 20. Stakeholders have been trained and sensitized in the fight against trafficking children into domestic work and commercial sex and promote education as an alternative to child labour. Malindi has 3 division CLC’s, 8 location CLC’s and 12 school based CLC’s. A total of 20 Child Help desks have so far been established and are operational in Malindi.

The member’s responsiveness and reception of child domestic work and commercial sex issues has improved with the training and capacity building efforts. DCLCs are now able to operate a local referral system to address not only issues of child labour, but also other types of abuse directed at children. Their knowledge on how to deal with cases of child abuse in general and child labour in particular CDW and CSEC, has improved tenfold.

### Recommendations

The following recommendations were made:

- ✔ The need for capacity building
- ✔ Awareness creation need to be intensified
- ✔ Decentralization of the DCLC
- ✔ Alliance and networks formation
- ✔ Private sector and public partnerships be explored
- ✔ Holistic and sustainable direct support to be looked at
- ✔ IGAs in families, schools and polytechnics need to be intensified
- ✔ Establishment of referral networks in the community
- ✔ Support in education and food through locally available resources
- ✔ Criminalizing WFCL so as to deter perpetrators violating existing laws
- ✔ Review of legislation and policies and improvement of practice
7.0 GROUP SESSION REPORTS

During the Conference, the delegates were divided into several groups where discussions were held in detail. The groups made recommendations, which were presented at the meeting as recommendations of the Conference. These recommendations were further deliberated upon.

Strategies for the PREVENTION of Child Trafficking

Prevention is considered key to stopping child trafficking in the long run.

**Current Strategies**
- Efficient use of already existing structures and a multi-sectoral approach
- Sensitization of community leaders and other stakeholders
- Public information campaigns
- Education and vocational training for those already at risk
- Policy development and strengthening
- Support to families
- Child participation

**Challenges**
- Inadequate funding
- Inadequate policies and laws coupled by the lack of implementation
- Good methodologies for raising awareness but still in the developmental stage
- Some cultural practices may contribute to child trafficking (e.g. the status of the girl child), early marriage and non-formal adoption/fostering
- Poverty
- OVCs exist in large numbers with difficulties in reaching them all. There are also inadequate systems available for protection for OVCs
- Inability to monitor
- Lack of protective structures
- Poor linkages to other issues (Less obvious trafficking)
- Lack of coordination of activities - No framework for Action

**Framework for Action**


Key ministries are:
- i. Department of Children’s Services (Ministry of Home Affairs)
- ii. Ministry of Labour and Human Resource Development
- iii. Department of Social Services
- iv. Department of Gender
- v. Ministry of Youth
- vi. Immigration
- vii. Provincial Administration
viii. Judiciary
ix. Police

Their tasks would include, among other things, initiating the process of policy formulation, contributing to development and implementation (police and judiciary for law enforcement).

b) Civil Society Organizations
   i. NGOs
   ii. Children Service Providers
   iii. FBOs
   iv. CBOs

Their tasks would include contributing to the development of the documents, participation, implementation i.e. assistance to those rescued including rehabilitation and reintegration

c) Development Partners
   i. UNICEF
   ii. IOM
   iii. ILO-IPEC
   iv. UNODC

Their tasks would include technical assistance and capacity building.

<table>
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<th>Recommendations</th>
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<tr>
<td>✓ Advocate for mainstreaming of trafficking issues into relevant policies</td>
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<td>✓ Undertake sensitization programmes (radio, theatre, public interest announcements etc.) on cultural practices that contribute to trafficking)</td>
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<td>✓ Implement poverty alleviation at the micro level for vulnerable populations and their families</td>
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<td>✓ Create linkages for different processes (Links between policies, planning and budgeting).</td>
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<td>✓ Scale-up cash transfers to families caring for orphaned children.</td>
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Strategies for the PROTECTION of Victims (Survivors)

The children already being trafficked need protection

Strategies currently being used
   • Litigation pursuant to the Children Act
   • Awareness creation and local level sensitization
   • Rehabilitation and counseling
   • Reintegration of child victims of trafficking into the communities
- Protecting victims’ identities
- Accessing seed money for IGA start-up
- Skills to facilitate IGA

**Challenges**

a) Litigation
   - Inadequate laws
   - Absence of rules hampering access to High Court (Children Act)
   - Enforcement
   - Lack of goodwill by the Government
   - Apathy by clients
   - Inadequate personnel
   - Lack of capacity of stakeholders to intervene

b) Awareness/Sensitization
   - Inadequate resources
   - Cultural practices
   - Poor networking and information sharing

c) Rehabilitation, Counseling
   - Human resource lacking/inadequate
   - Financial resources
   - Denial by victim
   - Lack of facilities (shelters, etc.)

d) Reintegration Into Society
   - Stigma
   - Non-acceptance by community
   - Apathy among survivors
   - Negative role models
   - Lack of facilities (logistical constraints)
   - Poverty

e) Protecting Victims’ Identities
   - Lack of ethics among media practitioners as well as stakeholders - protecting agencies

f) Seed Money-IGAs
   - Inadequate/lacking
   - Unsustainable
   - Misuse
   - Corruption
   - Disregard of people’s ideas
   - Support of undeserving cases/disregard of most deserving cases
g) Skills to facilitate IGAs
   - Lack of training
   - Lack of capacity (few institutions)
   - Inadequate funding

Recommendations

✓ Lobby for the enactment of counter trafficking in Persons Bill
✓ Awareness and sensitization
✓ Capacity building (Institutions for rehabilitation, help-desks etc.)
✓ Lobby for enactment of Witness Protection Bill. (Implementers being CSOs)
✓ Capacity building for enforcement officers (Implementers being the government and CSOs)
✓ Resources to be mobilized
✓ Strengthening partnerships

Strategies for the PROSECUTION of perpetrators/ traffickers

Strategies currently being used
✓ Undertake legislative and policy formulation
✓ Sensitize law enforcement agencies (Police and judiciary)
✓ Create awareness among key stakeholders
✓ Educate the children to know their rights and child traffickers
✓ Sensitize the traffickers on the law on child trafficking

Challenges
✓ Inadequate information on child trafficking
✓ Uncoordinated efforts by stakeholders in child trafficking
✓ Corruption
✓ Laxity by law enforcers
✓ Traffickers themselves, that are very influential
✓ Lack of the ratification of the relevant conventions e.g. the UN Protocol on Trafficking

Recommendations

✓ Enactment of laws and policies against child trafficking
✓ Strengthening of partnerships and existing networks in counter trafficking
✓ Advocating for zero tolerance and prosecution of culprits
✓ Government ratification of relevant international conventions on Child trafficking
✓ Lobbying for the passing of the Witness Protection Bill
✓ Mobilization of additional resources from the Government, NGOs and communities
**Actors**

- Government
- NGOs
- FBOs
- CBOs
- Children
- Parents
- Development partners
- International collaborators e.g. Interpol

**8.0 THE WAY FORWARD**

Dr Philista Onyango presided over the discussions/suggestions and recommendations that emerged after the Workshop session.

What do we do with our recommendations?

- Network to pool resources and skills to fight child trafficking.
- Compile a report of the proceedings and prioritize key findings.
- Synthesize areas of follow up.
- Strategize on the mode of follow up - engage the Attorney General to ensure that the Bill is tabled in Parliament.
- Hold an awareness workshop for MPs on issues of human trafficking to increase their knowledge in this area.
- Proposal was made for a lead organization for co-ordination of activities and follow up. A majority vote among the delegates present nominated ANPPCAN as the Lead Organisation and voted the Department of Children’s Services as a partner.
- Have a longer duration of conference meetings was proposed, because such a pertinent topic needs to be discussed in detail. It was suggested that a follow up meeting to the conference be convened soon and to last for three days. The organizers confirmed that Winrock International had provided the resources for the current one-day Child Trafficking Conference. A way forward suggested was to solicit resources towards holding of a follow up meeting from all the organisations concerned.
- Recommendations of potential organizations/bodies to fall back to for resources were listed as being NCFC, AG’s office, Winrock International
- Create a task-force for follow up to organize meetings and perhaps the proposed MPs workshop.

**Closure**

Dr. Onyango informed the delegates of the AU Award ANPPCAN won and invited them to a cocktail party to pertake in celebrations for the award.
Finally, Dr. Onyango called Mrs. Wambui Njuguna to close the meeting. Mrs. Njuguna thanked the delegates and the resource persons for making the Conference the most successful, where major issues regarding child trafficking were addressed. She underscored the need to forge ahead in forming a network or an alliance to fight the vice.

She extended gratitude to hotel personnel who served the meeting with total dedication. She wished everyone a safe journey to their respective destinations. She, then, declared the meeting closed and extended invitation to the delegates to join ANPPCAN in celebrating the African Union Award in which the organisation was voted the ‘Children’s Champion in Africa’ for the year 2006.
# ANNEX I. LIST OF PARTICIPANTS

<table>
<thead>
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<td>47.</td>
<td>LEAH MAKORI</td>
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<th>59. MOHAMUD W. EREI</th>
<th>ANPPCAN Head Office</th>
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<tr>
<th>60. MWAMBI MONG’ARE</th>
<th>Chief Children Officer &amp; Secretary, DCLC</th>
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<tr>
<td>Malindi</td>
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<td>Dept. of Children Services</td>
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<th>62. NELSON OTIENO</th>
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<th>63. NOAH SANGANYI</th>
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<tr>
<th>64. OMBASA P.O.</th>
<th>District Children Officer</th>
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<td>Department of Children Services</td>
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<td>NAIROBI</td>
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<tr>
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