

Kenya: Children's Act 8 of 2001

This Act of Parliament makes provision for parental responsibility, fostering, adoption, custody, maintenance, guardianship, care and protection of children. It also makes provision for the administration of children's institutions, gives effect to the principles of the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child.

Excerpts

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5. No child shall be subjected to discrimination on the ground of origin, sex, religion, creed, custom, language, opinion, conscience, colour, birth, social, political, economic or other status, race, disability, tribe, residence or local connection.

6.(1) A child shall have a right to live with and to be cared for by his or her parents.

(2) Subject to subsection 1, where the court or the Director determines in accordance with the law that it is in the best interests of the child to separate him from his or her parent, the best alternative care available shall be provided for the child.

(3) Where a child is separated from his or her family without the leave of the court, the Government shall provide assistance for reunification of the child with his or her family.

7.(1) Every child shall be entitled to education the provision of which shall be the responsibility of the Government and the parents.

(2) Every child shall be entitled to free basic education which shall be compulsory in accordance with article 28 of the United Nations Convention on the Rights of the Child.

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9. Every child shall have a right to health and medical care the provision of which shall be the responsibility of the parents and the Government.

13.(1) A child shall be entitled to protection from physical and psychological abuse, neglect and any other form of exploitation including sale, trafficking or abduction by any person.

(2) Any child who becomes the victim of abuse, in the terms of subsection 1, shall be accorded appropriate treatment and rehabilitation in accordance with such regulations as the Minister may make.

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14. No person shall subject a child to female circumcision, early marriage or other cultural rites, customs or traditional practices that are likely to negatively affect the child's life, health, social welfare, dignity or physical or psychological development.

15. A child shall be protected from sexual exploitation and use in prostitution, inducement or coercion to engage in any sexual activity, and exposure to obscene materials.

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19. Every child shall have the right to privacy subject to parental guidance.

20. Notwithstanding penalties contained in any other law, where any person wilfully or as a consequence of culpable negligence infringes any of the rights of a child as specified in sections 5 to 19 such person shall be liable upon summary conviction to a term of imprisonment not exceeding twelve months, or to a fine not exceeding fifty thousand shillings or to both such imprisonment and fine.