

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY

PARLIAMENT  
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TWELFTH PARLIAMENT- THIRD SESSION

DEPARTMENTAL COMMITTEE ON LABOR AND SOCIAL WELFARE

REPORT ON THE 3<sup>RD</sup> SESSION OF THE AFRICAN UNION SPECIALIZED  
TECHNICAL COMMITTEE ON SOCIAL DEVELOPMENT, LABOUR AND  
EMPLOYMENT, ADDIS ABABA, ETHIOPIA

THE NATIONAL ASSEMBLY PAPERS LAID		DAY. Thursday
DATE:	UR 407 2019	
TABLED BY:	Chair, DC on Labour & Social Welfare Getrude Chebet	
CLERK-AT THE-TABLE:	TO 5 <sup>TH</sup> APRIL 2019	

Approved for Tabling  
8/8/19  
DCMA

Directorate of Committee Services  
Clerk's Chambers  
National Assembly  
NAIROBI

AUGUST, 2019



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## 1.0 INTRODUCTION

### ***1.1 Establishment and Mandate of the Committee***

The Departmental Committee on Labor and Social Welfare is established in accordance with the provisions of Standing Order 216 of the National Assembly. Its mandate as provided for in Standing order 216(5) is to *inter-alia*:-

- i. Oversight over the day to day running and administration of Ministries, Departments and Agencies under its purview;*
- ii. Consider Estimates of the said Ministries, Departments and Agencies;*
- iii. Consider relevant legislation and recommend enactment of laws; and,*
- iv. Carry out vetting of State/Public Officers as required by law.*

The Committee is mandated to consider the following subjects:-

- i. Labour,
- ii. Labor relations,
- iii. Manpower or Human resource Planning,
- iv. Gender,
- v. Youth,
- vi. Social Welfare and Security,
- vii. Children`s Welfare,
- viii. And Persons Living With Disabilities.

### ***1.2 Oversight***

In executing its mandate, the Committee oversees the following government Ministries, departments and or agencies, namely:

- i. Ministry of Labour
- ii. The State Department for Social Security and services
- iii. The State Department for Gender
- iv. The State Department for Youth
- v. The State Department for Arid and Semi- Arid Lands

### **1.3 Committee Membership**

- |     |  |                                  |
|-----|--|----------------------------------|
| 1.  | The Hon. Ali Wario, MP - <b>Chairperson</b>        | <b>Jubilee Party</b>             |
| 2.  | The Hon. Joyce Korir, MP - <b>Vice Chairperson</b> | <b>Jubilee Party</b>             |
| 3.  | The Hon. Gladys Wanga, MP                          | Orange Democratic Movement Party |
| 4.  | The Hon. Janet Marania Teyiaa, MP                  | Jubilee Party                    |
| 5.  | The Hon. Janet Nangabo Wanyama, MP                 | Jubilee Party                    |
| 6.  | The Hon. Ronald Kiprotich Tunoi, MP                | Jubilee Party                    |
| 7.  | The Hon. James Onyango Koyoo, MP                   | Orange Democratic Movement Party |
| 8.  | The Hon. Rose Museo, MP                            | Wiper Democratic Party           |
| 9.  | The Hon. Alfred Kiptoo Keter, M.P                  | Jubilee Party                    |
| 10. | The Hon. Charles Kanyi Njagua, MP                  | Jubilee Party                    |
| 11. | The Hon. Catherine Wambilyanga, MP                 | Ford Kenya Party                 |
| 12. | The Hon. Fabian Kyule Muli, MP                     | Independent                      |
| 13. | The Hon. Ole Sankok David, MP                      | Nominated (Jubilee Party)        |
| 14. | The Hon. Abdi Mude Ibrahim, MP                     | Jubilee Party                    |
| 15. | The Hon. Michael Mwangi Muchira, MP                | Jubilee Party                    |
| 16. | The Hon. Safia Sheikh Adan, MP                     | Jubilee Party                    |
| 17. | The Hon. Tom Odege, MP                             | Orange Democratic Movement Party |
| 18. | The Hon. Wilson Sossion, MP                        | Nominated (O.D. M Party)         |
| 19. | The Hon. Omboko Milemba, MP                        | Amani National Congress Party    |

### ***1.4 Committee Secretariat***

1. First Clerk Assistant	Mr. Adan Gindicha
2. Clerk Assistant	Mr. John Mugoma
3. Legal Counsel	Ms.Doreen Karani
4. Research & Policy Analyst	Mr. Said Osman
5. Fiscal Analyst	Ms. Amran Mursal
6. Media Relations	Ms. Noelle Chelagat



## 2.0 FOREWORD

### **Hon speaker,**

The Specialized Technical Committee (STC) on Social Development, Labour and Employment is one of fourteen (14) STCs, defined as an Organ of the African Union in accordance with Article 5 (1) (g) of the AU Constitutive Act.

The STC on Social Development, Labour and Employment meets once every two (2) years. It is set as a ‘tripartite organ composed of policy makers, Ministers responsible for Social Development, Labour and Employment or such other Ministers and the Representatives of the most representative Employers and Workers’ Organizations at national, regional and continental levels.

The Third Session of the Specialized Technical Committee on Social Development, Labour and Employment (STC-SDLE-3) took place in Addis Ababa, Ethiopia, from 01 to 05 April 2019 under the Theme: “Poverty Eradication through Strategic Investments at National and Regional Levels towards Social Development, Labour and Employment in Africa”.

In order to give these key areas visibility and build a coherent approach to social development, they were integrated into the ‘Social Agenda of the Agenda 2063’ which was submitted to the 3rd session of the STC on Social Development, Labour and Employment in April 2019.

In addition, in an attempt to give a legal basis, three draft Protocols were submitted to the meeting for consideration for adoption. These Protocols include: the African Charter on Human and Peoples' Rights on the Rights of Citizens to Social Protection and Social Security, a Draft Report on the Implementation of the of the Continental Plan of Action on the African Decade of Persons with Disabilities (2010 – 2019) and the the Draft Replacement Policy Document of the Continental Plan of Action on the African Decade of Persons with Disabilities (2010 – 2019).

The overall objective of the STC was to consider investment strategies for poverty reduction policies at national and regional levels towards social development through empowering the vulnerable and marginalized groups to improve their access to livelihood opportunities

The Committee on Labor and Social Welfare was represented at the Conference by:

- 1) Hon Ali Wario, MP- Chairperson
- 2) Mr. Adan Gindicha – Delegation Secretary

The Committee expresses its gratitude to the offices of the Speaker and the Clerk of the National Assembly for the support accorded to members towards effective participation in this important conference. Hon Speaker on behalf of the delegation, and pursuant to Standing Order 199(6) it is now my pleasure to table in the House the Report of the Departmental Committee on Labour and Social Welfare on the 3<sup>rd</sup> African Union Specialized Technical Committee on Social Development, Labour and Employment.



HON. ALI WARIO, CBS, MP

8<sup>th</sup> Aug 2019

**CHAIRPERSON, LABOUR AND SOCIAL WELFARE COMMITTEE**



### 3.0 PROCEEDINGS OF THE MEETING

1. The Specialized Technical Committee (STC) on Social Development, Labour and Employment is one of fourteen (14) STCs, defined as an Organ of the African Union in accordance with Article 5 (1) (g) of the AU Constitutive Act.

2. The STC on Social Development, Labour and Employment meets once every two (2) years. It is set as a 'tripartite organ composed of policy makers, Ministers responsible for Social Development, Labour and Employment or such other Ministers and the Representatives of the most representative Employers and Workers' Organizations at national, regional and continental levels.

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4. In order to give these key areas visibility and build a coherent approach to social development, they were integrated into the 'Social Agenda of the Agenda 2063' which was submitted to the 3rd session of the STC on Social Development, Labour and Employment in April 2019.

5. In addition, in an attempt to give a legal basis, three draft Protocols were submitted to the meeting for consideration for adoption. These Protocols include: the African Charter on Human and Peoples' Rights on the Rights of Citizens to Social Protection and Social Security, a Draft Report on the Implementation of the of the Continental Plan of Action on the African Decade of Persons with Disabilities (2010 – 2019) and the the Draft Replacement Policy Document of the Continental Plan of Action on the African Decade of Persons with Disabilities (2010 – 2019).

### ***3.1 Objectives of the Meeting***

The overall objective of the STC was to consider investment strategies for poverty reduction policies at national and regional levels towards social development through empowering the vulnerable and marginalized groups to improve their access to livelihood opportunities

### ***3.2 Consideration of the Draft Protocol on Ten- Year Action Plan to Eradicate Child Labour***

1. Africa has the largest number of child labourers; 72.1 million African children are estimated to be in child labour and 31.5 million in hazardous work, with high prevalence in agriculture (85%) and mining.

2. Progress against child labour appears to have stalled in Africa. Child labour went up in Sub-Saharan Africa over the 2012 to 2016 period (from 21.4% in 2012 to 22.4% in 2016), in contrast to continued progress elsewhere in the world. Globally, the trend seems to suggest the vice is reducing.

3, In line with commitments that have been made globally and regionally towards ending child labour, various African countries have adopted National Action Plans for the elimination of child labour. However, despite these efforts and the global decline in child labour, it is unfortunate to witness that most of the countries with worst child labour practices are still in Africa. Kenya has developed a National Action Plan being implemented with the involvement of key stakeholders in the sector. In Kenya child labour is prevalent among domestic workers, tea pluckers, and sisal workers. There are also children working along the coastal areas as beach boys and girls, some of whom are lured into child prostitution.

4. The Africa region has also been among those most affected by situations of state fragility and crisis, which in turn heighten the risk of child labour.

5. It is against this backdrop that the meeting championed for renewed efforts of the African Union to achieve the objective and targets of the AU Agenda 2063 regarding elimination of all forms of child labour in the continent.

6. The AU Commission (AUC) representative noted that the establishment of the African Charter on the Rights and Welfare of the Child, which clearly addresses the issue of child labour, is a strong indication of the commitments that African leaders are ready to undertake.

7. It was further added that participatory meetings with Regional Economic Communities (RECs) as well as with other sister departments of the AUC will follow to elaborate on the 10 Year Action Plan to eradicate the phenomena of child Labour and modern slavery.

8. Director of the International Labour Organization (ILO) Country Office for Ethiopia, Djibouti, Somalia, Sudan and South Sudan, and for the Special Representative to the AU and the ECA, Mr. Alexio Musindo, during his opening statement noted that the most recent ILO Global Estimates indicated that 3.5 million people in forced labour in Africa (2016). Half-a-million of these were children. He emphasized the engagement of the ILO in providing the technical expertise and assistance to the AUC towards the realization of the Ten Year Action Plan to eradicate child labour.

9. During the two-day consultation meeting, presentations were delivered on Child labour, forced labour and modern slavery in Africa and the world and on AU policy frameworks and institutional setting.

10. It is expected that the outcome of this consultation will include identification of synergy, complementarity and potential cooperation areas and mechanisms; better understanding of the potential roles of the concerned stakeholders on eradication of child labour, forced labour, human trafficking and modern slavery on the continent; as well as improvement of the draft Ten Year Action Plan by the participants from AUC departments and UN Agencies.

11. The Ten Year Plan of Action was submitted to the session of the Au Specialized technical Committee on Social Development, Labour and Employment for consideration.



### ***3.3 Draft Protocol to the African Human and Peoples Rights of Citizens Social Protection and Security***

The meeting considered key issues raised in the Protocol. It is noteworthy that Kenya has put in place a strong social assistance regime that covers older persons, vulnerable children and orphans and persons with severe disabilities. The protocol provides for:

- The need to ensure enactment of legislation that recognizes the rights of older persons to make decisions regarding their own wellbeing without undue interference from family and affiliated groups,
- Development and review of legislation to ensure that older persons receive equal treatment and protection
- Need to ensure that law enforcement organs at all levels are trained to effectively enforce policies and legislation to protect the rights of older persons
- Legal support in the event of incapacity, pensions for retirees and income security for those that did not have the opportunity to contribute to social security provisions
- Adoption of measures to ensure that older persons in need of assistance are provided with financial, material and other support.

### ***3.4 Meeting Side Event on the Future of Work***

1. On 4th April, 2019 The ILO and AUC organized a ministerial side event to examine the implications of the Global Commission's report on the Future of Work.
2. The ministerial side event I was part of the third Ordinary Session of the African Union Specialized Technical Committee on Social Development. The event hosted ministerial delegates from Cameroon, Ethiopia, Morocco, Namibia and Rwanda as well as workers and employers representatives from various African countries.

3. The ministerial side event was inaugurated with an opening remark from H.E. Amira Elfadil, Commissioner for Social Affairs of the African Union Commission (AUC) in which he called upon the delegates to play their role in creating sustainable environment for inclusive growth.
4. At the heart of the ministerial event was the presentation of the Global Commission Report on the Future of Work followed by a ministerial panel discussion including the Ministries of Labour and Employment from Ethiopia, Morocco and Nigeria as well as officials from African employers and workers' organizations and youth representative.
5. The ILO particularly welcomed the Global Commission Report on the Future of Work. The report brought to the fore realistic suggestions to ensure that Africa is able to transition into the Future of Work.
6. The panel discussed the key challenges facing the world of work in Africa and how these may be addressed in the future. Discussions on how to take forward the recommendation that came out of the Global Report at the regional and national level was also covered.
7. Creation of employment and decent work that brings about increased productivity and competitiveness received a considerable attention and remained a policy priority of the Federal Democratic Republic of Ethiopia as revealed by different developmental government policies and strategies, according to Dr Ergogie Tesfaye, Minister of Labour and Social Affairs, Ethiopia. This approach is replicated all over Africa.
8. The session also discussed the Global Report on the Future of work including lifelong learning for all, supporting people through transitions, transformative agenda for gender equality, and universal social protection through the strengthening of systems.



## 4.0 COMMITTEE OBSERVATIONS AND RECOMMENDATIONS

### **4.1 Observations**


4.1.1 Africa has in the recent years seen an upsurge in child labour. It is alarming that while the trend is declining globally, African has remained an exception. It is estimated that 71 million children are engaged in child labour throughout the continent with a big proportion of them engaging in potentially hazardous work. In order to address this gap, the African Union has initiated a Ten- Year Plan for the continent to address this vice.

4.1.2 There exists a legal and policy lacuna in the provision of social security and protection across the continent. The provision of social security and protection to the vulnerable groups such as the older persons, the orphans and persons living with severe disabilities is still largely managed through executive whims than through proper legal and policy framework

### **4.2 Recommendations**

**4.2.1. The Ministry of Labour and Social Protection should initiate a multi stakeholder approach involving all actors in the sector to help combat child labour. The country should implement fully the Ten -Year Plan being spear headed by the African Union with the technical support of the International Labour Organization (ILO).**

**4.2.2 The Ministry of Labour and Social Protection should fast track the formulation of the necessary legal and policy framework to ensure the ongoing cash transfer programmes are effective in addressing the plight of the vulnerable members of the society.**



8<sup>th</sup> Aug 2019.