



**MINISTRY OF LABOUR AND SOCIAL PROTECTION**

**OFFICE OF THE CABINET SECRETARY**

**SPEECH BY THE CABINET SECRETARY, MINISTRY OF  
LABOUR AND SOCIAL PROTECTION MR SIMON CHELUGUI**

**DURING THE INDUCTION OF ADOPTION COMMITTEE  
MEMBERS AT MACHAKOS UNIVERSITY**

**17<sup>TH</sup> AUGUST 2020**

**The Chief Administrative Secretary, Ministry of Labour and Social Protection, Hon. Patrick Ole Ntutu**

**Judge of the Court of Appeal, Honourable Lady Justice Martha Koome**

**The Inspector General of Police, Mr. Hirary Mutyambai**

**Director of Criminal Investigations, Mr. George Kinoti**

**Director Public Prosecutions, Mr. Noordin Haji**

**Chairperson Adoption Committee, Mr. Chege Ngugi**

**Adoption Committee Members,**

**Ministry Staff,**

**Members of the Fourth Estate,**

**Distinguished Guests,**

**Ladies and Gentlemen,**

**Good morning,**

I am delighted to join you as we undertake this high-level induction training for Adoption Committee Members in the State Department for Social Protection.

Distinguished guests, it is important to emphasize that the family remains the basic nurturing and caring environment and is the ideal place to raise a child. However there is a big number of children without parental care in our society who require alternative care options such as:- **Kinship Care, Kafaala, Foster Care, Guardianship or Adoption.** Placing children within a family set up gives them identity, sense of belonging and would go a long way to help them benefit from support networks in the community.

**Adoption** refers to the complete severance of the legal relationship between a child and its biological parent/s and birth family and the establishment of a new legal relationship between the child and his/her adoptive parents,

It is considered as a permanent care solution for a child who cannot be with his/her biological parents. It should only be considered after reasonable efforts have been made to determine that a child cannot remain with his/her family of origin, or cannot be cared for by members of his or her family. The family is a nurturing and caring environment and is the ideal place in which to raise a child. Due to the nature of the family, growing up in a family helps children to develop a sense of self-esteem, belonging, family values and religious and cultural identity.

### **Ladies and Gentlemen,**

Kenya is a signatory to International, and Regional instruments specific for the care and protection of children that form the basis for the National Legal framework for adoption. These include:

- The UN Convention on the Rights of the Child (1989) which Kenya ratified in 1990.
- The African Charter on the Rights and Welfare of the Child (1990) to which Kenya acceded to in the year 2000 and domesticated in the Children Act, 2001.
- The Hague Convention on Protection of Children and Intercountry Adoptions (1993) to which Kenya acceded with effect from June 2007.

The National Laws that regulate adoptions in Kenya include the Constitution and the Children Act, 2001. The Adoption Regulations 2005, and the Charitable Children Institutions Regulations 2005 are the supporting legislation. The UN Guidelines for the Alternative Family Care have been domesticated through The Guidelines for the Alternative Family Care of Children in Kenya 2014.

To enhance the policy and legal framework, my Ministry is in the process of finalizing the development of the following documents

- Children Bill 2020

- Regulations for foster care, guardianship and adoption.
- Care reform strategy
- Standard operating procedure (SOP) for alternative family care
- Training manual for Alternative Family Care
- Case management for reintegration package

On 26<sup>th</sup> November 2014, the Cabinet imposed a Moratorium on inter country and foreign resident adoptions. The purpose of the moratorium was to enable the government to conduct a comprehensive audit of policy, legal framework, processes, procedures and players involved in the practice of adoption.

Since the declaration of the moratorium, my ministry has put in place the following measures; Constitution and Gazzettement of a new Adoption Committee, establishment of the expert committee on child adoptions in Kenya, suspension of registration of new Charitable Children Institutions, constitution of Counter Trafficking in Persons Advisory Committee and secretariat under the Counter Trafficking in Persons Act 2010.

To further strengthen family based care for children, the government has embraced child care reforms, a paradigm shift of child care from institutional to family and community based care. Under this the Ministry in collaboration with partners organized learning visits to the US, Rwanda and the UK. A care reform pilot program is currently ongoing in Kisumu, Nyamira, Kilifi, Kiambu and Muranga.

Once again, I congratulate you for having been appointed as members of this important committee. Your mandate as per the Children Act 2001 is to perform the functions of a central authority in matters of adoption. This entails:

- Formulation of policies in matters of adoption
- Effecting Liaison between Adoption Societies, Government and Non-Governmental Organizations

- Considering and Proposing names of officers who may serve as guardians ad litem
- Monitoring Adoption activities in the country
- Considering review and either approve or reject application for registration of both local and international adoption societies
- Coordinate international adoptions and approve foreign applicants wishing to conduct adoption in Kenya
- Maintain and update from time to time a register of approved local and international adoption societies
- Regulating fees charged by adoptions societies for processing of applications for adoption
- Such other functions as are conferred on the committee by the Children Act 2001

My ministry is committed and will continue to provide you with a secretariat to enable you deliver on your mandate.

To enhance my ministry's mandate in service delivery, we have adopted a Multisectoral collaborative framework with both government agencies and private actors. At this juncture, I would like to appreciate the role played by the following institutions and agencies:

- The Judiciary( High Court) ensures that the due process in adoption is followed;
- The National Police Service registers reported cases of lost and abandoned children in the occurrence book, issue documentation relevant to the process of declaring a child free for adoption and facilitate tracing.
- The Office of the Director of Public Prosecutions whose mandate is prosecution
- The Directorate of Criminal Investigations mandate is to carry out investigations and issuance of the certificate of good conduct
- The Ministry of Interior and Coordination of National Government has a role under the departments of: Directorate of Immigration services, Civil Registration, National Government Administrators and National Registrar of persons.

Let me take this opportunity to recognize and appreciate the role played by other state and non-state actors who continue to support my ministry.

I am confident that by the end of this induction, you shall be equipped with skills necessary to carry out your mandate effectively as the Adoption Committee. Thus:

1. Be aware of the General and specific principles governing the protection of children in Alternative Family Care
2. Understand the responsibilities of duty bearers in the adoption process
3. Be familiar with the national and international legislation, policies and guidelines relevant to adoption and
4. Understand the best practices, challenges and emerging Issues in Adoption.

In conclusion, may I call upon all partners and stakeholders to forge together in complementing Government efforts which will encourage and promote family based care and uptake of children through adoption.

With this remarks, I now declare this training officially opened.

**Thank you and May God Bless you all**