

## **Kenya to maintain age of consent for sex at 18, says Labour CS**

**By Evelyn Makena**

Cabinet Secretary, Labour and Social Protection, Simon Chelugui has said that the age of consent for sex should not be lowered from 18 years. His stance on the issue, caps off a debate sparked in 2019 after the Court of Appeal ruled that the country revises the Sexual Offences Act, 2006. Speaking on Wednesday last week during the launch of Minimum Age of Consent for Sex : Addressing the Dilemma report, Chelugui said that the decision not to lower the age of consent was for the best interest of the Kenyan children.

Article 260 of the Constitution of Kenya, 2010 defines a child as an individual who has not attained the age of 18 years. Similarly, the Sexual Offences Act no 3 of 2006 gives minimum age of consent for sex as 18 years.

The report which is a summary of discussions and proposals of multisectoral stakeholders working in child matters resolves that children below 0-18 years are incapable of making comprehensive decisions and judgments about their sexuality. It recommends that the state and other players in child matters should provide optimum guidance and protection to children.

“Children aged 0-18 years are not adequately developed socially, mentally and psychologically to consent to sex. Earlier sexual debut exposes children to physical and psychological effects,” said Dr. Joyce Mwikali Mutinda, Chairperson, National Gender and Equality Commission during the launch.

The CS noted that there is a high level of sexual exploitation against children with the pandemic compounding the situation. According to the CS, a survey launched by the Ministry in July 2020 shows that magnitude of violence against children. The Survey showed that sexual exploitation of children was widespread in major tourist towns including Nairobi, Mombasa, Nakuru, Kakamega and Kisumu. Data from the survey showed 15.6 per cent of females and 6.4 per cent of males experienced sexual violence before the age of 18.

In 2019, the Ministry launched a behavior change public campaign dubbed Spot it Stop it to curb violence against children. The CS urged Kenyans to be part of the ongoing campaign by reporting any case of child abuse to the toll free helpline 116.

Justice Martha Koome, Chairperson, National Council on Administration of Justice Special Taskforce on Child Matters called for fast-tracking of the enactment of the Children Bill, 2020. The Bill seeks to amend the Children Act of 2001. “ I hope that this process that has taken over 15 years will finally come to fruition and ensure that children enjoy their rights as stipulated in the constitution,” said Martha. The CS pointed out that the Bill was approved by Cabinet in February this year after years of discussion and is now awaiting to be tabled in parliament. He expressed his optimism in having the Bill enacted and signed into law before the end of 2021.

The Minimum Age of Consent report also proposes further amendments to the Sexual Offences Act, 2016 and the Children Act, 2001 to protect children involved in consensual sex. Though the Sexual

Offences Act makes it clear how to treat people accused of sexual offences, the measures do not exclude any child found culpable of any of the offences thus they are punished just like adults.