

# Taking child protection to the next level in Kenya



*This report is one in a series of case studies on building national child protection frameworks. The study was funded by Global Affairs Canada.*

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*The case study<sup>1</sup> is part of a UNICEF global initiative, undertaken in collaboration with Global Affairs Canada to document national child protection frameworks in five core programming countries: Ghana, Indonesia, Kenya, Senegal and the United Republic of Tanzania. The studies are intended to generate a better understanding of the country context, government response, engagement by other actors and additional factors that are contributing to success in protecting children from violence, exploitation and abuse.*

*This case study was prepared between April 2014 and December 2015. A desk review of literature was undertaken, supplemented, where appropriate, by some stakeholder consultations and meetings. The study found that while many elements of a child protection system are in place in Kenya, continued multisectoral collaboration is needed to take the system to the next level. To better understand the financial implications of doing so, the Government of Kenya, UNICEF and other stakeholders are committed to undertaking a cost analysis to guide current investments for child protection in Kenya.*

## Introduction

**T**he 2010 Constitution of Kenya (Article 53) recognizes the need for all children to be protected from abuse, neglect, harmful cultural practices, all forms of violence, inhumane treatment and punishment, and hazardous or exploitative labour. It affirms that children have basic rights, including the right to education, nutrition, shelter, health care and parental care. These provisions are aligned with those cited in both the Convention on the Rights of the Child and the Africa Charter on the Rights and Welfare of the Child, to which Kenya is a signatory.

Ensuring that children are protected from abuse, neglect, violence, exploitation and family separation requires an effective and functioning child protection system. Following the enactment of the Children Act 2001, Kenya embarked on establishing such a system. In 2009, with the goal of improving that system, the government conducted a mapping exercise to

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<sup>1</sup>Suggested bibliographic reference: Government of Kenya, UNICEF and Global Affairs Canada (2015). Taking child protection to the next level in Kenya.

identify the strengths, weaknesses and opportunities in relation to child protection policies, legal context, structures, functions and capacities.

The Government of Kenya recognizes that child protection is a multisectoral, multidisciplinary issue that requires the involvement of everyone. Therefore, it used the results of the mapping exercise and consultations with a wide range of actors to develop two key documents to guide stakeholders in developing a stronger and more effective system. The first document, *The Framework for the National Child Protection System for Kenya (2011)*, seeks to “promote linkages between different actors and provide coordinated interventions and responses through statutory mechanisms.” The second, *County Child Protection Systems Guidelines*, spells out an agenda for “coordinated action at county level and provides work practice direction for all formal and informal actors.”

A programme strategy with specific targets was also drawn up. *Strengthening Child Protection in Kenya: Programme Strategy 2011-2014* was developed by the government under the leadership of the National Council of Children Services and the Department of Children Services, both of which are part of the Ministry of Labour, Social Security and Services (currently the Ministry of Labour and East African Affairs since December 2015). A second strategy is now needed to help meet the targets set in the Second Medium-Term Plan (MTP II 2014-2018) of Vision 2030. The government is committed to taking stock of progress made so far and to undertake a cost analysis of the key components of the child protection system envisaged in the new strategy.

This case study documents progress, identifies existing gaps and makes a series of recommendations for strengthening Kenya’s child protection system. With additional engagement by stakeholders, this document could go a long way in informing the next phase of systems strengthening.

## Country context

Kenya has a population of around 46 million, nearly 42 per cent of whom are under the age of 14. From a low point following disputed elections in 2007 and the global financial crisis of 2008, the state of Kenya’s economy and governance have improved. The country has averaged 5.5 per cent growth since 2010, and in 2014 it became a middle-income country, signalling the availability of significantly greater domestic resources. Yet Kenya continues to be plagued by persistent internal conflicts, vulnerability to terrorism and insecurity, and climatic risks. All of these factors, along with harmful social norms and gender inequality, threaten the country’s progress and undermine the equitable realization of children’s rights. This is particularly true in Northern, North Eastern and Coastal areas of the country and in growing informal urban settlements. The introduction of devolved governance in 2013 provides a platform for redressing historical inequalities, but the rapid transition process has uncovered political divisions and challenges in the management of financial and human resources. As of yet, no standards for child rights and children’s services have been developed for county governments.

The problem is compounded by a lack of awareness and capacity to address these issues, and there are already indications that service provision in some areas is declining.

**Table 1. Kenya: Basic indicators**

Total population	46,050,000
Population aged 0-14 years (% of total population) Male: 9,714,000 Female: 9,585,000	41.9
Population aged 15-24 years (% of total population) Male: 4,490,000 Female: 4,470,000	19.4
Population growth rate (%)*	2.7
Life expectancy at birth (years)* Male: 60 years Female: 64 years	63
Adult literacy rate (15+ years) (%)** Male: 81% Female: 75%	78

Source: United Nations Population Division, *World Population Prospects 2015*, except where noted.

\* World Bank, Open Data (2013), <<http://data.worldbank.org/>>.

\*\* UNESCO Institute for Statistics (2015), <<http://data.uis.unesco.org/>>.

**Table 2. Kenya: Core child protection indicators**

Prevalence of physical violence experienced before age 18 (male/female respondents aged 18-24) (%)	73/66
Prevalence of emotional violence experienced before age 18 (male/female respondents aged 18-24) (%)	32/26
Prevalence of sexual violence experienced before age 18 (male/female respondents aged 18-24) (%)	18/32
Female genital mutilation/cutting (FGM/C) (among females aged 15-49) (%)*	21
Birth registration (Children under age 5 whose births are registered) (%)*	60

Child marriage (girls married by age 15 and by age of 18) (%)*	6/26
Children aged 5-17 years working for pay, profit or family gain**	1.01 million
Children working in conditions that fall within the definition of the worst forms of child labour**	19,542
Juveniles (aged 17 or under) held in prisons, penal institutions or correctional institutions***	2,767
Children living and working on the streets†	250,000-300,000

*Source, except where noted: United Nations Children's Fund Kenya Country Office, Division of Violence Prevention, National Centre for Injury Prevention and Control, US Centers for Disease Control and Prevention, and the Kenya National Bureau of Statistics, Violence against Children in Kenya: Findings from a 2010 national survey – Summary report on the prevalence of sexual, physical and emotional violence, context of sexual violence, and health and behavioural consequences of violence experienced in childhood, Nairobi, 2012.*

\* Kenya Demographic and Health Survey 2014.  
 \*\* Kenya Integrated Household Budget Survey, 2005/2006: Child Labour Analytical Report, 2008.  
 \*\*\* United Nations Office on Drugs and Crime, Survey of Crime Trends, 2012, UNODC, 2013.  
 † IRIN, 'Kenya: Nairobi's Street Children: Hope for Kenya's future generation', 2007, <[www.irinnews.org/indepthmain.aspx?InDepthId=28&ReportId=69987&Country=Yes](http://www.irinnews.org/indepthmain.aspx?InDepthId=28&ReportId=69987&Country=Yes)>, accessed 29 September 2015, as quoted in: Government of Kenya and UNICEF, 'Situation Analysis of Children and Adolescents in Kenya: Our children, our future', 2014.

Evidence suggests that widening income inequalities are resulting in greater disparities and inequities among Kenya's population.<sup>2</sup> The most deprived children in Kenya are those living in the poorest 40 per cent of households, in certain regions and counties, and in informal urban settlements.

Infant and child mortality in Kenya remain high: 44 out of 1,000 children born alive die before their first birthday; 74 out of 1,000 die before age 5. Most of these deaths are from preventable causes, including newborn causes, pneumonia, diarrhoea, AIDS and malaria.<sup>3</sup> Primary school enrolment increased from 93 per cent in 2009 to 95 per cent in 2012 as a result of a policy of free primary education.<sup>4</sup> Still, more than 1 million children in Kenya are out of school.<sup>5</sup> In arid

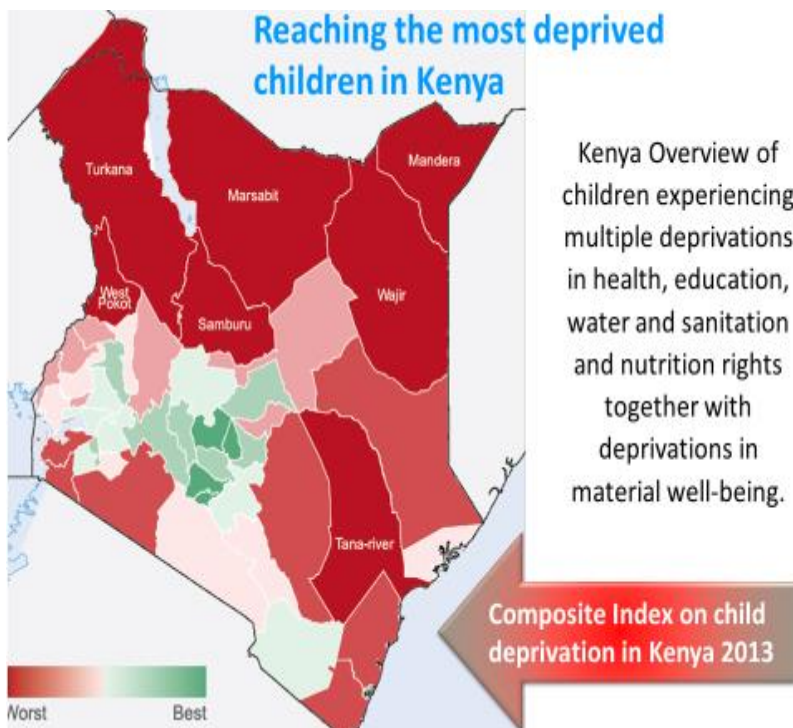
<sup>2</sup> Ministry of State for Planning, National Development and Vision 2030, *Millennium Development Goals Status Report for Kenya, 2011*, August 2012.

<sup>3</sup> Kenya Demographic and Health Survey, 2009.

<sup>4</sup> Kenya Ministry of Education, 2012.

<sup>5</sup> United Nations Educational, Scientific and Cultural Organization, *The 2011 Education for All Global Monitoring Report. The Hidden Crisis: Armed conflict and education*, UNESCO, Paris, 2011.

and semi-arid counties in Northern Kenya, enrolment is low (estimated at 25 per cent in Turkana and 48 per cent in Marsabit).<sup>6</sup>



*Note: The map is stylized and not to scale. It does not reflect a position by UNICEF on the legal status of any country or territory or the delimitation of any frontiers.*

Approximately 3.6 million Kenyan children are orphans or otherwise classified as vulnerable.<sup>7</sup> Of these, 646,887 children are double orphans (that is, they have lost both parents to AIDS, or one parent to AIDS and another to a non-AIDS related cause).<sup>8</sup> An estimated 104,000 children are living with HIV.<sup>9</sup> Women and girls are disproportionately affected by the epidemic, with 21 per cent of new HIV infections among females aged 15 to 24. Also of concern is the high level of AIDS-related deaths among adolescents, totalling 7,893 girls aged 10 to 19 in 2013.

All children in Kenya are potentially at risk of violence, exploitation and abuse; however, some groups are more vulnerable than others due to their gender, social status or geographical location. Children without parental care lack the protective environment and supervision that adult care normally provides. Children in large families may also lack parental attention and can

<sup>6</sup> United Nations Educational, Scientific and Cultural Organization, *Global Monitoring Report, Education for All 2000-2015*, UNESCO, Paris, 2015.

<sup>7</sup> Government of Kenya, Ministry for Planning, National Development and Vision 2030, *Kenya Social Protection Sector Review*, June 2012. The exact figure for orphans and vulnerable children is 3,612,679.

<sup>8</sup> HIV Estimates, UNAIDS, 2015.

<sup>9</sup> Government of Kenya's Speech at the United Nations General Assembly Special Session on HIV and AIDS, New York, 8-10 June 2011.

become victims of neglect. Although girls and boys both are subjected to rights violations due to socio-cultural factors, cultural practices and economic constraints, girls are particularly vulnerable to violence, sexual abuse and harmful practices. The situation of children is often worsened by the multiple deprivations that exist within certain population groups and communities, although data and studies on this issues are scarce.

Gender inequality is a critical driver of deprivations in children's rights in Kenya. Overall, women have a lower status than men, female-headed households are more likely to be poor, and children of mothers with no or little primary education are more likely to be deprived. Girls have unequal access to education overall, and their dropout rates tend to suffer from primary grade 7 onwards. Gender inequalities become more pronounced through adolescence. Specific protection concerns arise for girls during this time and are associated with vulnerability to violence, early marriage and pregnancy.<sup>10</sup>

**Violence against children:** Over three quarters of children in Kenya (76 per cent) have experienced at least one type of violence (sexual, physical or emotional) prior to age 18; two in three girls and three in four boys have suffered at least one episode of physical violence before age 18, and one in four girls and one in three boys have experienced childhood emotional violence. Nearly one in three girls and one in five boys have been victims of at least one episode of sexual violence before the age of 18. Among females aged 18 to 24 who experienced sexual violence prior to age 18, about 7 per cent have received money for sex.<sup>11</sup> An estimated 17,500 Kenyans are trafficked annually for domestic work, forced labour or commercial sexual exploitation,<sup>12</sup> with indications that about half of them are minors.<sup>13</sup>

Harmful practices persist and are only slowly declining. Around 21 per cent of girls and women aged 15 to 49 in Kenya have undergone female genital mutilation/cutting (FGM/C), compared to 27 per cent in 2009.<sup>14</sup> Yet among five ethnic groups, prevalence rates remain at around 90 per cent. On average, one in four girls (26 per cent) will be married before their 18th birthday, and 6 per cent are married by the age of 15.<sup>15</sup>

**Child labour:** The prevalence of child labour in Kenya remains high, affecting over 1 million

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<sup>10</sup> Government of Kenya and UNICEF, *Situation Analysis of Children and Adolescents in Kenya: Our children, our future*, 2014.

<sup>11</sup> United Nations Children's Fund Kenya Country Office, Division of Violence Prevention, National Centre for Injury Prevention and Control, US Centers for Disease Control and Prevention, and the Kenya National Bureau of Statistics, *Violence against Children in Kenya: Findings from a 2010 national survey – Summary report on the prevalence of sexual, physical and emotional violence, context of sexual violence, and health and behavioural consequences of violence experienced in childhood*, Nairobi, 2012.

<sup>12</sup> The African Network for the Prevention and Protection against Child Abuse and Neglect, Programme Fact Sheet: Child Trafficking, < [www.anppcan.org/files/File/08\\_ChildTrafficking.pdf](http://www.anppcan.org/files/File/08_ChildTrafficking.pdf)>, accessed 29 September 2015.

<sup>13</sup> United States Department of State, *Trafficking in Persons Report 2012*, chapter on Kenya, June 2012, <[www.state.gov/j/tip/rls/tiprpt/2012/index.htm](http://www.state.gov/j/tip/rls/tiprpt/2012/index.htm)>, accessed 29 September 2015.

<sup>14</sup> Kenya Demographic and Health Survey 2014.

<sup>15</sup> Ibid.



children aged 5 to 17 years. Of these, nearly 20,000 children work in conditions that fall within the definition of the worst forms of child labour.<sup>16</sup>

**Birth registration:** Overall, 60 per cent of children in Kenya are registered, but only 24 per cent of children under age 5 have a birth certificate. No significant variations in birth registration rates are found between boys and girls, but there is a discrepancy between urban and rural areas. Nearly 87 per cent of children are registered at birth in Nairobi, compared to 21 per cent in the North Eastern region.<sup>17</sup> Lack of awareness about the importance of birth registration may be one explanatory factor, in addition to poor access to health and registration facilities.

**Children in residential care:** Kenya has over 830 residential care institutions known as Children's Charitable Institutions, housing an estimated 40,000 to 42,000 children (the exact number is unknown and may be higher). These institutions were established to provide care, protection or rehabilitation of children. Children make up an estimated 4 per cent of the prison population. Only 15 to 20 per cent of children in police custody or in correctional facilities are actually in conflict with the law; most of the others are there because they require care and/or protection.

**Children who live and work on the street:** While there are no reliable data, an estimated 250,000 to 300,000 children live and work in the streets in Kenya.<sup>18</sup> Most of them come from rural areas and from large families or single parents.

**Children affected by conflict and disasters:** Among Kenyan children and youth in regions vulnerable to conflict, mainly in the North East and Coastal areas, there are indications that they are being radicalized and conscripted into terrorist groups. Terrorists have also targeted educational establishments and teachers, with the result that many teachers have deserted duty. Similar issues have arisen in response to intercommunal conflict and the displacement of families, together with destruction or looting of school infrastructure.

Kenya also hosts a large **refugee population**, mostly from neighbouring countries (Somalia, South Sudan and Ethiopia), but also from the Democratic Republic of the Congo, Sudan and other countries. The majority of refugees are spread over three camps, in the North West and North East as well as in Nairobi. As of April 2015, Kenya hosted 589,994 registered refugees and asylum seekers (51 per cent men, 49 per cent women); over 55 per cent of them were children (155,000 girls and 173,000 boys).<sup>19</sup> Of these children, 30,892 were identified as unaccompanied minors facing multiple risks and deprivations due to the lack of a family environment.

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<sup>16</sup> Kenya Integrated Household Budget Survey, 2005/2006: *Child Labour Analytical Report*, June 2008.

<sup>17</sup> Kenya Integrated Household Budget Survey, 2005/2006: *Child Labour Analytical Report*, June 2008.

<sup>18</sup> IRIN, 'Kenya: Nairobi's Street Children: Hope for Kenya's future generation', 2007, <[www.irinnews.org/indepthmain.aspx?InDepthId=28&ReportId=69987&Country=Yes](http://www.irinnews.org/indepthmain.aspx?InDepthId=28&ReportId=69987&Country=Yes)>, accessed 29 September 2015, as quoted in: Government of Kenya and UNICEF, 'Situation Analysis of Children and Adolescents in Kenya: Our children, our future', 2014.

<sup>19</sup> United Nations High Commissioner for Refugees, Statistical summary, Refugees and asylum seekers, Kenya, April 2015.



## **Commitment to international standards**

The Government of Kenya ratified the Convention on the Rights of the Child in 1990; acceded to the Optional Protocol on the involvement of children in armed conflict in 2002; and became a signatory in 2000 to the Optional Protocol on the sale of children, child prostitution and child pornography. Kenya also ratified the African Charter on the Rights and Welfare of the Child, the Hague Convention on Inter-Country Adoptions, the Palermo Protocol and the Millennium Declaration 2000. To date, Kenya has ratified seven of the eight labour-related conventions, including International Labour Organization (ILO) Conventions No. 138 (on minimum age) and No. 182 (on the worst forms of child labour).

Kenya is also a signatory to other international human rights instruments, which bind it morally and legally to policies that promote equity and non-discrimination in the development process. These include the Convention on the Elimination of All Forms of Discrimination against Women, the Beijing Platform of Action, and other regional and subregional instruments such as the African Charter of Human and Peoples Rights of 1981 and the African Union Protocol on the Rights of Women in Africa.

## **Child protection and the national development agenda**

The overall vision for the country's development is laid out in Kenya's Vision 2030 and the Second Medium-Term Expenditure Framework (MTEF) (2013-2017).

Vision 2030 is Kenya's long-term national strategy that focuses on investing in people and reducing poverty and vulnerability. Child protection issues are broadly aligned with Vision 2030's social pillar, though they are not specifically articulated. Within the Second Medium-Term Plan (2014-2018), child protection is one of the areas of intervention under the objectives for gender, youth and vulnerable groups. In terms of strengthening child protection systems, the plan focuses on establishing child protection centres, developing integrated data management systems and facilitating alternative family care services, as well as finalizing and implementing the National Community Development Policy. A specific focus is sexual and gender-based violence. This includes reducing the prevalence of FGM/C, in part by operationalizing the FGM Act 2011.

Although child protection is not clearly spelled out in the UN Development Assistance Framework (UNDAF), child protection programming has broad linkages to a number of UNDAF results areas. These include 2016 targets for improvements in policy and institutional frameworks, including laws and the justice system; 2017 targets around democratic participation and human rights (and gender equality) issues, including civil society and the empowerment of citizens; and 2018 targets around social protection, including policies and strategies ensuring government's effective leadership role, sustainability of results, and the

promotion of innovation and learning. The UNDAF also states that social protection systems are to be integrated, adequately resourced and well coordinated at national and county levels.

## **National child protection framework**

A document called Strengthening Child Protection in Kenya: Programme Strategy 2011-2014 lays out the national plan to strengthen Kenya's child protection system and to improve the quality and access of services for children at risk of or experiencing abuse, abandonment or separation, neglect or exploitation. The strategy prioritizes five areas of work, with a focus on strengthening the legal and policy framework, improving organization, management and administrative mechanisms, and enhancing the quality and access of child protection services and benefits. Emphasis is also placed on strengthening the capacity of the justice system to respond to children's needs.

Though comprehensive in its aims and objectives, and a monumental step for Kenya in terms of moving towards a comprehensive framework for child protection, the strategy was never fully implemented. National elections in 2013 brought a change in leadership, and new ministerial appointments have led to changes in the governance structure of key ministries. These factors slowed the impetus of earlier progress and the positioning of child protection on the national agenda. For example, in 2013, the Department of Children Services, which was previously responsible for strategy implementation, was moved under the mandate of the Ministry of Labour, Social Security and Services (currently the Ministry of Labour and East African Affairs since December 2015). With multiple competing priorities within the ministry and a lack of senior leadership to advocate for child protection at decision-making forums, the strategy lost its momentum and strategic positioning.

The costed Response Plan to Violence against Children<sup>20</sup> (VAC Response Plan) (2013-2018) provides an alternative means to revive national momentum to strengthen child protection systems. The development of the plan provided a useful opportunity for various stakeholders to reach consensus on how to respond collectively to the findings of a survey undertaken on violence against children and prompted action to develop an agenda around systems strengthening. The VAC Response Plan serves as a guide for the implementation of a systems-based approach to services at both the community and national level, and also offers direction to agencies searching for tools to help promote behaviour change among law enforcement, health and education officials, local administrators and communities themselves. The goal is to understand how and why violence occurs and to equip communities with tools to stop violent behaviour before it starts.

The VAC Response Plan, developed by a Technical Working Group under the leadership of the Department of Children Services, calls for multisectoral action involving several line ministries.

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<sup>20</sup> The costed VAC Response Plan has a total budget of 1,044 M Kshs (US\$12 million) for the period 2013-2018.

While the plan has not been officially endorsed by the government, it was validated in February 2014 by members of the Technical Working Group, and a number of Response Plan activities are formally integrated into the 2014/2015 work plan of the Department of Children Services. That said, other activities related to child protection fall outside of the plan, such as the progress made through the establishment of child protection committees, the ongoing development of a system for child protection information management, and ongoing work to strengthen the Child Protection Working Group (dealing with emergencies). To date, no information is available on the level of funding set aside for the implementation of the VAC Response Plan within existing budget allocation mechanisms (via the Department of Children Services).

The VAC Response Plan is framed around combating violence, abuse and exploitation against children. These actions are at the heart of Kenya’s future child protection system and provide a strong platform for ongoing advocacy efforts by UNICEF and others to re-energize national dialogue and action for the development of a national child protection strategy. UNICEF is well positioned to steer these discussions forward. It is timely that UNICEF and the Government of Kenya are currently in discussion regarding UNICEF’s own child protection programme strategy for the period 2015-2018. In fact, this very process may serve to further stimulate political discourse on the subject and reinvigorate national planning. Kenya’s overall vision for child protection is translated into progressive action in a number of core priority areas, as described below.

<b>Component-specific action plans</b>	
<b>Female genital mutilation/cutting</b>	<p><b>National Action Plan for Accelerating the Abandonment of FGM/C (2008-2012)</b></p> <p>Launched by the Ministry of Gender, Children and Social Development, the plan aimed to promote the abandonment of FGM/C through legislation, public education and outreach programmes, advocacy, media coverage, the empowerment of women and access to reproductive health and other support services. A 2013 joint evaluation by the United Nations Population Fund (UNFPA) and UNICEF recommended that Kenya embed FGM/C coordination into national structures and support the implementation of the FGM Act. The next phase of the plan – a National Action Plan for Accelerating the Abandonment of FGM/C for the period 2014-2018 – is in draft form and is the responsibility of the Gender Directorate.</p>
<b>Human trafficking</b>	<p><b>National Plan of Action for Combating Human Trafficking (2013-2017)</b></p> <p>The plan provides a national approach to address prevention, protection and prosecution as well as regional cooperation on human trafficking. Within this framework, it focuses on causal factors of trafficking, including issues related to sexual exploitation and strategies to address it, including building the capacity of service providers, identifying victims and creating awareness.</p>

<b>Sexual exploitation</b>	<b>National Plan of Action Against Sexual Exploitation of Children (2013-2017)</b>
	As a follow up to the Stockholm Declaration and Agenda for Action, a committee of various line ministries was established and developed, in 1997, a draft National Plan of Action against Sexual Exploitation of Children. Though well intended, the plan was never fully adopted. In an effort to move towards a more holistic and comprehensive approach, the National Council for Children’s Services, in collaboration with civil society organizations, conducted a consultative process to develop a new national plan of action – for the period 2013-2017. The plan was adopted and focuses on the areas of prevention, protection, recovery and reintegration; coordination and cooperation; child participation; and monitoring and evaluation. In recent years the government has increasingly recognized that issues relating to commercial sexual exploitation are linked to poverty, parents’ lack of education, and problems related to tracking perpetrators of child trafficking beyond Kenya’s borders.
<b>Child labour</b>	<b>National Plan of Action for the Elimination of the Worst Forms of Child Labour (2009-2013)</b>
	The aim of this plan was to promote close collaboration among international and national partners to reduce the incidence of the worst forms of child labour in Kenya, with a special focus on agriculture and older children. Immediate objectives included strengthening and enforcing national policies, programmes and legislation on child labour to ensure coherence and effective implementation. Another objective was building the capacity of tripartite partners (employers and workers organizations), key role players (parents and guardians of targeted children), and other stakeholders (national and local government) so that they were able to help implement the plan. A further five-year plan to eliminate the worst forms of child labour was submitted to the Kenyan Cabinet for approval in 2013, but as of mid-2015 had not yet been approved.
<b>Birth registration</b>	<b>National Strategy for Birth Registration (2013-2017)</b>
	In 2011, in an effort to improve birth registration, the Kenya Citizens and Foreign Nationals Management Service Act was developed to provide a framework for the right to identity for all. Since 2010, birth registration coverage has remained constant (roughly 58 per cent in 2010 and 2013). The government, through the Department of Civil Registration, embarked on a process of assessing the Civil Registration and Vital Statistics system to establish the effectiveness of current business processes.
<b>Children’s rights</b>	<b>National Plan of Action for Children (2015-2022)</b>
	In May 2015, the Government of Kenya launched its National Plan of Action for Children (2015-2022), which provides an operational framework to guide stakeholders and funding partners in coordinating, planning, implementing and monitoring programmes for children. It outlines agreed priorities and interventions necessary for progressive

realization of children's rights in Kenya. The plan is aligned with the Convention on the Rights of the Children, but does not lay out the specifics of a child protection system. It does include a section on coordination and monitoring and evaluation and provides a work plan (with no budget).

## Stock-taking and mapping

For years, UNICEF, Save the Children, Plan International, and the regional office of the African Network for Prevention and Protection against Child Abuse and Neglect have advocated for the establishment of a child protection system that prevents and responds to violence, abuse and exploitation of children, and family separation, both during times of relative normalcy and emergencies. The following are studies and other research carried out towards this end.

### **2008 Assessing guardianship, foster care, adoption, residential care and tracing and reintegration practices in Kenya**

This assessment, commissioned by the Ministry of Gender, Children and Social Development's Department of Children Services, with support from UNICEF, provided the basis for number of proposed amendments to the Children Act as well as the development of *Guidelines for the Alternative Family Care of Children in Kenya* (2014) and *National Standards for Charitable Children's Institutions in Kenya* (2013).

### **2009 Mapping assessment**

Kenya was one of the first countries to conduct a mapping exercise to identify the country's protection risks and its existing protection framework as well as to assess coordination and accountability mechanisms and budgetary processes. The findings suggest that, despite valiant efforts to set up a legislative framework, limited human, financial and technical capacities and growing numbers of children in need have impeded progress. Furthermore, it found that the country lacked the national framework needed to move towards a systems-strengthening approach. Subsequently, the findings of the mapping facilitated the drafting of the Child Protection System Strategy (2011-2014).

### **2011 Knowledge, attitudes and practices baseline assessment on child protection issues in seven districts in Kenya**

The overall objective of this survey was to establish communities' knowledge, attitudes and practices on child protection. It also sought to gather data to help inform the development of a behaviour change communication strategy and to establish the extent to which agencies and communities share similar definitions, ideas and priorities regarding child protection. Further, the survey sought to establish communities' knowledge, attitudes and practices with regard to preventing and responding to child abuse, exploitation, violence and separation from family as well as their awareness of alternative family care.

### **2011-2012      Gap assessment of the social welfare workforce**

To strengthen the social welfare framework and address inherent challenges, the Ministry of Gender, Children and Social Development, along with the US Agency for International Development, UNICEF, the University of Nairobi, and the Kenya National Association of Social Workers formed a Social Welfare Workforce Strengthening Steering Committee. The group commissioned a study to provide a snapshot of the current social welfare workforce, identify gaps, and make recommendations to improve it over three to five years. A shortage of funding was cited as the most significant bottleneck to advancing a plan. A major limitation in workforce capacity is the shortage of trained staff, which adversely affects service delivery. Typically this means that delegated volunteers end up delivering services to children, through both formal and informal arrangements.

### **2012      Situation analysis of children in the justice system**

Commissioned by the Government of Kenya and UNICEF, and undertaken by the University of Western Cape, this analysis addressed three key areas: legal and policy framework and perceptions of rights holders and duty bearers; capacity and resources of duty bearers and service delivery and infrastructure; and budgeting and costing issues. The National Legal Aid and Awareness Programme (NALEAP), which has been operating as a pilot since 2009, developed a draft NALEAP Policy 2014 and a draft NALEAP Bill 2014. The bill was scheduled to be enacted into law by August 2014 as per the schedule in the Constitution; as of March 2015, however, this had not yet been accomplished. The programme is also transitioning from a pilot to ultimately providing national coverage.

### **2013      Analysis of community-based child protection mechanisms and their linkages to the wider child protection system**

The Interagency Learning Initiative on Community-Based Child Protection Mechanisms and Child Protection Systems conducted this integrated analysis, focusing on three locations: two rural and one informal urban settlement. The findings revealed community-based mechanisms that rely mostly on religious leaders, elders and chiefs to address and respond to child protection issues. It is expected that these findings will promote stronger linkages between formal and informal child protection mechanisms.

### **2012-2013      Impact evaluation of the UNFPA-UNICEF Joint Programme on Female Genital Mutilation/Cutting**

Findings for Kenya indicate that the joint programme has made a significant contribution to strengthening the national environment for the abandonment of FGM/C. In particular, it has enhanced coordination among national and international actors working on FGM/C abandonment and has strengthened the national legal and policy framework, especially through its contribution to the passing of the FGM Act in 2011. Additionally, partnerships with religious and traditional groups, the Government of Kenya's public commitment to ending FGM/C, and the use of data for evidence-based policy development were cited as positive factors promoting change. Constraining factors include the persistence of traditions related to FGM/C, especially in remote areas of the country, and limited financial commitment.

## Recent action to scale up systems strengthening

The national child protection community, under the leadership of the former Ministry of Gender, Children and Social Development (currently the Ministry of Labour and East African Affairs since December 2015), has been steadily working towards developing a strengthened child protection system through the actions described below.

### Strengthening the legislative framework

As reported in Kenya's 3rd, 4th and 5th State Party Report for the period 2005-2011, significant progress has been made in adapting the provisions of the Convention on the Rights of the Child and its Optional Protocols into the national legislative framework, including through the Children Act (2001). Starting in 2006 the government embarked on a holistic review of the Children Act to bring its provisions in line with international standards; and from 2010 to bring it in line with the new Constitution. As a result, the Children Act (Amendment Bill) was validated in June 2014<sup>21</sup> and proposes a number of modifications, including:

- Raising of the age of criminal responsibility from 8 to 12 years
- Introducing diversionary measures for children in conflict with the law
- Establishing that both parents, regardless of marital status, have primary responsibility for their children
- Strengthening protection for offenders under 18 years of age
- Promoting family-based care for children rather than institutionalization
- Clarifying issues of consideration in determining the best interests of the child.

The Government has now decided to enact a completely new Children Act upon recommendation from the Constitution Implementation Committee, as the proposed revisions are too many to manage through amendments and there are some emerging issues to be included in the new law.

Provisions have been made in the 2010 Constitution under Article 53 (1) d that specifies protection from abuse, neglect, harmful cultural practices, all forms of violence, inhumane treatment and punishment, and hazardous or exploitative labour. The 2010 Constitution also prohibits marriage of persons under the age of 18. In addition, the Marriage Bill (2011) consolidates all marriage laws in Kenya to remove any discriminatory provisions with respect to boys and girls, such as different ages for marriage. A National Gender and Equality Commission Act (2011) promotes gender equality.

Another key legislative action was the passing in 2010 of the Counter Trafficking in Persons Act that domesticates the Palermo Protocols. The Act is the first comprehensive piece of legislation that deals exclusively with the issue of trafficking and all of its elements. It provides a framework within which the victims of trafficking can be protected. The Sexual Offences Act (2006) comprehensively covers issues

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<sup>21</sup> The Children Act (Amendment) Bill was expected to be adopted by the end of 2014; as of December 2015, the Government decided to draft an entire new Children Act which is proposed to be ready by mid-2016.



related to gender-based violence and introduced much tougher penalties for perpetrators of child sexual abuse.

In an effort to improve the protection of children from sexual exploitation and trafficking, the Counter Trafficking in Persons Act (2010), which was put on public record in October 2012, addresses the prevention, suppression of and punishment for trafficking in persons. Stakeholders in the child protection sector have continued raising awareness on preventing the criminalization of child victims of sexual exploitation and on commercial sexual exploitation of children, including in the context of child trafficking. This has led to increased efforts to prosecute cases, especially those related to trafficking for child labour and sexual exploitation.

### **Implementing the FGM Act**

The Prohibition of FGM Act, which criminalizes female genital mutilation/cutting, was signed into law on 6 October 2011. The Act, drafted by the Kenya Women's Parliamentary Association with support from the Parliamentary Council, the National FGM Secretariat and the UNFPA-UNICEF Joint Programme, criminalizes all forms of FGM/C performed on anyone, regardless of age or status. It also bans the stigmatization of women who have not undergone the procedure in an attempt to counter social norms that perpetuate the practice. In 2013, good progress was made in enforcing the FGM Act. That year, an Anti-FGM Board was established at the national level to coordinate efforts to end genital cutting and child marriage. The Anti-FGM Board designs, supervises and coordinates public-awareness programmes against the practice; advises the government on matters relating to FGM/C and the implementation of the Anti-FGM Act; and formulates policy and planning, financing and coordinating of all FGM/C-related activities. A committee of 18 prosecution counsels has been formed to support 21 counties with high FGM/C prevalence rates. Some cases have been successfully prosecuted, even in areas where prevalence is high.

### **Developing protocols, standards and regulations to improve key services**

A number of actions have been devoted to improving the standards of child protection services to children. Towards this end, the Department of Children Services developed *National Standards on Best Practice in Charitable Children Institutions* (2011), *Standards of Practices for Child Protection Centres* (2010), *Standards for Quality Improvement for Orphan and Vulnerable Children Services* (2010-2012), *County Child Protection Systems Guidelines* (2013) and *Guidelines for the Alternative Family Care of Children* (2014). Several action points recommended significant scaling up of services, particularly in the counties of Garissa, Kakamega, Kilifi (Malindi), Mombasa, Nairobi, Nakuru, Siaya and Uasin Gishu (Eldoret). This includes increasing the number of child protection centres, child protection units in police stations, and gender-based violence recovery centres. The number of children's officers has significantly increased, reaching 400 by 2011.<sup>22</sup>

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<sup>22</sup> *The Republic of Kenya 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> State Party Report to the UNCRC Committee – Geneva, 2005-2011*, Kenya State Report to the UN Committee on the Rights of the Child, 2012.

### **Creating a more child-friendly justice system**

In accordance with the Children Act, children's courts have been established in five counties. Where there are no children's courts, the judiciary has appointed certain magistrates to deal with matters concerning children. Training on child rights and child protection has also been provided to 130 officers drawn from different juvenile justice agencies, namely police officers, children's officers, children's court magistrates, prison officers and probation officers, particularly those that deal with the administration of juvenile justice. The Centre for Crime Research has been established and is tasked with conducting ongoing research to inform policies on criminal justice, including juvenile justice and a programme for 'special needs offenders'. These offenders include children in conflict with the law. Child protection units have also been set up at 14 police stations to cater to children in contact with the law and those in need of protection while their cases are being processed. While anecdotal evidence (client feedback obtained on an ad hoc basis) suggests that children and their families benefit from these services, a proper evaluation is yet to be carried out. The National Legal Aid and Awareness Programme is providing legal aid to children in two projects – in Nairobi and in Nakuru. In addition, three other pilot legal aid projects with an indirect bearing on children are under way in Eldoret, Kisumu and Nairobi.

### **Increasing access to basic social services**

Kenya is committed to promoting gender equality and equal access to basic social services, such as education, nutrition, health care, reproductive health care, immunization and protection from disease, and to mainstreaming gender in all development policies and programmes. It has developed a National Gender and Equality Commission and produces national household data that are routinely disaggregated by sex and age.

The Government of Kenya, UNICEF and Childline Kenya, under a formal collaborative agreement, have also set up a child helpline. The number of users has increased exponentially – from 20 calls a month when Childline started its operations in 2006 to 3,000 calls per day in 2015. Approximately 1,000 of these calls require direct intervention from the concerned authorities, coordinated by Childline Kenya. The helpline is used both by adults and children to report violations or seek information and/or advice. It also serves as a useful tool to gather routine national data. The helpline provides direct interfacing with vulnerable children, thereby ensuring that the voice of the child is heard and acted upon in a timely fashion. This mechanism is grounded in robust procedures in case management, coordinated referrals to appropriate agencies, and engagement with stakeholders in the juvenile justice system. Child helpline personnel are also collecting national-level data, analysing trends and engaging in advocacy efforts.

### **Expanding social protection**

Significant progress has been made towards the expansion of social protection and development of a social protection system in Kenya. By 2012, cash transfers for orphans and vulnerable children were reaching 150,000 households and over 500,000 children in 47 counties. Creating and strengthening government systems and mechanisms and building capacity to roll out the programme has given it transparency and credibility. Coordinated support from partners has accelerated the scaling up process and increased delivery of high-quality services. Government support for the cash transfer programme (around 40 per cent of the total budget) is likely to continue. An additional 105,000 new beneficiary

households were enrolled in 2014/2015 and, by January 2015, the programme had reached 261,543 beneficiaries in 47 counties. According to the programme information system, by January 2015, this process had benefited 742,534 children across the country, of whom 380,540 are boys and 361,995 are girls.

### **Improving data and data information systems**

At the same time, Kenya identified the need to gather comprehensive baseline data to serve as the foundation for future action. This spurred the development of the 2010 Violence against Children Survey – the first of its kind at the national level that gathered information on the prevalence of sexual, physical and emotional violence being committed against children in Kenya. The survey illustrated the urgency of addressing the issue and provided clear direction for the development and implementation of programmes, policies and services to reduce the burden of violence on health and social development. Recognizing the need for an appropriate response, the permanent secretary of the Ministry of Gender, Children and Social Development led the development of the costed VAC Response Plan, as noted above.

### **Establishing a comprehensive child protection management information system**

A national case management database for child protection cases has been established and is hosted within the Department of Children Services. The database was rolled out to 27 of the 47 counties by the end of 2014. The database forms part of a planned national information management system that aims to provide comprehensive information on child protection issues nationwide. A national steering committee on information management in child protection, supported by a technical working group, is currently in the process of finalizing a strategy and a costed action plan. It is envisioned that the system will be able to capture information from a diverse set of actors, including non-governmental actors and relevant government entities.

## **Coordination among stakeholders**

An urgent priority for Kenya's new government leadership is identifying and establishing a fully functioning coordination platform for strengthening child protection systems at all levels of government, with clearly delineated roles and responsibilities for all stakeholders. Over the past decade, multi-stakeholder platforms to coordinate the development of a systems-based approach to child protection have undergone major transformations. However, given the limitations of the current mechanisms, UNICEF is playing a key role in advancing a plan to ensure that the country develops a more cohesive coordination strategy; it is also setting in motion efforts to spur action among key partners. Further, with UNICEF support, efforts are under way to re-strategize engagement with key international non-governmental organizations working on child protection. The goal: to develop greater synergies to support the development of a more coordinated approach to child protection strengthening.

### **Ministry of Gender, Children and Social Development**

Up until 2013, the mandate of this ministry was to ensure the well-being of children. Towards that end, it established the National Child Protection Committee as the coordinating mechanism to support the

child protection systems approach. The committee was also tasked with overseeing the implementation of the child protection policy and to ensure cohesive partnerships with key line ministries and stakeholders. Although established, the committee was never fully functional and, in 2013, with the change in national leadership, the committee was dismantled.

### **The National Council for Children's Services**

Established under the Children Act, the mandate of the National Council for Children's Services is to exercise general supervision and control over planning, financing and coordination of child rights activities and to advise the government on all matters relating to children. The council is composed of representatives from relevant government ministries, non-governmental and faith-based organizations, and the private sector. At the local level, the National Council for Children's Services operates through Area Advisory Councils, which have similar membership as the National Council and are guided by the following principles: the best interests of the child; children's participation; and non-discrimination, the right to protection, survival and development. The overall role of the Area Advisory Councils is to coordinate children's activities in their area of jurisdiction. By the end of 2011, 153 districts across the country had established such councils. Plans are under way to ensure that Area Advisory Councils are part of the devolved government structure.

### **The Department of Children Services**

The Department of Children Services is tasked with coordinating and supervising child protection services for children and their families. To implement its activities, the department works closely with development partners including non-governmental, faith-based and community-based organizations. In March 2013, the Department of Children Services was moved from the Ministry of Gender, Children and Social Development to the Ministry of Labour, Social Security and Services (currently the Ministry of Labour and East African Affairs since December 2015). The latter has a large and diverse mandate, some of which commands high public interest, such as wages. As a result, action on child protection issues has suffered. Of note, however, is the recent establishment by the Department of Children Services of a technical working group that is actively leading multisectoral efforts to roll out the VAC Response Plan in a coordinated way.

In many respects, the National Council for Children's Services and the Department of Children Services are duplicative in terms of their child protection mandates. The proposed new Act is expected to help to some degree to resolve the lack of clarity about the roles and responsibilities of the two agencies, with specific references to separating their two mandates. The proposed changes include plans to empower the National Council for Children's Services by giving it a greater leadership/coordination role (in terms of space, budget and human resources). The Department of Children Services will serve as the prime government agency by focusing on implementation and enhancing its supervisory role for child protection service standards by other non-governmental actors. The Department of Children Services will no longer have a mandate in policy and legislative development, which will be under the remit of the National Council for Children's Services.

## Engagement with other actors

The Government of Kenya works in close collaboration with UNICEF, other UN agencies (within the UN Development Assistance Framework) and various development partners to support the strengthening of the child protection system. The national dialogue now under way in the context of UNDAF is an opportunity to propel the child protection agenda forward, given renewed momentum to re-strategize the child protection framework for Kenya.

### Key multilateral and bilateral partners

The Government of Kenya's main multilateral partners in child protection systems strengthening include: The Joint United Nations Programme on HIV/AIDS (UNAIDS), UN Development Programme (UNDP), International Labour Organization (ILO), UNFPA, UN High Commissioner for Refugees (UNHCR), UN Office on Drugs and Crime (UNODC) and the UN Entity for Gender Equality and the Empowerment of Women (UN Women). These UN agencies are working alongside the governments of Japan (on justice for children), Norway, Sweden (on overall child protection), the United Kingdom of Great Britain and Northern Ireland (on social protection), the United States (on child protection case management and emergencies) and the US Center for Disease Control and Prevention (on violence against children).

Development partners provide support to various ministries, departments and agencies to advance child protection. These include the Swedish International Development Agency, which, over the last four years has been instrumental in child protection systems strengthening and has approved new funding until 2017. Another key partner is the UK's Department for International Development, which is supporting FGM/C abandonment.

### Global and regional partnerships

Kenya also participates in a number of global and regional partnerships and initiatives such as the UNFPA-UNICEF Joint Programme on FGM/C and the Together for Girls partnership to combat violence against girls. In terms of child labour, ILO's International Programme on the Elimination of Child Labour partners closely with the government, including the Ministry of Labour; Ministry of National Planning and Vision 2030; Ministry of Gender, Children, and Social Development; Ministry of Education; Ministry of Higher Education, Science, and Technology; Ministry of Agriculture; Kenya National Bureau of Statistics; Ministry of Information and Communication as well as employers and workers organizations.

### National and international civil society organizations

National and international civil society organizations in Kenya play a critical role by supporting – or at times filling gaps left by the State – in the provision of child protection services, in particular through residential, educational and health services. At the national level, some of these non-governmental partners include Adventist Development and Relief Agencies (ADRA) on issues related to FGM/C; Child Welfare Society of Kenya on alternative care; Save the Children on systems building and child protection in emergencies; the World Health Organization (WHO) and Plan International Kenya on digital birth registration; Kenya Alliance for the Advancement of Child Rights on defining the legal framework, monitoring the Convention on the Rights of the Child, and coordination; Child Rights Advocacy,

Documentation and Legal Education on justice for children; Comitato Internazionale per lo Sviluppo dei Popoli on child protection centres; World Vision and Kenya Council of Imams and Ulamaa on FGM/C and child marriage; Terre des Hommes and the Refugee Consortium of Kenya on child protection and refugees; and Childline Kenya on developing the Child helpline.

As part of the UNFPA-UNICEF Joint Programme on FGM/C (2014-2017), the government is partnering with ADRA Kenya, Kenya Council of Imams and Ulamaa, Maendeleo Ya Wanawake Organization and World Vision Kenya. During phase one of the joint programme (2008-2013), the partnership was instrumental in advocating against FGM/C and child marriages at national and community levels.

The Lutheran World Federation is collaborating with the government, UNICEF, UNHCR and other partners to scale up case management and child protection information management systems for unaccompanied and separated children. This includes all children with protection concerns at the Kakuma refugee camp.

UNICEF, in partnership with the International Rescue Committee, is also helping to strengthen referral pathways in cases of gender-based violence, and is supporting coordination mechanisms to enhance service provision for gender-based violence (GBV) in Turkana County. Health Assistance Kenya operates a 24-hour toll-free GBV Hotline for referral of survivors to service points. Through collaboration with the Gender Violence Recovery Centre, support is also provided to the Million Fathers Movement, which aims to mobilize men to end violence in Kenyan society.

## Challenges

The 2009 mapping and assessment of the child protection system revealed that Kenya has a foundation on which to build a strengthened system. However, the challenges in doing so are numerous and include limited human, financial and technical capacities. More than five years later, many of these challenges remain.

Over the past several years it has become apparent that advancing the action plan to strengthen child protection, as articulated in the Strengthening Child Protection in Kenya: Programme Strategy 2011-2014, will require strong national champions to move the political process forward. Many key government stakeholders have not yet internalized or 'bought into' the system-based approach. And without champions to advocate for necessary budgetary allocations and ensure that child protection remains high on the political agenda, plans are likely to languish.

### **Filling the gaps in legislation and policy**

Although Kenya has developed a strong legal framework to protect children from violence, abuse and exploitation, remaining gaps need to be addressed. For example, efforts have been made to domesticate and implement international provisions through the creation of policy documents and a spectrum of legislation. Although many policies have been adopted, they have not been implemented, monitored or evaluated. Complicating matters further is the fact that many duty bearers do not have a

comprehensive understanding of the various child protection laws and policies, regulations and guidelines. As a result, laws and policies are incorrectly applied, and children fall through what should be a protective net. The greatest challenge is the need for clearly defined systems of enforcement, including strengthened capacity of law enforcers and the judiciary in child protection issues. This lack is coupled with a shortage of resources to implement and monitor laws and policies.

### **Rethinking coordination**

Well-coordinated action means that the roles and authority of various actors are articulated and understood. Coordination remains a challenge in the Kenyan child protection context. The Children Act 2001 and its proposed amendments do not go far enough in clearly defining the roles and responsibilities of the line ministries involved in child protection: different aspects of child protection are currently the responsibility of different government ministries and departments and, at times, their mandates conflict. Change in government leadership has compounded the lack of clarity regarding coordination.

An additional coordination challenge confronts the international donor and development community. At times, competing agendas and priorities have led to a lack of synergy and coherence among international partners.

Coordination issues need to be reconsidered, but this will require engagement of government leadership on a priority basis. In the past, UNICEF, in collaboration with the Department of Children Services, played a lead role in moving the systems development process with the government forward. However, to advance to the next stage, it is important to clarify mandates – with the National Council for Children’s Services as the lead agency in coordination and policy development and the Department of Children Services as the lead agency for standard setting, supervision and implementation of child protection services. The National Council could consider engaging a broader constituency (development partners, donors, civil society) in redefining the framework, strategies and action steps, so as to stimulate ‘buy in’ and facilitate a more consultative process driven by multiple stakeholders.

### **Strengthening the capacity of the social welfare workforce**

Capacity gaps in the social welfare workforce, such as lack of personnel and knowledge and limited infrastructure, hamper the ability of this important group to provide the services children and their families need. The number of children’s officers (mainly in sub-county headquarters) is inadequate and qualified social workers are lacking. Adequately funded and supported programmes are needed to train additional personnel, to monitor and evaluate systems for child protection nationally, and to link service provision to forward planning.

### **Aligning structures and functions**

Child protection services in Kenya have developed in an ad hoc way – a problem common to many sectors. Complicating the matter is a shortage of child protection centres and units and legal aid, lack of psycho-social support, weak referral systems, limited services to strengthen families and parenting and to provide alternative family care, and the lack of a monitoring and evaluation framework. To take just



one example, the toll-free child helpline is meant to be nationwide, but is only now serving parts of the country.

To complicate matters, the 2009 mapping exercise did not include community mechanisms for child protection. Recent studies suggest that community mechanisms run parallel with the formal child protection system. Communities in Kenya have their own means of dealing with child protection problems that are trusted, relied upon and easy to access. Such systems could therefore also be taken into account.

### **Costing a comprehensive child protection system and allocating adequate budgets**

Limited technical expertise and lack of investment in the costing of child protection services and systems has led to inadequate budgetary allocations. This is compounded by the fact that child protection services are sometimes difficult to define. The lack of funding prevents the creation of coordination mechanisms and sustainable implementation of key delivery services, such as child protection centres and children's officers. The current devolution process may represent a good opportunity for strengthening the child protection system. To ensure that the Government of Kenya has the capacities needed to implement such a system, several barriers need to be overcome. Paramount among them is the need to clearly understand the costs of developing such a system.

### **Promoting social change**

When engaging with communities, it is vital that negative social norms be addressed as part of programming. However, at present, information is limited on both community mechanisms for child protection and related norms and practices (except in the case of FGM/C). Investing in information and knowledge generation of these and other issues is needed and is a key element in UNICEF's new country programme. Community mechanisms must be strengthened so that they become part of the referral pathway for child protection; such mechanisms can also be used to monitor the work of the formal system.

Generally, community knowledge of child protection issues, including where to seek services when needed, is low. Further, alternative options for practices such as corporal punishment, institutional care, and informal mechanisms to settle cases such as child sexual abuse are either unavailable or, where they exist, are not widely known.

## **Funding system reform**

Given the leadership transition that Kenya has been undergoing since 2013, the child protection sector is in a transformative phase. No costed strategies or costing models are available to provide assistance in re-defining the child protection framework. Therefore, a necessary first step is to take stock of what is currently available, identify the gaps, and determine what support is needed to assist the government in mapping out the costs of child protection.

The Government of Kenya and UNICEF are exploring how to undertake such a costing exercise. The goal is to estimate the financial and other resources needed to roll out the Child Protection Policy Framework in 2016. The costing analysis phase is expected to include a review of key government budget documents (including the Medium-Term Expenditure Framework and the Social Protection-Cash Transfers for Orphans and Vulnerable Children schemes) and the County Integrated Strategic Plans. However, as of June 2015, this exercise had yet to take place. Once it commences, it is envisaged that a series of stakeholders meetings will be held, during which coordination and responsibilities of key stakeholders will be discussed.

In May 2015, the Institute of Economic Affairs and UNICEF undertook a study called the *Child Budget Analysis in Kenya: National government and six county governments*. One of its findings was that children account for about 53 per cent of Kenya's population, but the entire budget for children under nine ministries averaged 25 per cent of the national budget in two financial years (2014/2015 and 2013/2014). In 2014/2015, the Ministry of Labour, Social Security and Services (currently the Ministry of Labour and East African Affairs since December 2015), the most 'child-sensitive' ministry with a specific mandate to promote children's rights, increased allocations to its budget for children by nearly 26 per cent, compared to the previous financial year. Nearly 68 per cent of that ministry's budget is earmarked for children's services. Still, the amount is small – equivalent to only one third of the amount allocated for children in the health sector and one seventh of that allocated for children's education. Attention to childcare and juvenile justice is inadequate, given the meagre budgetary allocations to the Office of the Attorney General and Department of Justice (the lowest allocations among all nine ministries).<sup>23</sup> This shows that continued advocacy for budget allocations in these sectors is crucial if a functioning and effective national child protection system is to be established.

## Next steps

Moving forward, it will be necessary to implement an incremental approach to child protection that is government-driven. This will involve re-invigorating the development of a child protection strategy that spells out a comprehensive approach that Kenya is prepared to adopt. Other steps include the following:

### **Galvanize greater commitment through the Violence against Children Response Plan**

The VAC Response Plan provides a roadmap for ongoing efforts to strengthen and scale up child protection systems. The plan, which focuses on six areas of action, could serve to galvanize coordinated commitment and action to strengthen overall child protection systems.

### **Enact a new Children Act**

The proposed changes in the law give legal backing to the diversion of children in conflict with the law, alternative family-based care, and child protection centres and units, which are expected to be strengthened. In addition, coordination and responsibilities of several key departments and stakeholders are also expected to be spelled out more clearly in the new Act.

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<sup>23</sup> Institute of Economic Affairs, *Child Budget Analysis in Kenya: National government and six county governments*, May 2015.

### **Review draft strategy documents**

Engaging government officials and partners to review the draft national child protection systems strategy, the national child protection systems, and the county child protection systems guidelines is an urgent priority in developing a harmonized implementation strategy for a national child protection system.

### **Enhance the coordination of services at all levels**

Coordinating services at the national, country and sub-county level will be necessary to ensure the mainstreaming of child protection services within a devolved county-level government. UNICEF will support advocacy to mainstream child protection across relevant line ministries, departments and agencies and prioritize budgetary allocations for prevention and response services.

### **Strengthen the quality of services**

Next steps will build on existing services available to both victims and potential victims of violence as well as to perpetrators. This includes the scaling up of child protection centres as a one-stop shop at the community level for supporting survivors of violence. It is essential that relevant ministries, departments and agencies have standard operating procedures in this regard. Improved engagement with the health sector can enhance the protection, early identification and referral to services of children who experience violence and promote prevention.

### **Build capacity**

Expanding the skills and knowledge of those engaged in child protection is critical to enhancing service delivery and must be given greater priority. The need for capacity building is included in the VAC Response Plan, County Child Protection Systems Guidelines as well as the Guidelines for Alternative Care of Children.

Further capacity-building tools need to be developed at the national level, including for monitoring and evaluation. Such tools should be adaptable across law enforcement sectors and at various levels (regional, county, sub-county).

### **Mitigate the circumstances that promote violence against children**

As part of the roll out of the VAC Response Plan, attention will be given to mitigating the circumstances under which violence occurs. The VAC Response Plan addresses the barriers and stigma that may promote violence against children and prevent children from seeking care or help. Interventions include expanding parenting education, strengthening the national Childline and GBV Hotline, providing counselling and support to survivors and perpetrators of violence against children, and encouraging the development of parent support groups at the community level (and engaging religious and community leaders who have been trained to facilitate such groups). A key focus will be reducing social acceptance of violence by addressing negative social norms and promoting behaviour change. Emphasis will be placed on working closely with all stakeholders and developing a minimum package of complementary interventions to prevent and respond to violence against children for use in community-based programming.