

Sessional Paper No. 6 of 2014
on the
National Children Policy



TABLE OF CONTENTS

FOREWORD.....	v
ACRONYMS.....	vii
EXECUTIVE SUMMARY.....	ix
CHAPTER ONE: INTRODUCTION	1
1.1 Background.....	1
Scope of the Policy	2
1.2 Rationale for developing the National Children Policy.....	2
CHAPTER TWO: SITUATION ANALYSIS OF CHILDREN IN KENYA	3
2.1 Existing Initiatives and Programmes for Children.....	3
2.1.1 Civil Society Organizations and Development Partners.....	3
2.1.2 The Family	3
2.2 The status of Children in Kenya	3
2.3 Challenges to the realization of Children Rights and Welfare	6
CHAPTER THREE: THE NATIONAL CHILDREN POLICY FOR KENYA.....	7
Introduction.....	7
3.1 Objectives of the policy	7
3.2 Guiding Principles	7
3.3 Management Policies and Programs for Children	8
3.3.1 Pillar 1: Child Survival.....	8
3.3.2 Pillar 2: Child Development	10
3.3.3 Pillar 3: Child Protection	12
3.3.4 Pillar 4: Child Participation	13

CHAPTER FOUR: IMPLEMENTATION, MONITORING AND EVALUATION FRAMEWORK


4.1 Introduction 16
 4.1.1 Capacity..... 16
 4.1.2 Management of the National Children Policy 16
4.2 Institutional Arrangement for the Implementation of National Children Policy..... 17
4.3 Monitoring and Evaluation of National Children Policy..... 18
4.4 Key Factors in Policy Implementation 19
4.5 Collaboration on Implementation of the National Children Policy..... 19
 4.5.1 Private Sector..... 19
 4.5.2 Research Institutions and Institutions of Higher Learning 19
 4.5.3 Civil Society, Faith based, Non-Governmental, Philanthropic and Community based groups 20
 4.5.4 Development Partners..... 20
 4.5.5 The role of Children and the Community 20
4.6 POLICY REVIEW..... 20

FOREWORD

The Government of Kenya recognizes and appreciates the need to develop a comprehensive framework to deal with children issues as a matter of National concern. This Sessional Paper is prepared against a background of various challenges affecting children in Kenya. The policy recognizes that children’s rights are human rights and that all steps need to be taken to advance and advocate for them, so that the children can realize their full potential. It therefore addresses issues/challenges facing children and also provides a broad based framework for implementation of strategies that will enable children realize their rights and thus lays a strong and solid foundation for National Development and Prosperity. It presents a paradigm shift required for managing children affairs in the Country.

The policy contains specific and targeted interventions which when effectively implemented, would contribute considerably towards the achievement of the goals of *Kenya Vision 2030* and the Constitution. The goal of the policy is to realize and safeguard the rights and welfare of children in Kenya. It emphasizes the fact that children are vulnerable, innocent and dependent. They make up more than half of the National population and therefore their rights should be respected and protected at all times. In a nutshell, to secure Kenya’s future all children must be nurtured, protected from harm, exploitation and violation of their rights.

The policy provides a comprehensive framework that will guide the different sectors and agencies involved in children issues in Kenya. To realize sustainable change in the well-being of children, envisioned in this policy document, will invariably depend on the extent to which the policy is implemented. It goes without saying that effective implementation of this policy is hinged on the support, active participation, cooperation of everybody and all relevant duty bearers, agencies and institutions in the Country. I therefore call for sobriety, creativity, innovative interventions and approaches in order to realize improved outcomes for children in Kenya.


AMB. RAYCHELLE OMAMO
Ag. CABINET SECRETARY
MINISTRY OF LABOUR, SOCIAL SECURITY AND SERVICES

ACRONYMS

AAC	– Area Advisory Council
ACRWC	– African Charter on the Rights and Welfare of the Child
AIDS	– Acquired Immune Deficiency Syndrome
ASALs	– Arid and Semi-Arid Lands
CCIs	– Charitable Children’s Institutions
CSEC	– Commercial Sexual Exploitation of Children
CSOs	– Civil Society Organizations
DCS	– Department of Children’s Services
ECDE	– Early Childhood Development Education
FGM	– Female Genital Mutilation
FPE	– Free Primary Education
GBVRC	– Gender Based Violence Recovery Centre
HIV	– Human Immuno-deficiency Virus
ICT	– Information Communication Technology
ITN	– Insecticide Treated Nets
KDHS	– Kenya Demographic Health Survey
KESSP	– Kenya Education Sector Support Programme
KIHBS	– Kenya Integrated Household Budget Survey
KNBS	– Kenya National Bureau of Statistics
MDGs	– Millennium Development Goals
MTEF	– Medium Term Expenditure Framework
MTP	– Medium Term Plan
NACADA	– National Authority for Campaign Against Alcohol & Drug Abuse
NCCS	– National Council for Children’s Services
NCP	– National Children Policy
NGOs	– Non – Governmental Organizations

- TIVET – Technical Vocational Education and Training
- ESQAC – Education Standards Quality Assurance Council
- UNGASS – United Nations General Assembly Special Session
- UNCRC – United Nations Convention on the Rights of the Child
- WHO – World Health Organization
- WFFC – World Fit For Children

EXECUTIVE SUMMARY

According to the 2009 Housing and Population Census, Kenya's population was 38.6 million with an annual growth rate of 2.2 per cent. Approximately 19.15 million, that is, 50 per cent of the population are children.

Of this population, 7.66 million that is, 20 per cent are children under five years, while 1.92 million or 5 per cent are children under one year. 8.81 million children live in absolute poverty, with the figure rising in rural areas to about 50 per cent.

Further analysis indicates that of the 19.15 million children, 15.32 million or 80 per cent live in rural areas, while the remaining 3.83 million live in urban areas.

Although old age dependency is low in Kenya, child dependency is a challenge because of the high fertility rates.

The current population growth rate of 2.2 per cent per annum is considered to be high and is expected to double in 15 years. This implies that by the year 2030 Kenya's population will be about 65 million people.

The population in Kenya is characterized by high fertility rates, a young structure, a youth 'bulge', high dependency burdens and high population growth rate. All these constitute serious obstacles to poverty eradication and sustainable development thus posing serious challenges to the well-being of children and realization of their rights.

The demographic shift towards increased children and young persons in society has been accompanied by rapid urbanization, shifting attitudes within communities and population movements. In particular the increasing movement of younger persons from rural to urban areas in search of employment has led to major changes in family structures leading to breakdown of the extended family support systems. This combined with poverty, Human Immuno-Deficiency Virus/Acquired Immune Deficiency Syndrome (HIV/AIDS) and moral decadence in the society has threatened the protective environment for children as they become vulnerable to abuse, violence, exploitation, neglect, sexual exploitation, trafficking, child labour, harmful social/cultural and religious

practices such as female genital mutilation and child marriage among others.

According to the 2012 Kenya Social Protection Sector Review, approximately 3.6 million children in Kenya are orphans or otherwise classified as vulnerable. This implies that their right to survival, development and participation are unfulfilled and /or threatened.

The need for a policy on children arises from the Government's commitment to address the plight of this vulnerable category of society through a comprehensive and coherent institutional, legislative and enforceable framework.

The policy is based on International, Regional instruments Kenya has ratified as well as National laws and policies related to children. Such instruments include the United Nations Convention on the Rights of the Child (UNCRC), the African Charter on the Rights and Welfare of the Child (ACRWC) and the Children Act 2001.

The policy seeks to:

- facilitate enjoyment of quality life for all children in Kenya,
- promote healthy and active life through comprehensive health care for all children,
- recognize and provide assistance to vulnerable children and their households to guarantee their social and economic needs,
- ensure that the special needs of children are met in conflict and disaster situations,
- ensure that children are protected from abuse, neglect and exploitation,
- ensure that children get quality, accessible, inclusive, equitable and affordable education to enhance holistic growth and development and participation in the development process at all levels.
- strengthen Community programmes and structures in order to keep orphans and vulnerable children in family care and thereby optimize financial and human resources, and

- provide for appropriate and effective legislative and institutional framework for child protection.

Each chapter on the policy starts with a broad overview on the situation highlighting the challenges facing children in the country. This is followed by policy interventions under the four pillars, namely: child survival, child development, child protection and child participation.

The policy also provides a Monitoring and Evaluation mechanism for effective implementation of the stated strategies and programmes.

CHAPTER ONE: INTRODUCTION

1.1 Background

Kenya's long history of service to children goes back to the colonial period. The first institutional response was started around 1909 by establishing a corrective facility to take care of deviant youth who failed to register and carry with them the Identity cards, then popularly referred to as "Kipande".

Over time, other Government institutions were established in several parts of the Country to cater for children in conflict with the law as well as those in need of care and protection, the latter being the majority.

In addition, children offices were progressively established by the Department of Children's Services at the County level and other Devolved Units to spearhead and co-ordinate Community based interventions on diverse children issues.

The post independent years also witnessed the establishment of thousands of programmes and projects by Non-governmental Organizations (NGOs), Faith based Organizations (FBOs) and the Private Sector to complement Government's Service to children.

These initiatives culminated in the Government of Kenya ratifying the United Nations Convention on the Rights of the Child (UNCRC) in July, 1990 and developing and approving for implementation the first comprehensive National Plan of Action for Children 1990-2000 to realize the goals of the World Summit for children.

By participating in the Summit, Kenya shared in a process that established broad goals geared towards the well-being of children and which each state was expected to domesticate to national objectives. The National objectives were to be founded on the universally accepted rights to survival, development, protection and participation.

Kenya ratified the African Charter on the Rights and Welfare of the Child (ACRWC) in 2000. With the enactment of the Children Act in 2001, Kenya confirmed her commitment to translate agreed UNCRC and ACRWC principles into National law. The enactment of the Children Act was a major follow-up action of the World Summit as it domesticated the UNCRC and the ACRWC.

Scope of the Policy

The policy addresses the various challenges impacting on the well-being of children in Kenya under the four pillars namely: child survival, child development, child protection and child participation.

1.2 Rationale for developing the National Children Policy

The need for a national policy on children arises from government's realization that without a coherent and comprehensive overall framework for guiding the different sectors and agencies involved in matters pertaining to children, substantial resources and efforts may continue to be duplicated and wasted.

Through the policy, the rights and welfare of children will be addressed recognizing that:-

- Children are the most vulnerable members of the Kenya's society and should therefore, be given priority, their rights respected and their needs provided for through appropriate policy prescriptions, legislative instruments, enforcement mechanisms and developmental programmes,
- Adequate budgetary and other resources should be allocated to facilitate programmes targeted to children,
- An increasing number of children has significant implications on national development,
- The government has a moral and legal obligation to take adequate steps to provide for children's well-being and development,
- Children are the present and the future and therefore need to be nurtured to effectively participate in the national development process, and
- Kenya as a member of the United Nations and signatory of the World Summit Goals and African Common Position on Children and Action Plan, World Fit for Children goals, subscribes to adding quality life to her children through this National Children Policy.

The policy contains specific measures that will be undertaken to address past weaknesses and shortcomings. The ultimate goal is to bring lasting and positive change in the lives of children in Kenya to ensure that they grow and thrive.

CHAPTER TWO: SITUATION ANALYSIS OF CHILDREN IN KENYA

2.1 Existing Initiatives and Programmes for Children

Despite the absence of a comprehensive policy on children, the Government of Kenya in collaboration with Non-Governmental organizations, Private sector, Faith based organizations, Community based groups and Development partners has continued to offer support to children all over the Country.

2.1.1 Civil Society Organizations and Development Partners

Development partners and other non- state organizations offer various services such as education, health care, food and nutrition, psychosocial support, shelter and advocacy.

Some of the organizations also provide targeted support to children in refugee camps and in disaster situations.

2.1.2 The Family

The family is still the most important institution for the growth, socialization and development of children. The extended family support system to children is still operational in many communities despite the changing structures, living patterns, social values and economic pressures. The Constitution provides: "the family is the natural and fundamental unit of society and necessary basis of social order, and shall enjoy the recognition and protection of the state." This is critical because when the family functions properly, the child's well-being is assured and guaranteed.

2.2 The status of Children in Kenya

Kenya serves as an economic, social, cultural and political hub within the East African region. With an estimated population of 40 million people and about 19 million of that population being under 18 years, Kenya shares with her neighbours the obligation to achieve social, political and economic equity, growth and development that guarantees rights of every citizen including children.

Poverty and vulnerability continue to hamper realization of rights especially for children. The government of Kenya believes that investment in children's rights is both an obligation and

opportunity. It is an obligation because deprivation, poor nutrition, abuse, illiteracy and ill health undermine children's abilities to develop to their full potential.

It is an opportunity because better nutrition, health care, education and protection for children are far greater and long lasting than any other development intervention.

On legal and regulatory framework, Kenya is ranked highly among African Countries especially for putting in place a regime that is protective and promotes the rights of children by implementing a budgetary policy and programmes that favour children.

According to the report by African Child Policy Forum (2008), the Government of Kenya was ranked among the top ten most child friendly African Governments, mainly for three reasons: first, as a result of the Government putting in place appropriate legal provisions to protect children against abuse and exploitation; secondly, because of its commitment to allocating a relatively higher share of the National budget to provide for the basic needs of children and thirdly, as a result of the effort and success in achieving relatively favourable wellbeing outcomes as reflected on children themselves.

According to this report Kenya performed well in other indicators relating to abolition of corporal punishment, the policy for free primary education, the existence of an effective child justice system, a National Plan of Action for survival, protection and development of children and the establishment of a Government body for co-ordinating the National Strategy for Children.

Nonetheless, how children fare in the Kenya society against the National and International human rights legal framework has not been documented on a regular basis. The first situation analysis was undertaken in 1998 and the next was done in 2008, ten years later. It was implemented and reviewed in 2013.

An analysis is a useful process for the stakeholders in children issues as it provides the opportunity to gauge the extent to which the rights of more than half of the population of Kenya, which comprises children and young people, have been realized. It is usually a very participatory process as it involves partners, service providers, children and other stakeholders.

The status report that covered the period 2009-2013 re-examined areas like the right to health, nutrition, water and sanitation, education, participation and child protection. It looked at child poverty and deprivation. It also looked at three important emerging issues that merit greater attention namely, crises and disasters, growing urbanization and the situation of urban poor children, the period of adolescence and their effects on children.

Two positive developments that will help improve the lives of children in Kenya are underscored in the report. The first is Kenya's progressive Constitution promulgated in 2010 which provides a comprehensive legal framework that guarantees the rights and equality of citizens in all spheres of life. The constitutional guarantees establish a solid foundation for the realization of children's rights in the Country, triggering the review and alignment of policies and legal frameworks pertaining to children. The second is the adoption of a new devolved governance structure with the potential to ensure a more equitable distribution of power and resources. Devolution has important ramifications for children's services located in the 47 Counties throughout the Country in terms of available finances, human resources, administrative services and infrastructure among others.

The status report (2009-2013) report looks at the broad status of the economy and child poverty in Kenya and their implications on the rights of children; the policy, legislative framework and resources for the realization of the rights of children.

Following these is analysis of the right to survival, the right to development, the right to participation and the right to protection from violence, abuse, neglect and various forms of discrimination.

The economic context is important for ensuring children rights and their overall wellbeing and prosperity. That Situation analysis (2013) examines the country's economy over the last five years. In economic terms this span of time was characterized by several difficulties due to economic downturn and setbacks due to the global financial crisis plummeting to the lowest level in 2007/2008 fiscal year. Since then the economy has continued to recover but at a relatively slow pace (Kenya National Bureau of Statistics (KNBS) Economic Survey.)

The slow revival of economic growth leaves a lasting impact on the well-being of children through increased malnutrition, morbidity and mortality not to mention other children who may require special care and protection from a wide range of issues such as abuse, violence, exploitation, neglect, trafficking, child labour, and commercial sexual exploitation among others.

In addition, concerns about HIV & AIDS remain high and the rising number of orphans and vulnerable children confirms the ongoing impact of the pandemic on children and their families.

For the period 2003-2009 Kenya had the fastest rate of child mortality decline at 7.6 per cent per year amongst 20 countries in the East and South African region. This was due to the use of insecticide treated nets for malaria prevention and treatment in epidemic prone areas.

Despite this progress, infant mortality rate at 74 per 1000 live births means that Kenya is short of achieving the Millennium Development Goals target 4 by 2015.

2.3 Challenges to the realization of children rights and welfare

Children face many challenges all over the world and in particular in developing Countries in Africa. A large dependent population of children in the society presents various challenges on how to respond and meet their needs to ensure their growth, development and participation. The challenges that Kenya faces is how to provide a safe and secure environment that safeguards the rights and special needs of children in order to nurture and grow their potential, and generally prepare them for adult responsibilities to contribute to the development of the Country. It is in response to these challenges that the government has developed the children policy.

CHAPTER THREE: THE NATIONAL CHILDREN POLICY FOR KENYA

Introduction

The Government of Kenya recognizes the critical role of children in realizing the aspirations of *Kenya Vision 2030* and the Constitution. However, the management of children affairs has to undergo a paradigm shift in order to fully contribute in actualizing these aspirations.

3.1 Objectives of the policy

The Government is responding with measures to guarantee the rights and welfare of children in Kenya by creating an environment in which all children will be safeguarded and protected.

The specific objectives of the policy are to:

- provide a framework for addressing issues related to children's rights and welfare in a holistic and focused manner;
- provide a regulatory framework to co-ordinate the various related policies and legislations aimed at promoting children rights;
- provide a comprehensive institutional framework through effective institutions dealing with children issues;
- provide direction and purpose in establishing social and child protection mechanisms while mobilizing resources for action;
- provide criterion for evaluating and monitoring the implementation of various legislations and policies and programmes targeting children; and
- put in place an implementation framework in support of this National Children Policy.

3.2 Guiding Principles

This policy framework shall be guided by the following principles:

(a) Participation of Children in the society

Children are entitled and have a duty to participate in the affairs of society in line with their evolving capacity.

(b) Community support and care

Children are entitled to adequate care and assistance of family and the state. They are entitled to access all the relevant services to maintain optimum levels of physical, mental and emotional wellbeing.

(c) Best interests

In all situations the best interests of the child shall be paramount.

(d) Dignity, security and freedom from exploitation

Children are entitled to live in dignity and respect and free from all forms of exploitation, discrimination, abuse and neglect.

3.3 Management Policies and Programs for Children

In recognition of the many obstacles standing in the way of full realization of children's rights and welfare this policy outlines initiatives to be implemented in order to improve the status of children in the Country. This will be achieved through the multi-stakeholder involvement in undertaking the interventions specified in the document.

Specifically, this policy paper identifies programs aimed at improving the lives of children in Kenya at all levels and in all situations, setting standards for benchmarking and anchoring the policy to *Kenya Vision 2030* as well as implementing it through the annual Performance Contracts.

Further, the policy adopts a cluster approach which brings together the Government, Private sector, Development partners, County Government, CSOs, FBOs, the AACs, the Community and the Family in advancing the cause of Children.

3.3.1 Pillar 1: Child Survival

The right to health is defined as the enjoyment of the highest attainable standard of physical and mental health conducive to living a life of dignity. Article 24 of the UNCRC clearly states that: "parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilitate for treatment of illness and rehabilitation of health".

The World Health Organization (WHO) defines health as a state of complete physical, mental and social wellbeing and not just the absence of disease or infirmity. Provision for children's health must take on board both the curative and preventive measures. This calls for provision of antenatal care, safe motherhood, immunization, balanced nutrition, access to health services, safe drinking water, sanitation and control and management of HIV/AIDS pandemic.

The overall goal of the health sector policy in Kenya is to "promote and improve the health of all Kenyans through the deliberate restructuring of the health sector to make all health services more effective, accessible and affordable".

The Kenya Demographic Health Survey 2008-2009 (KDHS) indicated that noticeable reduction in infant and under five mortality figures have been recorded compared to the rates reported in the 1998 and 2003 Demographic and Health Surveys. The trends show that under five mortality rates has declined by 36 per cent from 115 deaths per 1,000 in 2003 to 74 per 1,000 in the 2008-2009 Survey. Infant mortality dropped by 32 per cent from 77 deaths per 1,000 in the 2003 survey to 52 deaths per 1000 in the 2008-09 Survey.

This notable decline in childhood mortality gives renewed hope that if Kenya maintains commitment to the key interventions and programmes and focuses on areas where disparities are highest, she should be able to regain momentum to attain millennium development goal No. 4 targets of 64 and 32 per 1000 live births for under 5 and infant mortality rates, respectively, by 2015.

The prevalence of HIV/AIDS is also an important cause of maternal and child mortality in Kenya. In 2010, National HIV/AIDS prevalence among adolescents and women was 6.2 with some Counties having infection rates of up to 22 per cent.

Infection among women continues to be a risk for infection among newborns. The transmission of HIV to babies in Kenya continues to be a problem as some mothers are unaware of their HIV status. In 2012, an estimated 10,300 babies tested HIV positive. This calls for scale up of care, treatment and social support to counter the

impact of HIV/ AIDS on children to guarantee life that is in tandem with Kenya Vision 2030.

While there has been a significant overall expansion of health facilities, not many of them offer maternity services. As distance is still a barrier for many women, it is important that more facilities offer maternity services.

Cultural and behavioural factors contribute to low coverage of life-saving maternal health interventions. It may be one of the underlying or root causes that hinder the fulfillment of the right to health. For example, the use of a skilled attendant rather than a traditional birth attendant or contraceptive use is influenced by cultural traditions and practices. In some traditional societies, "heroic deliveries" done alone at home are regarded as a badge of honour for women.

Therefore, there is need to increase demand for maternal health services through increased sensitivity to cultural and social contexts well as improving access and quality of maternal and newborn health services.

There is need to enhance evidence-informed behaviour change communication, increase utilization of HIV services and most importantly, address the underlying gender inequities and drivers for high HIV infections among girls and women.

Urgent efforts are needed to ensure that a far greater number of women and men have access to contraception, in particular condoms. This includes ensuring access to condoms for young people who are sexually active.

3.3.2 Pillar 2: Child Development

Child Development can be understood from various dimensions namely; Physical, Social, Emotional, Mental and Moral. Physical development entails a child's physiological growth while social development focuses on child's ability to relate positively with other people at different stages of life. On the other hand, emotional development pertains to a child's inner feelings and reactions towards different situations.

Mental development involves cognitive and psychological reactions while moral development involves issues of right and wrong and the resultant decisions.

The right to education has three dimensions namely;

a) The right of access to education: Every child has a right to education on the basis of equality of opportunity and without discrimination on any grounds. To achieve this goal, education must be available for, accessible to and inclusive of all children.

b) The right to quality education: The right to quality education entitles every child to a quality education that enables him or her fulfill his or her potential, to realize opportunities for employment and to develop life skills. To achieve this goal, education needs to be child-centred, relevant, embrace a broad curriculum, and be appropriately resourced and monitored.

c) The right to respect within the learning community: Every child has a right to have his or her inherent dignity and universal human rights respected within the education system. To achieve this goal, education must be provided in a way that is consistent with human rights, including equal respect for every child, opportunities for meaningful participation, freedom from all forms of violence, and respect for language, culture and religion.

Attention will be given to the main factors that prevent children from attending School. These include poverty and the long distances to Schools, particularly in rural areas, disability or illness.

Focus will also be given to other categories of children including orphans and children with disabilities who are likely to be more disadvantaged when it comes to attending Primary School and to transitioning to Secondary School.

There is gender bias in social norms and parental attitudes towards education that will have to be addressed. Some of the reasons for low attendance among girls, especially in higher grades, are pregnancies, child marriages and gender violence within communities and school environments.

In many cases, parents and communities actively hinder girls' full participation in education due to social, cultural and religious beliefs and attitudes.

While there has been improvement in access to school, significant inequalities in learning outcomes have been found across regions between different types of schools. This calls for intervention to ensure quality and equity.

Policy makers at National level, County officers and communities at County level need to appreciate the importance of Early Childhood Development Education (ECDE) particularly as it is recognized in the Basic Education Act. Capacities at National and County levels to implement quality ECDE programmes will be strengthened.

Attention will also be given to education of out-of-school adolescents through access to Technical and Vocational Education and Training (TIVET) colleges, vocational education among others. Focus will also be given to other rights, such as access to sexual and reproductive health, HIV prevention, treatment and care services.

Additionally, there is need to fast-track establishment of Education Standards and Quality Assurance Council (ESQUAC) which will ensure consistency of standards and high quality education.

3.3.3 Pillar 3: Child Protection

All children have a right to be protected from any harm that may interfere with their growth and development. The protection rights are realized through actions that ensure children are protected against drugs and substance abuse, child labour, child trafficking, sexual abuse, exploitation and neglect. They should also be protected against the negative impact of Information Communication Technology (ICT), the media, retrogressive cultural practices and harm by care givers. Children in conflict with the law, orphaned, abandoned, internally displaced and refugee children require special protection.

Attention will be given to beliefs and behaviours shaped by social norms and lack of awareness of children's rights that leads to cases of abuse and violent acts against children which may go unreported and/or ignored. In many cases such acts are not considered unlawful by the victim or perpetrator. In fact, children are most at

risk from violence at home and abuse committed by persons who are known to them or are responsible for their welfare. Social norms may explain why some practices remain despite an adequate legal framework which prohibits them.

There is need to address the limited access to birth registration system that leaves many children unregistered, thus creating barriers for children's access to other services. Many children have to walk long distances to reach health centres, child protection centres and child-friendly courts, as they are mainly located in urban areas.

Attention will also be given to the capacity gaps found in the social work force as it presents an important underlying cause of poor child protection services.

Inadequate personnel, knowledge and limited infrastructure hamper the ability of this important group to provide the services to children and families in need.

There is still a low number of children's officers (mainly in the Sub-Counties) and a lack of back-up of qualified social workers. Currently, there are no minimum standards for an officer working with children regarding experience and education.

Priority will be given to the establishment of a child protection system. This is about adopting an effective multi-agency, multi-disciplinary approach to ensure that children are safe, their development needs are met and families supported to bring up their children.

The mapping and assessment of the existing components of the child protection system in 2010 revealed that Kenya has a foundation to build on. The devolution anchored in the Constitution, 2010 represents a good opportunity for strengthening the child protection system.

3.3.4 Pillar 4: Child Participation

The recognition that Children are rights holders is central to the philosophy of the UNCRC and the African Charter. Children are not merely passive recipients of adult care and protection but rather are social actors entitled to contribute to the exercise of their rights and to participate in decisions that affect them. Parents and other

care givers have a right and responsibility to provide direction and guidance to the children in a manner consistent with the evolving capacities of the child.

Taking children's views and experiences into account within the family, at School and other settings helps develop children's esteem, cognitive abilities, social skills and respect for others. Through participation children acquire skills, build competence and gain confidence. This contributes to personal development. Based on evolving capacities, children have a unique body of knowledge about their lives, needs and Concerns, together with ideas and views derived from direct experience.

The need to create an enabling environment for meaningful participation draws attention to factors underpinning empowerment of children including important dimensions such as having access to decision-makers, information, and being able to make informed choices.

To promote child participation, the policy will focus on the development of a National programme to enhance the "voice" of children, adolescents and youth". This would involve strengthening existing efforts by Government, NGOs and CSOs to ensure that genuine and meaningful participation is fostered and exercised by children.

This includes children-led initiatives, such as the Children's Assembly, School-based Pupil Councils in schools, Co-Curricular Activities, the celebration of Children's Achievements, and School Clubs.

Although efforts such as the Children Assemblies and the Youth Parliament are in place, they are not operating for optimal results.

These forums will be revamped while at the same time ensuring involvement of as many Children and Youth as possible from different regions across the Country.

There is also a need to link the Children Assembly structures and discussions to the existing County Legislations and Development Agenda.

The scarcity of data and lack of structured information and dissemination mechanisms has derailed implementation and

adoption of the child participatory practices. Good interplay between policy-makers, the media and like-minded stakeholders has not been fully exploited. The information required for the familiarization of the content regarding child participation to the community has only been availed to a few individuals, who are directly dealing with the target groups, and has not yet reached everyone. More awareness campaigns on child rights will be employed through the media and Area Advisory Councils' (AACs) for their appropriate adoption.

There is lack of coordination between Government agencies that are implementing children's participation policies and programmes. This will have to be addressed if meaningful participation is to succeed.

This would involve creating clear framework for co-ordination of activities/initiatives erected by the Government and those of non-state actors, for example, where the Non-State Actors run parallel programmes to those of Government.

CHAPTER FOUR - IMPLEMENTATION, MONITORING AND EVALUATION FRAMEWORK

4.1 Introduction

The primary responsibility for implementation of the National Children Policy (NCP) and ensuring that rights of children are realized rests on the Government through line ministries. The Implementation, Monitoring and Evaluation Framework will be coordinated by the National Council for Children's Services (NCCS).

Established under Section 30 of the Children Act 2001, NCCS is mandated to exercise general supervision and control over the planning, financing and coordination of children rights and welfare. The NCCS, which is a body corporate, works with partner stakeholders both International and Local through the Area Advisory Councils (AACs) established at County and Sub-County levels. The Department of Children's Services (DCS) is the operational arm of the NCCS.

4.1.1 Capacity

The Council is made up of 21 members as follows, eight (8) from line ministries, three (3) from Faith Based Organizations, six (6) from the civil society and two (2) from the Private Sector.

The President appoints the Chairperson while the Cabinet Secretary in charge of Children Services appoints the Council members. The Director for Children's Services is the Secretary to the Council and facilitates the setting up of the Secretariat.

4.1.2 Management of the National Children Policy

The overall guidance of the implementation of National Children Policy will rest on the Ministry responsible for Children Services while, NCCS will focus on the following:

- Mobilize adequate human and financial resources for the implementation of NCP.
- Strengthen partnerships with CSOs, Development partners and NGOs to achieve the expected outcomes and outputs
- Strengthen its work through AACs and other devolved structures

- Seek to collaborate with the county governments to entrench children matters in the county plans, programs and projects
- Advocate for the establishment of office of Ombudsman for Children to deal with complains by or on behalf of the children
- Collaborate in social budgeting initiatives to ensure adequate resources from partners, central government and devolved funds while guaranteeing that they are also spent on the marginalized, vulnerable and disadvantaged groups especially the Children with Disabilities (CWDs)
- Strengthen coordination, corporation and collaboration with CSOs in the implementation of National Children Policy.
- Coordinate with all stakeholders in planning and budgeting to leverage resources for the Policy implementation
- Strengthen systems of data collection, management for purposes of generating disaggregated data to assess progress of implementation of National Children Policy.
- Ensure constant documentation and update in regard to resources for children for non-governmental actors
- Engage all non-governmental actors and other leaders including parliamentarians in promotion of children rights
- Conduct regular national surveys for input in the review of National Children Policy.

4.2 Institutional Arrangement for the Implementation of National Children Policy

The implementation of the NCP will involve multi-agency and multi-disciplinary approach by various stakeholders as explained here below:-

- Service delivery to the children will be done by every duty bearer as articulated in their mandates
- NCCS will coordinate the implementation, monitoring and evaluation of children related interventions at all levels
- NCCS will provide space for children and other stakeholders' participation in the planning, implementation, monitoring and evaluation of NCP.

- AACS will be the mechanisms for providing feedback on the effectiveness of interventions through regular periodic reports
- The Ministry in charge of children services will establish a network of non-governmental actors to ensure information sharing of good practices on the implementation of the NCP.

4.3 Monitoring and Evaluation of NCP

Monitoring and evaluation of the National Children policy will be undertaken within the framework of the National Integrated Monitoring and Evaluation System (NIMES). The framework will provide for regular consultation and feedback between agencies entrusted with the implementation of the policy.

To monitor and evaluate the implementation of the NCP, NCCS will ensure that:

- A suitable monitoring mechanism is established at the National, County and other Devolved Levels to assess progress towards achieving expected NCP's outputs and targets
- A comprehensive system is set up to collect and analyzes disaggregated data by Region, County, Sub-County, Gender, Age, Culture, Social-economic grouping, Special needs and Circumstances.
- An inter-agency standing committee or task force to monitor the implementation of the NCP is put in place
- Efforts are made to strengthen collection and analysis of administrative data on child focused measurable indicators to track the achievement of expected outcomes, outputs and targets.
- Capacity building for data collection and generation by different stakeholders is enhanced
- A monitoring and evaluation link between NCP, Vision 2030, MTP, Strategic Plans and County Plans are established
- Periodic reviews are conducted at National, County and Programme levels to address constraints hampering the implementation of the NCP.

- Monitoring and Reporting on status of the NCP implementation is done by all stakeholders
- Steps are taken to guarantee budgeting for children programmes in annual national budget.

4.4 Key Factors in Policy Implementation

Awareness Creation and Advocacy

For effective implementation of this policy, there will be the need to create awareness by undertaking advocacy through:-

- Deliberate targeting of information to and about children
- Sensitize policy/Decision makers and stakeholders
- Create alliances with stakeholders championing the interests of children at the Local, National, Regional and Global levels
- Disseminate Research and Information relating to the situation of Children
- Undertake capacity building initiatives to enable the effective implementation of the policy.

4.5 Collaboration on Implementation of the National Children Policy

The effective implementation of this policy will require contributions from stakeholders such as the private sector, development partners, Civil Society Organizations; Faith Based Organizations, Research Institutions and Institutions of Higher Learning as well as Children and Child Led Organizations.

4.5.1 Private Sector

The Private Sector will be expected to deploy financial and material resources including technical expertise in support of children by Government through tax legislation, review or voluntary contribution Children programmes and projects.

4.5.2 Research Institutions and Institutions of Higher Learning

These institutions will be engaged to develop tailor made courses and curriculum at certificate, diploma and degree level under the Social Sciences with specialization on Child Rights. They will also be engaged in research on diverse children issues.

4.5.3 Civil Society, Faith based, non-governmental, philanthropic and community based groups

These organizations and groups will be expected to provide the critical localized and targeted support to children as identified by the Area Advisory Councils, Children Officers and other authorized persons.

4.5.4 Development Partners

The Government shall strengthen collaboration and establish networks with local and International Development partners to complement and support its efforts in financing and implementing the National Children Policy. Partners shall include local and international NGOs, and agencies, donor agencies, Civil Society Organizations and faith based groups.

4.5.5 The Role of Children and the Community

Community structures and organizations need to be strengthened to mobilize local resources, expertise and experience in support of children, within the local environment. Children will work for the cohesion of the family, preserve and strengthen positive cultural values in the community.

4.6 Policy review

The National Children Policy shall be due for review every 5 years. The policy shall also be considered for change when societal needs and demands concerning the rights and welfare of children occur.