

Governance, Justice, Law and Order Sector

This policy brief is the fourth in a series for the National Prevention and Response Plan on Violence against Children 2019-2023 (NPRP on VAC). The brief focuses on the Governance, Justice, Law and Order Sector. It includes some of the most relevant findings from the 2019 VAC survey for the sector and strategic actions that the sector has committed to addressing violence against children in NPRP on VAC.

RELEVANT FINDINGS FROM THE 2019 VAC SURVEY*

The findings below expressly point to critical insights required by law enforcement officers and judiciaries when dealing

with both children in conflict with law and child survivors of violence. Many children that the governance, justice, and law and order sector comes into contact with might have been victims of violence themselves in the past.

One of the VAC Survey findings concludes that children and youth are at higher risk of further victimization or perpetration if they are survivors or witnesses of violence. In addition, children who experienced violence are at a higher risk of perpetrating violence themselves. Equally, youth witnesses to violence in childhood are at a higher risk of becoming perpetrators in young adulthood, carrying forward the impact of violence they experienced in childhood to their relationships.

Finally, witnessing violence at home

in childhood is also significantly associated with childhood and young adulthood victimization.

- ✓ **Perpetration:** A higher proportion of males ages 13-17 who experienced physical violence in the past 12 months (17.1%) perpetrated physical violence



compared to males who did not experience physical violence in the past 12 months (6.8%). Similarly, a higher proportion of females aged 13-17 who experienced physical violence in the past 12 months (19.1%) perpetrated physical violence compared to females who did not experience physical violence in the past 12 months (7.8%).

- ✓ A higher proportion of males ages 18-24 who experienced childhood physical violence perpetrated physical violence (17.5%) compared to males who did not experience childhood physical violence (8.9%), the difference is not statistically significant. A higher proportion of females ages 18-24 who experienced childhood physical violence also perpetrated physical violence (12.5%) compared to females who did not experience childhood physical violence (5.0%).



A higher proportion of females aged 13-17 who experienced **physical violence** in the past 12 months (19.1%) perpetrated physical violence compared to females who did not experience physical violence in the past 12 months (7.8%).



A higher proportion of males ages 13-17 who experienced **physical violence** in the past 12 months (17.1%) perpetrated physical violence compared to males who did not experience physical violence in the past 12 months (6.8%).

STRATEGIC ACTIONS IN THE NPRP ON VAC

The following are strategic actions in the NPRP on VAC that the Kenyan Prisons Service, Probation and Aftercare Services, Judiciary, National Police Service, Office of Director of Public Prosecutions are committed to lead, along with its result matrix and cost estimates.

STRATEGIC AREA 1: LAWS AND POLICIES

Objective: Effectively implement laws, policies, and national plans that protect children from violence in Kenya

Office of the Attorney General and Department of Justice

- ✓ Review the Sexual Offenses Act 2006 to address discrimination of minors based on gender

* Ministry of Labour and Social Protection of Kenya, Department of Children's Services. Violence against Children in Kenya: Findings from a National Survey, 2019. Nairobi, Kenya: 2019.

CHILDREN' VIEWS ON HOW TO PREVENT AND RESPOND TO VIOLENCE

Children have the right to be heard and have their views given due weight in line with their maturity and evolving capacities in matters affecting their lives. Therefore, while the 2019 VAC Survey revealed children's experiences of violence, it was also important and necessary to consult children themselves on what they consider as the main cause of violence against children and possible approaches to prevention and response. Accordingly, the Department of Children Services carried out 28 group discussions with 418 children (267 girls and 151 boys) aged 10 to 17 years in 28 counties. Through its County Children Coordinators, the discussions explored children's perspectives on the causes of different forms of violence (physical, sexual and emotional) in specific settings (at home, school, and other places) and possible ways to prevent and respond to violence against children.

Below is a list of what children shared regarding possible causes, prevention, and response measures of physical violence in all settings relevant to stakeholders in the governance, justice, and law and order sectors.

CAUSES OF PHYSICAL VIOLENCE IN ALL SETTINGS

- ✓ Perceived as a criminal
- ✓ Lack adult protection
- ✓ Street gangs
- ✓ Sexual exploitation
- ✓ Delinquency or bad behaviour

- ✓ Stealing
- ✓ Attempt escape from statutory institutions or remand homes
- ✓ Form of discipline in religious institutions
- ✓ Drug and alcohol abuse
- ✓ Bullying

POSSIBLE PREVENTION MEASURES

- ✓ Separate children and adults in police cells
- ✓ Sensitise adults on child rights
- ✓ Peer support
- ✓ Child-friendly spaces in emergencies and police cells
- ✓ Dialogue between adults and children
- ✓ Life skills for children
- ✓ Separate living spaces for girls and boys in institutions
- ✓ Capacity building on non-discrimination of children with disabilities

REQUIRED RESPONSE

- ✓ Psychosocial support, guidance, and counselling services
- ✓ Sexual and reproductive health services for adolescents
- ✓ Rehabilitation for alcohol and substance abuse
- ✓ Provide positive parenting training and reunite children with families
- ✓ Medical assistance
- ✓ Children report, disclose and seek services
- ✓ Anger management skills for adults

STRATEGIC AREA 3: EDUCATION AND LIFE SKILLS

Objective: Promote and strengthen a safe, secure, and enabling school environment and life-skills training in Kenya

Kenyan Prisons Service & Probation and Aftercare Services

- ✓ Strengthen life skills education and training in statutory and non-statutory children's institutions

Juvenile Justice Best Practices (2016)¹

National Police Service

- ✓ Increase the capacity of the Directorate of Criminal Investigations to identify and investigate medical personnel (e.g., doctors, clinical officers, and nurses) who perform female genital mutilation on children
- ✓ Increase the capacities of police officers and local administration officers to respond appropriately to cases of violence against children with a view of stopping recurrence in their areas of jurisdiction.
- ✓ Increase the capacities of community policing committees to identify, prevent and respond to violence against children

STRATEGIC AREA 5: RESPONSE AND SUPPORT SERVICES

Objective: Strengthen the capacities of criminal justice actors to offer quality, comprehensive child-friendly protection, and response services to child survivors and child offenders of violence.

Judiciary

- ✓ Roll out the Juvenile Justice Information Management System, an information management system for tracking juvenile cases from entry to a logical conclusion.
- ✓ Increase the capacity of child justice actors to offer quality, comprehensive and child-friendly protection and response services to child survivors and child perpetrators of violence based on existing guidelines and training curricula (e.g., the Child Care and Protection Officers Training, Throughcare Guidelines (2013), Guidelines Manual on

Office of Director of Public Prosecutions

- ✓ Disseminate the Office of the Director of Public Prosecutions Diversion Policy (2019) and Diversion Guidelines (2019) to law enforcement agencies and the community to enhance diversion programmes for children in conflict with the law

¹ This activity is to be implemented by National Police Service, Kenya Prisons Service Probation and Aftercare Services, Judiciary, Office of Director of Public Prosecutions and Office of the Attorney General and Department of Justice while a lead actor is indicated as the Department of Children's Services in NPPR on VAC

RESULT MATRIX

The tables below show the outcome indicators, its baseline and target as well as output indicators and its baseline and target for the actions mentioned above to be led by the Office of the Attorney General and Department of Justice Kenyan Prisons Service, Probation and Aftercare Services, Judiciary and Office of Director of Public Prosecutions

STRATEGIC AREA 1: LAWS AND POLICIES

OBJECTIVE 1: TO EFFECTIVELY IMPLEMENT LAWS AND POLICIES THAT PROTECT CHILDREN FROM VIOLENCE IN KENYA

OUTCOME

OUTCOME	OUTCOME INDICATOR	BASELINE	TARGET	MEANS OF VERIFICATION	SOURCE OF INFORMATION
1.1 Children have increased access and protection through laws and policies	Number of child survivors of violence receiving legal services (Justice/ law enforcement services)	1,263 In 2019	5,000	Child Protection Information Management System (CPIMS)	Department of Children Services (DCS)

OUTPUTS

OUTPUTS	INDICATORS	BASELINE	TARGET	LEAD ACTORS	SUPPORTING ACTORS	MEANS OF VERIFICATION	SOURCE OF INFORMATION
1.1.1 Laws and policies that address violence against children are reviewed and enacted	Number of reviewed and enacted laws that address violence against children	6	9	National Council for Children Services (NCCS)	Anti-FGM Board (AFGMB), Communication Authority, DCS, Judiciary, Ministry of Education (MOE), Ministry of Information Communication and Technology, National Government Administrative Officers (NGAO), State Law Office, Teachers Service Commission (TSC), County Governments, Private Sector, Development Partners (DP), Civil Society Organisations (CSOs), Faith Based Organisations (FBOs)	Enacted, amended and reviewed laws and policies.	DCS, NCCS, National Council for Law Reporting (NCLR), Parliament (National Assembly and the Senate)

STRATEGIC AREA 5: RESPONSE AND SUPPORT SERVICES

OBJECTIVE 5: IMPROVE ACCESS TO QUALITY HEALTH SERVICES, SOCIAL SERVICES AND JUSTICE FOR ALL CHILDREN WHO ARE AT RISK OF OR HAVE EXPERIENCED VIOLENCE.

OUTCOMES

OUTCOME	OUTCOME INDICATORS	BASELINE	TARGET	MEANS OF VERIFICATION	SOURCE OF INFORMATION
5.1 Child survivors and juvenile offenders of violence receive comprehensive child friendly protection and response services in the Justice sector	Number of child survivors who received legal services	1,263 (in 2019)	5,000	Case files, reports from the probation office CPMIS	CPIMS
	Number of child offenders in the past year (children in conflict with the law)	406 females 1,992 males	TBD	Case registers from the NPS	NPS case register for 2019 (baseline)
	Number of child victims of violence (children in contact with the law)	4,528 females 777 males	TBD	Case registers from NPS	NPS case register
	Number of juvenile offenders on violence who have undergone diversion	TBD	TBD	ODPP Records	Judiciary Database, Probation and Aftercare Service records, Judiciary case file records

OUTPUTS

OUTPUTS	INDICATORS	BASELINE	TARGET	LEAD ACTORS	SUPPORTING ACTORS	MEANS OF VERIFICATION	SOURCE OF INFORMATION
5.1.1 Child justice actors have strengthened capacities to provide child friendly protection and response services.	Number of justice professionals (prosecutors) trained to respond to violence against children.	TBD	TBD	DCS Judiciary Probation and Aftercare Services	NPS, ODPP Treasury, Law Society of Kenya (LSK), DP, CSOs	Change from registries to Reports from DCS, Judiciary and all other players under National Council for the Administration of Justice (NCAJ)	Activity reports from NCAJ players (DCS, Judiciary, Probation, NPS, etc.)
5.1.2 Police officers manning child protection units at police stations have strengthened capacities to respond to violence against children.	Number of police officers trained on sexual gender based violence and child related cases	387 officers	TBD	NPS	Judiciary, DCS KPS, NGAO, Probation and Aftercare Services, Treasury, DP, CSOs	NPS Reports, Police records	Activity Reports from NPS and supporting actors NPS baseline 2019
5.1.3 Community police committees have strengthened capacities respond to violence against children.	Number of community policing committees trained to identify, prevent and respond to violence against children	TBD	TBD	Directorate of Community Policing	DCS, Judiciary, ODPP, Probation and Aftercare Services, Treasury, LSK, DP, CSOs	Directorate reports, DCS reports and reports from supporting partners	Directorate reports, DCS reports and reports from supporting partners

COSTING RESULTS

The NPRP on VAC was costed, and the below table indicates the cost estimate in USD for strategic actions to be led by the Office of the Attorney General, Department of Justice, Kenyan Prisons Service, Probation and Aftercare Services, Judiciary, National Policy Service, Office of Director of Public Prosecutions, under three scenario – (i) basic, (ii) enhanced and (iii) ideal.

STRATEGIC AREA 1: LAWS AND POLICIES – COST BY ACTIVITY (ALL COSTS IN USD)

STRATEGIC AREA 1: LAWS AND POLICIES						COSTING SCENARIOS		
APPROACH	ACTIONS	LEAD ACTOR	TYPE OF ACTION	INCLUDE / EXCLUDE	NEW / EXISTING	SCENARIO 1 BASIC	SCENARIO 2 ENHANCED	SCENARIO 3 IDEAL
OVERALL TOTAL								
Once-off activities*						1,456,290	2,391,990	3,452,700
Ongoing activities						662,478	1,488,361	2,684,352
1. Amend, review and enact laws and policies addressing violence against children that ban physical violence, criminalize sexual abuse and exploitation of children and ban harmful practices in all settings.								
Once-off activities*						1,323,945	2,021,340	2,662,620
Ongoing activities						-	-	-
1.2	Review the Sexual Offenses Act 2006 to address discrimination of minors based on gender	Office of the Attorney General	Developing policies, laws & plans	Include	Existing	291,210	469,570	670,340

STRATEGIC AREA 3: EDUCATION AND LIFE SKILLS

STRATEGIC AREA 3: EDUCATION AND LIFE SKILLS						COSTING SCENARIOS		
APPROACH	ACTIONS	LEAD ACTOR	TYPE OF ACTION	INCLUDE / EXCLUDE	NEW / EXISTING	SCENARIO 1 BASIC	SCENARIO 2 ENHANCED	SCENARIO 3 IDEAL
OVERALL TOTAL								
Once-off activities*						9,151,377	11,935,103	16,621,026
Ongoing activities						4,703,520	14,521,535	23,428,665
4. Strengthening the provision of life skills and value-based education.								
Once-off activities*						-	-	-
Ongoing activities						1,219,650	1,266,650	1,266,650
4.1	Strengthen life skills education and training in statutory and non-statutory children's institutions.	Department of Children Services	Training	Include	Existing	1,219,650	1,266,650	1,266,650

*Once-off activities include: (i) developing policies, laws and plans and (ii) infrastructure spend

Activity to “strengthen life skills education and training in statutory and non-statutory children’s institutions” are to be co-led by the Department of Children Services, Kenya Prisons Service and Probation and Aftercare Services

STRATEGIC AREA 5: RESPONSE AND SUPPORT SERVICES



STRATEGIC AREA 5: RESPONSE AND SUPPORT SERVICES

APPROACH	ACTIONS	LEAD ACTOR	TYPE OF ACTION	INCLUDE / EXCLUDE	NEW / EXISTING	COSTING SCENARIOS		
						SCENARIO 1 BASIC	SCENARIO 2 ENHANCED	SCENARIO 3 IDEAL
OVERALL TOTAL								
	Once-off activities*					1,200,000	1,500,000	1,800,000
	Ongoing activities					4,691,425	7,469,627	11,600,615
1. Strengthen the capacities of criminal justice actors to offer quality, comprehensive child-friendly protection and response services to child survivors and child offenders of violence.								
	Once-off activities*					-	-	-
	Ongoing activities					1,332,460	1,628,060	1,843,660
1.2	Increase the capacity of child justice actors to offer quality, comprehensive and child-friendly protection and response services to child survivors and child perpetrators of violence based on existing guidelines and training curricula (e.g. the Child Care and Protection Officers Training, Through care Guidelines (2013), Guidelines Manual on Juvenile Justice Best Practices (2016).	Department of Children Services	Training	Include	Existing	207,600	215,600	215,600
1.3	Increase the capacity of the Directorate of Criminal Investigations to identify and investigate medical personnel (e.g., doctors, clinical officers and nurses) who perform female genital mutilation on children.	National Police Service	Training	Include	Existing	25,950	26,950	26,950
1.4	Disseminate the Office of the Director of Public Prosecutions Diversion Policy (2019), and Diversion Guidelines (2019) to law enforcement agencies and the community to enhance diversion programmes for children in conflict with the law.	Office of the Director of Public Prosecutions	Training	Include	Existing	283,505	399,305	507,105
1.5	Increase the capacities of police officers and local administration officers to respond appropriately to cases of violence against children with a view of stopping recurrence in their areas of jurisdiction.	National Police Service	Training	Include	New	531,900	694,700	802,500
1.6	Increase the capacities of community policing committees to identify, prevent and respond to violence against children.	National Police Service	Training	Include	New	283,505	291,505	291,505

*Once-off activities include: (i) developing policies, laws and plans and (ii) infrastructure spend