

GOVERNMENT OF NAIROBI CITY COUNTY



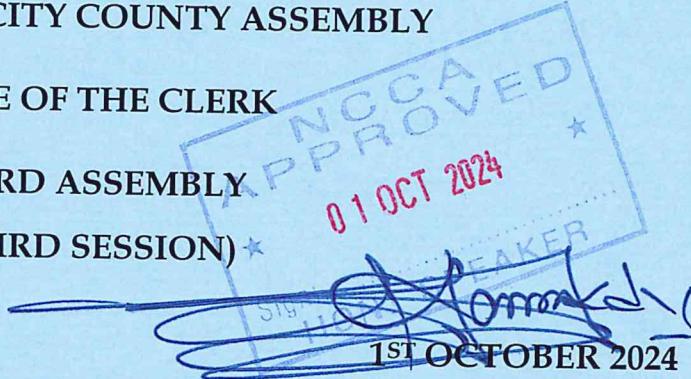
THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

THIRD ASSEMBLY

(THIRD SESSION) \*

NCCA/TJ/PL/2024(52)



PAPER LAID

SUBJECT: POLICY

Pursuant to Article 185 (4) of the Constitution of Kenya, 2010, I beg to lay the following Paper on the Table of this Assembly, today Tuesday 1<sup>st</sup> October 2024:

— SESSIONAL PAPER NO. 1 OF 2024 ON CHILD PROTECTION AND SAFEGUARDING POLICY.

(*The Leader of Majority Party*)

Copies to:

The Speaker  
The Clerk  
Hansard Editor  
Hansard Reporters  
The Press



NAIROBI CITY COUNTY

www.nairobi.go.ke

## OFFICE OF THE GOVERNOR

County Secretary and Head of County Public Service

REF: NCC/TSD/ADM/11/SS/1321

10TH SEPTEMBER, 2024

THE CLERK  
NAIROBI COUNTY ASSEMBLY  
CITY HALL  
NAIROBI



### RE: APPROVAL OF NAIROBI COUNTY CHILD PROTECTION AND SAFEGUARDING POLICY BY THE CABINET

This is to inform you that the Nairobi County Child protection and safeguarding Policy was approved by the County Executive on 3<sup>rd</sup> July 2023. The policy underscores the county commitment to ensuring the safety and welfare of all children within Nairobi City County.

The policy provides a comprehensive framework for preventing child abuse, neglect, exploitation and promoting child well-being. It outlines the roles and responsibilities of County and the stakeholders in implementing these protection and safeguarding measures across all sectors.

You are thus requested to bring this to the attention of the Nairobi County Assembly and facilitate the necessary actions for adoption and implementation in line with the relevant County Laws and procedures.

Attached herewith, please find the approved policy document.

GODFREY AKUMALI  
Ag. COUNTY SECRETARY AND HEAD OF COUNTY PUBLIC SERVICE

CC: H.E Governor  
Nairobi City County

H.E Deputy Governor  
Nairobi City County

C.E.C.M - Talent, Skills Development & Care  
Nairobi City County

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**TALENT, SKILLS DEVELOPMENT & CARE**  
Office of the County Chief Officer - Social Services

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**NAIROBI CITY COUNTY CHILD PROTECTION AND SAFEGUARDING  
POLICY**

**2024**

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**FINAL DRAFT**

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## **FORWARD**

Nairobi City County recognizes that child Protection is a multi-sectoral and multi-disciplinary affair that requires involvement and commitment of every stakeholder to promote the overall well-being of children through prevention of violence and exploitation. The Policy will promote effective and structured case reporting and response mechanism with prompt and coordinated action. Therefore, a deliberate and systematic effort is necessary at this point for the County to develop and operationalize a Policy framework that will ensure protection of children from any form of violence and exploitation. Through this Policy, the Nairobi County Government shall establish of a central coordination mechanism bringing together state and non-state actors

to ensure regular collection of information on both prevalence and incidence of child protection issues. The County envisages a situation where children welfare schemes are in place to ensure holistic development of children at all levels.

Design and development of this policy has been an inclusive and intensive process that involved Technical Working Groups, stakeholder's forums, borrowing lessons applicable to Nairobi County and prioritizing on key issues affecting the County while taking into consideration the legal frameworks pertaining to children.

The ultimate goal of this policy is to promote linkages between different actors and provide coordinated interventions and responses through a statutory mechanism. It is envisaged that the policy will provide guidance to facilitate harmonization and coordination of child protection and safe guarding efforts, as well as resourcing and service delivery to children.

A holistic and integrated approach envisaged in this policy is to enhance networking and collaboration among various stakeholders, thus, providing effective services for children in need. The policy will go a long way in assisting the County to have a functional child protection and safeguarding system in line with Kenya's commitment to the UN Convention on the Rights of the

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Child; the African Charter on the Rights and Welfare of the Child; the Constitution of Kenya and children Act 2022 which provides fully for the rights of children.

**H.E HON. SAKAJA ARTHUR JOHNSON, EGH**  
**GOVERNOR- NAIROBI CITY COUNTY**

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## **ACKNOWLEDGEMENT**

The development of Nairobi City County Child Protection and Safeguarding is a product of the concerted efforts and substantive contributions of many. Their tireless efforts brought together in discussions, sharing of ideas, and fora have borne fruits of this important policy document. The policy provides mechanism for an effective and efficient legal framework for addressing child rights and welfare in a comprehensive manner; sets standard for establishing social and child protection structure for resourcing in response to welfare and needs of children and proposes establishment and strengthening of integrated coordination mechanism for the promotion of children welfare and protection in Nairobi County.

This policy proposes effective strategies in response and management of child protection challenges in the County and provides guidance on priority areas that need support, regulations, services, capacities, monitoring and oversight, among others, that will go a long way to prevent violence and exploitation of children and respond to protection related needs. Based on this important fact, I wish to sincerely thank all those who contributed from the onset of its development with ideas, human and financial resources, time or otherwise. The policy is most justifiable, its objectives are clear and guiding principles and values are well laid out. The structure of the Policy indicates all key players (Ministries, departments, inter-governmental organizations, national and international NGOs, FBOs and other stakeholders).

Sincere appreciation to the core team led by Social Services Sub Sector, Directorate of children services, Ministry of Labour and Social protection, NCCG legal team led by the county Attorney,

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World vision, USAID Tumikia Mtoto project, Save the Children Kenya, ILO amongst many others. Their roles and functions cannot go unnoticed.

Finally, I wish to acknowledge the efforts of all those who have not been mentioned here but were crucial to the process, and hope that our cooperation in advancing Children's Rights will remain strong as a responsibility of all in the County.

**ROSEMARY KARIUKI**

**CECM - TALENT, SKILLS DEVELOPMENT AND CARE**

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## ABBREVIATION AND ACRONYMS

<b>ACRWC</b>	African Charter for the Rights and Welfare of the Child
<b>ADA</b>	Alcohol Drug and Substance Abuse
<b>AYP</b>	Adolescents and Young people
<b>BCC</b>	Behavior Change and Communication
<b>CAC</b>	Children Advisory Committee
<b>CBO</b>	Community Based Organization
<b>CCI</b>	Charitable Children's Institution
<b>CHV</b>	Community Health Volunteer
<b>CORP</b>	Community Owned Resource Person
<b>CPIMS</b>	Child Protection Information Management System
<b>CPU</b>	Child Protection Unit
<b>CPV</b>	Child Protection Volunteer
<b>CPV</b>	Child Protection Volunteer
<b>CSO</b>	Civil Society Organizations
<b>DCS</b>	Directorate of Children Services
<b>ECD</b>	Early Childhood Development
<b>ECPAT</b>	Ending Child Prostitution and Trafficking
<b>FBO</b>	Faith Based Organizations
<b>FGM</b>	Female Genital Mutilation
<b>HCWs</b>	Health Care Workers
<b>HIV</b>	Human Immunodeficiency Virus
<b>HTS</b>	HIV Testing and Services
<b>ICT</b>	Information Communication Technology
<b>IEC</b>	Information Education Communication
<b>KAIS</b>	Kenya Aids Indicator Survey
<b>KDHS</b>	Kenya Demographic and Health Survey
<b>MDA</b>	Ministries, Departments and Agencies

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<b>MDA</b>	Ministries, Departments and Agencies
<b>MHM</b>	Menstrual Health Management
<b>MMR</b>	Maternal Mortality Ratio
<b>MOE</b>	Ministry of Education
<b>NACADA</b>	National Authority for the Campaign Against Alcohol and Drug Abuse
<b>NGO</b>	Non-Governmental Organizations
<b>NHIF</b>	National Hospital Insurance Fund
<b>OCSEA</b>	Online Child Sexual Exploitation and Abuse
<b>OVC</b>	Orphans and Vulnerable Children
<b>PEP</b>	Post Exposure Prophylaxis
<b>PMTCT</b>	Prevention of mother to child transmission
<b>PreP</b>	Pre exposure Prophylaxis
<b>SGBV</b>	Sexual Gender Based Violence
<b>SUD</b>	Substance Use Disorder
<b>TVET</b>	Technical and Vocational Education and Training
<b>UHC</b>	Universal Health Coverage
<b>UNAIDS</b>	United Nations Joint Programme on HIV/AIDS
<b>UNCRC</b>	United Convention on the Rights of the Child
<b>VAC</b>	Violence Against Children
<b>VMMC</b>	Voluntary Male Medical Circumcision
<b>WHO</b>	World Health Organization
<b>NHIF</b>	National Hospital Insurance Fund
<b>UHC</b>	Universal Health Coverage

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## **DEFINITION OF KEY TERMS**

**Child:** An individual who has not attained the age of eighteen years (The Constitution of Kenya).

**Child Abuse:** Refers to a deliberate act of ill treatment that can harm or is likely to cause harm to a child's safety, well-being, dignity and development. It includes physical abuse, sexual abuse, emotional/psychological abuse, and neglect.

**Child Participation:** refers to "the informed and willing involvement of children, including children with disabilities and other especially vulnerable children, in any matter concerning them directly or indirectly, in such a manner as to enable them to express their views" (African Child Policy Forum (ACPF) 2015, 3

**Child Marriage:** Marriage or cohabitation with a child or any arrangement made for such marriage or cohabitation.

**Child Protection:** This refers to measures and structures to prevent and response to abuse, neglect, exploitation and violence affecting children in all contexts.

**Child Protection Unit:** This is a place often situated in a police service facility where children at risk of violence, exploitation, neglect, abuse, or separation from family receive integrated protection services such as rescue, legal support and counseling.

**Child Radicalization:** means a process by which a person influences a child to come up with and to adopt extreme political, social, or religious ideals and aspirations that are aimed at inciting the child to violence or into any behavior and belief that is harmful to the child;

**Child Safeguarding:** It involves our collective and individual responsibility and proactive actions to ensure that all children are protected from deliberate or unintentional acts that lead to the risk of or actual harm. It focuses on making the society safe for our children.

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**Child Trafficking:** means the recruitment, transporting, transfer, harbouring or receipt of a child for the purpose of exploitation by means of—

- (a) threat or use of force or other forms of coercion;
- (b) abduction;
- (c) fraud;
- (d) deception;
- (e) abuse of power or of position of vulnerability;
- (f) giving payment or benefit to achieve the consent of the victim; or
- (g) giving or receiving payments or benefits to obtain the consent of a person having control over the child:

Provided that the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered as "child trafficking" even if it does not involve any of the means set out in paragraphs (a) to (g);

**Children Care Hub-** This is a center or safe space for children activities within the community that provide care and safeguarding, with a broader focus on milestone and social developments.

**Disabilities:** Refers to any condition of the body or mind (impairment) that affects or interferes with the individual's capacity to do certain activities (activity limitation) and interact with the world around them (participation restrictions) (Centre for Diseases [CDC], 2020). The disabilities include both physical and psychosocial limitations.

**Female Genital Mutilation:** It is the partial or total removal of the external female genitalia or other injury to the female genital organs for non-medical reasons.

**Intersex child:** means a child with a congenital condition in which the biological sex characteristics cannot be exclusively categorized in the common binary of female or male due to inherent and mixed anatomical, hormonal, gonadal or chromosomal patterns, which could be apparent prior to, at birth, in childhood, puberty or adulthood

**Neglect:** Refers to the deliberate, or through carelessness or negligence, failing to provide for, or secure for a child, their rights to physical safety and development. It includes physical neglect, medical neglect, emotional neglect, and educational neglect.

**Online Child Sexual Exploitation and Abuse:** Refers to the use of information and communication technology as a means to sexually abuse and/or sexually exploit children

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(Interagency Working Group, 2016, p. 23 and 28). This includes online grooming, child sexual abuse material/child sexual exploitation material, and live streaming of child sexual abuse (UNDOC, 2019).

**Parent:** Means the mother or father of a child and includes any person who is liable by law to maintain a child or is entitled to his custody.

**Positive parenting:** It is a principle that emphasizes the significance of mutual respect (between child and parent/caregiver), advocating for use of positive ways to discipline (Li, 2022). In positive discipline, the focus is on teaching appropriate future behavior rather than punishing past misbehavior.

**Violence:** Constitutes all forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or exploitation that results in actual or potential harm to a child's health, survival, development or dignity.

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## **EXECUTIVE SUMMARY**

The Nairobi City County Government spearheaded by the Talent, Skills Development and Care Sector has developed this child protection and safeguarding policy. The sector worked to establish a seamless delivery of its mandate through a regulatory framework in form of this policy. The policy provides an environment for effective service delivery and optimal utilization of County resources.

The policy ensures alignments of functions across sectors to support Children's rights and ensure a clean and safe environment for all children. The policy draws its legal mandates from the Constitution of Kenya 2010, United Nations Convention on the Rights of the Child (UNCRC, 1990), National and County Government legislations and other legal and regulatory provisions at the two levels of Government.

The foundation of this policy's issues and interventions are based on various studies in the contextual analysis that have established challenges relating to children in Nairobi County. Based on the findings of the studies, the sector through its daily functions developed interventions to address these challenges through the policy.

Lack of a legal framework to execute and support critical child protection programs and activities has hampered effective achievement of safeguards and protection measures. The county supports this endeavor, the sector has resources and goodwill including support from various child Protection State and non-state actors.

The policy document is arranged in five Parts:

- Parts 1      Background, purpose, scope, mandate and objectives.
- Parts 2      Legal, Institutional, Frameworks and a situational analysis highlighting the status of the sub-sector.
- Part 3      The policy issues and proposed interventions.
- Part 4      The policy implementation framework and the major stakeholders.
- Part 5      Monitoring and Evaluation.

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## **PART ONE: INTRODUCTION**

### **1.0 BACKGROUND**

Nairobi County is one of the 47 Counties in the Republic of Kenya and is divided into seventeen constituencies/ sub-counties and eighty-five (85) Wards.

It borders Kiambu County to the North and West, Kajiado to the South and Machakos to the East. Among the three neighboring counties, Kiambu County shares the longest boundary with Nairobi County. The County has a total area of 696.1 Km<sup>2</sup> and is located between latitudes 36° 45' East and latitudes 1° 18' South. It lies at an altitude of 1,798 meters above sea level.

According to KNBS 2019 census, Nairobi City County had a total population of 4,397,073 out of this, 2,192,452 are males, 2,204,376 females and 245 intersex persons. The total number of children (0-18) within the County was 1,655,387.

The County has 1,506,888 number households with average household size of 2.9 and population density (no. per km<sup>2</sup>) of 6,247. Children below 15 years constitute 34% of the population while youth aged 15-24 years constitute 18% of the population (KPHC 2019).

The child protection sector has received minimal attention. According to Kenya Institute for Public Policy, Research and Analysis (KIPPRA) policy brief on Nairobi County NO.46/2019-20, the County recorded a high number of cases of child neglect and abandonment rising from 162 cases in 2014 to 8,705 cases in 2018.

#### **1.1 Contextual Analysis**

Nairobi County has a total of 15,337 number of street persons out of which, majority are children and youth aged between 0-17 years. (2018 National Census of Street Families Report). 24% of children aged 0-17 years and 27% of those aged 10-17 years, were orphans. Children below 15 years constitute 34% of the population while youth aged 15-24 years constitute 18% of the population (KPHC 2019). 43.1 Percent of Nairobi population are children and 39.6 percent are youths between 18-34 years. With an increased poverty level of 41% against the national average

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of 36.1%, most children in the county are living with multiple dimensions of poverty that predisposes them to other health challenges.

The problem is compounded by inadequate budgetary allocation, lack of legal framework to execute and support critical child protection and safeguarding programs and activities. This has therefore hampered achievement of safeguards and protection measures.

However, the County has the resources and goodwill from various child protection agencies and other entities to support the realization of its objectives in the child protection space.

## **1.2 Rationale of the Policy**

The Nairobi County Government through the Sub Sector of Social Services is mandated by the Children Act 2022 and other child protection frameworks to provide leadership and coordinative services for the effective implementation of children's rights and interventions within the County. The Constitution bestows the responsibility of Childcare facilities amongst other devolved functions to the Counties.

It's in this context therefore that Nairobi City County Child Protection and Safeguarding policy will provide legal frameworks to guide planning, resourcing and coordination of various departments, partners, resources and stakeholders in the County.

The policy is informed by and linked to international legal instruments on child protection namely: United Nations Conventions on the Right of the Child (UNCRC) and the African Charter on the Rights and Safeguarding of the Child (ACRWC). The policy is also guided by Kenyan legislations that include The Constitution of Kenya; the Children Act, 2022; the Sexual Offences Act, 2006; the Labour Laws Act, 2007; the National Children Policy (2010); the Counter-Trafficking in Persons Act, 2014; Prohibition of Female Genital Mutilation Act, 2014 and the National Plan of Action for Children in Kenya (2015-2022), Marriage act 2014. The County government legislations such as Nairobi County child care facilities act 2017, Nairobi County Early Childhood and development Policy 2019, Nairobi County Persons with Disability policy 2016.

## **Goal**

To provide a comprehensive legal, institutional, coordination and service delivery framework for Protecting and Safeguarding child rights in Nairobi City County.

## **Objectives**

- (i) To provide a standard for establishing social and child protection structures for resourcing in response to safeguarding and protection of children.
- (ii) To establish and strengthen integrated coordination mechanisms for the promotion of child protection and safeguarding in the County.
- (iii) To harmonize National and County legal frameworks for registration, inspection and supervision of children Care hubs / children rescue institutions within Nairobi County.

### **1.3 Policy Principles**

This policy shall be guided by the following principles:

- i. **Best interest of the Child:** The best interest of the child shall be the primary consideration in all actions or decisions that concern a child, both in public or private.
- ii. **Meaningful Child Participation:** Meaningful child participation should be promoted at all levels. This will enable the children to articulate their views on all matters affecting them and relevant information appropriate to their age.
- iii. **Do no harm:** All programmes and services designed and action taken should be aimed at preventing any harm and be beneficial to the child.
- iv. **Human dignity, Respect and Non-discrimination:** All children should be treated with respect, recognizing the dignity and worth inherent in all humans. Commit every individual adult to take responsibility to protect the rights of the child regardless of the individual relationship to the child.
- v. **Confidentiality and right to privacy:** Confidentiality is a mandatory requirement for service provision to children. No actors in child protection should subject a child to arbitrary or unlawful interference with his or her privacy.
- vi. **Partnerships, collaboration and networking:** The provision of service should take a multi-sectoral approach where all actors collaborate in delivery of the children and family. The actors

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- should work together to address the complex needs of children and families in a spirit of public participation.
- vii. **Cultural diversity:** All actors should be conscious of Kenya's cultural diversity, in the course of formulation and implementation of childcare and welfare programmes.
  - viii. **Suitability and necessity:** To uphold this principle of necessity, all actors must ensure that children are not unnecessarily separated from their families.
  - ix. **Transparency and accountability:** All actors shall ensure transparency in their services delivery and must be accountable for their actions, decision to the child, family community and other stakeholders.
  - x. **Sustainability:** All actors in child protection should develop sustainability mechanisms (Co-creation framework) in all programmes and interventions for seamless transition of service delivery.

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## PART TWO: SITUATION ANALYSIS

### 2.0 Legislative, Policy and Institutional Framework

The Nairobi City County Child Protection and Safeguarding Policy borrows from different legislation both locally and internationally. Specifically, the policy is informed by the following legislative framework.

The International and Regional instruments providing for governance on children matters include: United Nations Convention on the Rights of the Child (1989). The United Nations Convention on the Rights of the Child (UNCRC) is an international agreement that is legally-binding and clearly sets out the civil, political, economic, social, and cultural rights of every child. This instrument provides these rights for every child. The UNCRC is the most widely ratified treaty on human rights which has helped transform the lives of children across the globe.

#### African Charter on the Rights and Welfare of the Child (1999)

The African Charter on the Rights and Welfare of the Child (ACRWC) is a regional human rights treaty that was adopted in 1990 and came into force in 1999. The charter sets out the rights and responsibilities for children

The ACRWC was constituted to respond and fill some of the gaps from the UNCRC. Some of these gaps included the need for creating expert committees with clear roles in the implementation of the charter, pay attention to special and unique African issues, among others. 53 African Union countries have ratified the Charter and domesticated their various legal instruments.

#### The Constitution of Kenya

The promulgation of the Constitution in 2010 was a major milestone for the children of Kenya, as it recognizes some fundamental human rights, in keeping with the UN Convention on the Rights of Children (UNCRC), the African Charter on the Rights and Welfare of the Child(ACRWC) and other international and regional treaties.

Fundamentally it makes provision for inclusivity, equality and freedom from discrimination on the basis of age, respect for human dignity and binds all state organs and persons to the bill of rights.

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In furtherance to the protection of children, the constitution focuses on the survival, development and protection rights of the child and provides that the best interests of the child is paramount in every matter concerning the child.

### **The Children Act, 2022**

The Act gives effect to Article 53 of the Constitution; to make provision for children rights, parental responsibility, alternative care of children including guardianship, foster care placement and adoption; care and protection of children; and children in conflict with the law.

The Act further provides for the regulation and framework for the administration of children services in National and County Governments.

### **Sexual Offenses Act, 2006**

This Act generally provides for sexual offences, their definition, prevention and the protection of all persons from harm, unlawful sexual acts and for connected purposes.

### **Counter-Trafficking in Persons Act, 2010**

This Act obligates the state under the United Nations Convention Against Transnational Organized Crime, particularly its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; to provide for the offences therein.

### **The County Government Act 2012**

This Act is purposed at giving effect to the objects and principles of devolution as set out in the Constitution. In Part VIII from section 87, the Act provides for the principles of citizen participation including but not limited to formulation and implementation of policies, decision making, recognition and promotion of the reciprocal roles of non-state actors' participation and governmental facilitation, oversight and dissemination of information.

### **The Urban Areas and Cities Act, 2012**

The objective of the Act is to establish a legislative framework for—governance and management of urban areas and cities; and, participation by the residents in the governance of urban areas and cities; among others.

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### **The Public Finance Management Act, 2012 and County Regulations, 2015**

The Act provides the framework for the administration of public coffers in the county level. Section 116 empowers the CECM for finance to establish other public funds with the approval of the CEC and the county assembly.

### **Computer Misuse and Cyber crimes Act 2018**

Section 24 of this Act provides for offences and the punishments relating to child pornography and cyber-crimes with a view to protect children.

### **Intergovernmental Relations Act 2012**

This Act provides for a framework for the inclusive consideration of any matter that affects relations between the two levels of government and amongst county governments. It further avails a forum for coordinating governments' policies, legislation and functions.

### **Penal Code (Cap 63)**

This Act establishes a code of criminal law. Its enforcement seeks to protect children by providing serious penalties for offences committed against them such as kidnapping, supply of harmful substances, infanticide and protecting a child's right to life as a deterrent.

### **Basic Education Act 2013**

This Act gives effect to Article 53 of the Constitution of Kenya and other enabling provisions by providing for free and compulsory basic education for all children in Kenya. The Act provides for the protection of children by enforcing the above provision as well as prohibiting physical punishment and mental harassment of children, holiday tuition, employment of children of compulsory school going age, and regulations for education for children with special needs and marginalized children. Further, the Act places responsibility for education on the cabinet secretary and the school principal. It provides measures for national and county government coordination of education in accordance with the distinct functions in line with the Constitution.

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## **County Legislations**

This policy has taken into consideration all County enabling legislations and policies, in every matter concerning the child. The relevant legislations include but are not limited to the:

1. Nairobi City County Child Care Facilities Act 2017
2. Nairobi City County Early Childhood Education Act 2021
3. Nairobi City County Sports Management Act 2017
4. Nairobi City County Public Participation Act 2016
5. Nairobi City County Persons with Disabilities Act 2017
6. Nairobi City County Public Nuisance Act 2021

## **Policies**

The Nairobi City County Child Protection and Safeguarding Policy 2024 has also included and adopted some of the structural issues and principles of the National Children Policy, 2010.

### **2.1 Policy Formulation Process**

The Nairobi City County Government is committed to the Vision 2030, SDGs and the articulation of children issues is a demonstration of this obligation. The County Government of Nairobi therefore develops this policy as a framework to assist in enforcement of the salient provisions of the Constitution of Kenya (schedule 4), Children's Act, 2022 and other national and international legal instruments addressing the plight of children. This policy therefore serves as a guide to the Nairobi City County Government to implement the enabling legislation more effectively. More importantly, the policy will also ensure that children's rights are protected and advanced so that children in the County have a chance of realizing their full potential by growing in a safe and stable environment.

Children hold a special place in society. Their nurture and well-being is the responsibility of key stakeholders such as the family, community, civil society and the state (National and County Government). The County Government of Nairobi on recognition that children deserve special treatment, has adopted measures in advancing and advocating for rights and welfare of children.

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## **2.2 Mandate and Institutional Arrangement**

The United Nations Convention on the Rights of the Child (UNCRC,1990) defines the rights of the child in four categories; **Survival Rights, Protection Rights, Development Rights and Participation Rights**, which responds to the various aspects that are most basic for existence. These have been re-echoed and emphasized by the African Charter on the Rights and Welfare of Child, Constitution of Kenya, Children Act 2022 and National Children Policy Kenya (2010) among other legal instruments providing legal mandate to both National and County Governments to protect the rights and safeguarding of children.

The Child Participation Guideline in Kenya (2006) establishes, regulates and enforces procedures and standards for children's involvement in different spheres of life. The document details the establishment and operations of the children assembly in the Counties with membership drawn from grassroots delegates. The structure is built up to the national level and the main aim is to mentor, nurture and build the capacities of children in preparation for future responsible leadership. In Nairobi County however, this structure has not been included in the public participation framework thus excluding children from taking part and giving their views in County planning, budgeting and programming especially on issues affecting children directly or indirectly.

Lack of a policy framework/direction has created a lacuna on how the County Government takes care of her children with regards to legislations and financing of the child related activities and thus the need for a legislative direction.

The Sector under which Social Services sub-sector is anchored in, has not been adequately resourced to be able to undertake advisory, child safeguarding and protection functions effectively and efficiently in the County, hence jeopardizing the community and children efforts to realize their full potential.

The County Government of Nairobi, Division of Family and Children Services requires a legal framework to execute its mandate and implement child protection and safeguarding programs.

## PART THREE: POLICY PRIORITY AREAS

### 3.0: POLICY STATEMENTS

Nairobi City County commits itself to protect children and promote their survival and thrival. The County shall protect the rights and provide services to all children to the highest attainable standards. The Policy shall value, respect and listen to children providing the necessary support within our capacity to ensure their safety. The County shall create a safe and enabling environment through maintaining strong protection and safeguarding systems.

Nairobi City County is also committed to sharing best practices and information regarding safeguarding concerns with relevant parties regarding any suspected instances of child abuse, The County endeavors to establish an unparalleled reputation by exclusively employing individuals devoid of any history of child abuse or neglect. Furthermore, it mandates that all personnel adhere to this policy, ensuring that their conduct align with child protection guiding principles. Moreover, the County strives to ensure that all its clients, customers, partners, and suppliers are well-informed of this policy and are encouraged to operate within its parameters. In the event of an unforeseen crisis or disaster, the County shall diligently deploy its staff to areas afflicted by disaster, guaranteeing the physical and emotional well-being of children. Additionally, whenever feasible, it shall conduct evacuation drills for children and their families. The County, we will provide adequate and appropriate resources to implement this policy.

In matters concerning education, the County will formulate strategies to ensure: that vulnerable children of school-going age are enrolled, retained and progress in school; recruit more children officers and social workers; protect children from all forms of abuse; implement national parenting guidelines; support social protection; support positive parenting forums; support County school feeding program; integration of inclusive learning for children living with disabilities in all education sectors and allocate land for school playgrounds.

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### **3.1 PROTECTION RIGHTS**

Kenya is a signatory to the UN Convention on the Rights of the Child, (UNCRC) and the African Charter on the Rights and Welfare of the Child (ACRWC) a commitment towards response and prevention of all forms of abuse against children. The Children's Act (2022); The Sexual Offences Act (2006); the National Plan of Action for Children in Kenya 2015-2022; The framework for the national child protection system for Kenya (2011); and the Constitution of Kenya all stipulate laws and policies safeguarding the rights of the child and protecting children from various forms of abuse and neglect.

According to Violence against Children Survey 2019 (VACS), 45.9% females and 56.1% males experience childhood violence in Kenya. Childhood physical violence is perpetrated by parents and caregivers affecting 28.9% of females and 37.9% males. Nairobi County in the 2020/2021, Financial years reported 8851 cases of child Protection of which, 4542 (51.3%) are males and 4140 (48.6%) are females. 2022/2023 financial year reported a total of 9262 cases of child protection of which 4790 (51.7%) are Males and 4472 (48.2%) of females were affected, in the year 2020-2021 financial year reported a total of 8992 cases of which 4471 (49.7%) are Males and 4521 (50.3%) are females (CPMIS Nairobi County).

The following are some of the case studies on child protection which provide invaluable insights into multifaceted challenges faced by children and strategies employed to safeguard their rights and welfare:

Disrupting Harm, 2021 which led to the National Plan of Action to tackle online child sexual exploitation and abuse (OCSEA) 2022-2026 and Standard Operating Procedures on OCSEA.

Thereafter Violence Against Children Survey, 2019 gave rise to the National Prevention and Response Plan on Violence Against Children 2019-2023 and Kenya's journey towards protecting children: A decade of change 2010-2019.

The Policy addresses child neglect, physical abuse, child labour, children and the law, sexual abuse, identity and registration, female genital mutilation, street children, orphans and vulnerable

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children, child trafficking, kidnapping and abduction, drugs and substance abuse, minority, marginalized and children affected by disasters, Negative impact of Information Communication Technology (ICT) and Media, Wars and Conflicts, Negative influence and harm by Caregivers, Children under Kinship Care, Alternative Care and Charitable Children Institutions (CCIs).

Nairobi County is faced with a range of case categories of Children in need of care and protection as indicated below:

### 3.1.1 Child Neglect

Child neglect constitutes the largest percentage of child protection cases reported in Financial year 2020/2021, 2021/2022 and 2022/2023 data from Nairobi County CPIMS shows a steady and alarming increase in trend of 5284, 4898, and 5112 respectively and 4521 (50.3%) are females.

### 3.1.2 Physical Abuse

Kenya Violence against Children Survey 2019 reveals that the prevalence of physical abuse in Kenya is 51.9% for boys and 38.8% for girls. According to the Nairobi County CPIMS data, there were 1025 reported cases of physical abuse and violence against children between 2021-2022. Physical abuse against children is a pervasive and alarming issue in Nairobi, with numerous cases reported annually

### 3.1.3 Child Labor

Child labor is a serious violation of children's rights in Nairobi City County. Children are forced to work for various reasons. This often happens when families face financial challenges or uncertainty – due to poverty, illness of a caregiver, or job loss of the primary wage earner. Other reasons include inadequate social protection, limited access to services such as education, and lack of enforcement of existing legislation on child labour. Child labour can result in physical and mental harm. It can lead to slavery and sexual exploitation. In almost every case, it cuts children off from education and health care, restricting their rights and limiting their futures. Kenya Violence against Children Survey 2019 reveals that the prevalence of physical abuse in Kenya is

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Physical abuse against children is a pervasive and alarming issue in Nairobi, with numerous cases reported annually

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Physical abuse against children is a pervasive and alarming issue in Nairobi, with numerous cases reported annually.

### 3.1.4 Street Children

Nairobi County has the highest concentrations of street persons (15,337) 72% males and 28% females at 28 percent, with a majority being youth (45%) and children (34%).

Common reasons for children going to the streets range from; fear of being reprimanded, lack of school fees, death of parents, mistreatment by relatives, domestic violence, mental illness, corporal punishment and also being born on the streets. The push and pull factors that lead to the occurrence of street children are; poverty, family disintegration, loss of parents and caregivers, drug and substance abuse and child abuse. Other factors are, poor parenting, tribal clashes, abandonment, landlessness, deviant behavior and indiscipline, child labour and exploitation where parents/guardians send children to the streets to beg and earn a living for the family among others.

(National Census of Street Families, 2018) Nairobi County requires, a comprehensive Policy to address the rescue, rehabilitation, reintegration and resocialization of these children back to the society.

### 3.1.5 Children in contact with the Law

CPIMS (2023/2024) recorded 113 cases of children who were unlawfully confined in the police cells for being in conflict with the law in Nairobi. The issues highlighted as key concerns are the rampant radicalization, child delinquency and truancy. CPIMS recorded 256 cases of child truancy in the financial year 2019/2021 and 136 cases in 2020/2021. Children in contact with the law face

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numerous challenges, including legal, social and psychological issues. Nairobi County requires, comprehensive policies to address the rehabilitation and reintegration of these children back in the society. Despite existing laws and programs, many children remain marginalized and face obstacles in accessing education, health care and opportunities after contact with law.

### 3.1.6 Sexual abuse

In the year 2023/2024, 4504 cases of sexual abuse were reported across the 47 counties in Kenya out of which Nairobi County had a total of 1025 cases(CPIMS); of which 155 were girls and 20 being boys. Among victims of childhood sexual violence, one in five females experienced sexual violence before age 13 generally sexual abuse in children is rarely reported due to stigmatization that is associated with it. One such case is far too many to overlook.

### 3.1.7 Identity and Registration

In Kenya, 3,463,719 children in primary schools and 68,265 children in secondary schools do not have birth certificates across all 47 Counties (according to MoE). Multiple barriers to accessing these vital civil registration services have been identified as:

- a) Inadequate civil registration service delivery offices or points,
- b) Inadequate information on the need for timely birth registration and application for birth certificates,
- c) Lack of relevant registration documents such as parents' identity cards (IDs) and clinic cards,
- d) Lack of technical know-how for caregivers since government services have been digitized.

### 3.1.8 Female Genital Mutilation

Article 53 (1) (d) of the Constitution of Kenya provides that “Every child has the right to be protected from abuse, neglect, harmful cultural practices, all forms of violence, inhuman treatment and punishment, and hazardous or exploitative labour”. Further, the National Assembly enacted the Prohibition of Female Genital Mutilation Act 2011. The Act prohibits the practice of FGM, safeguards against the violation of a person’s mental or physical integrity, and provides for the formation of the Anti-Female Genital Mutilation Board responsible for upholding the dignity and

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empowerment of girls and women in Kenya. Nairobi is one of the counties where Female Genital Mutilation (FGM) is practiced silently, with 21No. reported in CPIMS. There is need to protect the girl child from this illegal cultural practice.

### 3.1.9 Orphans and Vulnerable Children

About 14% of children are not living with any biological parents and about 19% have one or both parents' dead. About 6% of children, aged 10-14 years have lost both parents and 97% are currently attending school compared to 99 percent of non-orphans (KNBS 2019). There are 103727 No. of OVC reported in Nairobi (38,726 have been captured in CPIMS). OVC are prone to abuse and lack access to social support systems.

### 3.1.10 Child Trafficking, Kidnapping and Abduction

In the 2024 financial year alone, 130 children nationwide were victims of trafficking in which Nairobi County reported 47 cases of child trafficking (CPIMS). Nairobi is also faced with cross border factors that promote child trafficking and existence of unregistered charitable children institutions which may also aid in child trafficking. Protection of all children against all forms of sale, trafficking, kidnapping and abduction, needs to be guaranteed in Nairobi County.

### 3.1.11 Drug and Substance Abuse

Nationally, the Kenya AIDS Indicator Survey (KAIS 2012) reported 4.8% and 1.2% alcohol and drug use respectively among adolescents aged 10-14 years.

According to a survey conducted by the National Agency for the Campaign Against Drug Abuse (NACADA, 2023) children are initiated into different drugs at the following ages: Tobacco (6 years old), Alcohol (7 years old), Cannabis (8 years old), Khat/Miraa (9 years old), Prescription Drugs (8 years old), and Heroin and Cocaine (17 years and above).

The overall rate of drug and substance abuse among school-going children was 20.2% in primary school and 23.4% in secondary school. The main sources of these substances were kiosks or shops near schools (28.6%), bars near schools (25.7%), friends (19.3%), purchases from other pupils (13.7%), and school workers (13.6%).

Other substances abused in Nairobi include jet fuel, glue, and bhang. Children in Nairobi are increasingly vulnerable to drug and substance abuse, which expose them to significant health, social and development risks. Factors such as peer pressure, exposure to violence, poverty, and lack of parental supervision contribute to this problem. Addressing drug abuse among children requires targeted interventions that prioritize prevention, early intervention, and support services tailored to their unique needs.

### 3.1.12 Minority, marginalized and Children affected by Disasters

This applies to children classified as refugees, asylum seekers and internally displaced persons. It is imperative that in times of natural calamities and civil unrest, Nairobi county shall accord all children priority for protection and relief from disasters like fires, conflicts, terror attacks, collapsing of buildings, floods and strong winds.

### 3.1.13 Negative impact of Information Communication Technology (ICT) and Media

Children are susceptible to harmful information through ICT and media. Contents shared on digital platforms are readily accessible to children leading to risks in online child predators, unregulated cyber cafes and cyber bullying. Some media content is explicit and inappropriate and has been shown to have negative effects on children such as behaviour change, body image, self-esteem, extremism, radicalization, physical change and school performance.

### 3.1.14 Negative influences and harm by Caregivers

All children deserve quality care, nurture and protection against any dangers posed by those entrusted with their care. While girls are the most affected, children with disabilities have not been spared. Nairobi County reported 120 cases of defilement, 10 cases of incest and 15 cases of sexual exploitation according CPIMS 2019/2020. A good number of these cases were perpetrated by caregivers. Additionally, there exists a gap for regulations of the children care hubs in the county institutional framework that exposes children under the age of 3 years vulnerable to harm by caregivers. The county will regulate the children care hubs for their protection and safeguarding. Negative influences and harm inflicted upon children can have profound and lasting effects on their physical and psychological well-being.

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### 3.1.15 Children under alternative family Care and Charitable Children Institutions (CCIs)

Alternative Family care guidelines, 2014, estimates there are approximately 2.4 million orphans, of which 47% are due to parental deaths as a result of AIDS. Children are made vulnerable due to poverty, harmful cultural practices, family breakdown, abandonment, natural disasters, ethnic and political conflict and poor care arrangements. It is projected that between 30-45% of the 2.4 million orphans end up in charitable children's institutions (CCIs). Although alternative family and charitable children's institutions have been found to be viable alternatives for childcare, all children living under these arrangements will be protected against any possible abuse and exploitation.

#### **Policy Interventions:**

1. Promote positive parenting practices through family and social welfare programs.
2. To prevent children from accessing and abusing drugs and alcohol.
3. Engage community structures (including churches, schools, community policing (e.g.nyumba kumi), child protection volunteers, community health promoters among others) through lower-level administration offices in both county and national government for monitoring and reporting.
4. Promote economic empowerment to increase families' financial capacities and resilience.
5. Identify, strengthen and equip existing safe spaces for child survivors of abuse.
6. Promote Counter Trafficking in Persons Act ,2018 to ensure safety of children and track missing children.
7. Coordinate and facilitate rescue, rehabilitation, reintegration and re-socialization of street children and other vulnerable children.
8. Establish a multi sectoral team to address child case management and referral mechanisms.
9. Strengthen collaboration and coordination mechanisms between national government, county governments and other stakeholders.on issues such as identification and registration,barriers to access to education and health care, illegal harmful cultural practices.

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10. Regulate and support child rehabilitation centers, homes, rescue centers and Children care hubs in the community.
11. Promote awareness of child abuse and empowerment of children to report cases of abuse.
12. Promote alternative family care: (foster care, guardianship, kinship, kafalah, adoption) to enhance deinstitutionalization of children.
13. Coordinate the provision of preventive and responsive services for children in the event of natural or man-made disasters.
14. Raise awareness on child protection and child rights issues in the community and including rights of vulnerable children in institutional care, children with disabilities/chronic illnesses, refugee and migrant children; so as to foster good relations with the surrounding community in a bid to reduce stigma and discrimination.
15. Create awareness on online child sexual exploitation and abuse.

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### **3.2 DEVELOPMENT RIGHTS.**

Development rights allow children to have the means and the opportunity to develop to their full potential. It recognizes the dignity of a child, especially those with special needs. These include education, leisure, play, culture, artistic activities, access to age- appropriate information, social security, freedom of thought, conscience, religion, and parental care.

#### **3.2.1 Right to Education**

The County has a very high enrolment rate at 96 percent in primary schools. Slightly over 7,500 children of primary school age are out of school. However, the County's secondary school net enrolment rate is fairly low (40%) in spite of the existence of the Free Day Secondary Education Program in the County. Nairobi County has about 226 ECDE public schools with enrolment of 29,300 in public schools with a total enrolment of 120,000. Public Primary schools are 225 with an enrolment of 224,319. Private schools have 801 with an enrolment of 183,468 in 2020. 103 Public Secondary School with an enrolment of 68,963 and Private Secondary Schools are 190 with an enrolment of 30,400 in 2020 (Statistics from the Ministry of Education Nairobi County). However, more boys attend secondary school than girls. (Basic Education Statistical booklet, 2016). 3,665 girls and 4,048 boys have never been to school (KNBS 2019). Guided by the Constitution of Kenya as per article 28 of UNCRC, children and young people have the right to education regardless of race, gender or disability; if they are in detention, or if they are refugees. Nairobi City County Government has programs for bursary, Governor's scholarship and school feeding to ensure that vulnerable children and those with special needs, have access to education and eliminate barriers.

However, children in Nairobi County are faced with challenges that include: hidden levies in schools, defilement, child marriages and teenage pregnancies, low teacher-student ratio, lack of mentorship programs for parents, teacher & society, drug and substance abuse, poor sanitation, poor parental involvement in education, poverty, HIV/AIDS, lack of disability friendly infrastructure, dysfunctional families, negative exposure to technology, lack of playgrounds, inadequate infrastructure among others.

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***Policy Recommendations:***

1. Increase access to education for all children from various economic backgrounds including children with special needs by enforcing MOE regulations and eliminating barriers to education (such as negative social norms, teenage pregnancy, radicalization, drugs and substance abuse, pornography, gambling, child labor and child trafficking).
2. Create awareness on harmful cultural practices that hinder education.
3. Ensure quality infrastructure that is child and disability friendly.
4. Ensure children with disabilities receive assistive devices and rehabilitative services where need be.
5. Promote access to social protection programs to vulnerable children that encourage access to education such as school subsidies, bursaries, scholarships and school feeding programs.

**3.2.2 Leisure, Recreation and Play, Leisure and Cultural Activities**

Article 31 of the UNCRC creates a specific right for all children to have rest and leisure, to engage in play and recreational activities appropriate to their age and to participate freely in cultural activities. The County Government and development partners should ensure that during development of social amenities, children have adequate child friendly facilities including playgrounds for growth and development.

***Policy Recommendations:***

1. Provide child friendly spaces for children to play and exploit their potential in arts, games and sports.
2. Provide play, recreational materials and quality play time to schools and other recreational areas.
3. Promote children care hubs and facilities that are child-friendly with adequate play areas and materials for young children.
4. Promote and inculcate the importance of play and leisure for the continued holistic development of the child.
5. Promote and support good cultural practices through regular events in schools and communities.

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6. Advocate against harmful cultural and religious practices on children.
7. Promote integration of cultural, talent nurturing and artistic activities in school curriculum.

### 3.2.3 Access to Information

Every child has the right to free association and freedom of peaceful assembly and access to information within the set guidelines.

***Policy Recommendations:***

1. Promote positive parenting skills and support.
2. Provide the enabling environment for access to appropriate information.

### 3.2.4 Freedom of Thought, Conscience and Religion

This is the right of children to have their own ideas, thoughts, opinions and beliefs. However parental guidance is emphasized to help children develop positive thoughts and behaviors.

***Policy Recommendations:***

1. Support religious activities that enhance children's spiritual nourishment and participation in matters concerning religion.
2. Promote structures for children that enhance participation including celebration of National and International days child-themed days.

### **3.3 SURVIVAL RIGHTS**

Child's right to life and the needs that are most basic to existence, such as nutrition, shelter, adequate living standard and basic health care.

United Nations Convention on the Rights of the Child (UNCRC) (1992) Article 6 and 24 refers to the child's inherent right to life and States Parties' obligation to ensure, to the maximum extent possible, the survival and development of the child. That States should take all possible measures to improve perinatal care for mothers and babies, reduce infant and child mortality, and create conditions that promote the well-being of all young children during this critical phase of their lives. Children require the needs that are basic to existence, such as nutrition, shelter, an adequate living standard, decent clothing, nurturing care and access to medical services<sup>1</sup>. This position has been re-affirmed by the National Children Policy of Kenya which emphasizes that all children have a right to be born, nurtured and to grow in a conducive and secure environment regardless of their socio-cultural, economic and political status.

#### **3.3.1 Psychosocial Care and Support for Children**

Psychosocial support and trauma healing in children are crucial components of their overall well-being, particularly in the face of adverse experiences such as violence, natural disasters, displacement or loss of loved ones.

Poor mental health can have adverse effects on the wider development of children and is associated with several health and social outcomes such as tobacco, alcohol, drugs and substances abuse, teenage pregnancy, pornography, school dropout and delinquent behaviors among other social vices. There is growing consensus that holistic development during childhood contributes to good mental health.

Enhancing social skills, problem-solving skills and self-confidence can help prevent mental health problems such as conduct disorders, anxiety, depression and eating disorders as well as other risk behaviors including those that are related to sexual behavior, substance abuse, and violent

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<sup>1</sup> *Ibid*

behavior. Depression is the ninth leading cause of illness and disability in children; while suicide is the third leading cause of death among 15-19-year olds.

### **Policy interventions**

1. Provide quality psycho-social support services and programs on alcohol, drug and substance abuse and child protection emerging issues for all children, including children with disability.

#### **3.3.2 Post Violence Care for Children**

Violence Against Children [VAC] (2019) study key findings reveal that violence in childhood is still common. About 1 out of every 2 children in Kenya experienced violence.

In Kenya, about half of both male and female witnessed physical violence in the home during childhood. It was also established that only 11% of girls and 3% of boys who experienced sexual violence received the services they needed. Violence targeting children is common in Nairobi, reflecting the National statistics which indicate that 44% of girls and 45% of boys experienced sexual violence by an intimate partner prior to age 18.

### **Policy interventions:**

1. Conduct awareness programs to address harmful effects of violence against children.
2. Strengthen multi-sectoral coordination for service provision for child survivors of violence in the County.

#### **3.3.3 Social care for Children Living with HIV**

There are significant social issues associated with children and families where children living with HIV and AIDS, such as stigma, burden of care and child headed households.

According to Kenya HIV/AIDS estimates, 2018, there were 7,978 new HIV infections among children aged 0-14 years in Kenya, which was about 15% of all total new HIV infections in 2017. Nairobi is among the high prevalence counties that contributed to 51% of the new infections among this group, with 660 infections recorded in the county in 2017 (0-14 yrs.).

### **Policy Interventions:**

1. Develop and implement psycho-social support and community programs in collaboration with development partners and stakeholders

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### **3.3.4 Water, Sanitation and Hygiene for children**

Article 43(1) of the Kenya Constitution states that every person has the right to clean and safe water in adequate quantities and to reasonable standards of sanitation. Inadequate access to safe water, sanitation and hygiene services coupled with poor hygiene practices are leading causes of illness in children, which sometimes ends in death. Poor sanitation and hygiene behaviors at household level is a leading cause of illness in children thus impacting their survival rights.

#### **Policy interventions:**

1. Promote and support programs for personal hygiene among children.
2. Collaborate with relevant authorities to ensure free access of public latrines and toilets for children.
  
2. Establish special children rehabilitation centers for children addicted to drugs and substance abuse.

### **3.3.5 Child Health**

Nairobi County is one of 15 Counties that account for over 60% of maternal deaths in Kenya. The latest estimate of the County's maternal mortality ratio (MMR) is 673 deaths per 100,000 live births. Child death rates in Nairobi County mirror the national trend but infant and under-five death rates are considerably higher. High maternal and child death rates are linked to high birth rates and limited access to life-saving maternal and child health interventions. (KDHS, 2014). Despite the major gains in reducing infant and child mortality, there are still some major challenges that eventually lead to mortality. These include, poor access to health services, inadequacies in the healthcare system such as lack of essential drugs, supplies and personnel, Poor environmental and living conditions such as unhygienic practices at household level, malnutrition and poverty, Early childhood or birth complications such as, low birth weight, and infections such as sepsis, meningitis and HIV.

#### **Policy interventions**

- i. Collaborate with parents, health sector and the sector handling disability issues to provide medical care for vulnerable children and children living with disabilities in the County.

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### **3.4 CHILD PARTICIPATION RIGHTS**

Child's right to form and air views, expression, thought, conscience, religion and association amongst others. 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 right to participation as stipulated in the United Nations Convention for the Rights of the Child (UNCRC) [24] and the African Charter for the Right and Welfare of the Child (ACRWC) [25], include: right to form and air views, right to expression, right to thought, conscience and religion, right to association, and right to participate in cultural and artistic activities. Child participation is critical and hence the need to seek children's views and active involvement at all decision-making levels including home, religious settings, community, school, national, regional and international platforms.

The enactment of the Constitution was a milestone anchoring meaningful participation of all children in matters affecting them. The involvement of children and young people during the drafting of the Constitution demonstrated the importance of meaningful participation and involvement of children and young persons in decision-making processes that affect their lives. The NCCS developed the Guidelines for Child Participation in Kenya (Revised 2014) in collaboration with numerous stakeholders to establish, regulate and enforce procedures and standards for children's involvement in different spheres of life.

In the year 2009/2010, the then Ministry of Gender, Children and Social Development through the NCCS and key stakeholders developed a working document that facilitated the establishment of the Kenya Children's Assembly (KCA). The document detailed the establishment and operations of the Assembly in line with child participation guidelines.

In Nairobi County, child participation has been manifested at family, religious institutions, schools, colleges, state and non-state actors to involve children in activities concerning them. These include: involving children in family chores, learning and playing activities in schools, religious activities, forming and airing views through clubs, committees, assemblies, conferences as well as supporting them to participate in public discourse during county planning and budgeting.

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Children have also been involved in participation in commemoration of important County, National and International days.

Some of the bottlenecks to meaningful child participation include: absence of a county specific child participation mechanism and social-economic cultural barriers.

In the ACRWC, Article 31, responsibilities of the child in the African context are well articulated. Children Act 2022 (Section 28), duties and responsibilities of the child are spelt out. The Act states that in any matter of procedure affecting a child, the child shall be accorded an opportunity to express his or her opinion, and that opinion shall be taken into account as may be appropriate, considering the age of the child and the degree of maturity

The National Children Policy incorporates child participation as an integral component and as a means to achieving other children rights.

### ***Policy interventions***

County Government of Nairobi commits to;

1. Enhance the Nairobi County public participation policy to include meaningful child participation strategies.
2. Support the strengthening of Children Assemblies' forums and structures at all levels of learning institutions.
3. Support meaningful participation of children during County, National and International celebrations.
4. Strengthen the capacity of social workforce to embark on meaningful child participation in all children related issues.

### **3.5 EMERGING ISSUES IN CHILD PROTECTION**

#### **3.5.1 Intersex Children**

The Children's Act 2022 defines intersex child as delineated in this policy. The Act further provides for the rights of intersex children; their care and protection; adoption; as well as legal registration. defines the term intersex child.

According to the 2019 Kenya Population and Housing Census, Nairobi City County has the highest numbers of intersex persons. The County hosts 245 out of the 1524 intersex persons that were registered. Intersex children are entitled to all human rights and fundamental freedoms as stated in Chapter 4 of the Constitution of Kenya. The Constitution provides for the national values and principles of governance that include inclusiveness, equality and protection of the marginalized. Article 53 of the Constitution states that every child has the right to be protected from harmful practices, and that a child's best interests are always the most important factor/consideration while Article 27 provides for safeguards and protects against discrimination of persons based on grounds which include sex.

#### **3.5.2 Online Child Sexual Exploitation and Abuse (OCSEA)**

According to Disrupting Harm in Kenya, a joint research project conducted by the global ECPAT network, INTERPOL and UNICEF (2021), 67% of children aged 12-17 in Kenya are internet users. Of a nationally representative sample of internet-using children, 7% had been offered money or gifts in return for sexual images or videos of themselves and 3% had been threatened or blackmailed online to engage in sexual activities in the past year. Threats and requests like these are made to both boys and girls, often via social media. While most children refuse these attempts, some children comply and this can have serious consequences. In the past year, 7% of children have had their sexual images shared with others without their permission. Most children who experienced some form of online sexual exploitation and abuse had also experienced in-person physical, sexual or emotional abuse and most of them never report the incidents to anyone.

### 3.5.3: Children with disabilities

The National Survey on Children with Disabilities and Special Needs in Education conducted by Kenya Institute of Special Education in 2018, indicated that the prevalence rate of children with special needs and disabilities aged between 3 and 21 years in Kenya is 11.4%. There was a relatively even distribution of disabilities among male and female children where 51.2% were males and 48.8% were females. There were more boys with disabilities than girls and 72.6% of children with disabilities and special needs in education live in rural areas while 27.4% of them live in urban areas. Intellectual disabilities were 2.5%, physical disability was 3.0 % and visual impairment the highest at 3.1%. Hearing Impairment was 1.2% and Speech and Language 0.9%.

#### **Policy Interventions:**

1. Enhance capacity building and sensitization on child protection and emerging issues.
2. Promote the rights of intersex children in line with the Intersex Persons Taskforce Report 2018.
3. Promote awareness of OCSEA among children, parents/caregivers and other stakeholders.
4. Support and provide for psychosocial care and support for children who have experienced online children sexual exploitation and abuse.
5. Advocate for assistive devices and enabling environment for children with disabilities.

### **3.6 Coordination and Resourcing for Child Protection and Safeguarding Services**

The Children's Act, 2022 section 54 established the Children Advisory Committee at various levels to advise and provide guidance on children matters. Coordination of Child Protection services is further reflected in the National Child Protection Framework and child protection systems, which provides for establishment of County Children Advisory Committees (CCAC), Sub-County Children Advisory Committee (SCCAC), and other decentralized Children Committees.

The County government of Nairobi through the Sub Sector of social services shall establish a legal framework to execute its mandate and implement programs..

#### ***Policy Response:***

1. Recommends establishment and strengthening of County integrated and multidisciplinary Child Protection and Safeguarding structures at the County, Sub Counties and wards levels under the Sub-Sector of Social Services.
2. The County Treasury shall establish a Special Escrow Account for allocation of resources and consolidate stakeholders' contributions through periodic (annual) joint planning and budgeting to implement the objectives of this Policy.

#### **Policy Implementation Plan**

Implementation and realization of the policy's objectives shall require administrative structures and adequate resources.

The County Government is entrusted with the responsibility of executing and harmonizing programs pertaining to the well-being and safeguarding of children; and establishing a County Department for Children Services to strategize and execute all endeavors related to the protection and safeguarding of children.

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## **PART FOUR: IMPLEMENTATION FRAMEWORK**

Children rights and welfare are crosscutting and require a strong institutional and coordinated framework. Its implementation requires a multi-sectoral approach that will be decentralized at County, Sub-county and Ward levels to ensure its realization. The Policy implementation mechanism will be operationalized through an action plan detailing policy priorities, key actions, indicators, timelines, responsibility and estimated annual budget.

### **Policy coordination, implementation, evaluation and reporting mechanisms**

The policy outlines plans of action and has defined some priorities and interventions to address the gaps identified in realization of children's rights in Nairobi County. This policy seeks to eventually create a safe and child-friendly County where children welfare and rights are

### **Recommended Budget and Implementation of the Policy**

- i. The Policy proposes that NCCG shall allocate a total of Kshs 987 Million of its budget to the programs and activities within the Sub Sector of Social Services, Children Services Division to be implemented in the County. (Sub County, Ward and Village level)
- ii. It is also expected that the Policy shall be reviewed in consultation with key stakeholders after every 5 years or when emerging issues arise.

#### **4.1 Structures and Institutions**

The following structures and institutions will support the implementation of this policy;

1. The Nairobi County Chief Officer in charge of Social Services Sub Sector (Children and Rehabilitation Services) or the sub sector where children services are domiciled in, shall be the coordinating body/office.
2. The County Department of Family and Children's Services under the Social Services sub sector will implement the policy.
3. The Nairobi County Children Advisory Committee to provide advisory support to the CECM and Chief Officer in charge of Social Services Sub Sector (Children and

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- Rehabilitation Services) on matters pertaining to children.
4. Creation of a Sub-Sector implementation committee.

The role of Non-State actors

- i. Collaboratively mobilize resources and provide technical support towards implementation of the policy.

#### **4.3 Review of the Policy**

This Policy shall be reviewed after every five years to address emerging issues in child protection and safeguarding services at the County, National and International levels. The reviews shall incorporate evolving issues/trends and take note of the changes in the political, economic, social, technological and legal environments.

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## **PART FIVE: MONITORING AND EVALUATION**

The policy will be monitored and evaluated by the Sector in consultation with the M&E Department and other relevant stakeholders

### **5.0 Resource Mobilization**

Resource mobilization refers to all activities involved in acquiring new and additional resources to support child protection and safeguarding interventions in Nairobi City County. Inadequate public investment and low budgetary allocation affect provision of quality children programs. Nairobi City County Government will collaborate with partners and stakeholders in mobilization of resources towards the realization of the objectives of this policy.

#### ***Policy Recommendations:***

1. Establish a resource coordination and mobilization framework.
2. Nairobi City County Government to provide adequate resources for child protection and safeguarding programs.
3. Embrace public private partnership in policy formulation and implementation.
4. Establish methods of harnessing and using these funds in the most effective, efficient and accountable manner. This shall be done through joint planning, resource pooling, creation of a special children account and monitoring and evaluation.
5. Recruit, deploy, train and retain staff to facilitate implementation of this policy.
6. Make periodic resource analysis to identify gaps and sources of funding and develop strategies for effective resource mobilization.
7. Include targets identified in this policy in all Nairobi City County Government plans.

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## **APPENDIX II: CODE OF CONDUCT TO ENSURE PROTECTION OF CHILDREN**

The Nairobi City County sets the following rules for all its officials and personnel:

1. Provide necessary assistance to children beneficiaries without requiring any favours, personal gain or advantage.
2. Work with, engage, involve or utilize services only of individuals or business entities that do not have any involvement in child abuse, sexual harassment, exploitation, child pornography and violence.
3. Never be involved in romantic relationship with a child.
4. Take immediate action upon learning of or witnessing any unacceptable acts or behaviour toward children which occur within or outside the vicinity of all Nairobi County offices including children facilities and residential care institutions.
5. Treat all children, with respect and never allow behaviour that will result in any physical, sexual, emotional or psychological harm.
6. Do not participate in any acts involving child abuse, discrimination against children, child exploitation, violence against children, corporal punishment or similar acts.

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## **APPENDIX I: STATEMENT OF COMMITMENT**

I ..... have read and understood the child protection and safeguarding policy of the Nairobi City County. I agree to conduct myself in accordance with the policy. Further, I agree that:

1. I will always value, respect and listen to all children, regardless of age, disability, gender, racial heritage, religious belief or identity.
2. I will support their right to equal protection from all types of harm or abuse.
3. I will always report any case of child abuse, exploitation and neglect which comes to my knowledge to appropriate authority and will not harm or abuse any child physically, emotionally, or sexually.

Signature

Date

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