**SCHOOL : LAW**

**UNIT TITLE : CHILDREN AND THE LAW**

**UNIT CODE : LAW 325**

**UNIT HOURS : 45**

**PRE-REQUISITE : NONE**

**Purpose:** To introduce the range of legal questions, Kenyan law, social and historical perspective, relevant challenges, and the international legal context related to children and the law.

**Expected Learning Outcomes**

At the end of this unit, the student should be able to:

* Explain the historic social and legal position of the child in Kenya, including on-going problems and challenges;
* Describe the rights of children, parents, and the state;
* Compare and contrast Kenyan judicial divisions with special dispensation for children, and the advantages and challenges of these divisions;
* Describe the features and trends in recent Kenyan law as it relates to the rights and welfare of children;
* Discuss international instruments relating to rights and welfare of children;
* Explain problematic issues relating to children.

**Course Content**

Place of child in society; child in national legal system; Kenya legal framework for the protection of children; international instruments for the protection of children and their implications on Kenya; parental rights and obligations for the protection of children in Kenya; problematic issues relating to children: child abuse and neglect, sexual abuse of children, child prostitution, incest, child labour, street children, drug problems, aids, violence in schools, sexually explicit and violent material in television, movies, video games and music, human trafficking, education; specific problems of children born out of the institution of marriage; developing legal strategies for addressing problems faced by children.

**Teaching Methodologies**

The main methods to be used in teaching this unit include interactive lectures, reading assignments, group presentations and discussions, library research, court visits if appropriate cases are available during the unit, application of unit principles to real or hypothetical cases, and use of electronic equipment

**Instructional Materials / Equipment**

Textbook chapters, casebook examples and articles on unit topics, white board, Powerpoint presentations, and descriptions of real or hypothetical examples for application of unit principles.

**Method of Evaluation**

Continuous Assessment Test 40%

Class Test 20%

Group Assignment and Presentation 20%

Final Examinations 60%

**Total 100%**

**Recommended Reading**

1. **Core Texts**
2. Mohammed S. Hussain and Clement J. Mashamba, Child Rights and the Law in East Africa (LawAfrica 2014)
3. The Law on Children: A Case Digest, [Vol. 1 and 2] Publication of Children’s Legal Action Network- CLAN & Childline Kenya.
4. Michael Freeman, Child Welfare and the Law, (London: Sweet & Maxwell, 2002).

1. **Case Books**
2. Leslie Harris, Lee E. Teietelbaum, Children, Parents and the Law, (New York: Aspen, 2002).
3. Robert H. Mnookin & D. Kelly Weisberg, Child, Family and State, (New York: Aspen, 4th Edition, 2005).

**C. Further Reading**

1. Brenda Hoggett, Parents and Children-The Law of Parental Responsibility, (London: Sweet & Maxwell, 1993).

2. UNICEF, The State of the World’s Children, (Oxford: Oxford University Press, 1992).

3. S.B.C. Gutto, (ed), Children and the Law, (University of Nairobi: Institute of Development Studies, Official Paper No. 35, 1979).

4. Stewart Asquith & Malcolm Hill, Justice for Children, (The Hague: Martinus Nijhoff Publishers, 1994).

5. G. Van Bueren, The International Law on the Rights of the Child, (The Hague: Martinus Nijhoff Publishers, 1995).

6. Asha Bajpai, Child Rights in India (Delhi: Oxford University Press, 2003)

7. Issa Toure, Children and the Law, (Nairobi: McMillan Kenya, 2000)

8. Kenya Medical Women’s Association, World Summit for Children, (Nairobi: Initiatives, 2003).

9. Kenya Medical Women’s Association, Child Abuse and Neglect, (Nairobi: Initiative, 2006).

10. ANPPCAN, The Rights of the Child, (Nairobi: Initiatives, 1989).

11. Janet Kabeberi, The Child Custody Care and Maintenance, (Nairobi: Oxford University Press, 1990).

12. ANPPCAN, Working Together for the Rights of the Kenyan Child, (Nairobi: ANPPCAN, 1988).

13. Republic of Kenya, Report of the Task Force Appointed to Review and Update the Law Relating to Children, (Nairobi: Government Printers, 1993).

14. L.C.H. Hoyano & C. Keenan, Child Abuse (Oxford: Oxford University Press, 2006)

**D. Legislation: National**

1. Constitution of Kenya 2010

2. Children Act 2002

3. Penal Code

4. Marriage Act, 2014

**International and regional treaties**

1. United Nations Convention on the Rights of the Child
2. African Charter on the Rights and Welfare of the Child