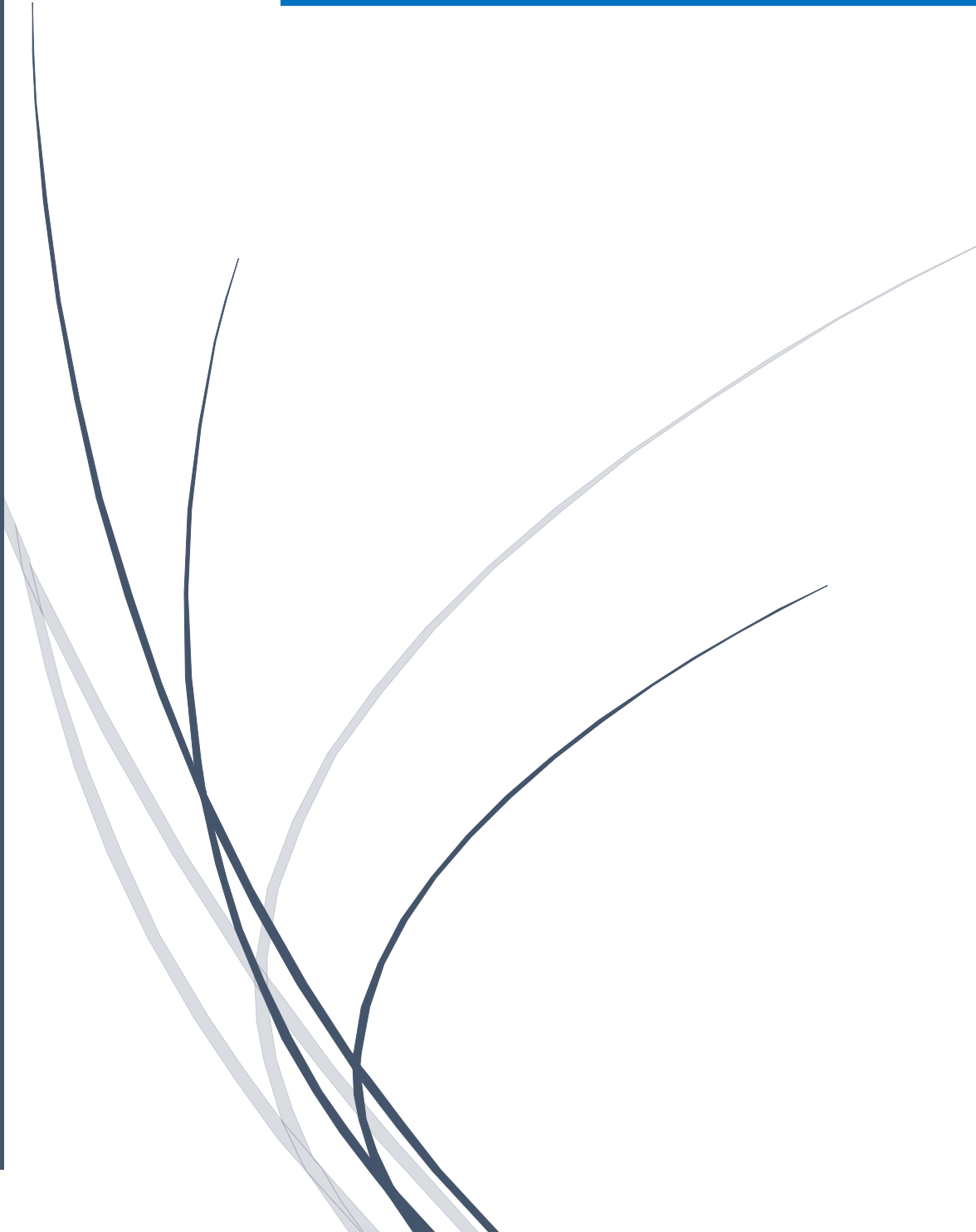


2023

CHILDREN POLICY

COUNTY GOVERNMENT OF BUNGOMA



COUNTY GOVERNMENT OF BUNGOMA



DEPARTMENT OF GENDER, CULTURE, YOUTH AND SPORTS

BUNGOMA COUNTY CHILDREN POLICY 2023

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FOREWORD

Child abuse is a global phenomenon. It occurs in all countries and in all societies. It involves the physical, sexual, emotional abuse and neglect of children and adolescents. Children and adolescents can be potentially subjected to exploitation, abuse, violence and neglect in families, communities, institutions, organizations, private places and public places by various circumstances by variety of people including but not limited to: Family members, Friends, Visitors and Personnel staff associated with the County Government of Bungoma (CGB). In order to address and protect children and adolescents from potential abuse and exploitation, the Department of Gender, Culture, Youth and Sports (GCY&S) has Designed, Developed and Formulated the **Bungoma County Children Policy 2023**. The Policy is a step forward with measures and structures designed to prevent and respond to abuse.

The policy has been aligned to the Constitution of Kenya 2010 and has been designed to contribute to the realization of the goals of Kenya Vision 2030. It has also taken into consideration the objectives of the Sustainable Development Goals (SDGs) that contain a wide range of proposed activities aimed at safeguarding children's rights to survival, development, protection and participation. It is expected that the policy will assist and continue to strengthen efforts to establish a mechanism for co-ordination throughout the county and trigger further allocation of adequate resources to support children rights at the Ward, Sub-County and County level. We call upon all children's service providers across the county to familiarize themselves with the policy document to ensure that we all read from the same script and therefore adhere to the identified priority interventions for the advancement of children's rights in Bungoma County.

**HON. AGNES NALIKA WACHIE (PENG.TECH MIET),
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COUNTY GOVERNMENT OF BUNGOMA.**

ACKNOWLEDGEMENT

Child protection is a central part of safeguarding the children and young adults. By adopting this policy the CGB shall have initiated a process of protecting individual children identified as either suffering or at risk of significant harm as a result of abuse exploitation or neglect within the county. We are grateful to **H.E the Governor Kenneth Lusaka** for providing exemplary leadership and clear development direction articulated in this plan. We wish to recognize our CECM for her leadership, the directors for their administrative contributions during the process and all the other staff of the department for their technical backstopping in developing this policy document. We thank the team of consultants, the Departmental Technical Management Committee (TMC), County Technical Working Group (CTWG) and the departmental stakeholders including the public for a job well done in the Designing Development and Formulating the policy.

We appreciate the active participation of the public and the community represented by special interest groups including the women, the youth, and persons with disabilities, children and elderly development partners, non-state actors, community and faith based organizations working with and for children. We recognize the invaluable community contribution and participation in the preparation of this plan. By contributing to such essential policy document, they fulfilled their constitutional mandate. The contributions of the private sector, Civil Society Organizations and Faith Based Organizations for their expert opinions are highly commended. Finally I pay special tribute to all other individuals and Institutions who directly and indirectly participated in this process.

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ABBREVIATIONS AND ACRONYMS

AAC	Area Advisory Council
ACRWC	African Charter for the Right and Welfare of the Child
AIDS	Acquired Immune Deficiency Syndrome
CLTS	Community-Led Total Sanitation
CPMIS	Child Protection Management Information System
CPR	Contraceptive Prevalence Rate
CPU	Central Planning and Monitoring Unit
CSO	Civil Society Organization
DCS	Department of Children’s Services
EAC	East Africa Community
ECDE	Early Child Development Education
EMTCT	Elimination of Mother-to-Child Transmission
FBO	Faith Based Organization
FGM	Female Genital Mutilation
GER	Gross Enrolment Rate
HIV	Human Immunodeficiency Virus
ICT	Information and Communication Technology
ITN	Insecticide-Treated Net
KPRR	Kenya Prevention Revolution Roadmap
KCA	Kenya Children’s Assembly
KDHS	Kenya Demographic and Health Survey
KNBS	Kenya National Bureau of Statistics
KNLS	Kenya National Library Services
KPHC	Kenya Population and Housing Census
KWSIP	Kenya Water Sector Investment Programme
LLITNS	Long Lasting Insecticide Treated Nets
MDGs	Millennium Development Goals
M&E	Monitoring and Evaluation
M&EF	Monitoring and Evaluation Framework

MOE	Ministry of Education
MOH	Ministry of Health
MOSCA	Ministry of Sports Culture and Arts
MTP	Medium Term Plan
NACADA	National Authority for Campaign against Alcohol and Drug Abuse
NCCS	National Council for Children’s Services
NCPD	National Coordinating Agency for Population and Development
NCST	National Council of Science and Technology
NER	Net Enrolment Rate
NIMES	National Integrated Monitoring and Evaluation System
NKCA	National Kenya Children’s Assembly
NPA	National Plan of Action
ORS	Oral Rehydration Salts
ORT	Oral Rehydration Therapy
PMTCT	Prevention of Mother-to-Child Transmission

DEFINITION OF TERMS

Child neglect: Neglect is the failure to provide for the development of the child in all spheres: health, education, emotional development, nutrition, shelter and safe living conditions in the context of resources reasonably available to the family or caretakers and causes or has a high probability of causing harm to the child's health or physical, mental, spiritual, moral and social development. This is the failure to properly supervise and protect children from harm as much as feasible.

Child labor: Any economic exploitation or work that is likely to be hazardous or to interfere with the child's development, or to be harmful to the child's health or physical, mental, spiritual, moral and social development.

Child abuse: Involves acts of commission and omission, which result in harm to the child. The four types of abuse are physical abuse, sexual abuse, emotional abuse and neglect.

Child protection: Is the process of protecting individual children identified as either suffering, or likely to suffer, significant harm as a result of violence, exploitation, abuse or neglect.

Child trafficking: A child is trafficked if he or she has been moved within a country, or across borders, whether by force or not, with the purpose of exploiting the child.

Child friendly institutions: the environment and structures of institutions (children's court, waiting room for the courts, child protection units and desks in police stations etc.) should be painted with bright colors, have cartoon drawings, and a room setting that is child friendly such as round table sitting arrangement, provision of a play area and other facilities that engage children in play and leisure. The facility should also provide privacy to enable children to give confidential information.

CHAPTER ONE: INTRODUCTION

1.1. Background Information

Kenya has made great strides in an endeavor to fulfill the rights of children in spite of many challenges. 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 UNCRC, the ACRWC and other international and regional treaties. Kenya became a signatory to the United Nations Convention on the Rights of the Child (UNCRC) in 1990 and was the 20th member state to ratify the instrument. This was a major milestone in the promotion and protection of children's rights and welfare in Kenya. In the 1990s a National Programme of Action to operationalize the World Summit Declaration and Plan of Action for Survival, Protection, Development and Participation of Children was developed. The National Programme of Action marked a major step in the continued effort to articulate and address the concerns of children and women in Kenya. It detailed the world summit goals and became an integral part of development plans and policy documents on various issues concerning children. In addition, the policy acknowledges that there are over 60 pieces of legislation that focus on different issues affecting children some of which will need to be harmonized. These include among others minimum age of sexual consent, marriage and criminal responsibility.

Over recent years, there has been increasing recognition of the way in which children, young people and vulnerable adults can be at risk of discrimination, neglect, abuse and exploitation by those who are in positions of trust and power over them. As a consequence, there has been a significant increase in the efforts made by countries and development partners to ensure that no harm results from the contact their employees, volunteers and other representatives have with their target populations or communities. This policy defines a child as any person under the age of 18 years. Children hold a special place in society. Their nurture and well-being is the responsibility of key stakeholders who include parents, wider family, the state (central and local government) and civil society.

Kenya, upon recognition that children rights are human rights, has taken great strides in advancing and advocating for them. In this respect, Kenya is a signatory to various international conventions including the United Nations Convention on the Rights of the Child (UNCRC), the African Charter on the Rights and Welfare of the Child (ACRWC) and the Hague Convention on the protection of children and cooperation in respect of inter-country adoption. The country has gone further and domesticated the same instruments by enacting the Children Act 2001, and participated in the various sessions reporting the progress made in implementing the said instruments. The commitment to the Sustainable Development Goals (SDGs) and the articulation of children issues in Kenya's Vision 2030 is a demonstration of this obligation. A total of 47,564,296 persons were enumerated during the census, comprising 23,548,056 males, 24,014,716 females and 1,524 intersex. This represented an inter-censal growth rate of 2.2 per cent compared to a growth of 2.9 per cent in the 2009 census. Similarly, 32,732,596 were enumerated in rural areas and 14,831,700 in urban areas. Children (0-14 years) were 18,541,982(39.0 per cent) in 2019 compared to 16,571,877 (43 per cent) in 2009. Adolescents (10-19 years) were 11,631,929 (24.5 per cent) in 2019 compared to 9, 204,398 (23.8 per cent) in 2009.

The policy provides an operational framework to guide stakeholders and partners in coordinating, planning, implementing and monitoring programmes for the child. In addition, it outlines priorities and interventions necessary for the progressive realization of children's rights in Kenya. These priorities and interventions are designed to address the specific gaps identified by stakeholders. The overall management, oversight and coordination of the policy will be the responsibility of the County Children Affairs Council (CCAC) with support from relevant stakeholders as stipulated in the framework. The policy has defined some priorities and interventions

to address the gaps identified as necessary for the progressive realization of children's rights in Bungoma County and Kenya in general. It aims at coordinating and integrating ongoing sector-specific efforts to avoid any overlap and to ensure optimization of resources and benefits for children and young people in the county and country.

The Bungoma County Children Policy 2023 (BCCP) has been aligned to the Constitution of Kenya 2010 and been designed to contribute to the realization of the goals of Kenya Vision 2030. It has also taken into consideration the Sustainable Development Goals (SDGs), which will succeed the Millennium Development Goals (MDGs) that contain a wide range of proposed activities aimed at safeguarding children's rights to survival, development, protection and participation. The BCCP 2018 has also been informed by the Children Act, 2001, recommendations of the ACRWC (2015), Situational Analysis of Children and Women Report 2014, Violence Against Children Report, 2010, the findings of the 2008-09 and 2014 Kenya Demographic and Health Surveys, 2012 and 2015 Economic Surveys, findings from the tools administered to County Children Coordinators and Children, National Children Policy and other relevant documents. Coordination ensures that the planned activities run smoothly while M&E helps in improving performance. The policy goals stated herein are based on the key pillars of Child Rights as articulated in the (UNCRC), 1989. These are **Survival Rights, Development Rights, Protection Rights and Participation Rights**. In addition, the policy acknowledges that there are over 60 pieces of legislation that focus on different issues affecting children some of which will need to be harmonized. These include among others minimum age of sexual consent, marriage and criminal responsibility.

1.2. Policy Vision

The vision of this policy is to create an environment where all the rights of a child in Bungoma County will be fulfilled.

1.3. Policy Mission Goals and Objectives

The mission of this policy is to set out common values, principles, and beliefs and describe the steps that will be taken in meeting CGB's commitment to protect children.

1.4. Policy Goals and Objectives

The overall goal of this policy is to realize and safeguard the rights and welfare of the child. The specific policy objectives include:

- I. To provide a framework for addressing issues related to children's rights and welfare in a holistic and focused manner.
- II. To act as a regulatory framework to coordinate the many related policies and legislations that are geared towards the promotion of children's rights.
- III. To provide direction and purpose in establishing social and child protection mechanisms while mobilizing resources for action.
- IV. To act as a criterion for evaluating and monitoring the implementation of various legislations, policies and programmes on issues related to children.

1.4. Policy Principles

The following are the policy principles;

- I. To uphold the best interest of the child in all situations.
- II. To ensure respect for human dignity, accountability, non-discrimination, equity and equality in relation to children.
- III. To ensure accessibility of services and participation by children
- IV. To commit every individual adult to take responsibility to protect the rights of the child regardless of the individual's relationship with the child.

1.5. The Mandates of the Children Directorate

This directorate's mandate shall include;

- I. of programmes and institution for children's care and development
- II. Administration, Development and Implement policies and programmes on child protection and care

- III. Enforcement of policy, guidelines and standards on child protection, participation, care, rehabilitation and reintegration of children in the County
Management of children services in the county
- IV. Networking with relevant government departments, public and private agencies to ensure the efficiency and effectiveness of all social programmes established in the interest of all children in the County.
- V. Establishing and coordinating children assemblies
- VI. Monitoring and Evaluation of all children's programmes in the county.
- VII. Monitoring and regulating the activities of organizations dealing with children to ensure they meet the standards e.g. monitoring and regulating childcare facilities.
- VIII. Placement and follow up of children in foster care
- IX. Rehabilitation and reintegration of street children in the community
- X. Psychosocial support to dysfunctional families with vulnerable children
- XI. Monitoring of all children's programmes in the county including child care facilities and charitable children institutions.
- XII. Establishing and providing secretariat for Children Advisory Committees (CACs) at the County, Sub-County and Ward levels in collaboration with the National government.
- XIII. Coordination of the process of recruitment and supervision of Volunteer Children Officers (VCOs)
- XIV. Collaborating with the National government on the establishment of child protection centers, children courts, charitable children institutions and child help lines.
- XV. Collecting, collating and maintaining data on the management of children services in the county
- XVI. Sensitization and creation of awareness on child rights and welfare including celebrations of regional and international children days.

1.6 Duties and Responsibilities of Children

In pursuant to Article 31 of the African Charter, clear guidelines on the duties and responsibilities of children in the application of the rights of a child should be availed.

These shall incorporate:

- I. Work for the cohesion of the family.
- II. Respect for parents, superiors and elders at all times;
- III. Service to the community;
- IV. Preservation and strengthening of social and national solidarity including responsible citizenship; and
- V. Preservation and strengthening of the positive cultural values of the community.

1.7. The Rationale of the Policy

The Policy is organized according to the four pillars of the UNCRC which are; **survival, development, protection and participation**. The policy also covers the regulatory framework for children services, institutional framework, monitoring and evaluation as well as compliance to the policy. Each policy issue cover a brief review about the policy issue, key sub themes for each issue, policy statements for each sub issue and strategies for implementing each policy issue. In an attempt to promote and protect the rights of children in Bungoma County, the government developed the County Children Policy 2023. The Policy is organized according to the four pillars of the UNCRC which are; **survival, development, protection and participation**. Coordination and Monitoring and Evaluation (M&E) mechanisms are important processes of any plan of action and have been incorporated in this policy. The development of this policy was conducted through an inclusive, participatory and widely consultative process with representation of key stakeholders among them children, county departments, county government departments and agencies, development partners, non-state actors, community and faith based organizations working with and for children.

CHAPTER TWO: LEGAL OBLIGATION AND POLICY FRAMEWORK

2.1. Policy Legal Obligations

2.2.1 Right to Survival

Article 6 of the United Nations Convention on the Rights of the Children (UNCRC) recognizes that every child has an inherent right to life and that state parties shall ensure, to the maximum extent possible the survival and development of the child. It further states in Article 24, that children have the right to good quality healthcare, to safe drinking water, nutritious food, a clean and safe environment, and information to help them stay healthy. The article further underscores the right of the child to the enjoyment of the highest attainable standard of health and to facilities for treatment of illness and rehabilitation of health. Health is therefore of central importance because the enjoyment of various other rights is based on the extent to which health is secured.

Article 14 of the African Charter on the Rights and Welfare of the Child (ACRWC) recognizes that every child shall have the right to enjoy the best attainable state of physical, mental and spiritual health. Article 43 (a) of the Kenya Constitution states that “Every person has the right to the highest attainable standard of health, which includes the right to healthcare services, including reproductive health care; access to reasonable standards of sanitation; to be free from hunger and have adequate food of acceptable quality; to clean and safe water in adequate quantities; and a person shall not be denied emergency medical treatment”.

The Kenya Vision 2030 Medium Term Plan (MTP) II states that the Government will put emphasis on universal access to healthcare, preventive and primary healthcare, clean water, management of communicable diseases maternal and child health, and non-communicable diseases. It will also invest in medical research, pharmaceutical production and health tourism as a means of diversifying external revenue sources and serve as a regional hub for health services.

2.1.2. Child Development

The legal framework for child development is anchored in the UNCRC, ACWRC, the Constitution of Kenya 2010, the Children Act 2001 and the National Children Policy 2010. The different line ministries and departments have policies, standards and guidelines that are aligned to these instruments and include:

- The Children Act (2022)
- The Basic Education Act (2013).
- Teachers Service Commission Act (2012).
- The National Special needs Education Policy framework (2009).
- National School Health Policy (2010).
- National Early Childhood Development Policy Framework (2006).
- Policy for Alternative Provision of Basic Education and Training (2009).
- Policy Framework for Nomadic Education in Kenya (2010).
- The Guidelines for Child Participation in Kenya (2006).
- Guidelines for the Formation and Operation of Area Advisory Council, (2006).
- Training Resource Manual for Area Advisory Councils (2007).
- The Framework for National Child Protection System Kenya (2011).
- Good Practice in Child Care: A Manual for Children Caregivers (2011).
- Safety Standards Manual for Schools in Kenya (2008).
- Kenya Children Policy (2010).
- The National Police Service Act (2011).

The child's right to development is captured in the Children's Act 2001 and the UNCRC. The following articles in the UNCRC highlight the right to development; right to free and compulsory education, parental love and care (Articles 5, 7, 9 and 19), access to appropriate information (Article 17), Social security including social insurance (Article 26) and (Article 28), right to rest, play, leisure and recreation (Article 31). Evidence on country level achievements on child development is minimal with most information concentrating on education with little focus on play, recreation and leisure, parental and family care, and access to information. Despite

the existence of numerous policies and guidelines for children, there is gap in tracking their effects on holistic child development.

2.1.3. Child Protection

Key developments in the national legislation and policies in child protection: (since 2009) are:

- The UNCRC in various articles further outlines that state parties should protect children from drugs and substance abuse, child labor, child trafficking, sexual abuse and exploitation. Children should also be protected against the negative impact of information and communication technologies and media, retrogressive cultural practices and harm by caregivers. Moreover, there are categories of children requiring special protection including internally displaced children, children living with disabilities, refugees, children in conflict with the law and those in alternative family care.
- Article 39 of the UNCRC States that, parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child. Psychosocial support can offer both proactive measures for protection as well as healing through resilience building. This can be done through empowering children, families and communities on psychosocial care and support.
- Article 53 (1)d of the 2010 Kenya Constitution provides for protection from abuse, neglect, harmful cultural practices, all forms of violence, inhumane treatment and punishment, and hazardous or exploitative labor. Article 19 of the UNCRC states that children have the right to be protected from being hurt and mistreated, physically or mentally. Various articles of the African Charter provide for children's rights to protection and also define responsibilities of various duty bearers.

- The Kenya National Children’s Policy 2010 provides that all children especially those with disabilities and those with special needs have a right to be protected from any harm that may interfere with their growth and development. The policy also proposes actions that ensure that children access birth registration and identity cards when they come of age. It also proposes systematic approaches to child protection.
- The Kenya Citizens and Foreign Nationals Management Service Act enacted in 2011.
- The Counter Trafficking in Persons Act, 2010.
- The 2010 Constitution prohibits marriage of persons under the age of 18. In addition, the Marriage Bill 2011 consolidates all marriage laws in Kenya to remove any discriminatory provisions with respect to boys and girls (e.g. different ages for marriage).
- Prohibition of Female Genital Mutilation Act, 2011.
- National Standards on Best Practice in Charitable Children Institutions in 2011.
- The Alcoholic Drinks Control Act was enacted in 2010.
- Standards of Practices for Child Protection Centers in 2010
- Standards for Quality Improvement for OVC services.
- The Guidelines for Alternative Care 2014.

2.1.4. Child Participation

- The Constitution (Article 10) allows citizen participation, which includes children.
- Vision 2030: which aims to make Kenya a globally competitive and prosperous nation? In the social pillar, which emphasizes a just and cohesive society, children’s issues are addressed in the gender, youth and vulnerable groups’ sub-sectors.
- Participation rights are provided for under the various sections and articles in UNCRC and ACRWC as follows:
 - In the UNCRC:
 - Article 12 - Respect for the views of the child.

- Article 13 - Child's rights to freedom of expression.
- Article 14 - Child's right to freedom of thought, conscience and religion.
- Article 15 - Child's right to freedom of association and peaceful assembly.
- Article 17 - Access to appropriate information.
- Article 21(a) - The right to informed consent of the person concerned.
- In the ACRWC, Article 31, responsibilities of the child in the African context are articulated.
- Children Act 2001 (Section 21), duties and responsibilities of the child are spelt out. Further, 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 (Section 4(4)).
- The National Children Policy that incorporates child participation as an integral component, on its own and as a means to achieving other rights. It recognizes that children are 'implicit' participants, beneficiaries and targets in Kenya Vision 2030. The Government has also created institutions with specific mandates to lead the implementation of policies and programmes aimed at fulfilling children's rights to participation. The establishment of the NCCS, the National Children Policy Participation Guidelines have offered institutional support to child participation.
- These three represent the most important milestones to institutionalize child participation in Kenya since 2009.
- Basic Education Act, 2013, includes a provision requiring a student representative to sit in the school board and election of student leaders (school prefects).
- Guidelines for Child Participation in 2006.

2.2. Right to Survival Policy Framework

Right to survival encompasses several issues including but not limited to the following:

2.2.1 Infant and Child Mortality:

As at 2014, the infant mortality rate stood at 39 deaths per 1,000 live births, down from 52 in 2008-09. The level of under-five mortality is 52 deaths per 1000 live births up from 74 in 2008-09. This means that at least 1 in every 19 children born in Kenya between 2008 and 2009, died before celebrating their third birthday (KDHS, 2014).

The County Government shall endeavor to:

- I. Conduct awareness programs on dangers of self-prescription and Support measures to reduce infant and child mortality.
- II. Support Measures to prevent and manage childhood illnesses, disabilities, injuries and domestic accidents.
- III. Disseminate Knowledge of child development as well as Improve knowledge on hygiene
- IV. Provision of services and Information, Education and Communication (IEC) on the importance of quality family planning, Ante-Natal Care (ANC), safe child delivery, breastfeeding, immunization, Post- Natal Care (PNC), good nutrition, HIV prevention, adolescent health, safe drinking water, environmental hygiene and sanitation.

2.2.2 Children with Special Needs,

Article 23 (children with disabilities) of the UNCRC states that children who have any kind of disability have the right to special care and support as well as all the rights in the convention, so they can live full and independent lives. The County Government of Bungoma shall endeavor to:

- I. Support sensitization programs to parents with children living with Disability.
- II. Subsidy for treatment and care for children who are in need of special treatment.
- III. Ensure early assessment, identification, care and management.

- IV. Establish and strengthen units for children with mental illness
- V. Establish Bungoma County rehabilitation centers for victims of substance abuse

2.2.3 Adolescent Health

According to the 2014 KDHS, 18 percent of children become teenage parents and this has not changed since the 2008-09 KDHS. The percentage of women who have begun child bearing increases rapidly with age, from about 3 percent among women aged 15, to 40 percent among women aged 19. The county Government of Bungoma shall endeavor to:

- I. Establish friendly adolescent centers and services be made available as well as conduct public education to parents on adolescent health.
- II. Harmonize the laws on age of sex consent as well as employ professional counselors.

2.2.3 Health Sector Service Delivery

Integrated health services encompass the management and delivery of quality and safe health services so that people receive a continuum of health promotion, disease prevention, diagnosis, treatment, disease management, rehabilitation and palliative care service through the different levels and sites of care within the health system and according to their needs throughout their life course. People centered care is care that is focused on the health needs and expectations of people and communities rather than on diseases. Patient-centered care is commonly understood as focusing on individuals seeking care, and encompasses clinical encounters as well attention to the health of people in their communities and their role in shaping health policy and services (WHO, 2015). The County Government of Bungoma shall endeavor to:

- I. Provide for child friendly Voluntary counseling and Testing (VCT) services and access to age appropriate anti retro viral (ARVs).
- II. Establish and support measures to reduce micronutrient deficiencies.
- III. Measures to control practices harmful to the health of the child.
- IV. Ensure safe drinking water is accessible to all households

- V. Ensure mandatory free access to services, Campaign to reduce stigma and strengthen capacity to collect and collate data on children with disabilities
- VI. Develop a county nutritional plan and Provide food to vulnerable children in institutions e.g. those living with HIV

2.3. Right to Development Policy Framework.

Child development refers to the biological, cognitive and socio-emotional changes that take place in human beings between 0 - 18 years of age (Santrock, 2010). Child development can be understood from various dimensions physical, social, emotional, cognitive and spiritual.

- I. Physical development refers to growth and ability of a child to use his /her body and physical skills.
- II. Social development focuses on child's ability to relate positively with other people at different stages of life.
- III. Emotional development pertains to a child's inner feelings and reactions towards different situations.
- IV. Mental development is the ability of a child to have healthy brain development that enhances their abilities for decision making, problem solving and language development.
- V. Psychosocial development is an integral part of children's holistic development with emphasis on intellectual, social and emotional development. It includes increasing capacities for analysis, perception, cognition, decision making, interpersonal relationships and responding appropriately to the environment (REPSSI, 2007). Holistic development ensures children's social and emotional development progresses simultaneously with their physical and cognitive development. It is informed by a range of skill areas including the child's physical and mental wellbeing, educational development, brain development, language and speech development, intellectual ability, creativity and the formation of identity.

2.3.1 Early child development education:

Early Child Development Education (ECDE) is important to build a strong foundation for cognitive, socio-emotional and health development that maximizes on the child's learning potential. The Sessional Paper (2012) proposes the integration of health and nutritional support for under-five year olds attending day care centers and ECDE to enhance holistic child development. Kenya Constitution 2010 devolved the management of ECDE to the county level so as to ensure all children below of 5 years have access to ECDE. Gross Enrollment Rate (GER) increased from 60.2 percent to 66.3 percent, whereas Net Enrollment Rate (NER) increased from 43.0 per cent to 53.3 percent in 2012 against a target of 76.6 percent. (MTP II). Despite the gains, the sub-sector still faces several challenges such as inadequate resource allocation and weak institutionalization of the existing policies and guidelines. Low levels of NER are attributable to low participation across the country because ECDE is not mainstreamed into basic education (MTP II).

Policy Statement: The CGB shall ensure;

- I. Provision of equitable access to quality and adequate educational facilities, with safe drinking water and separate sanitation facilities for boys and girls.
- II. Develop, safeguard and fully equip the ECDE centers with equipment and facilities.
- III. Create units for children with special needs to ensure 100% enrolment and transition of school children
- IV. Provision for free feeding programmes for the needy and vulnerable children in schools.
- V. Employment and training of teachers with skills on special needs

2.3.2 Special needs education

It is estimated that only 2-3 percent of disabled children in poor countries go to school (World Bank, 2009). In Kenya this has been achieved through the 3464 special needs institutions out of which 2713 are integrated and 734 are special needs schools. One of the major achievements in special needs education has been the integration of special needs education in primary schools through promoting inclusive education. Evidence shows that the distribution of the schools does not meet the demand. A major challenge for the county is lack of data on children with special needs to inform effective special education service delivery and planning. Under this Policy the CGB shall;

- I. Establish an assessment resource centers for children with special needs
- II. Design and develop vocational training centers for children and youth in special needs education and equip them with necessary equipment
- III. Employ and train lecturers and staffing in vocational centers with special needs skills.

2.3.3 Non-formal education (NFE)

Non-formal schools in Kenya are located in urban slums and arid and semi-arid regions. Civil Society Organizations (CSOs) and religious institutions are the key drivers of this sector. Non-formal school education poses challenges of performance and transition to secondary school due to non-certified and uncoordinated teachers compromising quality education, sub-standard teaching and learning material, lack of clear policy guidelines for the players in the sector, lack of data on NFE pupils and lack of a monitoring and evaluating mechanism (MOE, 2010).

Policy Statement: The CGB shall ensure Provision of alternative quality Non-formal Education (NFE) within education policy framework for children unable to access formal education.

2.3.4 Recreation, leisure, play and cultural activities

Article 12 of the ACRWC states that States Parties must recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts. It further states that States Parties shall respect and promote the right of the child to fully participate in cultural and artistic life and shall encourage the provision appropriate and equal opportunities for cultural, artistic, recreational and leisure activity. The government has put measures in place to promote recreation, leisure and play. In the National Children Policy 2010, the government provides for provision of child friendly and well equipped community parks for play and leisure, for the continued holistic development of children (NCCS, 2010). The challenge is the institutionalization of the policy in the overall child development sector.

Policy Statements: The CGB shall ensure;

- I. Promotion of appropriate and child friendly physical education (games, sports) and other types of recreational as well as cultural and scientific activities in schools, community centers and other institutions.
- II. The CGB shall ensure provision of child-friendly and well equipped community parks that are universally accessible and suited for all categories children.
- III. The CGB shall Promote and inculcate the importance of play and leisure for the continued holistic development of the child.

2.3.5 Access to appropriate information

Children have a right to accurate and appropriate information for socialization and to prepare them for various challenges in life. Sources of information for children include family members, schools, religious institutions, peers, and electronic and print media. The challenge is the cost of accessing child-friendly content and the emergence of various information sharing platforms that expose children to inappropriate content. A weak legislative and policy environment has exposed children to inappropriate content.

Policy Statements:

- I. The CGB should ensure that the county Assembly of Bungoma Enact legislations and policies to regulate the media and ensure that children do not access
- II. Provision of age-appropriate and gender responsive information, life skill and materials at all levels of child development.

2.3.6 Parental and Family Care

Parents and families have the most direct and lasting impact on a child's learning and development of social competence (Adams & Baronberg, 2014) .The government has developed policies that promote parental and family care for children by encouraging family, kinship, foster care, adoption and guardianship. The breakdown of the African social support system coupled with man-made and natural disasters have led to family disintegration that exposes children to risks. These effects have compromised the quality of parenting, child growth and development. There has been an increase in children living in the streets, child-headed households, children living with elderly caregivers and numerous cases of anti-social behavior in children.

Policy Statements:

- I. The CGB shall promote programmes to strengthen family ties so that full potentialities of growth of children are realized within the family, neighborhood and the community environment.
- II. The CGB shall encourage foster care and adoption as alternatives to loss of parenting.
- III. Advocate and promote programmes on effective parenting.

2.3.7 Cultural and Artistic activities:

As children grow, they are entitled to understand and identify with their cultural and artistic activities. It is the duty of the county to encourage positive cultural and artistic development.

Policy Statement: This shall be achieved through among others:

- I. Encouragement and institutionalization of regular cultural events to foster positive cultural values.
- II. Encouragement and infusion of cultural and artistic activities in the school curriculum at all levels and for all categories of children.

2.4. Right to Protection Policy Framework

Child protection refers to preventing and responding to violence, exploitation, neglect and abuse against children - (UNICEF, 2006) as documented below:

2.4.1 Protection of Children's Identity and Registration

The Constitution guarantees registration and nationality at birth. Like most border counties children in Bungoma County have always been discriminated for registration and identification by the national government. Departments dealing with national identity cards, registration of persons, births and deaths have been consolidated through the Kenya Citizen and Foreign National Management Services Act 2011. Birth registration for current birth, up to when a child is 6 months old, is free after which it is considered a late registration and attracts a fee. This is compounded by strict procedures that deter parents from registering their children. The CGB shall ensure that every child particularly the children with disabilities and those with special needs have a right to identity and registration at birth. This is guaranteed through naming, right to nationality and the continued preservation of identity. This shall be ensured through among others:

- I. Lobbying and advocacy on the importance of child birth identity and registration at birth.
- II. Accessible, less bureaucratic and affordable registration procedures for birth and acquisition of identity cards for all children regardless of their status in the society.
- III. Ensuring that the decentralization of birth and identity card registration centers countrywide works in sub-counties and wards.

2.4.2 Protection of Children with Disabilities and Child Neglect

According to the Kenya Social Protection Sector Review 2012, the total number of children with disabilities is 349,086. Considering the stigma associated with disability in Kenya, the real figure may be much higher. Children living with disability may be deprived of child protection and are likely to become victims of child abuse and neglect. Children living with disability are also vulnerable to sexual abuse. Child neglect constitutes the largest percentage of child protection cases reported to the Department of Children's Services, rising from 21,496 to 49,057 during the period 2005-2010. According to the Department of Children Services, majority of the cases involve neglect by fathers. The CGB shall:

- I. Ensure that all children shall be protected from physical and psychological abuse, neglect and any other form of exploitation including sale, trafficking or abduction by any person
- II. Ensure that disabled child shall be treated with dignity, and to be accorded appropriate medical treatment, special care, education and training free of charge or at a reduced cost whenever possible.
- III. Adopt or Develop Guidelines on Identification and Referral of Children with Disability and Special Needs for health workers and well as caregivers.
- IV. Ensure that there are adequate institutions and expertise in the county to address the needs of children living with various forms of disability.
- V. Provide an economic enabling environment to ensure that parents and families can afford to support children.
- VI. Work hand in hand with the National Government to ensure the existence of social protection policies and programmes.

2.4.3 Protection from Child labor

The sectors that mostly use child labor are agriculture, domestic work, informal sector, mining and fisheries (KNBS, 2005). Every child shall be protected from economic exploitation and any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development. The CGB shall:

- I. Advocate for programmes that prevent and protect children from child labour.
- II. Ensure provision of social protection services especially access to education for all children as well as life skills to deter children from seeking employment.
- III. Ensure enforcement of all laws related to child labor.
- IV. Provide appropriate and marketable vocational skills for all school dropouts with provision of educational bursary fund.

2.4.4 Protection from Drug and Substance Abuse

Drug and substance abuse among children and youth is majorly caused by unemployment, neglect, violence, sexual abuse, poverty and other related social problems. In an attempt to address the problem of drug and substance abuse the Government established National Authority for the Campaign Against Drug Abuse (NACADA) in July 2012 with a strengthened mandate to coordinate and harmonize drug abuse prevention, education and awareness. The National and County Government ministries and departments respectfully are required, through performance contracting, to report on drug-related activities. It is widely recognized that children living with parents with alcohol-related problems are more at risk of depression and low self-esteem, and that substance abuse during adolescence is the single most predictive factor for being dependent on drugs as an adult. The CGB shall ensure that all children in Bungoma County deserve to be protected from drugs and substance abuse. This can be achieved through among others:

- I. Establishing measures to strengthen and enforce existing laws against drug trafficking and abuse in the county.
- II. Provide accessible and affordable rehabilitation and rescue centers, equipped with qualified personnel and equitably distributed in the Sub-Counties for children who abuse drugs and other substances as well as medical care to children addicted to drugs.
- III. In conjunction with the National Government ensure that there is incorporation of the dangers of drug abuse into school curricula.
- IV. Provision of specialized staff in all children institutions to detect and deal with drugs and substance abuse.

- V. Provision of more recreational facilities with varied activities to engage children fully during times of leisure especially during the holidays.

2.4.5 Protection from Parental, Family and Caregivers

Results of the Violence against Children Survey (VACS) Kenya 2010, indicated that parents were the main perpetrators of emotional violence. Poor parenting skills have been associated with child abuse and neglect. Inability to understand behavioral changes at various levels of child development and inappropriate reactions by parents such as corporal punishment, lack of understanding of consequences of action or inaction, which contribute to improper parenting. Parents therefore need more access to information that will improve their parenting skills and probably a curriculum on the same. The CGB shall ensure that protection against harm by parents and caregivers can be enhanced through among others:

- I. Provide measures to support wider dissemination and implementation of the Sexual Offenses Act 2006 and the Disability Act (2003).
- II. Provision of IEC programs to raise awareness on the rights of the children and forms of child abuse by caregivers.
- III. Provision of a free and accessible channel to air complaints of child abuse especially for right claimers
- IV. Make an effort to create awareness to the parents and parents to be on the importance of sound parenting need to minimize emotional violence among children.
- V. Through the County administration structures, ensure that all children shall have a right to live with and to be cared for by their parents.

2.4.6 Protection from Child trafficking

Trafficking and sexual exploitation of children continues to be a major concern, especially in the tourism industry in urban centers. Internal human trafficking is the most common form of trafficking in Kenya with women and children being easy victims. It occurs primarily from rural to urban areas. Reporting cases continues to be a challenge since many children as well as adults lack confidence in the effectiveness of the authorities to handle reported cases (KAP, 2011).

The CGB shall ensure that Children should be protected against being moved within the county or across borders, whether by force or not, with the purpose of being exploited by:

- I. Involvement itself as a primary stake holder and other duty bearers in the rescue and rehabilitation of all vulnerable children for trafficking.
- II. Enactment and enforcement of a comprehensive anti-trafficking law in line with national and international standards.
- III. Ensuring that families of vulnerable children have access to social protection services.

2.4.8 Protecting Children in Conflict with the Law

The Kenya Constitution provides for protection of children in conflict with the law (Article 53,1F). Legal aid for children in the justice system is inadequate. The CGB shall provide protective measures which shall include among others:

- I. Collaborate with the National Government and Judiciary to ensure provision of child friendly and gender responsive judicial systems.
- II. Ensuring that there are measures and mechanisms to re-integrate children in conflict with the law back to the community.
- III. Promotion of the utilization of the diversion process for children in conflict with the law.
- IV. Provision of accessible and free legal aid to all children.
- V. Develop policies that establish infrastructure that promote legal systems for children in the county.

2.4.9 Protection from Retrogressive cultural practices

Female Genital Mutilation/Cutting (FGM/C) is widely practiced in many Kenyan communities including Bungoma County. The practice poses risks to the health and even the life of the girls and violates human rights. Western Region recorded the lowest prevalence at one percent. Other forms of retrogressive cultural practices include child marriages, cattle rustling, and taboo children among others. These practices generally lead to physical, sexual and emotional abuse of children.

The CGB shall ensure all children shall be protected from retrogressive and repugnant cultural, beliefs and practices. The following necessary measures shall be used to ensure that No person shall subject a child to female circumcision, early marriage or other cultural rites, customs or traditional practices that are likely to negatively affect the child's life, health, social welfare, dignity or physical or psychological development:

- I. Provision of Information, Education and Communication (IEC) programs to discourage retrogressive and repugnant cultural beliefs and practices.
- II. Enforcement of legislation and Plan of Action against Female Genital Mutilation and Cutting (FGM/FGC) and child marriage.
- III. Provision of temporary child friendly shelters for those rescued from retrogressive and repugnant cultural beliefs and practices.
- IV. Mechanisms for ensuring that the property of deceased parents transcends to orphaned children regardless of their age or sex.

2.4.10 Protection from Violence and Exploitation

Results from the national survey on violence against children conducted in 2010 established that violence against children is threefold (UNICEF, CDC & KNBS, 2012):

- I. **Sexual violence and exploitation:** which involves unwanted sexual touching, attempted unwanted sex, physical forced sex, receiving money in exchange for sex among others?
- II. **Physical violence:** involves physical acts of violence such as being slapped, pushed, hit with a fist, kicked, or whipped, or threatened with a weapon such as a gun or knife.
- III. **Emotional violence:** *which* entails emotional abuse such as verbal abuse, being made to feel unwanted, or being threatened with abandonment.
- IV. **Corporal Punishment:** All children have a right to be protected from physical violence such as hitting, kicking, beating, bites, burns as well as corporal punishment, among others.

Under this thematic area of the Policy the CGB shall provide appropriate measures for protecting children that include:

- I. Responsibility to provide protection, rehabilitation care, recovery and re-integration into normal social life for any child who may become a victim of sexual violence, armed conflict or natural disaster.
- II. Working in collaboration with the County Assembly of Bungoma (CAB) to formulate and enforce legislations on child sexual abuse and exploitation.
- III. Affirmative action against sexual offenders against children, at the county level should be put in place.
- IV. Providing programs and life skills for vulnerable children especially girls including children of commercial sex workers.
- V. Providing child protection systems to receive and respond to cases of children who are victim of sexual violence, armed conflict or natural disaster.
- VI. Establishment of temporary shelters for children who have victim of sexual violence, armed conflict or natural disaster.
- VII. Ensuring enforcement of laws on corporal punishment and other forms of cruel and degrading punishments.
- VIII. Lobbying and advocating for alternative forms of disciplining children.

2.4.11 Children and Information and Communication Technologies

Information and Communication Technologies (ICTs) have exposed children to new forms of abuse such as child pornography or exposure to pornographic material, cybercrime, child trafficking and kidnapping. While evidence shows an increase in these forms of child abuse, public awareness of ICT related child abuse remains low and legislation has not been effectively used as a deterrent. The law enforcement system is not adequately equipped to prevent and respond to this emerging form of child abuse. Additionally, there is need for more research to understand the magnitude of child abuse associated with ICT in Kenya.

Children are susceptible to harmful information through ICT and media. There is therefore need for the state, stakeholders and other key persons in a child's life to ensure that the child is protected against possible harm. The specific measures of protection include among others:

- I. Ensure every child shall have the right to access appropriate information from online sources, and also be adequately protected from the harmful misleading information that weakens their social and personal values.
- II. Instituting legislation on the use of Internet by children while incorporating clear guidelines and regulations on pornography and other criminal related exposures.
- III. Awareness programs for the duty bearers on the dangers posed by exposure to uncontrolled media and pornographic materials.

2.4.12 Social Protection of Orphans Vulnerable Children (OVC)

Since 2009, Kenya has piloted and implemented a wide range of social protection initiatives, many of which have benefited Orphans and Vulnerable children (OVC). These initiatives have had varying levels of success and there is need to improve on targeting, participation of communities, identification of sustainable social protection programs and involving County Governments and civil society in advocacy and awareness creation. Appropriate measures to protect orphans & vulnerable children (OVC) shall include:

- I. The CGB shall establish and strengthen children social protection programs in the county.
- II. Support for parents, families and care givers
- III. Strengthen and support structures and community system take care of the orphans & vulnerable children (OVC)
- IV. Provision of treatment, care and support to children including their parents and caregivers.

2.4.13 Protection of Children under Foster Care Arrangements

One of the major strides in alternative care is the launch of Guidelines for Alternative Care for Children and Minimum Standards for Charitable Child institutions (CCIs).

The Government of Kenya estimates that there are 2.4 million orphaned children due to various causes (GOK, 2014). There are approximately 48,000 children in formal alternative care arrangements in Kenya (SOS Children's Village, 2013). There are approximately 1.2 million children in Kenya orphaned by Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS) related deaths and often need alternative care arrangement (UNICEF, 2015). Most of these children are separated from their parents due to parents' death, poverty, natural disasters, and disintegration of families through separation and divorce. An estimated one million of these children have lost one or both parents to AIDS. The bulk of alternative care in Kenya, just like in most countries in Africa, is however provided by informal arrangements. Children in informal alternative care arrangements are also more likely to be abused, including child labor, sexual exploitation, engaging in risky behaviors such as drug and alcohol abuse (Save the Children, 2012). Although community care, adoption, foster care and charitable children's institutions have been found to be viable alternatives for childcare, all children living under these arrangements must be protected against any possible abuse and exploitation. This shall be achieved by among others:

- I. Domestication of the provisions of the Hague Convention on Inter-country Adoption.
- II. Reasonable efforts undertaken by adoption societies to avoid the separation of siblings while placing children for adoption.
- III. Provision for CCIs to operate as the last resort and temporary measure for children as they await appropriate placement and alternative family care within the community.
- IV. Strengthen and support the structures and community systems that take care of the orphans and other vulnerable children (OVC).

- V. Ensuring that Charitable childcare Institutions (CCI) have facilities to ensure they provide adequate and fulfilling living space for the children that live within their walls.

2.4.14 Protection from Disasters and Climate Change

Children constitute 50-60 percent of those affected by disasters, wars and conflicts (CPWG, 2013; Save the Children, 2014). An analysis of management of internally displaced persons camps in the aftermath of the Kenya post-election violence in 2007/8 indicated that children were often abused by adults - including sexual abuse, child labor and trafficking (Organization Mondiale Contre la Torture, 2008). Man-made disasters such as terrorism related activities in Kenya also pose a further challenge. According to a 2008 UNICEF study children are more susceptible to the adverse effects of environmental degradation compared to adults. Climate change has been linked to disasters such as drought and floods, ethno-political and resource-based conflicts, and outbreaks of human and livestock diseases. (GOK and UNICEF, 2014). Child protection risks due to disasters, wars and conflict are common yet the national disaster preparedness unit does not have adequate guidelines and programs to protect children. The existing legal framework in Kenya does not allow children to be recruited in the armed forces or to engage in active combat directly or indirectly. It is imperative that in times of natural calamities and civil unrest, a country must accord children priority for protection and relief. The necessary measures for this include but not limited to:

- I. Provision of disaster preparedness measures with particular attention to children, pregnant and nursing mothers.
- II. Promotion of community capacity building in preparedness, response, rehabilitation and reconstruction, mitigation and management of disasters.
- III. Measures to support and strengthen child protection mechanism for areas prone to conflict including handling of arms by child soldiers.
- IV. Ensuring existence of post trauma counseling services to children and families affected by conflict.

- V. Take more ambitious mitigation measures to minimize the future negative impacts of climate change on children.
- VI. Provide policy coherence of the county to ensure that children's rights considerations are integrated in the county climate, disaster risk reduction and development activities.
- VII. Improve the understanding of the relationship between climate change and children's rights. This can be done through disaggregated data collection, impact assessments with respect to children's rights, and improved reporting on children's rights and climate change to relevant UNFCCC and human rights mechanisms.

2.4.15 Protection of Street Children

It is estimated that in Kenya around 250, 000 - 300, 000 children live and work on the streets. Most of them come from rural areas and from large poor families or single parents (Consortium for Street Children Organization in Kenya 2007). The main reasons that push children to the street are socio-economic factors, poverty, and lack of care in the family setting. Many children list lack of food, abuse and lack of access to education as the direct reasons for leaving their homes. The major pull-factor is the ability to make money (NCCS 2014). On the street most children face lack of food, shelter and harsh weather and face harassment from the police and other security agents. Child prostitution is high among these children, as they seek protection, money or food to sustain them. These children are floating in nature and they may live in one place for some time and then move to other places. They are detached from their family or parents. They usually sleep at night on the roadside, bus stations, park, and abandoned houses and public places. The CGB shall work to ensure that street children have strong legal protection, effective policies and appropriate interventions by:

- I. Initiate a children social mobilization program aimed at empowering rural communities to curb rural urban migration.
- II. Provision of rehabilitation assistance to children already on the street.
- III. Provision of access to social services for street children

2.5 Child Participation

The right to participation means that children have the right to form and air views, right to expression, right to thought, conscience and religion, right to 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. These rights ensure that children's views and ideas are considered in all matters that affect them in society. The CGB shall ensure that every child shall have the right to form and air views, right to expression, right to thought, conscience and religion and right to association. Due to socio-cultural influences, children are ignored in key decisions that impinge on their welfare hence, the call to underscore their participation as a right. All children shall participate in all areas relevant to their gender and age. This shall be facilitated through such measures as:

- I. Provision of appropriate and accurate information at all stages in their growth to enhance their participation in regard to expression of opinion.
- II. Provision for appropriate forums to promote association and expression of opinion for all categories of children, at all levels, with proper representation by region, age and gender.
- III. Popularization of the already existing child participation guidelines to the public in Bungoma.
- IV. Strengthen county and local mechanisms for participation through children assemblies at county, sub-county and ward levels.
- V. Conduct a perception barrier analysis survey to address the societal perception on child participation and implement its recommendations. Review the Guidelines for Child Participation and have them translated to a popular version as well as a child-friendly version.
- VI. Provide children in contact with the justice system with state funded legal aid to realize their participation in the administration of justice to the fullest.

CHAPTER THREE: CO-ORDINATION OF THE POLICY ACTIVITIES

3.0. Introduction

To ensure harmonized and sustainable service delivery for children, the Policy will be coordinated at various levels through the County Children Advisory Committee as well as Sub County and Ward Children Advisory Committees. This will help to ensure joint government and stakeholder planning, implementation and reporting.

3.1. Institutional Coordination Framework Levels

The department of Gender, Culture, Youth & Sports, through the directorate of children services will coordinate the implementation of this policy. The directorate shall establish Children Advisory Committees (CACs) at the county level, sub county and ward levels as provided for in the Children Act, 2022 as follows:

3.1.1 The County Children Advisory Committee (CCAC)

The Committee is composed of Members drawn from line National Ministries & Agencies, County Government Departments & Agencies, Public Benefits Organizations, Community Based organizations and Faith Based Organizations as provided for in the Children Act, 2022. The secretary to the council is the Director of the Children's services. The Council is headed by the chairperson who is appointed by the Governor and the members are appointed by the CECM of the department GCY&S. The Committee shall perform its functions as provided for by the Children Act, 2022.

3.1.2 Children Advisory Technical Working Groups

The Children Advisory Technical Working Groups (CATWGs) operationalizes the Council's mandate for the specific thematic areas. The council has four Technical Working Groups (TWG), one for each thematic area that meets on a quarterly basis to guide service delivery in the children sector. The secretariat shall provide support to these TWGs:

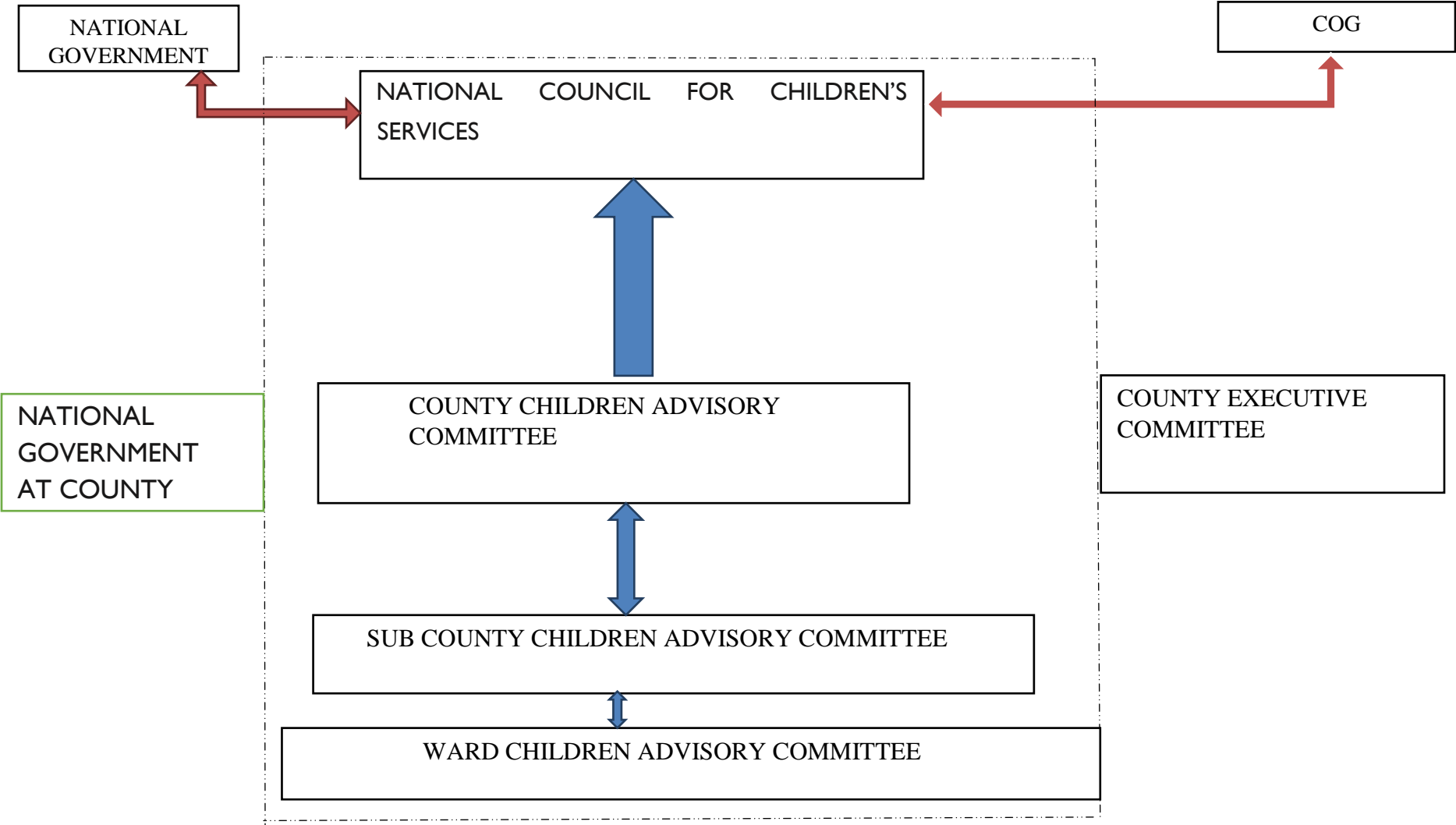
- I. Planning, Research and M&E.
- II. Resource mobilization, management and organizational development.
- III. Policy development and legal issues.

IV. Advocacy, media, participation and partnerships.

3.1.3 Sub-county and Ward levels

The Sub Counties and Wards Children Advisory Committees shall be established and carry out their functions as provided for by the Children Act, 2022. The Committees will meet on a quarterly basis and will draw their mode of operation from the Policy guidelines given. CCAC will streamline service delivery through promoting a harmonized standards and regulatory system that enhances; regulation of the child protection workforce and providers, mainstreaming quality assurance and improvement, standardization of child protection service delivery and supporting research and evidence base for child protection.

Figure 1: Policy Institutional Framework



3.2. Resource Mobilization

The CCAC resource mobilization strategy guides all resource mobilization initiatives and links with child sector service providers to support resource mobilization for the council. The CCAC will form an inter-agency coordinating committee that will steer fundraising for its activities besides government's allocation (National and County).

The following are focus resource sources for CCAC;

- I. The Parents & Families
- II. The Community
- III. The Public Benefits Organizations
- IV. The Private Sector
- V. The Development Partners.
- VI. The County Government.
- VII. The National Government.

3.3. Capacity Building

To guarantee successful coordination and implementation of this policy, the Committee and its affiliates should ensure that human resources management and development provide for these conditions:

- I. Capacity building for the child sector workforce through needs-based training is undertaken regularly during the plan period at all levels.
- II. Results-based management is adopted at all thematic areas of the department's section levels.
- III. The Council will be expected to develop and implement work plans in line with Policy.
- IV. Enhanced Supervision for providers through the - development of a child sector supportive supervision checklist and guidelines for cross learning.

CHAPTER FOUR: MONITORING AND EVALUATION

4.1. Introduction

The Constitution of Kenya 2010 articles 10, 56, 174, 195, 201, 203, 225, 226 and 227 stipulate that monitoring and evaluation is an important part of operationalizing government activities. This is to ensure transparency, integrity, and information access and accountability principles. One of the flagship projects under the Kenya Vision 2030 is the development of an integrated data management system for children, which will collect sex disaggregated data that will guide policy, planning, budgeting, programming and reporting. In this regard The National Council for Children Services has developed and is rolled out a National Children database that gives real time status on the situation of children in Kenya. The database enables service providers to continuously report on activities they are undertaking to improve the welfare of children. The service providers include the Department of Children's Services (Child Protection Management Information System), Kenya Police, Ministry of Health, and Civil Society Organizations (CSOs) among others. The department shall conduct a prefeasibility study on children issues in the county and document a data base on the findings for effective decision making.

4.2. Monitoring and Evaluation Framework

The Monitoring, Evaluation, Accountability and Learning Framework (MEAL) is a critical component of this policy which will provide quality performance information for decision making. The framework shall standardize the data collection, analysis, and storage and dissemination process. The ultimate responsibility of implementing the M&E framework for the policy lies with CCAC supported by line departments and agencies. Entry point for reporting will be through the Thematic Working Group starting at the Ward-Sub-County County levels. The Technical Working Group on M&E will support CCAC in operationalization of the Framework.

The County Children Advisory Committee, National and County government departments & Agencies and development partners shall put in place the necessary infrastructure and capacity enhancement for monitoring, evaluation and reporting of the policy.

4.2.1 Information sharing and Dissemination

Information sharing will be two way starting from ward, sub-county and county level. The children officers at different levels are tasked with coordinating and collecting information from service providers using a standardized reporting format. The data will feed into the County children database.

4.2.2 Monitoring

The ward and sub county coordinator for Children shall work in collaboration with the county monitoring and evaluation SWGs to monitor the implementation of the policy at the sub county and ward level. The CCAC will conduct quarterly monitoring and support supervision to the counties to ascertain implementation of the policy.

4.2.2. Evaluation

Internal and external evaluation of the policy will be done after every three years. The findings of the evaluation shall inform the review and update of the policy.

4.2.3 Research

In order to promote evidence-based interventions, CCAC shall put in place structures for conducting thematic and operational research as and when required. CCAC will also work the KNBS and National Council of Science and Technology (NCST) to establish a data resource for all research that has been done on children to improve accessibility and reduce duplication.

CHAPTER FIVE: POLICY COMPLIANCE AND REVIEWING

5.1. Compliance

All stakeholders shall comply with this Policy to ensure effective implementation of this programme. Compliance in this Policy is adhering to guidelines, standards, operating procedures and regulations. All Public Sector Institutions, Civil Society and Private Organizations that are registered with Government and handle public funds will be required to comply with the provisions of this Policy. Standards set out in this Policy document that guide the implementation processes shall be applicable across the County Government structures.

5.2. Compliance Requirements and Obligations Shall Include:-

- I. Reporting obligations according to agreed formats;
- II. Abiding by the principles of the policy
- III. Abiding by the agreed quality, quantity, time and standards. (These shall be defined and agreed with stakeholders)

5.3. Non-Compliance

Non-compliance to this Policy shall be managed in accordance with the relevant legal and regulatory provisions.

5.4. Review of Policy

This Policy establishes a framework for management of children service in the county. The practice, approach and tools for implementation will continue to evolve with time. As such this Policy will be reviewed through a participatory process after every 5 year in line with the implementation period for the MTPs for Vision 2030 and CIDPs, so as to capture relevant developments and emerging practices and approaches. There shall however be a continuous review process of the Policy as may be dictated by the relevant National Policy, Legislation & Regulations.