

# Njia Panda Ya Tumaini

Transforming Children's Lives

**SPECIAL JUVENILE JUSTICE EDITION**

E-newsletter

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## The Criminalisation of Kenya's Children

In Kenya it is effectively a criminal offence to be in need of care and protection (C&P)! This law regularly brings children unnecessarily into the criminal justice system which is not only slow and cumbersome, but is often abusive. With few facilities for children they are often held in adult cells with hardened criminals and may face serious abuse. Although the Children's Act stipulates that no child should be held for more than 24 hours without appearing before a judge, this time limit is often exceeded. A recent survey\* of 100 street children found that 99% of them had come into contact with the police, of whom only 2 found it a good experience and many claimed to have been physically abused by officers. Time held in the police cells was often much more than 24 hours and in one case a fourteen year old boy was held for over 6

months in police cells with adult offenders!

Once the child has been brought in front of the magistrate he or she may be committed to one of the notorious juvenile remand homes or an Approved School (borstal) depending on the severity of the crime committed and whether the child's family has been located. Often in cases of C&P the child will be

released to the family if found. Remand homes are draconian institutions where children are held often in overcrowded conditions with inadequate facilities. These conditions effect staff moral who often end up just controlling the children with little or no formative activities. Approved Schools on the other hand do educate children in either the primary school curriculum or in vocational skills. This however is taught with inadequate facilities and corporal punishment is widely used. Children released or escaping from either type of institution often complain of beatings by both staff and peers and all kinds of abuse by peers.



## Where we fit in



At NPYT we take a very pragmatic approach to reducing the number of children entering the criminal justice system. In Trans Nzoia District working with the authorities; police,

judiciary and Children's Dept, and offering them a real alternative to taking children into custody, we have reduced cases of children being charged under C&P to almost zero. At Birunda Rescue Centre we take any child in need, investigate the child's background, locate family and where possible reunify the family. While the children are at the centre remedial classes ensure that educational levels are maintained and with a staff to child ratio of about 1:5 meaningful intervention is possible. All staff are trained and experienced ensuring the children stay and develop in a caring and safe environment. When reunification is not possible then referral to a registered long stay children's home, like Liyavo, and re/entry into mainstream education is the only option.

## What you can do

If you have a case with a child and can find it in your heart not to prosecute, do so. We were all children once and we have all made mistakes. These do not make us criminals but are often calls for attention and compassion. If you are a Kenyan or know Kenyans make them aware of these repressive laws that make children into criminals and demand they are rescinded. If you run a children's home then please consider these children as desperate. Talk to your local police and magistrates and try and have them referred to you avoiding charges. If you are a police or children's officer please liaise with each other and treat our children humanely and as provided for in the Children's Act.



\*conducted by NPYT

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