Enhancing Children’s Participation and the Enforcement of their Rights: The Kenyan Experience

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Abstract

The CRC, ACRWC, the Children Act and the Kenyan Constitution envisage the participation of children by expressing their views in an effort to uphold their rights. The promulgation of the Constitution of Kenya of 2010 provided the impetus for developing a framework for establishing Children Assemblies. The Kenya Children Assembly (KCA) was adopted in 2010/2011 and coincided with the launch and operationalisation of the County Children Assemblies in all 47 counties. To increase children’s participation, the Department of Children Services formulated operational guidelines for the Children Assembly which would enhance the Assembly’s potential to reach marginalised children. These guidelines seek to develop effective child participation at all levels – in families, communities, organisations and institutions – and to provide practice standards aimed at providing skills for effective engagement with children as well as to protect children from abuse during participation. Several methodologies engage children in adult forums: drama, role-play, music, poetry, painting, sculpture, print and electronic media, child-led initiatives, child clubs, child-to-child forums and daily life in families and schools. Since its inception, the Kenya Children Assembly has made a significant contribution to children participation locally and regionally.

1 Introduction

Kenya is a signatory to the UN Convention on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of the Child (ACRWC). The right to participation as outlined in articles 12–15 of the CRC and article 7 of the ACRWC provides children with the means by which they can engage in those

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processes of change that will bring about the realisation of their rights and prepare them to play an active part in society and inspire change.

These have been domesticated and incorporated into Kenyan legislation through the Children Act of 2001. The recently enacted Constitution of Kenya (2010) also outlines progressive child rights provisions. Apart from these two comprehensive laws, there are other pieces of legislation enforcing the rights of children in different situations. The significance of these laws and policies has seen the country develop and implement programmes aimed at improving the situation of children by enforcing specific rights.

Various institutions in Kenya are mandated with the enforcement of children rights, from the central government to the lower tiers of government at the community level. The Constitution of Kenya provides for a comprehensive Bill of Rights. Article 56(d) provides that the state shall put in place affirmative action programmes designed to ensure that minorities and marginalised groups develop their cultural values, languages and practices. The rights of children are covered under article 53, which, inter alia, provides for safeguards for the rights and welfare of the child, and under Chapter 11, which provides for a devolved government to facilitate easier access to services for the people.

National statistics show that the majority of children in Kenya are deprived of one or more of their human rights. Seven-point-eight million children are deprived of access to safe drinking water; 15.8 million are deprived of access to improved sanitation; 13.1 million have inadequate shelter; 5.3 million aged 6–17 years are deprived of adequate education; 1.1 million children under 2 years have not received all recommended vaccinations; 2.1 million children are stunted; and 5.2 million do not have access to information sources.2

Child participation is central to the development agenda. As part of their development efforts, the UN Member States pledged to meet eight goals by 2015. Six of the eight Millennium Development Goals (MDGs), namely MDGs 1–6, can best be met as the right of the child, health, education, protection and equality are protected. Carol Bellamy, a former director of UNICEF, stated that meeting the goals of a world fit for children and attaining the MDGs could be done only with the full participation of children and young people.3 In Kenya, children are recognised as implicit participants, beneficiaries and targets in the country’s Vision 2030 Development Plan.4