



REPUBLIC OF KENYA

# NATIONAL CRIME RESEARCH CENTRE

*Fighting Crime through Research*



## EFFICACY AND ADEQUACY OF CRIMINAL JUSTICE AGENCIES IN KENYA: THE CASE OF CHILDREN IN CONFLICT WITH THE LAW



DICKSON GITONGA NJIRU  
MARK SHIUNDU WASHISINO



**NATIONAL CRIME RESEARCH CENTRE**

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KENYA: THE CASE OF CHILDREN IN CONFLICT WITH THE LAW**

**SEPTEMBER, 2023**

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## FOREWORD

Kenya's Criminal Justice System is adversarial, while the juvenile justice system is not strictly adversarial, with the underlying principle being the best interests of the child. In this case, a child in conflict with the law is entitled to another chance in life. The efforts of society to rehabilitate such children should be sufficient for their developmental needs and in compliance with the principle of full respect for the rights of the child.

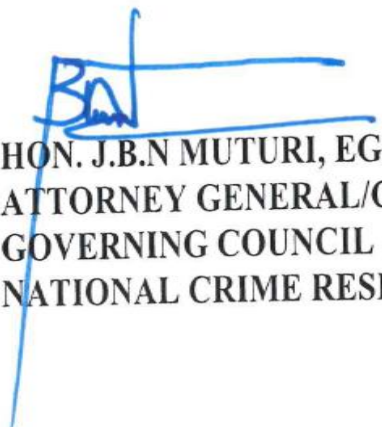
The rights of the child are defined in the 1989 UN Convention on the Rights of the Child as the first international agreement dealing with comprehensive protection of children's rights. The Constitution of Kenya 2010, Borstal Institutions Act (Cap 92), Criminal Procedure Act (Cap 75, Penal Code (Cap 63), Evidence Act (Cap 80), Probation of Offenders Act (Cap 64) Prisons Act (Cap 90), Children Act, No. 29 of 2022 and the Children in Conflict with the Law (Practice and Procedure) Rules, 2020 form part of the legal and legislative framework enacted by the Government to guide juvenile justice.

The National Crime Research Centre commissioned a study to assess the efficacy and adequacy of the criminal justice agencies to evaluate the programs and services in place for addressing the needs of children in conflict with the law. Article 47 (1) of the Kenyan Constitution 2010 calls for the right to administrative action that is expeditious, efficient, lawful, reasonable, and procedurally fair, article 48 recognizes access to justice as a fundamental human right, and Article 53(1) (f) states the need for the detention of children in conflict with law only to be considered as last resort and the best interest of the child has to be paramount.

The findings of the study revealed that the programs and services in place for addressing the needs of children in conflict with the law are still inadequate to meet the needs for desired rehabilitation outcomes. The children undergoing rehabilitation mentioned that they face neglect and rejection from parents and guardians that cause them psychological distress and trauma due to stigmatization.

The Constitution anticipates a criminal justice system that dispenses justice free and fairly. This study has established critical issues that shall go a long way in assisting the stakeholders in the criminal justice sector in instituting appropriate interventions to address the needs of children in conflict with the law.

I, therefore, call upon all the stakeholders in the criminal justice system to take cognizance of and utilize the findings and recommendations of this study in enhancing their services.



**HON. J.B.N MUTURI, EGH**  
**ATTORNEY GENERAL/CHAIRMAN**  
**GOVERNING COUNCIL**  
**NATIONAL CRIME RESEARCH CENTRE**



## ACKNOWLEDGEMENT

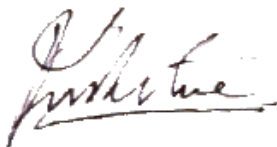
The National Crime Research Centre recognizes the tremendous contributions of the various individuals and institutions that contributed to the success of this study. In particular, the Centre is grateful for the strategic guidance provided by the Council members, led by the Hon. J.B.N MUTURI, EGH. Special thanks to the Research and Development Committee chaired by Mr. Samuel N. Wakanyua, Mr Dickson Mwakazi, Ms Mary Mbau, Mr. Maurice Tsuma, Dr. Resila Onyango, and Dr. Judith A. Oloo for valuable professional advice and input throughout the study period.

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The Centre also expresses its deepest gratitude to Research Officer Mr. Chrispnus Aben and Research Officer Mr. Joash Rono, who prepared the study proposal. Special thanks go to Public Service Interns 2023/2024 cohorts and all other NCRC researchers who coordinated field data collection and processing and ensured that authentic, high-quality data was collected, cleaned, encrypted, input, and analyzed. Your professionalism and team spirit in implementing this study were critical to its success. We also thank the NCRC's internal reviewers and the Head of Information Management Department's principal research officer, Ms. Phyllis Muriuki, for supervising the editing of the report with the external reviewer and external editor.

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I hope that the conclusions and recommendations of this study will stand the test of time and be instrumental in providing more informed criminal justice policies and programs in Kenya.



**DR. MUTUMA RUTEERE**  
**DIRECTOR/CEO**  
**NATIONAL CRIME RESEARCH CENTRE**

## **LIST OF ACRONYMS AND ABBREVIATIONS**

<b>ACRWC:</b>	African Charter on Human Rights and Welfare of the Child
<b>CCI:</b>	Charitable Children’s Institutions
<b>CPC:</b>	Criminal Procedure Code
<b>CPU:</b>	Child Protection Unit
<b>CSO:</b>	Community Service Orders
<b>CPIMS</b>	Child Protection Information Management System (CPIMS)
<b>DCS:</b>	Department of Children Services
<b>IACHR:</b>	Inter-American Commission on Human Rights
<b>KII:</b>	Key Informant Interviews
<b>KNBS:</b>	Kenya National Bureau of Statistics
<b>KCHR:</b>	Kenya National Commission of Human Rights
<b>NCRC:</b>	National Crime Research Centre
<b>NGO:</b>	Non-Governmental Organization
<b>PACS:</b>	Probation and After Care Service
<b>PRI:</b>	Penal Reforms International
<b>UN:</b>	United Nations
<b>UNICEF:</b>	United Nations Children's Fund
<b>UNODC:</b>	United Nations Office on Drugs and Crimes
<b>VPB:</b>	Victim Protection Board
<b>WPA:</b>	Witness Protection Agency
<b>YCTC:</b>	Youth Correctional Training Centres

## OPERATIONAL DEFINITION TERMS

**A Child in conflict with the law** refers to a child suspected or perceived to have committed an offense outlawed by the law.

**A Child** refers to any person below the age of 18 years as per Children Act No. 29 of 2022

**Adequacy** refers to whether the available services are enough to realize the expected functions.

**The best interest of the child** means the principles that advocate for the child's right to survival, protection, participation, and development above other considerations meet those expectations or requirements and include the rights contemplated under Article 53 (1) of the Constitution.

**Child protection unit:** a facility located at designated police stations that has been established to provide, on a temporary basis, a safe and non-threatening environment for children.

**Collective efficacy:** In the context of this study, it refers to the ability of criminal justice agencies to formally and informally take control of deviant behavior across society.

**Diversion:** Intervention and programs designed to divert children from the criminal justice system.

**Efficacy:** The term has been used to refer to programs and services precisely meeting their set objectives.

**Rehabilitation institution:** Refers to any institution that provides the reception, maintenance, training, and rehabilitation of children pursuant to an order of a court.

**Remand home** refers to a place of safety where children in conflict with the law may be committed under an order of the Court until their matters are finalized.

## EXECUTIVE SUMMARY

Most recently, there have been concerns about juvenile crime and the efficacy and adequacy of the Kenya Criminal Justice System to handle children who conflict with the law. The prevention and control of juvenile offending is best understood as a process consisting of different levels of intervention, including education and prevention at the community level, as well as criminal sanctions and interventions to rehabilitate juvenile offenders and reintegrate them into the community. All these approaches' effectiveness and adequacy of their intervention mechanisms require a balanced approach that fulfills the rights of the child, reduces recidivism, and is done in the best interest of the child.

In order to evaluate the juvenile justice correctional programs in Kenya, this study was conceptualized to assess the efficacy and adequacy of the criminal justice agencies and systems in handling children in conflict with the law. The study's specific objectives were to identify the needs of children in conflict with the law during the process of administration of justice in Kenya and identify the type of programs and services that are in place to address the needs of children in conflict with the law in Kenya; assess the adequacy of criminal justice agencies in handling children in conflict with the law in Kenya; examine efficacy of programs in criminal justice agencies in handling children in conflict with the law in Kenya; identify programs in specific criminal justice agencies and its effectiveness in handling children in conflict with the law in Kenya; and identify challenges faced by Criminal Justice Agencies in handling children in conflict with the law in Kenya.

The study adopted a mixed method research that entailed quantitative and qualitative research techniques. An evaluative research approach, also known as program evaluation, was used: a common research design that entails a structured assessment of the value of resources committed to a project or specific goal. The study used purposive sampling techniques to select data collection site counties. This was informed by referring to the Department of Children Services (DCS) Child Protection Information Management System (CPIMS) data. In this case, 50% of counties with a high prevalence of child issues were picked, giving a total of 25 counties with the addition of Garissa County, which was picked purposively as inclusion criteria for marginalized communities. Also, purposive convenience sampling was used to select sample respondents, including Key Informant respondents.

A total of 1361 respondents were interviewed, out of which 1,002 respondents were part of a sample of public officials dealing with children in conflict with the law. The officers were drawn from different institutions, namely, Kenya Police Service, Probation & Aftercare Service, Office of the Director of Public Prosecution, Department of Children Services, National Government Administrative Offices, Judiciary, and Kenya Prisons Service.

Additionally, 359 children in conflict with the law were interviewed. This category of respondents was drawn from Shanzu Boys Probation Hostel (Boys), Kakamega Rehabilitation Home (Boys), Shimo La Tewa Borstal Institution (Boys), Siaya Women Probation Hostel (Girls), Dagoretti Girls Rehabilitation Home (Girls), Kabete Rehabilitation Centre, Kamiti Youth Correctional Training Centre (Boys), Makadara Probation Hostel, Kamae Girls Borstal Institution (Girls), Kombewa Rehabilitation Home, Kisumu Children Remand Home, Wamumu Boys Rehabilitation Centre (Boys), Shikusa Borstal Institution (Boys), Kirigiti Girls Remand Home (Girls), Othaya Boys Rehabilitation School (Boys), Nakuru Remand Home, Kericho Rehabilitation Home, Nyeri Children Remand Home, Kimumu Boys Probation Hostel (Boys) and Kirigiti Remand Centre.

## **Key Findings**

### **i. Programmes Needs of Children in Conflict with the Law in Kenya**

The majority of the public officials respondents (60.0%) identified psycho-social support (guidance and counselling) as a critical program needed by children who are undergoing rehabilitation. Other significant program needs were legal representation, including legal awareness (41.3%), care and protection for children (40.5%), provision of basic needs such as food, clothing, sanitary towels, and diapers for young mothers, beddings and sanitation (37.5%) and access to formal education (29.8%).

In addition, children respondents were also asked what they needed from the criminal justice agencies from the time of their arrest to reintegration and resettlement back into society. The findings established at least 29 needs, which in the order of priority included the following top five needs: primary formal education while in correctional and rehabilitation centres (55.1%), provision of adequate basic needs and other personal effects (48.9%), guidance and counselling (34.7%), care and protection (33.0%) and legal representation (27.3%).

**ii. Level of Adequacy of Programmes and Services in place for addressing the needs of Children in Conflict with the law**

It was established that a number of programs and or services offered to children in conflict with the law were perceived to be adequate. The findings from the public officials respondents indicated the following programs and or services as adequate: legal services (91.7%), there was sufficient health/medical services provision (83.2%), expeditious judicial process, mentorship programs, and supervision/monitoring with a response rate (80.0%). On the contrary, the other specific programs and services mentioned as not adequate were vocational training and seminars offered in correctional and rehabilitation centres (66.7%), victim and witness protection (66.7%), diversion of cases programs from criminal justice agencies (60.0%) and inadequate child protection units (56.8%).

**iii. Satisfaction level of Programmes and Services provided by Criminal Justice Agencies**

The findings of this study established that the majority (96.1%) of the respondents approved of alternative dispute resolution mechanisms provided by criminal justice agencies as very effective. They also indicated that judicial services within the administration of justice were effective (95.0%), and opportunities to participate in extracurricular activities were also regarded as effective (91.9%).

On the other hand, the majority (92.6%) of the children respondents said that they were satisfied with spiritual nourishment. Different programs and or services that received a high satisfactory level rating were empowerment programs (92.0%) and life skills/mentorship programs (91.4%). The study established a significant lack of satisfaction among the children respondents with alternative dispute resolution mechanisms (40.0%) and provision of primary formal education (29.1%). In comparison, 20.0% indicated they were not satisfied with legal representation.

However, in regards to the effectiveness of Criminal Justice Agencies in addressing the specific needs of children. It emerged that 71.8% were in concurrence that criminal justice agencies have been able to address their needs effectively, while 20.9% said that the CJA has not managed to address their needs effectively.

**iv. Other programmes and services for children in conflict with the law recommended by officials in institutions dealing with children in conflict with the law**

It was established that the most needed programmes and services are psychosocial support (19.9%), child protection services/programs (13.1%), and capacity building/mentorship programs (13.0%).

**v. Reasons given by Children on why Criminal Justice Agencies have not been able to Effectively Address the needs of children in conflict with the law**

Based on the findings of this study, most (29.5%) of the public official's respondents mentioned inefficiencies in service delivery, delays in their work (28.7%), unethical/unprofessionalism of some officials in institutions dealing with children in conflict with law (27.4%), inadequate funding (27.1%). From the children respondents, the reasons cited why the Criminal Justice Agencies have not been able to address their needs effectively were about eleven (11) reasons; most (22.9%) of them mentioned insufficient training programs for children, unprofessional conduct by some criminal justice agencies officers (20.0%), lack of proper implementation of programs (16.3), delay in criminal justice processes and intimidation and harassment (14.3%).

Further, the respondents were asked to respond to specific aspects of the efficacy and adequacy of different programs and or services of the criminal justice agencies. Responses findings from public officials respondents included most (89.8 %) cited lack of enough financial resources to handle children in conflict with the law, inadequate infrastructural resources to handle children in conflict with the law (81.5%), lack of enough equipment to handle children in conflict with the law (81.2%), lack of enough programs and services for children in conflict with the law (66.9%) and 61.2% said they don't have appropriate staff numbers to handle children in conflict with the law. However, a significant number of respondents agreed that they have enough policies and regulations to hold children in conflict with the law (67.4%), adequate medical and health support programmes for children in conflict with the law (49.5%) and adequate legal representation for children in conflict with the law (44.7%).

The children respondents were also asked to respond to specific aspects of efficacy and adequacy of different programs/services within their institutions on addressing their needs. Most (42.3%) of them indicated inadequacy of equipment, 40.1% said there was inadequate legal representation, and 38.5% cited inadequate victim restoration and conflict resolution programs and/or services. However, some of the respondents agreed that they had adequate

medical and health support programmes/services (75.1%), adequate behavioural and emotional support programmes/services (74.5%), and enough infrastructures (73.2%).

**vi. Challenges Experienced by Criminal Justice Agencies in Handling Children in Conflict with the Law**

This study established that the main challenges faced by Criminal Justice Agencies in handling children in conflict with the law are inadequate funding (58%) and inadequate skilled personnel on children matters (36.7%). Other challenges include inadequate infrastructure and equipment (33.8%), inefficiencies of Criminal Justice Agencies (15.9%), low civic education, awareness and sensitization (12.8%), and neglect and rejection from parents and guardians (11.9%).

**Recommendations**

After analysis, discussion of the study findings and conclusion of this study on; efficacy and adequacy of criminal justice agencies in Kenya: The case of children in conflict with the law. This study makes the following policy recommendations.

**Policy recommendations**

- i. This study found that some police stations still hold children and adults in the same holding facility. To ensure the safety and protection of minors, there is a need for the National Police Service to establish more child protection units and children-friendly holding cells in all police stations in the country. In addition, they should provide a conducive accommodation environment and child-friendly amenities.
- ii. The study established a need to divert children's cases from the criminal justice system. To achieve this, there is a need for the Office of the Director of Public Prosecutions (ODPP) to sensitize and encourage the community at large on alternative dispute resolution mechanisms in addition to training the police and prosecutors on alternative deflection pathways of children's cases from the criminal justice system.
- iii. The findings of this study were that punishment of children by way of institutionalization should be the last resort. This is because punishment does not reduce crime or rehabilitate the child in conflict with the law. Therefore, efforts should be made by the judiciary to place children in community-based rehabilitation.
- iv. The children undergoing corrective and rehabilitation mentioned that they are faced with psychological distress, trauma, and stigmatization due to disconnect with family and community. This is because Borstal Institutions and Youth Corrective Training Centres are not decentralized in the country, affecting children's visitation



programmes. In this regard, there is a need of the Kenya Prisons Service to decentralize Borstal Institution and Youth Corrective Training Centre at the regional level or establishment of units in each correctional facility.

- v. Inefficiencies and inadequacy in handling children in conflict with the law were mentioned as a challenge. Among them was a lack of enough logistics, finances, infrastructure, and capacity to handle the training needs of children. It is recommended that the Department of Probation and Aftercare Services enhance officers capacity, refurbish the current infrastructures that are in a dilapidated state, and increase allocation to rehabilitation centres.
- vi. The public officials interviewed and children respondents highlighted the ineffectiveness of some rehabilitation programmes, inadequately skilled staff, and the capacity of children officers to handle the specific needs of children in conflict with the law. They cited the need to modernize and introduce new technical and vocational programmes. Therefore, the Department of Children Services needs to recruit additional children officers, build the capacity of the officers, and diversify vocational training needs.
- vii. The role of National Government Administrative Officers is to coordinate other governments ministries/departments/agencies. In this regard, as the agency between the criminal justice system and community members, the National Government Administrative Officers should prioritize and enhance public awareness on the roles of various actors/agencies in facilitating access to criminal justice. In this study, many public members were unaware of the Victim Protection Board, Witness Protection Agency, Borstal Institutions, and Youth Corrective Training Centre, including their roles in handling children in conflict with the law. This calls for enhanced public sensitization about the mandates and roles of these key players.
- viii. Public officials mentioned the capacity building of officials dealing with children in conflict with the law. Most respondents cited a lack of skills by some officials coping with children in conflict with the law. There is a need, therefore, for the National Council on the Administration of Justice (NCAJ) to enhance the capacity of the officials in criminal justice agencies tasked with handling children in conflict with the law. This includes coordination and sourcing for training opportunities with all other

agencies. Additionally, the study established that there are delays in children's case processing, hampering justice delivery. To address this challenge, it is imperative to dedicate children's sessions during the court user committee (CUC) as a way of promoting synergy among the criminal justice actors/stakeholders. This will significantly enhance stakeholder's involvement in juvenile justice.

- ix. The study revealed that witness and victim interference is among the critical challenges faced by children in conflict with the law. This, therefore, calls for the strengthening of the Witness Protection Agency and Victim Protection Board as duty-bearer agencies responsible for the witness and victim protection services.
- x. The respondents identified delays in processing children's court cases and inadequate funding as critical challenges criminal justice agencies face. Therefore, the National Assembly needs to enhance funding to criminal justice agencies, which is a vital requisite to aid in putting in place appropriate systems and structures for effective and adequate handling of children and improving service delivery.
- xi. The findings of this study showed that there are still gaps in legal representation. Several child offenders depend on the state for legal representation, with these lawyers dropping out or declining to take up the cases due to challenges with legal fee processing. Consequently, there is a need to strengthen the pro-bono legal representation services for children in conflict with the law. In particular, the National Legal Aid Services (NLAS) needs to be strengthened.

## CHAPTER ONE: INTRODUCTION

### 1.1 Background of the study

The United Nations Convention on the Rights of the Child (UNCRC, 1989) defines the child in conflict with the law as anyone under the age of 18 years who comes into contact with the justice system as a result of being suspected or accused of committing an offense. However, different countries have enacted laws for juvenile criminal liability. Some countries have set a minimum age of criminal liability between 8-12 years, while in others, it is 14-15.

Juvenile delinquency is becoming a big concern for modern criminal justice systems. Children constitute a significant one-third of the global population. Justice systems hold considerable responsibility for preventing criminal behaviour in children. (Bochenek, 2016). However, it is essential to note that juvenile proceedings in the conventional justice system may adversely affect the children offenders. Such effects would include but are not limited to the stigma that comes along with conviction and sentencing, with the children offenders being tagged as either criminals or troublemakers. These effects may have lasting, devastating consequences rather than the desired and intended rehabilitation outcomes. Additionally, extreme penalties administered may as well have antagonistic effects on the juvenile offenders, which in turn weakens their already brittle links with the social order, resulting in an upsurge of future recidivism (UN, 1989).

During the advent of Beijing Rules and the 1989 Convention on the Rights of the Child (“CRC”), the responsiveness to diverting minors from formal court proceedings has been steadily growing and getting accepted in most jurisdictions. While the CRC is quite overt in espousing the diversion concept, it also embeds the idea of Restorative Justice (“RJ”) that involves the participation of the victim and the offender to amicably reach an agreement in settling the issue at hand by the help of a facilitator. However, Liefwaard (2015) indicated the need for facilitated Access to Justice (“ATJ”), which advocates the right to be afforded a timely and most appropriate remedy for infringement of rights in line with the international standards prescribed in some of the provisions of the Convention on the Rights of the Child.

The African Charter on the Rights and Welfare of the Child (ACRWC, 2000) appreciates that a child occupies a unique and privileged position in the Social Order and should grow up in a family environment of happiness and love. However, the process of arrest, trial, and custody of child offenders is disruptive and detrimental to their childhood since they are

denied the fundamental rights to family attention, care, play, and socialization. As a consequence, the children's growth and development are unpleasantly affected.

Article 21(30) of the Kenyan constitution classifies children as a vulnerable group among other groups, e.g., women, older members of the community, persons with disabilities, etc. In the court case of *M.W.K & Another Vs. Attorney General & 3 others*, children are classified as a vulnerable group for several reasons. One such reason is attributed to their mental and physical status; they may not be able to protect themselves against people who may take advantage of them. Further, due to economic inequalities, children are highly dependent on those around them and hence may be susceptible to harassment and undue influence from older persons within society (Constitutional Petition 347 of 2015).

The Constitution of Kenya 2010, in article 53, outlines the need for commitment to upholding the interests of the child. Promoting a child's best interest is significantly underpinned by the Constitution, the Children Act, and international and regional instruments (Jane & Arne 2011). The best interest of the child principle is the primary norm that governs the justice system in regard to matters that affect children nationally and globally. Even though there is no standard definition of the child's best interests, the term generally refers to the deliberations taken into account when courts decide on what type of services, actions, and orders will best serve a child. The child's ultimate safety and well-being is of paramount concern. Hence, the rules concerning the Best Interests of the Child are regarded to maximize the child's developmental outcomes, with the assumption being that a child whose best interests are protected stands a better chance to become a socially well-adjusted, productive, and prosperous citizen (Children Studies, 2019).

## **1.2 Critical Literature Review**

### **1.2.1 Global perspective**

The criminal justice system is a network of expected multi-stakeholders responsible for safeguarding public safety. Jones and Guthrie (2017) perceive the efficacy of the criminal justice system in regard to the programmes meeting their set objectives, while its adequacy is viewed in terms of whether the available programmes are sufficiently realizing the expected functions.

The global children's population is estimated to be 2.2 billion, out of which 2 billion children are found in developing nations. It is estimated that one million children are in detention for

conflicting with the law (UNICEF 2022). In the case of Brazil, evaluation of its criminal justice agencies in handling children in conflict with the law established the rate of recidivism to be 67% among the children. The multiple convictions ranged between three to nine years of sentencing. Most of the offenses committed by children were reported to include stealing, defilement, drug trafficking, murder by shooting their victims, and assault. Whether they commit these offenses from the point of knowledge or ignorance is one of the factors that should be critically examined, as society is presumed to have a moral direction for every one of its citizens, young or old (2022).

Article 40 of the UNICEF (1989) declares that any child alleged of infringing the law is guaranteed to be presumed innocent till proven guilty as per the law, be informed promptly of charges and assisted by parents or legal attorney, determine the matter without delay by an independent, impartial competent court, not to be compelled to give evidence or witness, provide for judicial review where convicted of the charges, spoken to in a language accessible to understand and respect the privacy of the child at all levels of judicial or trial process.

There exists a host of legislations (PRI,2013), treaties, conventions, committees, policies, regulations and guidelines that have been developed from the global context, regional and at local level such as the Universal Declaration on Human Rights (1948), Standard minimum rules for treatment of prisoners (1995) UN standard minimum rules for the administration of juvenile justice (Beijing Rules), UN guidelines for prevention of juvenile delinquency (Riyadh guidelines,1990), UN rules for protection of juveniles deprived of their liberty (Havana Rules,1990 ), UN Minimum rules for Non-custodial Measures (Tokyo rules, 1990 ), Guidelines for action on children in criminal justice system (1997 ), UN basic principles on the use of restorative justice in criminal matters (2002), UN rules for the treatment of women prisoners and non-custodial measures for women offenders (Bangkok Rules,2010),UN principles and guidelines on access to access to legal aid in criminal justice system (2012), Declaration of basic principles of justice for victims of crime and abuse of power(1988),UN guidelines on justice in matters involving child victims and witnesses of crime (2005).

Comparatively, Europe has a more pronounced legal framework than Africa in advancing child protection, including children in conflict with the law. They include guidelines on the Committee of Ministers of the Council of Europe (2010) on child-friendly justice

Groenhuijsen & Pemberton, 2009); Rules for juvenile offenders“ subject to sanctions (2008 cited in (Groenhuijsen & Pemberton, 2009) and the Council of European Framework decisions on the Standing of Victims in Criminal Proceedings of 2001(in Groenhuijsen & Pemberton, 2009). These legal and policy guidelines seek to entrench the rights of children at all levels of society, whether as offenders, witnesses, or victims of crime, as they interact with the criminal justice agencies, ensuring the best interest of the child in a progressive society (Groenhuijsen & Pemberton, 2009).

IACHR (2020) identified some of the challenges criminal justice agencies experience in America were: lack of space, overcrowding and overpopulation in facilities, substandard hygienic conditions of prison life, inadequate amount of food, a lengthy period in processing legal requests, disrespect to human rights and dignity and insufficient resources to enable them to be efficient in their respective responsibilities.

United Nations (2003) underscored that juvenile delinquency is universally becoming more complex, in particular in most countries where crime prevention programs are either unequipped to deal with the present realities or do not exist. Further, it posits that many developing countries have done little or nothing to deal with these problems, hence making current efforts to fight crime lacking systematic actions and characterized by ineffective social work unresponsive to both offenders and victims, whether actual or potential. Inadequate international comparative data further complicates this situation.

Wisdom (2017) points out another crucial problem facing the criminal justice system involving juveniles in conflict with the law, which is access to healthcare facilities, including the handling of psychologically unstable teens. Cicourel (2017) noted that many youth correctional facilities do not have psychologists and mental health specialists offering guidance and counselling services to assaulted and neglected teens who feel depressed. Cole et al. 2018 observed another challenge in the African criminal justice system: the overpopulation of offenders, which puts pressure on the available correctional resources.

On the other hand, criminologists and researchers attribute some of the reasons why children commit crimes and offenses to family environment, peer pressure, negligence, poverty, use of drugs, and unemployment (UNICEF, 2022). Inter-American Commission on Human Rights report on Brazil noted that the rate of recidivism was estimated at 85% of the penal population (IACHR, 2020). Notably, the best interest of the child has to be put

into consideration when handling children in conflict with the law as provided by international human rights instruments. The global human rights instruments demand that children in conflict with the law, including recidivists, have the right to be treated in ways that promote their rehabilitation and integration and enable the child to assume a constructive role in society.

### **1.2.2 African Perspective**

Several specialized institutions have been created in Africa to foster harmony and good relationships among institutions and the continent's citizens. The African Union, African Court of Justice, Human Rights courts assembly. The African Judges and Magistrates Association also champions access to justice for African citizens. Graham & Bowling, 1995 observed that criminality threatens the region and positions it as vulnerable to transnational crimes. They further noted that some of the factors that influence juvenile delinquency are domestic violence, poverty, divorce, lack of parental care, child neglect and abuse, lack of credible authority figures, and poor or non-existent parental supervision.

Chukwuma (2001) has highlighted that in Nigeria, juvenile delinquency contributed to dysfunctional families, weak attachment to school, and negative peer influence. Osgood & Chambers (2000) attributed the causes of juvenile delinquency to the absence of parents or other family members to guide children, leaving them with no choice but to use peer groups or gangs as alternative close caregivers serving that purpose. Raselekoane et al. (2019) underlined that without education, young people often do not experience a sense of opportunity and self-worth. Thus, they are likely to engage in criminal activities since they have no requisite qualifications, skills, and competencies to work and earn a living. Studies have shown that mass media, through their flagrant display of violence, lawlessness, gangs and syndicates, and mob violence, are some of the contributory factors to criminal acts by young people. Teenage parenthood, unemployment, and welfare dependence also make young people from poor and rural communities vulnerable and easily attracted to criminal activities (Welsh & Farrington, 2007).

In Nigeria, Idowu and Mohammad (2019) noted the challenges facing juvenile criminal justice institutions, including the death of juveniles in custodial and correctional institutions, lack of alternative sentencing and horrible conditions of the Nigeria juvenile correctional centers, non-separation and classification of delinquents. Yelodu (1991) also cited poor infrastructure and housing facilities, a shortage of bed spaces, and only a few delinquents sleeping on the available bed space. Disease is widespread; poor sanitary

conditions. Odekunle (1978) highlighted the challenges of overcrowding and congestion, poor health and medical services, and management problems, as seen in the non-separation of hardened criminals from minor offenders. Omu (2008) argued that, in the Nigerian juvenile remand home health sector, the problem is the unavailability of drugs and other medical and laboratory equipment for effective health services delivery. Additionally, Ugwuoke and Otodo (2015) established personnel problems, which include public officers who are not in tune with the current realities of global practices of juvenile rehabilitation.

In South Africa, different programs have been implemented for youth offenders. These programs include diversion programs and correctional programs. In a diversion program, juveniles are not placed in a correctional facility but under the supervision of a community-based agency – in most cases, a non-governmental organization (NGO). This agency is responsible for the supervision of these juveniles as well as their rehabilitation. The focus of services is to divert the child away from the traditional correctional environment or child welfare system and provide a skills-orientated intervention system that equips the child to fulfill a more productive role in the community. The penitentiary program traditionally offered the necessary protection for the community against criminal behaviour but did little to ensure that children did not become hardened criminals. This implies that safeguarding is the priority rather than rehabilitation. This option is most often selected for re-offenders (Raselekoane, et al, 2019).

### **1.2.3 Kenyan Perspective**

The Constitution of Kenya, 2010 emphasizes access to justice by all and respect for human dignity for all. In particular, the Constitution has a specific chapter that promotes exclusive rights for Children regarding custodial sentencing while advocating that at all times, the Child's best interest must be considered in every matter. *Article 47 (1) of the Kenyan Constitution 2010 states that; "Every person has a right to administrative action that is expeditious, efficient, lawful, reasonable and procedurally fair"* and *Article 48 of the Constitution guarantees access to justice by all citizens. Article 53(1) (f) of the Constitution clearly states that "a child should not be detained unless as a last resort and the best interest of the child has to be paramount."* This is reiterated in the Children's Act, 2022. Upholding human dignity, the best interest of the child, and access to justice, among other rights concerning Children, remains critical in enhancing children's welfare and safeguards in Kenya (KNCHR, 2022).



According to the Children Act (2022), children's court proceedings shall be transferred to the children's court, where the person charged/to whom the proceedings relate is under 18 years old (Section 91(6), Children Act, 2022). The Act also provides for the jurisdiction of children's court to include: (a) Conduct civil proceedings on matters set out under Parts III, VII, VIII, IX, X, XI, XIII, XIV, and XV of this Act; (b) Hear any charge against a child, other than a charge of murder; (c) Hear a charge against any person accused of an offense under this Act; (d) Hear a charge in any case in which a person is accused of an offense against a child or in which a child is a victim or complainant; and (e) exercise any other jurisdiction conferred by this Act or any other written law.

The right to privacy has been provided for in the Children Act of 2022. The Act provides that the Court has the power to make orders relating to confidentiality in proceedings relating to: - an offense against/by a child of a sexual nature, a witness who is under 18 years, for example, use of witness protection box, intermediary, in-camera hearing, prohibit publication of the identity of the complainant/family in addition to other measures and provisions under the Witness Protection Act, 2006 or any other written law (Sec 94, Children Act, 2022). To ensure privacy for the child, there is a provision for the Registrar of the Children's Court, who shall ensure that all records of the Court are marked to indicate that they concern a child and access be restricted (Sec 95(6) of Children Act, 2022).

On the right to legal representation on matters regarding children's offenses, the Children Act 2022 makes it clear that where a child who has not attained the age of sixteen is a complainant or is otherwise brought before a judicial officer, the Children's Court shall be provided with legal representation. Further, any fees incurred concerning the legal representation of a child below 16 years shall be charged under the Legal Aid Fund (Section 96(2) of the Children Act, 2022). Section 96(3) of the Children Act 2022 states that a child in conflict with the law shall be entitled to legal representation at the state's expense. The repealed Children's Act also raised the age of criminal liability in Kenya from 8 years to 12 years of age. The Act also provides that a child who commits an offense under the age of fourteen shall be presumed not to be capable of differentiating between right and wrong unless the Court is satisfied with evidence to the contrary (KNCHR, 2022).

As aforementioned, a children's court may try a child for any offense except for the offense of murder (Sec 217(1) of the Children Act, 2022). On the rights of a child offender, the focus is on the privacy of the child (during arrest, investigation, and any stage of the matter dealing) (Sec 220(1) Children Act, 2022). The law also prohibits releasing information leading to the publication and identification of a child's identity (Section 220(2) Children Act 2022). The act expressly provides that detention be used only as a measure of last resort (Section 223(1), Children Act 2022). Alternative measures, such as placement with a family, educational setting, and home, should replace detention pending trial. Section 223(2) of the Children Act (2022) indicates that if detention is used, it should consider the child's particular needs, as well as special needs, as per age, gender, offense, and mental/physical disability.

The Children Act 2022 also provides diversion procedures for children that conflict with the law. Section 224 of the Children Act 2022 provides that cases of children in conflict with the law be subjected to either diversion or judicial process following the Criminal Procedure Code (CPC). Section 226, Children Act 2022, provides for objects of diversion, for example, making use of alternative methods of holding children accountable, promoting rehabilitation, reconciliation, and minimizing stigmatization of the child. The Act provides for when to consider diversion and eligibility, e.g., availability of compelling evidence, non-capital offense, voluntary admission of responsibility, and a first/second offender (Section 227, Children Act 2022).

The Children Act 2022 also guarantees access rights for parents/guardians of a child offender placed in remand/custodial care (Sec 236(4)). There are also restrictions on punishment and alternatives. The Act states that No child below 12 years will be ordered to a rehabilitation school Sec 238(3). Other methods of dealing with children in conflict with the law have been provided. Section 239 of the Children Act 2022 provides for placement in **(a)** a Youth Corrective Training Centre (YCTC) pursuant to the Prisons Act, **(b)** a restorative justice order, **(c)** a supervision order, **(d)** orders of diversion **(e)** a Community Service Orders (CSO) at a maximum of 50 hours, and be completed within no more than six months. The Act also provides for mental treatment and incorporation of a professional counsellor- if it appears to the Court on the evidence of a medical practitioner or professional counsellor that a child requires, or may benefit from, mental treatment or professional counselling, the court may, when making a probation order against him,

requires that the child undergoes mental treatment or professional counseling at hand or under the direction of a medical practitioner or professional counsellor, subject to review by the court, and as a condition of the probation order (Section 240 Children Act 2022). Section 242 of the Children Act ends with establishing a particular police unit, the Child Protection Unit (CPU). The child protection units are to be designated by the Inspector General of Police to deal with children's matters, such as child crime prevention, apprehension, and investigation, to ensure financing and proper operationalization.

### **1.3 Statement of the Problem**

NCRC has generalized the causes of crime into three categories: primary, secondary, and tertiary factors. Primary causes include personal choice, unemployment, poverty, and drugs, while secondary factors touch on inequality, vulnerability, peer pressure, and parenting. Tertiary causes include political factors, broken families, and gender supremacy, to mention a few. NCRC's (2020) draft report on the Status of child protection in CCI and the Kenya Police Service's (2020) annual crime statistics revealed that children committed crimes such as defilement, assault, stealing, and use of abusive language, affray, drug abuse, sexual assault, indecent acts and few cases of murder while they are in CCI. The reports also highlighted that children in the Borstal institutions and those placed under probation supervision were charged mostly for offenses- related to stealing, assault, breaking, and sexual acts.

It is estimated that 130 of every 100,000 children in Kenya pass through the criminal justice per day, or 30 children in every 100,000 commit crimes and offenses punishable by law in Kenya (KNBS, 2021). Majority (46%) of the Kenyan population are children. This could explain why, in the recent past, incidences of children in conflict with the law have increased, such as child gangs being witnessed in Mombasa, children involved in terror activities, arson in schools, truancy, sexual and indecent acts, and school disobedience all across the country as reported in the Kenyan media. According to KNBS (2021), an estimated 146,000 children were exposed to sexual violence acts, as reported by criminal justice agencies. Children, just like adults, are processed through the criminal justice system in Kenya, with studies showing they commit crimes or become in conflict with the law as cited in (NCRC, 2020).

The response by the criminal justice agencies has been far-reaching, where, in some cases, children are arrested and presented for processing. In some incidences, no action is taken, remand institutions are lacking, and recidivism is a result of the ineffectiveness of

correctional institutions, delay in sentencing, and violation of the rights of children in conflict with the law (NCRC, 2020). In terms of the legal framework, the country has domesticated international instruments protecting children in conflict with the law and children's rights. The government also had a progressive Constitution in 2010. Various Acts have been operationalized, such as the National Police Service Act (2011), Penal Code (Cap 63), Witness Protection Act, Prisons Act (Cap 90), Children Act 2022, Probation of Offenders Act (Cap 64, Community Service Orders 1998, Borstal Institutions Act (Cap 92) among other policy guidelines, best practice manuals and codes of conduct by respective agencies.

Concerns have been raised regarding compliance, training, and capacity of officers, infrastructure, equipment, access to justice, and relevance of rehabilitation and reintegration programs, community engagement, and environmental risk assessment to foster the child's best interest. How children are therefore handled and processed at different levels within the criminal justice agencies is a matter of concern as the country KNBS, 2019 indicated numerous reports of many serious incidences of children conflicting with the law and recidivism standing at 67% of those previously convicted or arrested in the last nine years. Against this background, NCRC commissioned this study to assess the efficacy and adequacy of criminal justice agencies in handling children in conflict with the law.

#### **1.4 Objectives of the study**

The main objective of the study was to assess the efficacy and adequacy of the criminal justice agencies in Kenya in handling children in conflict with the law. The following specific objectives guided the study:

- i. To identify programme needs for children in conflict with the law;
- ii. To assess the level of adequacy of programmes and services in place for addressing the needs of children in conflict with the law;
- iii. To assess the level of efficacy of programmes and services provided by criminal justice agencies;
- iv. To examine the satisfaction level of programmes and services provided by criminal justice agencies;
- v. To examine the efficacy of programmes in criminal justice agencies in handling children in conflict with the law in Kenya;
- vi. To identify other programmes in specific criminal justice agencies and

- vii. To identify challenges faced by Criminal Justice Agencies in handling children in conflict with the law in Kenya.

### **1.5 Justification of the study**

Several reasons justify this study. First, children form a significant (46%) proportion of the Kenyan population (KNBS, 2019). Previous studies have shown that the majority of hardcore adult criminals committed crimes while they were children (NCRC, 2020). The Kenya Police Service's (2020) annual crime statistics showed that children with delinquent behaviour has increased over the last five years. This raises the need for the country to invest in understanding the risk factors causing children to commit this manner of crimes.

Thirdly, NCRC Act Chapter 62 of 1997 article 3(g) mandates the center to research the efficacy and adequacy of criminal investigation and prosecution agencies, the penal system, and the treatment of criminal offenders.

Lastly, this study will add to the existing volume of literature about the efficacy and adequacy of criminal investigation and prosecution agencies, the penal system, and the treatment of criminal offenders. The study will also form an empirical foundation for further studies.

### **1.6 Assumptions of the Study**

The following were the study's assumptions.

1. The criminal justice system is fair, efficient, and adequately facilitated to handle children in conflict with the law in Kenya and make them upright and progressive citizens.
2. Children who conflict with the law are processed through the criminal justice systems within the provisions of the law and international best practices in fostering safer societies and their rehabilitation and reintegration into the community.

### **1.7 Scope of the study**

This study sought to assess the efficacy and adequacy of criminal justice agencies in handling children in conflict with the law. The study confined itself to evaluating and examining the satisfactory levels of the programmes and services offered by the criminal justice agencies and the challenges encountered by the agencies in response to children in conflict with the law. The study also undertook to identify any other programs' needs for delinquent children and specific criminal justice agencies' needs.

### **1.8 Theoretical framework**

This study utilized the general strain theory and organization performance effectiveness theory. General strain theory was developed by Robert K. Merton in 1957. It focuses on the

perspective of goals for status, expectations, and class rather than focusing on money. Merton believed that socially accepted goals put pressure on people to conform. People are forced to work within the system or become members of a deviant subculture to achieve the desired goal (Agnew, 2006). Merton asserts that when individuals are faced with a gap between their goals (usually finances/money related) and their current status, strain occurs (ibid). When faced with strain, people have five ways to adapt, namely:

- i. Conformity: pursuing cultural goals through socially approved means.
- ii. Innovation: using socially unapproved or unconventional means to obtain culturally approved goals. Example: dealing drugs or stealing to achieve financial security.
- iii. Ritualism: using the same socially approved means to achieve less elusive goals (more modest and humbler).
- iv. Retreatism: to reject both the cultural goals and the means to obtain them, then find a way to escape them.
- v. Rebellion: to reject the cultural goals and means, then work to replace them.

The theory indicates that society puts pressure on individuals to achieve socially accepted goals, though they may lack the means. When this happens, it causes strain, which may lead to the individuals committing crimes. The strain theory in this study is appropriate as there are strains in the environment in which juveniles live. These strains include family strain, such as the mother or father losing their job and moving to a new living home environment, considering that most juveniles migrate from rural areas. Others are school strains, such as being suspended from school, dropping out of school, and failing the final exams, thus being unable to obtain higher education opportunities.

The critics of the strain theory argue that the theory best applies only to the lower class as they struggle with limited resources to obtain their goals but fails to explain the motivation for white collar crimes, the perpetrators of whom have many opportunities to achieve through legal and legitimate means. It is also argued that strain theory does not offer explanations for gender disparity in crime perpetrators and individuals forms of responses rather than group activity in crime involvement. Merton's theory is not very critical of the social structure that generates the strains, neglecting crime's inter- and intra-personal aspects (Broidy, 2002).

Another critical assumption by strain theory is that strain often induces criminality. Though this assumption does not apply in general, some people experience strain but do not react or

cope by way of criminal or delinquent behavior. Though previous general strain theories seem to support a relationship between strain and criminal behaviour, they do not address the possible conditioning influences that affect whether or not an individual would react to strain with delinquency or criminal behaviour (Broidy, 2002).

The organizational performance effectiveness theory by Hannan and Freeman (1989, cited in Singh & Lumsden 1990), fronted an argument on organization ecology as a determining factor in organizational effectiveness. The components of the organizational environment that agencies operate in include physical, social, cultural, technological, and legal aspects. Ordinarily, organizations or agencies are said to be effective when they achieve their goals, missions, or objectives as defined by their performance indicators. The duo conceived that organizations that delivered adequate performance in a challenging environment may be more effective than those not encountering any challenges (Singh & Lumsden, 1990). This theory is relevant in this study because it aims to identify constraints that criminal justice agencies face in their operations. Criminal justice agencies in the chain of service have their legislative and constitutional mandates to deliver services related to fair and timely justice to the citizens (Singh & Lumsden, 1990). This theory crystallizes some critical areas in the efficacy and adequacy of the criminal justice agencies charged with processing children in conflict with the law.

Organizational ecology has its share of criticisms. The main criticisms relate to the supposedly deterministic nature of the ecological ideas, which lack attention to adaptation and change, the nature of the key constructs and the units of study, the nature of the organizational populations studied, and the divergence between theoretical constructs and their measures, particularly in the density-dependence arguments (Astley 1985, Perrow 1985, Young 1988).

## CHAPTER TWO

### METHODOLOGY OF THE STUDY

#### **2.1 Introduction**

This chapter is organized into various sections: research design, methods and tools of data collection, data collection management procedures, methods of data analysis, and ethical considerations, which were taken into account during the implementation of this study.

#### **2.2 Research Design**

A research design refers to a comprehensive research plan that is deemed to be appropriate in carrying out a research process and measuring how the outcomes of the study objectives would be attained. An evaluative research design approach, also known as program evaluation, was used in this study: it is a joint research design that entails carrying out a structured assessment of the value of resources committed to a project or specific goal. It also adopts social research methods to gather and analyze useful information about organizational processes and products (Bryman, 2012). This provided a clear picture of how to study the efficacy and adequacy of criminal justice agencies in handling children in conflict with the law.

##### **2.2.1 Population of the study**

The primary population of the study (herein referred to as the respondents) entailed officers drawn from the Judiciary, National Police Service, Office of the Director of Public Prosecutions, Kenya Prisons Service, Probation and Aftercare Service, Department of Children Services, and National Government Administration. Another category of respondents was the children in conflict with the law (herein referred to as children undergoing rehabilitation). The other categories of respondents were Key informants from Criminal Justice Agencies and civil society representatives interested in the care and protection of children. The key informants for the study were the senior officials purposively selected from Criminal Justice System Agencies and other relevant stakeholders, assuming they hold critical information that would be of interest to this study.

##### **2.2.2 Sampling Techniques**

The study used purposive sampling techniques to select data collection site counties. This was informed by the data from the Department of Children Services (DCS) Child Protection Information Management System (CPIMS). In this case, 50% of counties with a high prevalence of children in conflict with law cases were picked, making a total of 25 counties besides Garissa County, which was purposively picked to satisfy inclusion criteria for marginalized communities. The children in conflict with the law within the rehabilitation



centres managed by criminal justice agencies were further purposively selected. A convenience purposive sampling method was used to identify public officers working in selected counties for interviewing.

A desired sample 1564 was arrived at using purposive allocation to the entire study population. During actual data collection, a total of 1361 respondents were interviewed. To ensure gender equality, efforts were made to reach out to male and female sample respondents. Table 2.1 provides the distribution of the sample respondents (officials in institutions dealing with children in conflict with the law) as per the counties.

**Table 2. 1: Distribution of the Sample Respondents (officials in institutions dealing with children in conflict with law) per County**

County	Frequency	Percent of cases (%)
<b>Bomet</b>	40	11.7
<b>Busia</b>	39	5.6
<b>Elgeyo Marakwet</b>	19	4.1
<b>Embu</b>	36	4.1
<b>Garissa</b>	33	4.1
<b>Homabay</b>	41	4.0
<b>Isiolo</b>	37	4.0
<b>Kakamega</b>	34	3.9
<b>Kericho</b>	37	3.9
<b>Kiambu</b>	38	3.8
<b>Kilifi</b>	38	3.8
<b>Kirinyaga</b>	34	3.8
<b>Kisumu</b>	41	3.8
<b>Kwale</b>	38	3.7
<b>Machakos</b>	41	3.7
<b>Meru</b>	40	3.7
<b>Mombasa</b>	56	3.7
<b>Murang'a</b>	37	3.7
<b>Nairobi</b>	118	3.6
<b>Nakuru</b>	37	3.5
<b>Nyamira</b>	39	3.4
<b>Nyeri</b>	38	3.4
<b>Siaya</b>	37	3.3
<b>Trans-Nzoia</b>	35	2.3
<b>Uasin-Gishu</b>	20	1.9
<b>Total</b>	<b>1002</b>	<b>100</b>

### 2.2.3 Institutions of Affiliation for sample respondents (Officials dealing with children in conflict with the law)

The respondents (sampled public officials dealing with children in conflict with the law) were drawn from the following public institutions, namely: Kenya Police Service, Probation & Aftercare Service, Office of the Director of Public Prosecution, Department of Children Services National Government Administrative Offices, Judiciary, and Kenya Prisons Service. 1,002 sampled public officials dealing with children in conflict with the law. Key informants were interviewed. Table 2.2 presents institutions of affiliation where primary sample respondents (officials coping with children in conflict with the law) were selected.

**Table 2.2: Institutions of affiliation for sample respondents (Officials dealing with children in conflict with the law)**

Institution of Affiliation	Frequency	Percent of cases (%)
<b>National Police Service</b>	555	55.4
<b>Probation and Aftercare Services</b>	147	14.6
<b>Department of Children Services</b>	62	6.1
<b>Office of the Director of Public Prosecution</b>	41	4.1
<b>Judiciary</b>	48	4.7
<b>National Government Administrative Offices</b>	65	6.5
Total	<b>1002</b>	<b>100.0</b>

### 2.2.4 Institutions of Affiliation for Sample Respondents of Children undergoing rehabilitation

This category of respondents was drawn from Shanzu Boys Probation Hostel (Boys), Kakamega Rehabilitation Home (Boys), Shimo La Tewa Borstal Institution (Boys), Siaya Women Probation Hostel (Girls), Dagoretti Girls Rehabilitation Home (Girls), Kabete Rehabilitation Centre, Kamiti Youth Correctional Training Centre (Boys), Makadara Probation Hostel, Kamae Girls Borstal Institution (Girls), Kombewa Rehabilitation Home, Kisumu Children Remand Home, Wamumu Boys Rehabilitation Centre (Boys), Shikusa Borstal Institution (Boys), Kirigiti Girls Remand Home (Girls), Othaya Boys Rehabilitation School (Boys), Nakuru Remand Home, Kericho Rehabilitation Home, Nyeri Children Remand Home, Kimumu Boys Probation Hostel (Boys) and Kirigiti Remand Centre. Table 2.3 presents the institutions where sampled respondents of children in conflict with the law were selected.

Out of the 25 sampled counties, 359 sampled children in conflict with the law participated in the study, with Shanzu Boys Probation Hostel having the highest number of respondents

(10.1%). Other institutions were Kakamega Rehabilitation Home (7.8%), Shimo la Tewa Borstal (6.7%), and others, as captured in Table 2.3.

**Table 2.3: Institutions of Affiliation for Sample Respondents of Children undergoing rehabilitation**

Specific institution	Institution of Affiliation	Frequency	Percent of cases
<b>Shanzu Boys Probation Hostel (Boys)</b>	Probation and Aftercare Service	36	10.1
<b>Kakamega Rehabilitation Home (boys)</b>	Department of Children Services	28	7.8
<b>Shimo La Tewa Borstal</b>	Kenya Prisons Service	24	6.7
<b>Siaya Women Probation Hostel</b>	Probation and Aftercare Service	24	6.7
<b>Dagoretti Girls Rehabilitation Home</b>	Department of Children Services	24	6.7
<b>Kabete Rehabilitation Centre</b>	Department of Children Services	22	6.1
<b>Youth Correctional Training Centre(Domiciled under the Prisons service)</b>	Kenya Prisons Service	20	5.6
<b>Makadara Probation Hostel</b>	Probation and Aftercare Service	18	5.0
<b>Kamae Girls Borstal</b>	Kenya Prisons Service	17	4.7
<b>Kombewa Rehabilitation Home</b>	Department of Children Services	17	4.7
<b>Kisumu Children Remand Home</b>	Department of Children Services	17	4.7
<b>Wamumu Boys Rehabilitation Centre</b>	Department of Children Services	16	4.5
<b>Shikusa Borstal Institution(Domiciled under Prisons service)</b>	Kenya Prisons Service	15	3.9
<b>Kirigiti Girls Remand Home</b>	Department of Children Services	14	3.9
<b>Othaya Boys Rehabilitation School</b>	Department of Children Services	11	3.1
<b>Nakuru Remand Home</b>	Department of Children Services	10	2.8
<b>Kericho Remand Home</b>	Department of Children Services	10	2.8
<b>Nakuru Girls Probation Hostel</b>	Probation and Aftercare Service	9	2.5
<b>Kericho Rehabilitation Home</b>	Department of Children Services	8	2.2
<b>Nyeri Children Remand Home</b>	Department of Children Services	8	2.2

Specific institution	Institution of Affiliation	Frequency	Percent of cases
<b>Kimumu Boys Probation Hostel</b>	Probation and Aftercare Service	7	2.0
<b>Kirigiti Remand Centre</b>	Department of Children Services	4	1.1
		359	

## 2.3 Methods and Tools of Data Collection

### 2.3.1 Data Collection Methods

This study utilized both quantitative and qualitative data collection methods. Primary data was collected from sampled respondents and key informants through face-to-face interviews. Secondary data was obtained by reviewing existing reports and relevant publications on criminal justice, among other suitable sources, to reinforce primary data. Secondary data provided a comparative analysis of the already documented information on theory and methods with this study's findings.

### 2.3.2 Data Collection Tools

Primary data was collected using semi-structured questionnaires and Key Informant Interview (KII) guides. Secondary data was retrieved from relevant government reports and official publications on the study subject.

## 2.4 Data Collection and Management Procedure

The National Crime Research Centre (NCRC) first sought the authority to conduct the study and enlisted the consent of key institutions and their staff to participate in the study. Draft questionnaires and key informant guides were prepared, and a pretest was done to establish the reliability and validity of tools in acquiring correct data during the study. Competent Research Assistants (RAs) were identified and trained before the actual data collection exercise. They were then allocated study sites and provided with requisite resources for the fieldwork and data collection exercise. Quantitative data collected from the field was received, cleaned, coded, organized, and analyzed. Qualitative data was analyzed thematically to capture key responses from key informants. A study draft report was compiled and reviewed by NCRC researchers, NCRC research and development committee, and the entire governing council. A final report was prepared and validated by stakeholders, peer-reviewed, edited, and disseminated to relevant agencies and the general public.

## **2.5 Method of Data Analysis**

This study used both quantitative and qualitative data analysis methods. Quantitative data was analyzed using descriptive statistics using the Statistical Package for Social Scientists (SPSS) and Microsoft Excel. The analyzed data was presented using graphs, complemented by responses given by key informants. All information from the analyzed data was then presented thematically in essay format guided by the research objectives.

## **2.6 Ethical Considerations**

Ethical conduct is a crucial component and requirement for any successful research study. This study observed NCRC research ethics, protocol, and guidelines during data collection. The following ethical considerations were adhered to during this study: -

- i. Authority to collect data was sought from relevant institutions before the actual Commencement of the exercise;
- ii. Consent of the respondents was sought before the commencement of the interviews;
- iii. The language used when conducting the interviews was respectful;
- iv. Confidentiality of the respondents' identity and information obtained was safeguarded; and
- v. During the data collection process, respect for diversity in regard to socio-cultural, economic, and political views was upheld.

## **CHAPTER THREE: RESULTS AND DISCUSSIONS**

### **3.1 Introduction**

This chapter presents the results and discusses the study. It covers the following sections: socio-demographic characteristics of the two categories of the sampled respondents; the programme needs for children in conflict with the law; level of adequacy of program and services in place for addressing needs of children in conflict with the law; level of efficacy of programmes and services provided by criminal justice agencies; satisfaction level of programme and services provided by criminal justice agencies; other programmes and services recommended by public officials in institutions dealing with children in conflict with the law; responses from children on specific issues or services; responses on particular aspects concerning the adequacy of criminal justice agencies; challenges experienced by criminal justice agencies in handling children in conflict with the law.

### **3.2 Socio-Demographic Characteristics of the Respondents**

This study had two (2) categories of respondents: public officials drawn from criminal justice agencies and children respondents drawn from various correctional and rehabilitation centres under the Department of Children Services, Probation and Aftercare Service, and Kenya Prisons Service. A total of 1002 public officials in the institutions dealing with children in conflict with the law were interviewed, out of which 57.6% were male and 42.4% were female. Most (48.7%) of the public officials (respondents) were aged between 35-51 years, implying that they were experienced officers on the subject matter.

Regarding marital status, most of the public officials' respondents (79.6%) were married, while (17.6%) were single. Regarding education, 35.9% of the public official respondents were university graduates, 27.6% had secondary education, and 26.0% had middle-level education, indicating that sample respondents were knowledgeable enough to respond to the survey questions. Most (31.1%) of the public officials' respondents had between 1 and 5 years of service in their respective agencies, 25.4% had 6-10 years of service, and 15.9% had 11-15 years of service experience. This shows that all sample respondents had some level of work experience.

For the children respondents, a total of 359 children in conflict with the law were interviewed, out of which 79.6 % were male and 20.3% were female. On the education level of the children respondents, majority (69.9%) had primary school education while (28.9%) had secondary education, indicating that these respondents were fairly knowledgeable enough to respond to the survey questions. Table 3.1 presents these findings.

**Table 3.1: Socio-Demographic Characteristics of Sample Respondents**

Socio-Demographic Characteristics of Public Officials in Institutions Dealing with Children in Conflict with the Law			
Variable	Category	Frequency	Percent (%)
Gender	Male	577	57.6
	Female	425	42.4
	Total	1002	100.0
Age	18-34	406	40.6
	35-51	487	48.7
	52-68	105	10.5
	69 and above	4	0.3
	<b>Total</b>	<b>1002</b>	<b>100.0</b>
Marital Status	Single or Never Married	177	17.6
	Married	797	79.6
	Divorced	8	0.8
	Separated	10	1.0
	Widowed	8	0.8
	<b>Total</b>	<b>1002</b>	<b>100.0</b>
Highest Level of Education	Primary	6	0.6
	Secondary	277	27.6
	Middle-Level College	261	26.0
	Graduate	360	35.9
	Post Graduate	97	9.7
	Adult Education	1	0.2
	<b>Total</b>	<b>1002</b>	<b>100.0</b>
Years of Service	Less than 1 year	68	6.8
	1-5 Years	313	31.1
	6-10 Years	255	25.4
	11-15 Years	159	15.9
	16-20 Years	94	9.4
	21-25 Years	47	4.7
	26 Years and Above	68	6.9
	<b>Total</b>	<b>1002</b>	<b>100.0</b>
<b>Socio-Demographic Characteristics of the Child Respondents</b>			
Gender	Male	286	79.6
	Female	73	20.3
	Total	359	100.0
Highest level of education	None	4	1.1
	Primary	251	69.9
	Secondary	104	28.9
	<b>Total</b>	<b>359</b>	<b>100.0</b>

The designations of public officials' respondents were captured as shown in Table 3.2 during data collection. Most (40.2%) of the respondents were Police/Prisons Constables, Corporal (11.2%), and Probation Officers (8.4%).

**Table 3.2: Designation of Positions held by the Public Official Respondents**

Designation of the Position held by the Public Official	Frequency	Percent
<b>Constable</b>	397	40.2
<b>Corporal</b>	111	11.2
<b>Probation Officer I</b>	83	8.4
<b>Children Officer I</b>	51	5.4
<b>Sergeant</b>	47	4.8
<b>Senior Probation Officer</b>	41	4.2
<b>Inspector</b>	37	3.7
<b>Prosecution Counsel I</b>	33	3.3
<b>Probation Officer II</b>	24	2.4
<b>Court Clerk/Assistant</b>	21	2.1
<b>Assistant County Commissioner</b>	24	2.4
<b>Chief</b>	19	1.9
<b>Assistant Chief</b>	18	1.8
<b>Senior Sergeant</b>	19	1.9
<b>Magistrate</b>	13	1.3
<b>Court Administrator</b>	12	1.2
<b>Assistant Director of Children Services</b>	11	1.1
<b>Prosecution Counsel II</b>	9	0.9
<b>Children Officer II</b>	6	0.6
<b>County Commissioner</b>	5	0.5
<b>Senior Children Officer</b>	4	0.4
<b>Sub-County Director Children Services</b>	4	0.4
<b>Officer Commanding Police Station</b>	3	0.3
<b>Sub-County Director Probation</b>	3	0.3
<b>Officer Commanding Police Division</b>	2	0.2
<b>Senior Superintendent</b>	2	0.2
<b>Deputy County Commissioner</b>	2	0.2
<b>County Director of Children Services</b>	1	0.1



### 3.3 Programmes to Support Needs of Children in Conflict with Law in Kenya

This study sought to find out the perception of the programme needs of children in conflict with the law from the public officials working with criminal justice agencies. Majority of the respondents (60.0%) identified psycho-social support (guidance and counseling) needed by children undergoing rehabilitation. 41.3% of the respondents indicated that children need legal representation, including legal awareness, while 40.5% reported care and protection for children. Other findings included the provision of basic needs such as food, clothing, sanitary towels, diapers for young mothers, bedding and sanitation (37.5%), and access to formal education (29.8%), among others. Table 3.3 presents these findings.

**Table 3.3: Programmes and Services needed by the Children in Conflict as highlighted by Public Officials**

Programmes and Services needed by the Children in Conflict as highlighted by Public Officials.	Frequency	Percent of Cases
<b>Psycho-social support, including guidance and counseling</b>	603	60.0%
<b>Legal representation, including legal awareness</b>	415	41.3%
<b>Care and Protection</b>	407	40.5%
<b>Provision of basic needs such as food, clothing, sanitary towels, diapers for young mothers, bedding, and sanitation.</b>	377	37.5%
<b>Formal Education</b>	299	29.8%
<b>Separation and isolation from adult offenders</b>	217	21.6%
<b>Visitation, family engagement</b>	152	15.1%
<b>Implementation of the Children Act 2022</b>	144	14.3%
<b>Resettlement, reintegration of children</b>	141	14.0%
<b>Infrastructure-building of correctional centres/remand homes/children's courts</b>	88	8.8%
<b>Empowerment and financial support</b>	84	8.4%
<b>Health and medical services</b>	82	8.2%
<b>Vocational training</b>	78	7.8%
<b>Rehabilitation and reformation</b>	77	7.7%
<b>Expeditious redress of criminal justice process</b>	74	7.4%

Programmes and Services needed by the Children in Conflict as highlighted by Public Officials.	Frequency	Percent of Cases
<b>Spiritual nourishment</b>	46	4.6%
<b>Proper social inquiries</b>	39	3.9%
<b>Motivation and mentorship</b>	31	3.1%
<b>Rescue Centres</b>	29	2.9%
<b>Placement to probation services</b>	28	2.8%
<b>Recreation Services and nurturing of talent</b>	28	2.8%
<b>Alternative Dispute Resolution, i.e., Reconciliation, Mediation</b>	27	2.7%
<b>Effective Communication, i.e., Provision of a language translator</b>	25	2.5%
<b>Age assessment</b>	18	1.8%
<b>Witness Protection Services</b>	15	1.5%
<b>Provision of adequate logistics, including transport</b>	7	0.7%

The findings from key informants on what programmes and services are needed by children in conflict with the law. Had some of the following responses. A senior National Government Administrative Officer in Garrisa had the following to say:

*“...children in conflict with the law needs are very important, and therefore criminal justice agencies should endeavor to provide child-friendly holding facilities and separate confinement for boys and girls...”*

a) Principal Probation Officer from Uasin Gishu County said that:

*„... it is necessary to have special prosecutors and investigators grounded on children’s matters for the proper administration of justice...”* (In reference to prosecutions and investigations of children in conflict with the law:

b) An officer Commanding a Police Station in Elgeyo Marakwet remarked that:

*„.... children in conflict of law should be provided with free legal representation presentation, trials be conducted in camera, institutionalization of the child to be only considered as a last resort and taking into account of mitigating factors...”*

c) A senior Prisons Officer from a Borstal institution in Kakamega County said that-

*„... Borstal Institutions should not only be holding facilities for children in conflict with the law but also be child-friendly with Officers trained on how to deal with juveniles. In addition, Kenya Prisons Service should employ professionals such as Child psychiatrists, Pediatrics and psychologists...”*

d) A senior officer from the Department of Children Services –Nyeri County asserted that -  
*„ Criminal justice agencies should enhance facilitation and transition from the institutional-based rehabilitation to the community-based rehabilitation of children in conflict with the law..“*

Moreover, children respondents were also asked what they needed from the criminal justice agencies after their arrest to reintegrate into society. The findings established that the children respondents cited at least twenty-nine needs. In the order of priority of the top five needs were; primary formal education (55.1%) while in correctional and rehabilitation centres, provision of adequate basic needs and other personal effects (48.9%), guidance and counseling (34.7%), care and protection (33.0%) and legal representation) (27.3%) among others. Table 3.4 shows these findings.

**Table 3.4 Programmes and Services needed by Children in Criminal Justices Agencies Correctional and Rehabilitation Centers in Kenya**

Programmes and Services Required by Children in Criminal Justices Agencies Correctional and Rehabilitation Centers in Kenya	Frequency	Percent of Cases
<b>Basic formal education</b>	194	55.1%
<b>Provision of adequate basic needs and other personal effects</b>	172	48.9%
<b>Guidance and counselling</b>	122	34.7%
<b>Care and protection</b>	116	33.0%
<b>Legal representation</b>	96	27.3%
<b>Fair judicial processes</b>	55	15.6%
<b>Training/mentorship programmes</b>	50	14.2%
<b>Parental visitation and involvement</b>	48	13.6%
<b>Engagement in co-curriculum activities</b>	35	9.9%
<b>Spiritual nourishment</b>	29	8.2%
<b>Reintegration into the family/society/community</b>	27	7.7%
<b>Scholarships</b>	20	5.7%
<b>Rehabilitation programmes</b>	18	5.1%
<b>Health and medical services</b>	17	4.8%
<b>Parental love and responsibilities</b>	15	4.3%
<b>Integrity in the judicial process</b>	14	4.0%
<b>Availability of information on the court process</b>	14	4.0%
<b>Follow-up and aftercare programmes</b>	13	3.7%
<b>Expeditious judicial process</b>	11	3.1%
<b>Availability of bail and bonds</b>	8	2.3%
<b>Provision of adequate resources</b>	8	2.3%

Programmes and Services Required by Children in Criminal Justices Agencies Correctional and Rehabilitation Centers in Kenya	Frequency	Percent of Cases
<b>Unrestricted freedom while attending court sessions</b>	7	2.0%
<b>Offender-victim restoration programmes</b>	7	2.0%
<b>Age assessment and categorization</b>	7	2.0%
<b>Language interpreter/ use of simple language</b>	5	1.4%
<b>Freedom of expression</b>	2	0.6%
<b>Filing of appeals of their cases</b>	1	0.3%
<b>Diversion of their cases from the Criminal Justice System</b>	1	0.3%

Furthermore, the least needed priorities for children in conflict with the law and those undergoing correction and rehabilitation were diverting their cases from the criminal justice system and filing appeals of their cases.

These findings show how child protection would be strengthened with the aid of psychosocial support, provision of legal representation, care and safety, and provision of basic needs. Some findings also highlighted the need to improve children's holding facilities, capacity-build officers dealing with children in conflict with the law, and enhance the reintegration of children in conflict with the law back into the community and fair judicial process.

### **3.4 Level of Adequacy of Programmes and Services in place for addressing the needs of Children in Conflict with the law**

The study respondents were asked to ascertain the adequacy of various programs and services in place for addressing the needs of children in conflict with the law. Most (91.7%) of the public official respondents mentioned that legal services are adequate, adequate health/medical services provision (83.2%), expeditious judicial process, mentorship programmes, and supervision/ monitoring with a response rate (of 80.0%). Table 3.5 summarizes these findings.

**Table 3.5: Adequacy of Programs in place for addressing the needs of the Children in Conflict with the Law**

Variable	Level of Adequacy	Frequency	Percent
Legal Aid Service (Pro-bono services)	Adequate	11	91.7
	Not Adequate	1	8.3
	<b>Total</b>	<b>12</b>	<b>100.0</b>
Health/Medical services	Adequate	124	83.2
	Not Adequate	22	14.8
	Not Sure	3	2.0

Variable	Level of Adequacy	Frequency	Percent
	<b>Total</b>	<b>149</b>	<b>100.0</b>
	Total	5	100.0
Expeditious Judicial process	Adequate	8	80.0
	Not Adequate	2	20.0
	<b>Total</b>	<b>10</b>	<b>100.0</b>
Mentorship programmes	Adequate	20	80.0
	Not Adequate	5	20.0
	<b>Total</b>	<b>25</b>	<b>100.0</b>
Follow-up and referrals/supervision/monitoring	Adequate	32	80.0
	Not Adequate	8	20.0
	Total	40	100.0
Offender-victim restoration, conflict resolution programmes	Adequate	3	75.0
	Not Adequate	1	25.0
	<b>Total</b>	<b>4</b>	<b>100.0</b>
Community engagement programmes	Adequate	18	72.0
	Not Adequate	7	28.0
	<b>Total</b>	<b>25</b>	<b>100.0</b>
Recreational and extra co-curricular activities/sports activities/talent nurturing	Adequate	72	71.3
	Not Adequate	28	27.7
	Not Sure	1	1.0
	<b>Total</b>	<b>101</b>	<b>100.0</b>
Spiritual nourishment	Adequate	77	69.4
	Not Adequate	30	27.0
	Not Sure	3	2.7
	<b>Total</b>	<b>111</b>	<b>100.0</b>
Reconciliation and mediation sessions	Adequate	11	68.8
	Not Adequate	4	25.0
	Not Sure	1	6.2
	<b>Total</b>	<b>16</b>	<b>100.0</b>
Care and protection	Adequate	67	68.4
	Not Adequate	31	31.6
	<b>Total</b>	<b>98</b>	<b>100.0</b>
Logistical services support	Adequate	44	67.7
	Not Adequate	19	29.2
	Not Sure	2	3.1
	Total	65	100.0
Psychological support	Adequate	78	67.2
	Not Adequate	36	31.0
	Not Sure	1	0.9
	<b>Total</b>	<b>116</b>	<b>100.0</b>

Variable	Level of Adequacy	Frequency	Percent
Social work services/social inquiry	Adequate	6	66.7
	Not Adequate	3	33.3
	<b>Total</b>	<b>9</b>	<b>100.0</b>
Sensitization and Civic Education	Adequate	19	65.5
	Not Adequate	8	27.6
	Not Sure	2	6.9
	<b>Total</b>	<b>29</b>	<b>100.0</b>
Implementation of Children Act, 2022	Adequate	36	63.2
	Not Adequate	17	29.8
	Not Sure	4	7.0
	<b>Total</b>	<b>57</b>	<b>100.0</b>
Guidance and counselling	Adequate	287	62.1
	Not Adequate	162	35.1
	Not Sure	13	2.8
	<b>Total</b>	<b>462</b>	<b>100.0</b>
Family engagement/visitation	Adequate	15	60.0
	Not Adequate	9	36.0
	Not Sure	1	4.0
	<b>Total</b>	<b>25</b>	<b>100.0</b>
Formal basic education	Adequate	224	58.5
	Not Adequate	141	36.8
	Not Sure	18	4.7
	<b>Total</b>	<b>383</b>	<b>100.0</b>
Reintegration services	Adequate	24	57.1
	Not Adequate	17	40.5
	Not Sure	1	2.4
	<b>Total</b>	<b>42</b>	<b>100.0</b>
Rehabilitation services	Adequate	103	55.7
	Not Adequate	72	38.9
	Not Sure	9	4.9
	<b>Total</b>	<b>185</b>	<b>100.0</b>
Empowerment programmes, including the provision of tools and scholarships	Adequate	42	53.8
	Not Adequate	33	42.3
	Not Sure	3	3.8
	<b>Total</b>	<b>78</b>	<b>100.0</b>
Life skills programmes	Adequate	1	50.0
	Not Adequate	1	50.0
	<b>Total</b>	<b>2</b>	<b>100.0</b>
Vocational training and seminars	Adequate	9	30.0

Variable	Level of Adequacy	Frequency	Percent
	Not Adequate	20	66.7
	Not Sure	1	3.3
	<b>Total</b>	<b>30</b>	<b>100.0</b>
Victim and witness protection services	Not Adequate	2	66.7
	Not Sure	1	33.3
	<b>Total</b>	<b>3</b>	<b>100.0</b>
Diversion of cases programmes	Adequate	2	40.0
	Not Adequate	3	60.0
	Total	5	100.0
Child protection unit /child cell/separation and isolation from serious offenders	Adequate	59	42.4
	Not Adequate	73	52.5
	Not Sure	7	5.0
	<b>Total</b>	<b>139</b>	<b>100.0</b>
Services offered at Children's court	Adequate	88	43.1
	Not Adequate	107	52.5
	Not Sure	8	3.9
	<b>Total</b>	<b>204</b>	<b>100.0</b>

From the findings, the specific programs and services notably mentioned as not being adequate (as can be seen from Table 3.5) were: vocational training and seminars offered in correctional and rehabilitation centres (66.7%), victim and witnesses protection (66.7%), diversion of cases programmes from criminal justice agencies (60.0%) and inadequate child protection units (56.8%).

The sample key informant findings on the level of adequacy of programmes/services offered by criminal justice agencies were as follows.

An Inspector of Prisons Service in Kakamega County *with 33 years of service pointed out that -*

*„... the orientation services provided by Borstal and youth corrective centers, as well as their information technology and vocational programs, have been found to be not only insufficient but also lacking in market-driven strategies. This means that children in conflict with the law who participate in these programs may not be adequately prepared for the demands of the job market once they are released from*

*these institutions. These services and programs must be improved to better equip children in conflict with the law with the skills and knowledge necessary to succeed in their chosen careers post-release. Through such improvements, there is a greater likelihood of reducing relapsing rates and promoting successful reintegration into society....”*

This finding was supported by most other key informants, who specifically pointed out that the Youth Corrective Training Centre (YCTC) was not effective.

Chief Magistrate in Machakos County had the following to say: -

*„The Department of Children Services plays a crucial role in matters relating to children; however, it is currently facing significant challenges regarding staffing, funding, and resources. Specifically, there is a shortage of personnel to carry out the necessary tasks and duties, which has resulted in increased workload and decreased efficiency. Additionally, the organization is experiencing financial difficulties that have limited its ability to invest in key areas such as equipment and training. As a result, there are no vehicles available for use by staff members who require transportation for work-related purposes. These issues are having a significant impact on the operations and overall effectiveness of the organization, and urgent action is needed to address them in order to ensure its long-term sustainability and success....”*

A senior Probation Officer in Kilifi County asserted: -

*„...the effectiveness of County government has been called into question due to a lack of programs dedicated to benefiting children. It appears that the primary focus of the county is on addressing sexual offenses, leaving other important areas neglected. This narrow focus may lead to an imbalance in priorities and a failure to serve all community members adequately. County officials must consider a more comprehensive approach that addresses a broader range of issues affecting children and families in their jurisdiction. This can help ensure that everyone's needs, including children, are met and that the community as a whole can thrive.....”*

A senior Probation Officer in Kwale acknowledged the sheer workload and constraints facing these institutions dealing with the rehabilitation and care of children who have come into conflict with the law. He had this to say: -



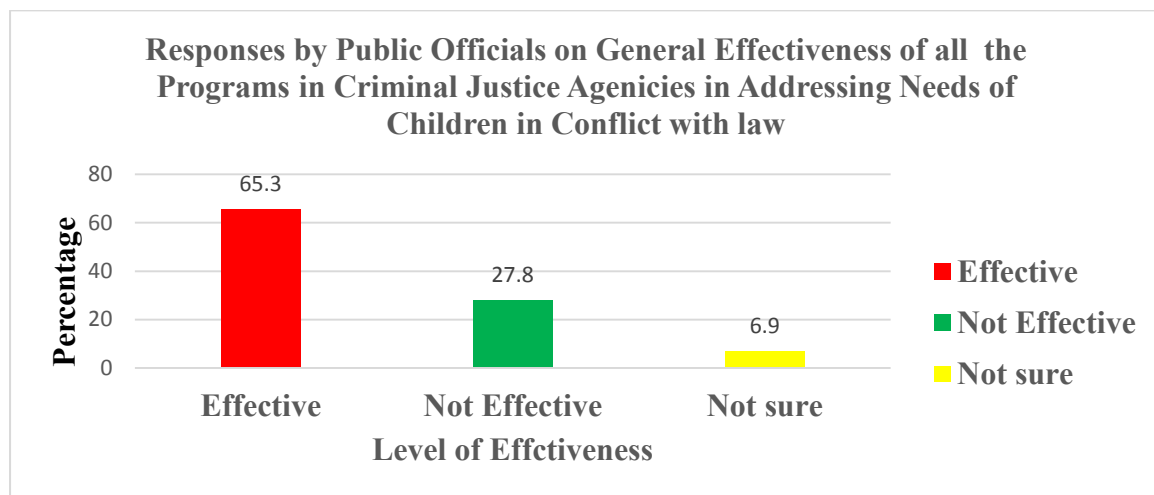
*„... despite their noble intentions and efforts, these institutions often struggle to provide efficient and effective care for these vulnerable young people. One of the main challenges facing these institutions is the sheer magnitude of their duties. They are responsible for providing not only physical care but also emotional support and guidance to children who may be struggling with a range of issues. This can include everything from addiction and mental health problems to family breakdowns and trauma. Unfortunately, many of these institutions are also faced with significant funding constraints. This means that they may not have access to the resources they need in order to provide the highest quality care possible. This can result in inadequate facilities or equipment and limited access to training or professional development opportunities. Despite these challenges, however, many dedicated professionals continue to work tirelessly within these institutions in order to help children overcome their difficulties and move toward a brighter future. Whether through counseling, education programs, or other forms of support, they are committed to making a positive difference in the lives of those they serve. Ultimately, it is up to all of us as criminal justice agencies to support these efforts by advocating for adequate funding and resources for these vital institutions..... “*

From the findings, it can be alluded that the consequences of inadequate vocational training and seminars in correctional and rehabilitation institutions, besides other inadequacies, could appear to be a factor in the ongoing rise in crime and recidivism among children. As indicated by many public officials, the inadequacy of victim and witness protection programs and services can be attributed to a lack of awareness of the programmes provided. There is a need for improvement in the adequacy of programmes to address the specific needs of children in conflict with the law for successful rehabilitation and reintegration of the children offenders into society and avert or lower recidivism. This calls for a comprehensive review of all the specific programmes with a significant rating with an “inadequate” rating score.

### **3.4.1 Responses by Public Officials in Institutions Dealing with Children in Conflict with Law on Effectiveness of Programmes and Services in Mitigating the Risk of Re-offending**

Public officials’ respondents were asked to give a general opinion on the effectiveness of all programmes and services offered by criminal justice agencies in addressing the needs of children in conflict with the law as shown in Figure 1. Majority (65.3%) of the respondents indicated that the programmes and services offered by CJS agencies are effective in mitigating the risk of re-offending among children in conflict with the law.

However, (27.8%) of the respondents said that the programmes and services offered by CJS agencies are not effective in mitigating the risk of re-offending among children in conflict with the law. However, a further 6.9% of the public officials’ respondents were not sure whether programmes and services offered by the agencies are effective or not in mitigating the risk of re-offending among children in conflict with the law.



**Figure 1: Responses by Public Officials on the General Effectiveness of all the Programs in Criminal Justice Agencies in Addressing the Needs of Children in Conflict with Law**

Criminal justice agencies are mandated to safeguard the rights of all children in Kenya by effectively implementing relevant policies. In light of the findings, the majority (65.3% of the sampled respondents feel satisfied with their work, implying they effectively mitigate the risk of re-offending among children in conflict with the law. However, an Assistant Director of prosecution in Kakamega noted that-

*„... all programmes and services provided by criminal justice agencies to address the needs of children in conflict with the law are not adequate and not need specific....”*

A Human Rights official from civil society in North Rift said that: -

*„..... inadequate rehabilitation programs, few formal schools and in adequate special courts to handle matters pertaining to children in conflict with the law has resulted in so many children loitering on streets hence vulnerable to committing crimes.....”*

Kenya National Commission for Human Rights Programmes Officer in Trans-Nzoia County cited that: -

*“.... holding facilities, counselling services and skilled personnel are not adequate to address the needs for children in conflict with the law....”*

The findings from key informants emphasize the need for criminal justice agencies to

enhance programs and services for children in conflict with the law.

### 3.4.2 Responses on Effectiveness of Specific Institutions Dealing with Children in Conflict with the Law

Public officials' respondents were asked to rate the effectiveness of specific institutions in addressing the needs of the children in conflict with the law in Kenya. Health institutions (79.8%) were rated to be the most effective Probation and Aftercare Services (79.0%), Judiciary (76.3%), and Office of the Director of Public Prosecution (73.2%). On the other hand, 38.2% and 20.8% indicated that programs and services provided by the Kenya Police Service and Witness Protection Agency, respectively, were ineffective. The findings are indicated in Table 3.6.

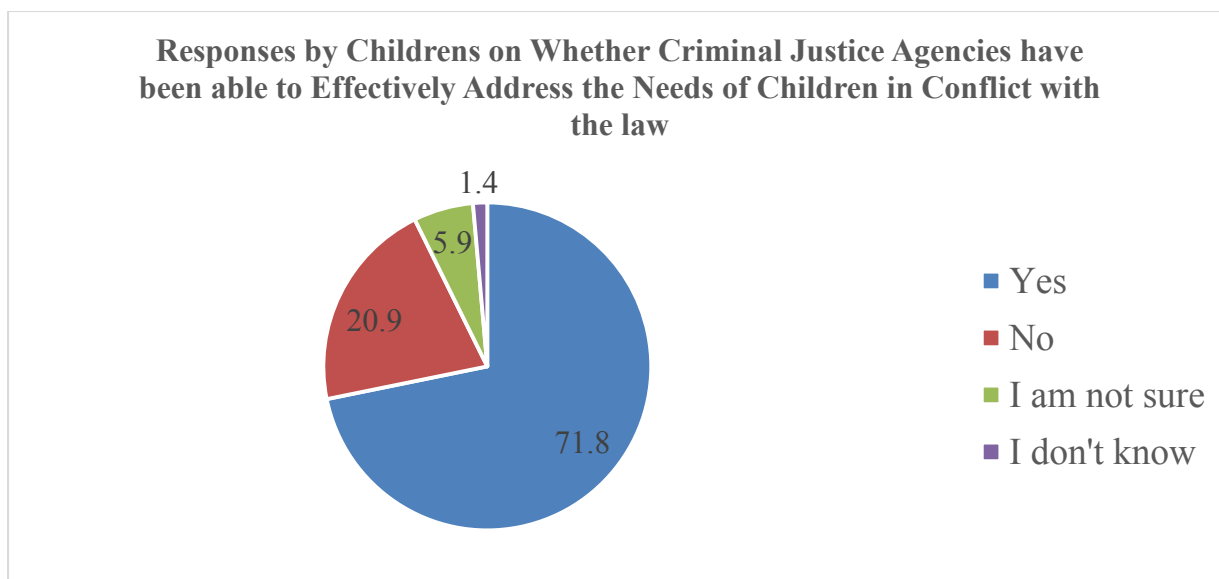
**Table 3.6: Responses on Effectiveness of Specific Institutions Dealing with Children in Conflict with the Law**

Responses on Effectiveness of Specific Institutions Dealing with Children in Conflict with the Law	General effectiveness of the institution	Frequency	Valid Percent
Health Institutions	Effective	782	79.8
	Not Effective	119	12.1
	Not Sure	79	8.1
	<b>Total</b>	<b>980</b>	<b>100.0</b>
Probation and Aftercare Services	Effective	781	79.0
	Not Effective	129	13.0
	Not Sure	78	7.9
	<b>Total</b>	<b>989</b>	<b>100.0</b>
The Judiciary	Effective	762	76.3
	Not Effective	183	18.3
	Not Sure	54	5.4
	<b>Total</b>	<b>999</b>	<b>100.0</b>
Office of the Director of Public Prosecution	Effective	727	73.2
	Not Effective	157	15.8
	Not Sure	109	11.0
	<b>Total</b>	<b>993</b>	<b>100.0</b>
National Government Administrative Offices (NGAO) including Nyumba Kumi)	Effective	693	70.2
	Not Effective	208	21.1
	Not Sure	86	8.7
	<b>Total</b>	<b>987</b>	<b>100.0</b>
Department of Children Services (Remand Homes)	Effective	644	65.2
	Not Effective	194	19.6
	Not Sure	149	15.1
	<b>Total</b>	<b>988</b>	<b>100.0</b>

Responses on Effectiveness of Specific Institutions Dealing with Children in Conflict with the Law	General effectiveness of the institution	Frequency	Valid Percent
Kenya Prison Service (Borstal Institutions)	Effective	625	63.7
	Not Effective	165	16.8
	Not Sure	191	19.5
	<b>Total</b>	<b>981</b>	<b>100.0</b>
Department of Children Services (Rehabilitation Homes)	Effective	620	62.9
	Not Effective	163	16.5
	Not Sure	203	20.6
	<b>Total</b>	<b>986</b>	<b>100.0</b>
Kenya Police Service	Effective	571	57.2
	Not Effective	382	38.2
	Not Sure	46	4.6
	<b>Total</b>	<b>999</b>	<b>100.0</b>
Government Chemist	Effective	572	59.1
	Not Effective	152	15.7
	Not Sure	244	25.2
	<b>Total</b>	<b>968</b>	<b>100.0</b>
Kenya Prison Services (Youth Correctional Training Centre)	Effective	523	54.2
	Not Effective	133	13.8
	Not Sure	309	32.0
	<b>Total</b>	<b>965</b>	<b>100.0</b>
Witness Protection Agency	Effective	339	35.0
	Not Effective	201	20.8
	Not Sure	428	44.2
	<b>Total</b>	<b>968</b>	<b>100.0</b>
Victim Protection Board	Effective	293	30.8
	Not Effective	130	13.7
	Not Sure	529	55.6
	<b>Total</b>	<b>952</b>	<b>100.0</b>

Interestingly, a significant number (55.6%) of public officials' respondents were not sure about programmes and services provided by Victim Protection Board, and a further (44.2%) were not sure about programs and services provided by Witness Protection Agency.

The children respondents were also asked to rate the level of effectiveness of the criminal justice agencies in addressing their needs. Most of them are shown in Figure 2 (71.8%) indicated that the agencies have been able to address their needs effectively, while 20.9% said that the agencies have not managed to address their needs effectively.



**Figure 2. Responses by Childrens on Whether Criminal Justice Agencies have been able to effectively address the Needs of Children in Conflict with the law**

The findings from key informants on the rating of the level of effectiveness of specific institutions in criminal justice agencies revealed the following: - A senior Public Prosecutor in Kakamega County had this to say: -

*„... Specifically, the diversion approach is deemed effective but not entirely adequate. The Office of the Director of Public Prosecutions policy documents are available and utilized within the program. However, when it comes to interviewing skills for children, they are lacking in effectiveness. Tracing skills are also not well defined within the program. While these areas may be seen as weaknesses, it is important to note that overall, the program is making strides towards achieving its goals and objectives...“*

Senior National Government Administrative Officer County in Trans-Nzoia County said that:

*„... In the realm of educational programs, several key factors determine its success. These include program geared towards adequacy and effectiveness, as well as social re-integration for children in conflict with the law who may have experienced disruptions in their academic journeys. These programs must be adequate to provide children with a strong foundation for their future studies. In this regard, formal education programmes in agencies dealing with children in conflict with the law are generally considered adequate. However, the situation is not always clear-cut when it comes to social re-integration for children in conflict with the law. While efforts are*

*being made to address this issue, there is still much work to be done to ensure that these children are able to integrate back into society fully. Another area where improvements can be made is in children in conflict with law profiling. While some progress has been made in terms of identifying and addressing the needs of children in conflict with the law, there is still much room for improvement. Finally, when it comes to training children in conflict with law, there is reason for optimism. Most programs are considered adequate in terms of providing children with the skills they need to succeed academically and beyond. However, ongoing efforts must be made to ensure that these programs remain effective over time and continue to meet the evolving needs of today's learners...."*

Another officer from Probation & Aftercare services in Uasin Gishu County noted that-

*„...when it comes to vocational skills training such as carpentry or masonry, there may be a lack of adequacy in terms of resources and opportunities provided but still deemed effective in providing valuable skills...."*

From the findings, it is clear that specific institutions dealing with children in conflict with the law are generally effective, as are most of the programmes designed. However, victim and witness protection programs are not known, bringing to the fore the need for the respective agencies to intensify their operations and sensitize the members of the public.

### **3.5 Satisfaction level of Programmes and Services provided by Criminal Justice Agencies**

This study also sought to gauge the level of satisfaction from the public officials' respondents on specific programmes and services offered by institutions dealing with children in conflict with the law. The most rated specific programmes as highly satisfactory were alternative dispute resolution mechanisms (96.1%), judicial services (95.0%), and opportunities to participate in extra-curriculum activities (91.9%).

The respondents also indicated significant satisfactory performance lapses in the following specific programmes: education/training programs (21.5%), the commitment of children in conflict with the law to rehabilitation programmes (20.5%), and care and protection services (18.7%) were not practical. The findings are as indicated in Table 3.7

**Table 3.7: Satisfaction level of Programmes and Services provided by Criminal Justice Agencies**

Variables		Frequency	Valid Percent
Alternative Dispute Resolution services	Effective	73	96.1
	Not Effective	2	2.6
	Not Sure	1	1.3
	<b>Total</b>	<b>76</b>	<b>100.0</b>
Judicial services	Effective	19	95.0
	Not Effective	1	5.0
	Not Sure	0	0
	<b>Total</b>	<b>20</b>	<b>100.0</b>
Opportunities for extra-curriculum activities	Effective	57	91.9
	Not Effective	4	6.5
	Not Sure	1	1.6
	<b>Total</b>	<b>62</b>	<b>100.0</b>
Health/ medical services	Effective	87	89.7
	Not Effective	8	8.2
	Not Sure	2	2.1
	<b>Total</b>	<b>97</b>	<b>100.0</b>
Legal aid services	Effective	48	88.9
	Not Effective	5	9.3
	Not Sure	1	1.9
	<b>Total</b>	<b>54</b>	<b>100.0</b>
Visitations	Effective	51	87.9
	Not Effective	7	12.1
	<b>Total</b>	<b>58</b>	<b>100.0</b>
Vocational training	Effective	101	87.8
	Not Effective	11	9.6
	Not Sure	3	2.6
	<b>Total</b>	<b>115</b>	<b>100.0</b>
Proper implementation of laws and policies	Effective	77	87.5
	Not Effective	9	10.2
	Not Sure	2	2.3
	<b>Total</b>	<b>88</b>	<b>100.0</b>
Outsourcing of expert services on a need basis	Effective	14	87.5
	Not Effective	2	12.5
	<b>Total</b>	<b>16</b>	<b>100.0</b>
	Effective	85	86.7
Discussion of children matters in court user meetings	Effective	8	97.0
	Not Effective	2	2.0
	Not Sure	1	1.0

Variables		Frequency	Valid Percent
	<b>Total</b>	<b>11</b>	<b>100.0</b>
Collaborations and partnerships in children's matters	Effective	54	85.7
	Not Effective	8	12.7
	Not Sure	1	1.6
	<b>Total</b>	<b>63</b>	<b>100.0</b>
Spiritual nourishment programmes	Effective	65	85.5
	Not Effective	10	13.2
	Not Sure	1	1.3
	<b>Total</b>	<b>76</b>	<b>100.0</b>
Follow up & aftercare services.	Effective	45	83.3
	Not Effective	6	11.1
	Not Sure	3	5.6
	<b>Total</b>	<b>54</b>	<b>100.0</b>
Reintegration services	Effective	65	83.3
	Not Effective	11	14.1
	Not Sure	2	2.6
	<b>Total</b>	<b>78</b>	<b>100.0</b>
Public sensitization programmes	Effective	55	84.6
	Not Effective	6	9.2
	Not Sure	4	6.2
	<b>Total</b>	<b>65</b>	<b>100.0</b>
Children & gender desk	Effective	122	83.0
	Not Effective	25	17.0
	<b>Total</b>	<b>147</b>	<b>100.0</b>
Social protection programmes	Effective	33	82.5
	Not Effective	5	12.5
	Not Sure	2	5.0
	<b>Total</b>	<b>40</b>	<b>100.0</b>
Empowerment programmes	Effective	40	81.6
	Not Effective	8	16.3
	Not Sure	1	2.0
	<b>Total</b>	<b>49</b>	<b>100.0</b>
Psychosocial support	Effective	440	80.3
	Not Effective	93	17.0
	Not Sure	15	2.7



Variables		Frequency	Valid Percent
	<b>Total</b>	<b>548</b>	<b>100.0</b>
Care and protection services	Effective	268	79.5
	Not Effective	63	18.7
	Not Sure	6	1.8
	<b>Total</b>	<b>337</b>	<b>100.0</b>
Commitment of children in conflict with the law into rehabilitation programmes	Effective	102	77.3
	Not Effective	27	20.5
	Not Sure	3	2.3
	<b>Total</b>	<b>132</b>	<b>100.0</b>
Facilitation of education/training programs	Effective	157	75.1
	Not Effective	45	21.5
	Not Sure	7	3.3
	<b>Total</b>	<b>209</b>	<b>100.0</b>

The children respondents were also asked to rate their level of satisfaction with programmes and services provided by agencies within the administration of juvenile justice. Majority (92.6%) of the children in conflict with the law said that they were satisfied with spiritual nourishment. Others (92.0%) mentioned empowerment programmes, while 91.4% were satisfied with life skills/ mentorship programmes. Table 3.8 shows the findings on the levels of satisfaction as rated by the children respondents.

**Table 3.8 Programmes and Services needed by Children in Criminal Justices Agencies Correctional and Rehabilitation Centers in Kenya**

Programmes and Services offered by Criminal Justice Agencies	Level of Satisfaction as Rated by Children	Frequency	Valid Percent
<b>Spiritual nourishment</b>	Satisfied	151	92.6
	Not Satisfied	12	7.4
	<b>Total</b>	<b>163</b>	<b>100.0</b>
<b>Empowerment programmes</b>	Satisfied	23	92.0
	Not Satisfied	2	8.0
	<b>Total</b>	<b>25</b>	<b>100.0</b>
<b>Mentorship /life skills</b>	Satisfied	53	91.4
	Not Satisfied	4	6.9
	Not sure	1	1.7
	<b>Total</b>	<b>58</b>	<b>100.0</b>
<b>Psychosocial support</b>	Satisfied	181	87.4
	Not Satisfied	25	12.1

<b>Programmes and Services offered by Criminal Justice Agencies</b>	<b>Level of Satisfaction as Rated by Children</b>	<b>Frequency</b>	<b>Valid Percent</b>
	Total	207	100.0
<b>Provision of medical services</b>	Satisfied	38	84.4
	Not Satisfied	7	15.6
	Total	45	100.0
<b>Provision of basic needs</b>	Satisfied	116	81.7
	Not Satisfied	25	17.6
	Not sure	1	0
	Total	142	100.0
<b>Legal representation</b>	Satisfied	4	80.0
	Not Satisfied	1	20.0
	Total	5	100.0
<b>Care &amp; protection</b>	Satisfied	8	80.0
	Not Satisfied	2	20.0
	Total	10	100.0
<b>Entertainment &amp; Sports</b>	Satisfied	178	79.8
	Not Satisfied	42	18.8
	Not sure	2	0.9
	Total	223	100.0
<b>Vocational training</b>	Satisfied	126	77.3
	Not Satisfied	30	18.4
	Not sure	5	3.1
	Total	163	100.0
<b>Formal Education</b>	Satisfied	183	70.1
	Not Satisfied	76	29.1
	Not sure	2	0.8
	Total	261	100.0
<b>Alternative dispute resolution mechanisms</b>	Satisfied	3	60.0
	Not Satisfied	2	40.0
	Total	5	100.0

However, many children (40.0%) were not satisfied with alternative dispute resolution (ADR) mechanisms. Also, 29.1% were not satisfied with how primary formal education was provided, and 20.0% indicated a lack of satisfaction with legal representation.

These findings reveal a few insightful scores. First, the alternative dispute resolution mechanism might not always be impartial; there are inherent challenges in providing primary education in these correctional and rehabilitation centres, which could be attributed to inadequate funding and low-skilled personnel. The legal representation, which was also

mentioned though by a few public officials as a challenge encountered towards addressing issues of children in conflict with the law, would be attributed to the inability to participate in court proceedings while in the rehabilitation centres effectively. Additionally, there is a clear indication that there could be a gap in the implementation of vocational training programmes and the commitment of children in conflict with the law to rehabilitation programs and care/protection services. Therefore, there is a need for all criminal justice agencies to enhance concerted efforts towards the provision of education/training and rehabilitation programmes as well as care and protection services.

### **3.6 Other programmes and services for children in conflict with the law recommended by officials in institutions dealing with children in conflict with the law**

This study sought to establish what other programmes and services the criminal justice agencies would require to carry out their mandate to rehabilitate juvenile offenders effectively. The most cited programmes and/or services included: psychosocial support (19.9%), child protection services/ programmes (13.1%), and capacity building /mentorship programmes (13.0%). Table 3.9 shows the findings.

**Table 3.9: Other Programs and services needed as suggested by public officials in institutions dealing with children in conflict with law**

<b>Other Programs and/ or services needed as suggested by public officials in institutions dealing with children in conflict with the law</b>	<b>Frequency</b>	<b>Percent of Cases</b>
Psycho-social support	184	19.9%
Child protection services/programmes	121	13.1%
Capacity building /mentorship programmes	120	13.0%
Care and protection	105	11.4%
Provision of adequate infrastructure	96	10.4%
Awareness and sensitization programmes	92	10.0%
Empowerment programmes	89	9.6%
Care and protection programmes	76	8.2%
Educational programmes /scholarship	66	7.1%
Deployment of skilled/technical staff	49	5.3%
Extra-curriculum activities	50	5.4%
Monitoring and follow-up programs/aftercare services	40	4.3%
Parental visitation /family reunion/community engagement program	33	3.6%
Opportunities for technical and vocational training	33	3.6%
Legal representation services	29	3.1%

Health and medical services	26	2.8%
Spiritual nourishment programmes	22	2.4%
Alternative dispute resolution	16	1.7%
Joint programs with partners to fund children's needs	16	1.7%
Legal awareness programmes	12	1.3%
Diversion of cases	10	1.1%
Decentralization of CJA services	9	1.0%
Legal framework reforms and policies	9	1.0%
Expeditious services on matters of children	7	0.8%
Life skills training	7	0.8%
Victim protection programmes	6	0.6%
Offender-victim restoration programmes	6	0.6%
Internship /apprenticeship /employment programmes	4	0.4%
Witness protection programmes	3	0.3%

The Key informants were also asked to suggest other programmes and services needed to effectively and adequately deal with children in conflict with the law. Sample findings are as follows: -

A senior Probation officer in Uasin Gishu County noted: -

*„... Probation and Aftercare Services should prioritize spearheading an exchange program aimed at promoting bench-marking and building on best practices, which will seek to foster collaboration between probation officers from different regions, allowing them to share ideas and experiences. One of the key areas of focus for this initiative is the promotion of computer education programs that support digital government jobs. By equipping probation officers with the necessary skills to navigate digital systems, they can effectively carry out their duties in an ever-evolving technological landscape....”*

A Senior Prosecution Counsel in Kakamega County highlighted that: -

*„... there is a need for special prosecutors to handle cases related to children. This is because these cases require specialized attention and knowledge, which can only be provided by experienced prosecutors who are well-versed in the legal framework that pertains to children's matters. To ensure effective service delivery, there is also a need for additional children's officers who are vibrant and passionate about their work. These officers should be adequately trained on child protection laws and equipped with the necessary skills to handle complex cases involving children.....”*

An officer from Kenya National Commission for Human Rights North Rift Regional Office noted that -

*„...it is important to consider relevant programs and interventions that may be available to intersex children to avoid several potential issues that may arise. These could include discrimination or mistreatment based on their intersex status, difficulties accessing appropriate medical care or support services, and challenges navigating legal processes that may not fully account for their unique needs and circumstances. These might include specialized legal clinics or advocacy organizations that focus specifically on supporting intersex individuals, as well as educational resources designed to help legal professionals better understand the needs of this special category.....“*

Another Senior Probation Officer in Kiambu County suggested that: -

*‘there is a need to have a Methadone clinic and counseling services which are an essential resource for those struggling with drug addiction, provide medication-assisted treatment to help manage withdrawal symptoms and cravings....“*

A judicial officer in Mombasa County emphasized the importance of ensuring that children's courts are spread throughout all counties. He further stated that: -

*„... courts should be child-friendly, with posters and paintings that can help them feel more at ease and more importantly the courts should be accessible by children with disabilities, that is to say, create special designs such as ramps and other assistive technologies. By making these changes, we can create a more inclusive justice system that prioritizes the needs and well-being of all children who find themselves involved in legal proceedings....“*

The findings on other programs and services will supposedly enhance and provide a safe and more supportive environment to the children in conflict with the law to help them better cope with their rehabilitation process and improve their mental health and general well-being.

### **3.7 Responses from Children on Specific Issues or Services within Criminal Justice Agencies**

This study sought to understand from the children undergoing correction and rehabilitation programmes what they like or dislike in specific criminal justice agencies and their recommendations on how to address these concerns.

### 3.7.1 What the children undergoing rehabilitation programmes like about the Kenya Police Service - Police Stations

The findings on what they like from Kenya Police Service (police stations) as shown in *Table (i)* were that 29.7% liked the provision of basic needs at the police station, 29.2% said that police are very professional when dealing with children cases while 27.1% said that police ensure children in conflict with the law are provided with care and protection as they await the due process.

**Table (i). What the children undergoing rehabilitation programmes like about the Kenya Police Service, Police Station**

What the children undergoing rehabilitation programmes like about the Kenya Police Service, Police Station	Frequency	Percent of Cases
Provision of basic needs	57	29.7%
Professionalism when dealing with children	56	29.2%
Care and protection	52	27.1%
Efficiency in responding to matters children	32	16.7%
Psychosocial support	20	10.4%
Fair and impartial services	12	6.2%
Facilitation for family engagement, i.e., communication	12	6.2%
Separation of holding cells for female and male	9	4.7%
Availing access to legal representation	2	1.0%
Facilitation of referrals	2	1.0%
Facilitation of health and medical services	1	0.5%

### 3.7.2 What the children undergoing rehabilitation programmes dislike about the Kenya Police Service-Police Station

Some (38.5%) children cited unprofessional conduct by some police officers and physical abuse and mental distress (27.8%) within the police station environment as things that they don't like. Another, 25.0%, said inadequate provision for basic needs and police stations don't provide a conducive accommodation environment (22.6%). These findings are indicated in *Table (ii)*.

**Table (ii). What the children undergoing rehabilitation programmes dislike about the Kenya Police Service-Police Stations**

What the children undergoing rehabilitation programmes dislike about the Kenya Police Service-Police Stations	Frequency	Percent of Cases
<b>Unprofessional conduct by some police officers</b>	111	38.5%
<b>Physical abuse and mental distress</b>	80	27.8%
<b>Inadequate basic needs</b>	72	25.0%
<b>Inhumane accommodation environment</b>	65	22.6%
<b>Insufficient infrastructure</b>	39	13.5%

<b>Inefficiencies of some police officers</b>	37	12.8%
<b>Prolonged hours in lock up</b>	31	10.8%
<b>Inadequate equipment</b>	20	6.9%
<b>Insufficient facilitation for family engagement</b>	5	1.7%
<b>Misuse of handcuffs</b>	5	1.7%
<b>Lack of proper health and medical services</b>	5	1.7%
<b>Unskilled personnel</b>	4	1.4%

### 3.7.3 Perception on how to address what the children undergoing rehabilitation programmes dislike about the Kenya Police Service-Police Station

The children were further asked to suggest addressing what they did not like about the Kenya Police Service- the police station. Most 28.5% of the children mentioned that there is a need to uphold ethical and professional conduct in some police stations where it was lacking. Also, 19.4% of the respondents felt that some stations had inadequate basic needs and insufficient infrastructure (15.4%). Other responses are summarized in *Table (iii)*.

**Table (iii). Perception on how to address what the children undergoing rehabilitation programmes dislike about the National Police Service, Police Station**

Perception on how to address what the children undergoing rehabilitation programmes dislike about the National Police Service, Police Station	Frequency	Percent of Cases
<b>Upholding ethical and professional conduct</b>	72	28.5%
<b>Enhancing the provision of adequate basic needs</b>	49	19.4%
<b>Provision of sufficient infrastructure, e.g., holding cells, washrooms</b>	39	15.4%
<b>Improve child-friendly environment</b>	38	15.0%
<b>Proper implementation of laws and policies</b>	37	14.6%
<b>Upholding children rights</b>	26	10.3%
<b>Provision of adequate equipment</b>	23	9.1%
<b>Training and capacity building for the police</b>	11	4.3%
<b>Expeditious redress of children matters</b>	11	4.3%
<b>Provision of adequate skilled staff</b>	7	2.8%
<b>Civic education, awareness and sensitization</b>	7	2.8%
<b>Provision of psychosocial support services</b>	7	2.8%

Perception on how to address what the children undergoing rehabilitation programmes dislike about the National Police Service, Police Station	Frequency	Percent of Cases
<b>Impose disciplinary action in case of unethical conduct</b>	6	2.4%
<b>Enhanced alternative dispute resolution services within police stations</b>	4	1.6%
<b>Provision of secondary needs</b>	2	0.8%

From the above findings, there is a challenge with the conduct of some police officers when dealing with children in conflict with the law and upholding human rights. This calls for enhanced training of police officers on professional ethics and human rights. Additionally, there is a need for the establishment of child protection units in all police stations and the improvement of other needed amenities.

### 3.7.4 What the children undergoing rehabilitation programmes like about the Office of the Director of Public Prosecution

Most 36.6% of the respondents indicated that the public prosecution counsel is fair and impartial in delivering their mandate, and 32.3% cited that the Office of the Director of Public Prosecution (ODPP) office is adequate. In comparison, 13.0% indicated that prosecutors have always followed the due process of law, as shown in *Table (iv)*.

**Table (ix). What the children undergoing rehabilitation programmes like about the Office of the Director of Public Prosecution**

What the children undergoing rehabilitation programmes like about the Office of the Director of Public Prosecution	Frequency	Percent of Cases
<b>Fair and impartial in action</b>	59	36.6%
<b>Efficiency in handling matters</b>	52	32.3%
<b>Very aware of the due process of law</b>	21	13.0%
<b>Proper implementation of laws and policies</b>	15	9.3%
<b>Psychosocial support</b>	11	6.8%
<b>Care and protection services</b>	10	6.2%
<b>Upholding children rights</b>	8	5.0%
<b>Collaboration and cooperation with relevant stakeholders</b>	6	3.7%
<b>Facilitation of family engagement</b>	3	1.9%



### 3.7.5 What the children undergoing rehabilitation programmes dislike about the Office of the Director of Public Prosecution

The children were also asked what they did not like about the Office of the Director of Public Prosecution. Majority (58.3%) of them in some rehabilitation centres indicated that some prosecutors were unprofessional, and a few 22.2% cited that in some cases, there were delays and inefficiencies in their work, making cases take too long to be concluded in courts, as indicated in *Table (v)*.

**Table (v). What the children undergoing rehabilitation programmes dislike about the Office of the Director of Public Prosecution**

What the children undergoing rehabilitation programmes dislike about the Office of the Director of Public Prosecution	Frequency	Percent of Cases
<b>Unprofessionalism of some prosecutors</b>	63	58.3%
<b>Delays and inefficiencies</b>	24	22.2%
<b>Poor implementation of laws and policies</b>	13	12.0%
<b>Inadequate skilled personnel on matters children</b>	6	5.6%
<b>Poor interagency collaboration</b>	4	3.7%
<b>Low civic education, awareness, and sensitization</b>	3	2.8%
<b>Physical abuse &amp; mental distress</b>	3	2.8%

### 3.7.6 Perception on how to address what the children undergoing rehabilitation programmes dislike about the Office of the Director of Public Prosecution

The children were then asked what they would like to be done to address the things they did not like about the Office of the Director of Public Prosecution. The most common responses, as shown in *Table (vi)*, were the promotion of integrity, professionalism, and accountability (31.5%), proper implementation of laws and policies (17.4%), fair and impartial services (17.4%), and expedition of children cases (13.0%).

**Table (vi). Perception on how to address what the children undergoing rehabilitation programmes dislike about the Office of the Director of Public Prosecution**

Perception on how to address what the children undergoing rehabilitation programmes dislike about the Office of the Director of Public Prosecution	Frequency	Percent of Cases
<b>Promote integrity, professionalism, and accountability</b>	29	31.5%
<b>Proper implementation of laws and policies</b>	16	17.4%
<b>Fair and impartial services</b>	16	17.4%
<b>Expedite children's cases</b>	12	13.0%
<b>Offer training and capacity-building</b>	7	7.6%
<b>Provision of adequate personnel</b>	7	7.6%
<b>Promote cooperation and collaboration</b>	6	6.5%

<b>Upholding children rights</b>	6	6.5%
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From the findings, unprofessionalism by some prosecutors and delays in processing children in conflict with law cases were mentioned as a challenge. In this case, therefore, there is a need for intensive training of special prosecutors dealing with children in conflict with the law and expeditious delivery of justice.

**3.7.7 What the children undergoing rehabilitation programmes like about the Judiciary**  
Majority (50.9%) of the children, as shown in *Table (vii)*, indicated that judicial officers are fair and impartial in delivering justice. Another, 13.1% indicated that they like the professionalism of judicial officers, while 11.7% cited that judicial officers prefer rehabilitation rather than punishment of a child offender.

**Table (vii). What do children undergoing rehabilitation programmes like about the Judiciary?**

What do children undergoing rehabilitation programmes like about the Judiciary	Frequency	Percent of Cases
<b>Fairness and impartiality</b>	109	50.9%
<b>Professionalism of judicial officials</b>	28	13.1%
<b>Prioritize rehabilitation rather than punishment</b>	25	11.7%
<b>Care and protection services</b>	23	10.7%
<b>Facilitation of pro bono and legal services</b>	22	10.3%
<b>Proper implementation of laws and policies</b>	21	9.8%
<b>Upholding Children rights</b>	18	8.4%
<b>Psychosocial support services</b>	8	3.7%
<b>Efficiency in the criminal justice process</b>	8	3.7%
<b>Facilitation of family engagement</b>	3	1.4%

**3.7.8 What the children undergoing rehabilitation programs dislike about the Judiciary**  
When the children were asked what they did not like about the Judiciary, most of them, as shown in *Table (viii)*, said unfair and biased judicial process (36.3%), delay in judicial processes (28.1%), and unprofessional conduct of some judicial officials (26.3%) as shown in *Table VIII*.

**Table (viii).** What the children undergoing rehabilitation programmes dislike about the Judiciary

What the children undergoing rehabilitation programmes dislike about the Judiciary	Frequency	Percent
Unfair and biased judicial process	62	36.3%
Delay in judicial processes	48	28.3%
Unprofessional conduct of some judicial officials	45	26.3%
Infringement of children's rights	17	9.9% 1.8%
Unfriendly child court environment	13	7.6%
Harsh sentences/rulings	13	7.6%
Costly bail and bond	7	5.0%
Inadequate basic needs	5	4.3%
Language barrier/ failure to allocate translators	4	3.2%
Arraigned before an adult court	3	2.9%
Restriction of visitations	3	2.9%

### 3.7.9 Perception on how to address what the children undergoing rehabilitation programmes dislike about the Judiciary

The children were also asked to give suggestions on how to address the things they did not like about the Judiciary. Most (23.0%) of the sampled respondents, as shown in Table (ix), indicated that matters should be redressed, and 21.6% cited the need for proper implementation of laws and policies. In comparison, 20.9% said there is a need to ensure fairness and an impartial judicial process.

**Table (ix).** Perception on how to address what the children undergoing rehabilitation programmes dislike about the Judiciary

Perception on how to address what the children undergoing rehabilitation programmes dislike about the Judiciary	Frequency	Percent of Cases
Expeditious redress of matters	34	23.0%
Proper implementation of laws and policies	32	21.6%
Ensure fairness and impartial judicial process	31	20.9%
Uphold professionalism, integrity, and ethics	23	15.5%
Court to consider family status when issuing bail and bonds	11	7.4%
Respect for the right to testify	10	6.8%

<b>Establishment of a child-friendly environment</b>	10	6.8%
<b>Provision of food in case court sessions take long</b>	6	4.1%
<b>Allocation of a language translator</b>	5	3.4%
<b>Provision of sufficient infrastructure</b>	4	2.7%
<b>Should facilitate family engagement</b>	2	1.4%

The findings indicated that children mentioned a need to consider the family background when issuing bail and bonds. The reason would be that some children cannot raise the bail and bond issued. It is essential for judicial officers, at their discretion, to consider affordability on a case-by-case basis.

### **3.7.10 What the children undergoing rehabilitation programmes like about the Probation & After Care Services**

When the respondents were asked what they liked about the Probation and AfterCare Services, 16.3% said they liked the professionalism of officers working in Probation. AfterCare Services, 15.5% indicated that they get good legal advice and support, while those in rehabilitation centres said that there is adequate provision of basic needs (14.7%). Other findings are indicated in *Table (x)*.

**Table (x). What the children undergoing rehabilitation programmes like about the Probation & After Care Services**

What the children undergoing rehabilitation programmes like about the Probation & After Care Services	Frequency	Percent of Cases
<b>Professionalism of officers</b>	21	16.3%
<b>Good legal advice and support</b>	20	15.5%
<b>Provision of basic needs</b>	19	14.7%
<b>Facilitate access to formal education</b>	18	14.0%
<b>Psychosocial support</b>	18	14.0%
<b>Care and protection</b>	17	13.2%
<b>Vocational training</b>	16	12.4%
<b>Recreation &amp; extra curriculum activities</b>	16	12.4%
<b>Visitation programmes</b>	14	10.9%
<b>Child-friendly environment</b>	14	10.9%
<b>Reintegration, resettlement, and follow-up program</b>	13	10.1%
<b>Upholding children rights</b>	9	7.0%
<b>Availability of adequate infrastructure</b>	7	5.4%
<b>Medical and health services</b>	3	2.3%

What the children undergoing rehabilitation programmes like about the Probation & After Care Services	Frequency	Percent of Cases
<b>Collaboration with other relevant stakeholders</b>	2	1.6%

### 3.7.11 What the children undergoing rehabilitation programmes dislike about Probation & After Care Services

When the respondents were asked what they do not like about Probation and Aftercare Services, 44.1% said some Probation Officers are unprofessional, 23.7% said there is a lack of sufficient empowerment programs at the reintegration point, while 16.9% said there is an indiscriminate punishment and threats and mistreatment in some Probation rehabilitation centres. These results are shown in *Table (xi)*.

**Table (xi). What the children under correctional and rehabilitation programmes dislike about the Probation & After Care Services**

What the children undergoing rehabilitation programmes dislike about Probation & Care Services	Frequency	Percent of Cases
<b>Unprofessional conduct by some of the probation officers</b>	26	44.1%
<b>Insufficient empowerment programs at the reintegration point</b>	14	23.7%
<b>Indiscriminate punishment</b>	10	16.9%
<b>Threats and mistreatment</b>	10	16.9%
<b>Violation of children's rights</b>	5	8.5%
<b>False promises</b>	4	6.8%
<b>Deprivation of family engagement, e.g., visitations</b>	2	3.4%
<b>Inadequate personnel</b>	1	1.7%

### 3.7.12 Perception on how to address what the children undergoing rehabilitation programmes dislike about the Probation & Aftercare Services

The respondents were also asked about their perception of how to address what they don't like about Probation & aftercare Services. Most (25.0%) of the respondents, as shown in *Table (xii)*, said that the provision of empowerment programs at the reintegration level was needed, upholding children's rights (20.8%) and a review of policies and regulations (12.5%) are among the services highly required.

### 3.12 *Table (xii)* Perception on how to address what the children undergoing rehabilitation programmes dislike about the Probation & Aftercare Services

Perception on how to address what the children undergoing rehabilitation programmes dislike about the Probation & Aftercare Services	Frequency	Percent
<b>Provision of empowerment programs at the reintegration level</b>	12	25.0%
<b>Upholding children rights</b>	10	20.8%
<b>Review of policies and regulation</b>	6	12.5%
<b>Hiring of adequate skilled personnel/staff</b>	6	12.5%
<b>Promotion of integrity and professionalism</b>	6	12.5%
<b>Follow the due process when dealing with matters of children's discipline</b>	5	10.4%
<b>Staff training and capacity building</b>	5	10.4%
<b>Facilitation for adequate family engagement</b>	4	8.3%

As mentioned in the above findings, children need empowerment programs at the reintegration level. Therefore, more probation officers are needed at children's probation training centers to achieve this. The officers should be equipped with the necessary training to meet the needs of children in conflict with the law.

### 3.7.13 What the children undergoing rehabilitation programmes like about the Kenya Prisons Service-Borstal Institutions

Additionally, the sample respondents were asked what they liked about Kenya Prison Service Borstal institutions. As shown in *Table (viii)*, it emerged that children were happy with the provision of formal education (49.3%), the provision of adequate basic needs (17.4%), psychosocial support (14.5%), and a conducive accommodation environment (13.0%).

#### *Table (xiii).* What are the children undergoing rehabilitation programmes like at the Kenya Prison Service Borstal Institutions?

What the children undergoing rehabilitation programmes like at the Kenya Prisons Service-Borstal Institutions	Frequency	Percent of Cases
<b>Provision of formal education</b>	34	49.3%
<b>Adequate basic needs</b>	12	17.4%
<b>Psychosocial support</b>	10	14.5%
<b>Provision of humane condition</b>	9	13.0%
<b>Mentorship and life skills programs</b>	8	11.6%
<b>Care and protection</b>	7	10.1%
<b>Facilitation of family engagement,</b>	6	8.7%

What the children undergoing rehabilitation programmes like at the Kenya Prisons Service-Borstal Institutions	Frequency	Percent of Cases
<b>i.e., visitations</b>		
<b>Provision of medical and health care</b>	5	7.2%
<b>Re-integration programs</b>	5	7.2%
<b>Sports and extracurricular activities</b>	5	7.2%
<b>Provision of adequate equipment</b>	4	5.8%
<b>Monitoring and evaluation of rehabilitation progress</b>	4	5.8%
<b>Vocational training</b>	3	4.3%
<b>Guidance about legal matters</b>	3	4.3%
<b>Adequate provision of empowerment programs</b>	3	4.3%
<b>Professionalism, integrity, ethics, accountability, competence</b>	3	4.3%

### 3.7.14 What the children undergoing rehabilitation programmes dislike about the Kenya Prison Service-Borstal Institutions

When the respondents were asked what they did not like about Borstal institutions, 45.9% of them said they didn't like physical abuse and mental distress, 37.7% indicated that they didn't like mistreatment/unprofessionalism by some officers, while 21.3% said that sometimes there is inadequate provision of basic needs. These findings are shown in *Table (xiv)*.

**Table (xiv). What the children undergoing rehabilitation programmes dislike about the Kenya Prison Service Borstal Institutions**

What the children undergoing rehabilitation programmes dislike about the Kenya Prison Service - Borstal Institutions	Frequency	Percent of Cases
Physical abuse and mental distress	28	45.9%
Unfair treatment/ unprofessionalism	23	37.7%
Inadequate provision of basic needs	13	21.3%
Strict supervision by officers	11	18.0%
Delays and inefficiencies in offering services	6	9.8%
Unsustainable medical services and aid	3	4.9%
Inadequate equipment, e.g., bedding, sports	2	3.3%

### 3.7.15 Perception on how to address what the children undergoing rehabilitation programmes dislike about the Kenya Prison Service- Borstal Institutions

The respondents were further asked what should be done to address the things they did not

like about Borstal institutions. Most (37.0%) of the respondents, as shown in *Table (xv)*, said that there is a need to create a child-friendly environment, 29.6% indicated that Borstal Institutions should uphold equal and fair treatment, 14.0% cited that there is a need for improvement of empowerment programs.

**Table (xv). Perception on how to address what the children undergoing rehabilitation programmes dislike about the Kenya Prison Service- Borstal Institutions**

Perception on how to address what the children undergoing rehabilitation programmes dislike about the Kenya Prison Service -Borstal Institutions	Frequency	Percent of Cases
<b>Create a child-friendly environment</b>	20	37.0%
<b>Ensure fair treatment</b>	16	29.6%
<b>Improvement of empowerment programs</b>	8	14.8%
<b>Provision of adequate and quality basic needs</b>	7	13.0%
<b>Allow visitations and family engagement</b>	5	9.3%
<b>Provision of adequate medical and health services</b>	4	7.4%
<b>Provision of adequate infrastructure/ equipment</b>	3	5.6%

### 3.7.16 What are the children undergoing rehabilitation at the Kenya Prison Service Youth Corrective Training Centres

The children undergoing correctional and rehabilitation were asked what they liked about the Youth Corrective Training Centre (YCTC), as shown in *Table (xvi)*. The most common responses were psychosocial support (29.2%), mentorship programs (25.0%), provision of adequate and quality basic needs, and provision of education and co-curricular activities (20.8%) respectively.

**Table (xvi). What the Children undergoing rehabilitation programmes like at the Kenya Prisons Service -Youth Corrective Training Centres**

What the Children undergoing rehabilitation programmes like at the Kenya Prisons Service Youth Corrective Training Centre	Frequency	Percent of Cases
<b>Psychosocial support</b>	7	29.2%
<b>Mentorship programs</b>	6	25.0%
<b>Provision of education</b>	5	20.8%
<b>Co-curriculum activities</b>	5	20.8%
<b>Provision of adequate &amp; quality basic needs</b>	5	20.8%
<b>Professionalism in dealing with children</b>	4	16.7%
<b>Vocational training</b>	3	12.5%
<b>Enlightenment on Kenyan laws</b>	1	4.2%
<b>Co-operation and collaboration from other NGOs</b>	1	4.2%



### 3.7.17 What the children undergoing rehabilitation programmes dislike about the Kenya Prisons Service -Youth Corrective Training Centre

This study sought to ascertain what the children did not like about the Youth Corrective Training Centre. The majority (72.2%) of some children said that they are in an unfriendly environment, 33.3% indicated they don't like delays and inefficiencies in the implementation of rehabilitation programs, while some of them said that there is inadequate provision of basic needs (16.7%) and inadequate skilled personnel in handling children matters (11.1%). The results are shown in *Table (xvii)*.

**Table (xvii). What the children undergoing rehabilitation dislike about the Kenya Prisons Service- Youth Corrective Training Centre**

What the children undergoing rehabilitation dislike about the Kenya Prison Service Youth Corrective Training Centres	Frequency	Percent of Cases
Unfriendly environment	13	72.2%
Delays and inefficiencies in the implementation of rehabilitation programmes	6	33.3%
Inadequate provision of basic needs	3	16.7%
Inadequate skilled personnel in handling children's matters	2	11.1%

### 3.7.18 Perception on how to address what the children undergoing rehabilitation dislike about the Kenya Prison Service Youth Corrective Training Centre

On the other hand, when children were asked to suggest ways of addressing what they did not like, 62.5% said there is a need to create a child-friendly environment, and 18.8% said there is a need for adequate provision of basic needs and provision of proper infrastructure (12.5%) as shown in *Table (xviii)*.

**Table (xviii). Perception on how to address what the children undergoing rehabilitation dislike about the Kenya Prison Service Youth Corrective Training Centre**

Perception on how to address what the children undergoing rehabilitation programs dislike about the Kenya Prison Service Youth Correctional Training Centres	Frequency	Percent of Cases
Create a child-friendly environment	10	62.5%
Adequate provision of basic needs	3	18.8%
Provision of adequate infrastructure	2	12.5%
Establishment of sustainable formal education	2	12.5%
Introduction of co-curriculum activities	1	6.2%
Adequate provision of health and medical services	1	6.2%
Provision of spiritual nourishment	1	6.2%
Provision of adequate skilled staff/personnel	1	6.2%
Introduction of more vocational training courses and programs	1	6.2%

The findings have indicated inefficiencies in implementing rehabilitation programmes. It is of the essence that Kenya Prisons Service considers enhancing the capacity of officers deployed in the Youth Corrective Training Centre. These officers will also need specialized training that meets the needs of various categories of children in conflict with the law under their rehabilitation.

### **3.7.19 What the children undergoing rehabilitation programmes like about the Department of Children Services- Remand Homes**

The children were asked what they liked about the Department of Children Services-remand homes. The finding, as shown in *Table (xix)*, indicates that most (38.6%) of the respondents said provision of basic needs, care, and protection (24.4%), availability of psychosocial support services, and availability of extra curriculum programs (18.8%).

**Table (xix). What the children undergoing rehabilitation programmes like about the Department of Children Services Remand Homes**

What the children undergoing rehabilitation programmes like about the Department of Children Services -Remand Homes	Frequency	Percent of Cases
<b>Provision of basic needs</b>	68	38.6%
<b>Care and protection</b>	43	24.4%
<b>Availability of psychosocial support services</b>	37	21.0%
<b>Availability of curriculum programs</b>	33	18.8%
<b>Availability of formal education programmes</b>	24	13.6%
<b>Professionalism of officers</b>	20	11.4%
<b>Provision of infrastructure</b>	15	8.5%
<b>Availability of mentorship program</b>	13	7.4%
<b>Visitation programmes</b>	12	6.8%
<b>Efficiency in discharging mandate</b>	11	6.2%
<b>Availability of vocational training programmes</b>	7	4.0%
<b>Provision of secondary needs</b>	6	3.4%
<b>Spiritual nourishment</b>	3	1.7%

### **3.7.20 What the children undergoing rehabilitation programmes dislike about the Department of Children Services- Remand Homes**

The respondents were asked about the things they did not like about remand homes. The results, as shown in *Table (xx)*, show that a majority of them said child unfriendly environment (28.3%), inadequate basic needs (27.6%), and physical and mental abuse (24.4%).

**Table xx. What the children under rehabilitation programmes dislike about the Department of Children Services- Remand Homes**

What the children undergoing rehabilitation programmes dislike about the Department of Children Services -Remand Homes	Frequency	Percent of Cases
<b>Child unfriendly environment</b>	36	28.3%
<b>Inadequate provision of basic needs</b>	35	27.6%
<b>Physical abuse and mental distress</b>	31	24.4%
<b>Limited diversity in rehabilitation programs, e.g., education</b>	23	18.1%
<b>Inadequate infrastructure</b>	18	14.2%
<b>Unprofessionalism of some officers</b>	18	14.2%
<b>Inadequate skilled staff on children matters</b>	8	6.3%
<b>Delays &amp; inefficiency</b>	5	3.9%
<b>Inadequate number of days for family visitation</b>	4	3.1%

### **3.7.21 Perception on how to address what the children undergoing rehabilitation programmes dislike about the Department of Children Services-Remand Homes**

The respondents were then asked what should be done to address the things they did not like about remand homes. Most of them, as shown in *Table (xxi)*, said that they should promote professionalism, integrity, and ethics (26.1%), provision of adequate basic needs (21.6%), and provision of diverse rehabilitation programs, and creation of a child-friendly environment (18.0%).

**Table (xxi). Perception on how to address what the children undergoing rehabilitation programmes dislike about the Department of Children Services- Remand Homes**

Perception on how to address what the children undergoing rehabilitation programmes dislike about the Department of Children Services Remand Homes	Frequency	Percent of Cases
Promote professionalism, integrity, and ethics	29	26.1%
Provision of adequate basic needs	24	21.6%
Provision of diverse rehabilitation programs	20	18.0%
Creation of a child-friendly environment	20	18.0%
Provision of adequate infrastructure	18	16.2%
Deployment of adequate skilled staff	13	11.7%
Increase the number of family visitation	6	5.4%
Enhance follow-up on children's cases to facilitate expeditious redress	5	4.5%

It emerged from the survey that children in remand homes are faced with physical abuse and mental distress. On this finding, as reported by children, there is a violation of children's rights when physical punishment is imposed as a corrective measure. The Department of Children's Services is required to take necessary action on officers who impose physical

punishment. Additionally, more psycho-social support is needed for children in remand homes as a rehabilitation measure. Where officers' training is adequate, the Department must build more capacity on human rights matters and the code of code in public service, including work-related ethics.

### **3.7.22 What the children undergoing rehabilitation programmes like about the Department of Children Services- Rehabilitation Homes**

The study also sought to understand what children undergoing rehabilitation are like from the Department of Children Rehabilitation Homes. As shown in Table (xxii), the results showed that 49.1% were happy with formal education, 42.6% were pleased with providing adequate basic needs, and 30.6% said that vocational training was good.

**Table (xxii). What the Children undergoing rehabilitation programmes like about the Department of Children Services- Rehabilitation Homes**

What the children undergoing rehabilitation programmes like about the Department of Children Services -Rehabilitation Homes	Frequency	Percent of Cases
<b>Formal education</b>	53	49.1%
<b>Provision of adequate basic needs</b>	46	42.6%
<b>Vocational training</b>	33	30.6%
<b>Provision of extracurricular activities</b>	24	22.2%
<b>Mentorship, i.e., life skills</b>	20	18.5%
<b>Care and protection</b>	19	17.6%
<b>Psychosocial support</b>	14	13.0%
<b>Professionalism</b>	11	10.2%
<b>Visitations and family engagements</b>	8	7.4%
<b>Provision of adequate infrastructure</b>	6	5.6%
<b>Unrestricted movements</b>	4	3.7%
<b>Provision of health and medical services</b>	3	2.8%

### **3.7.23 What the children undergoing rehabilitation programmes dislike about the Department of Children Services- Rehabilitation Homes**

The children in conflict with the law were asked what they did not like about rehabilitation homes. As shown in *Table (xxiii)*, most of the children said that they did not like physical abuse and mental distress (28.6%), the accommodation environment (25.0%), inadequate skilled personnel who deal with children matters, and the unprofessionalism of some staff (19.6%).

**Table (xxiii). What the children undergoing rehabilitation programmes dislike about the Department of Children Services -Rehabilitation Homes**

What the children undergoing rehabilitation programmes dislike about the Department of Children Services Rehabilitation Homes	Frequency	Percent of Cases
<b>Physical abuse and mental distress</b>	16	28.6%
<b>Accommodation environment</b>	14	25.0%
<b>Inadequate skilled personnel on children matters</b>	11	19.6%
<b>Unprofessionalism of some staff</b>	11	19.6%
<b>Insufficient equipment</b>	8	14.3%
<b>Inadequate provision of basic needs</b>	6	10.7%
<b>Restricted movements</b>	6	10.7%

### **3.7.24 Perception on how to address what the children undergoing rehabilitation programmes dislike about the Department of Children Services -Rehabilitation Homes**

The children were further asked what should be done to address what they did not like about rehabilitation homes. The findings, as shown in *Table (xxiv)*, indicated that most (34.6%) of them said there is a need to improve the accommodation environment, provision of adequate skilled personnel (30.8%), and enhancement of professionalism (23.1%).

**Table (xxiv). What the children undergoing rehabilitation programmes dislike about the Department of Children Services -Rehabilitation Homes**

Perception on how to address what the children undergoing rehabilitation programmes dislike about the Department of Children Services -Rehabilitation Homes	Frequency	Percent of Cases
Improvement of accommodation environment	18	34.6%
Provision of adequate skilled personnel	16	30.8%
Enhance professionalism	12	23.1%
Provision of adequate recreation and learning materials	8	15.4%
Proper implementation of laws and policies	8	15.4%
Improved hygiene	4	7.7%
Enhancement of psychosocial support	2	3.8%
Expeditious handling of cases	1	1.9%

The fact that children mentioned they dislike the unprofessionalism of children officers points to the inefficiency of the officers in delivering on their roles of rehabilitation. This means that the officer either lacks enough sensitization on integrity or work ethics training, and the only way to equip an officer is by giving the necessary training for effective job performance.

### 3.8 Reasons given by Children on why Criminal Justice Agencies have not been able to Effectively Address the needs of children in conflict with the law

This study also sought to understand why Criminal Justice Agencies have not effectively addressed the needs of children in conflict with the law. Most (29.5%) of the respondents mentioned inefficiencies in service delivery, delays in their work (28.7%), unethical/unprofessionalism of some officials in institutions dealing with children in conflict with the law (27.4%), and Inadequate funding (27.1%). Table 3.10 provides a summary of other reasons.

**Table 3.10: Reasons given on why Criminal Justice Agencies have not been able to Effectively Address the needs of Children in Conflict with the law**

Reasons given on why Criminal Justice Agencies have not been able to Effectively Address the needs of Children in Conflict with the law	Frequency	Percent of Cases
<b>Inefficiencies in service delivery</b>	185	29.5%
<b>Delays on their mandate</b>	180	28.7%
<b>Unethical/unprofessionalism of some CJAs officers</b>	172	27.4%
<b>Inadequate funding</b>	170	27.1%
<b>Inadequate infrastructure</b>	165	26.3%
<b>Inadequate skilled personnel</b>	136	21.7%
<b>Unfriendly environment</b>	73	11.6%
<b>Poor implementation of laws and policies</b>	70	11.2%
<b>Inadequate training programmes for minors</b>	67	10.7%
<b>Low awareness, sensitization, or civic education</b>	65	10.4%
<b>Unsustainable rehabilitation programmes</b>	64	10.2%
<b>Victim Protection Agency and Witness Protection Board services are centralized</b>	55	8.8%
<b>Poor cooperation and collaboration among agencies</b>	50	8.0%
<b>Lacks diversification of services</b>	46	7.3%
<b>Most CJAs officers prioritize enforcement of the law rather than addressing the needs of children</b>	35	5.6%
<b>Bureaucracy within CJS</b>	23	3.7%

On the other hand, the children were then asked to give reasons why the Criminal Justice Agencies have not been able to address their needs effectively. Out of the 11 reasons given, most (22.9%) of the respondents mentioned insufficient training programs for children, unprofessional conduct by some criminal justice agencies’ officers (20.0%), lack of proper implementation of programs (16.3), delay in criminal justice processes and intimidation and harassment (14.3%). These findings are indicated in Table 3.11.

**Table 3.11: Reasons given on why Criminal Justice Agencies have not been able to address the needs of children in conflict with the law effectively**

Reasons are given why Criminal justice agencies have not effectively addressed the needs of children in conflict with the law.	Frequency	Percent of Cases
<b>Insufficient training programs for children</b>	16	22.9%
<b>Unprofessional conduct of some criminal justice agency officers</b>	14	20.0%
<b>Poor implementation of programs</b>	12	16.3%
<b>Delay in criminal justice processes</b>	11	14.3%
<b>Poor implementation of laws and policies</b>	8	11.4%
<b>Ineffective reintegration processes</b>	7	10.0%
<b>Insufficient equipment</b>	7	10.0%
<b>Insufficient legal representation in courts</b>	6	8.6%
<b>Insufficient infrastructure</b>	6	8.6%
<b>Insufficient skilled personnel</b>	5	7.1%

The results of the finding from both the public officials and children in conflict with the law on why criminal justice agencies have not been able to effectively address the needs of children in conflict with the law indicate five (5) most prevalent issues that are; unprofessional conduct of some officers; lack of proper implementation of programmes; insufficient training of officers and delay in service delivery. Therefore, the duty-bearer agencies need to develop a working framework on how to address the issues mentioned earlier because the criminal justice system works interdependently.

### **3.8.1 Responses from Public Officials Respondents on specific aspects in regard to the adequacy of Criminal Justice Agencies’ Institutions**

This study also asked public officials to respond to specific aspects that affect children under rehabilitation. This question was particular to adequacy and efficacy on matters relating to children in conflict with the law (in their institutions where applicable). Most (89.8 %) of them cited that there is a lack of enough financial resources to handle children in conflict with the law, inadequate infrastructural resources to handle children in conflict with the law

(81.5%), lack of enough equipment to handle children in conflict with the law (81.2%), lack of enough programmes and services for children in conflict with the law (66.9%) and 61.2% said they don't have appropriate staff numbers to handle children in conflict with the law. Table 3.12 shows all the responses.

**Table 3.12: Public Officials Statement on Adequacy of Specific Aspects Relating to Children in Conflict with the Law**

Public Officials Statement on the adequacy of different aspects relating to children in conflict with the law	Response	Frequency	Percent
<b>We have enough financial resources to handle children in conflict with the law</b>	Disagree	888	89.8
	Agree	51	5.2
	Neutral	50	5.1
	Total	989	100.0
<b>We have enough infrastructural resources to handle children in conflict with the law</b>	Disagree	791	81.5
	Agree	135	13.9
	Neutral	45	4.6
	Total	971	100.0
<b>We have enough equipment to handle children in conflict with the law</b>	Disagree	719	81.2
	Agree	99	11.2
	Neutral	68	7.7
	Total	886	100.0
<b>We have enough programmes and services for children in conflict with the law</b>	Disagree	663	66.9
	Agree	221	22.3
	Neutral	107	10.8
	Total	991	100.0
<b>We have appropriate staff numbers to handle children in conflict with the law</b>	Disagree	606	61.2
	Agree	316	31.9
	Neutral	69	7.0
	Total	991	100.0
<b>We have appropriate staff skills to handle children in conflict with the law. We have appropriate staff skills to handle children in conflict with the law</b>	Disagree	559	56.2
	Agree	361	36.3
	Neutral	75	7.5
	Total	995	100.0
<b>We have adequate educational development programmes for children in conflict with the law</b>	Disagree	435	56.6
	Agree	209	27.2
	Neutral	125	16.3
	Total	769	100.0
<b>We have adequate family and community engagement</b>	Disagree	431	50.5
	Agree	323	37.9



Public Officials Statement on the adequacy of different aspects relating to children in conflict with the law	Response	Frequency	Percent
<b>programmes for children in conflict with the law</b>	Neutral	99	11.6
	Total	853	100.0
<b>We have adequate reintegration and resettlement programmes for children in conflict with the law</b>	Disagree	392	50.3
	Agree	257	33.0
	Neutral	130	16.7
	Total	779	100.0
<b>We have adequate behavioural and emotional support programmes for children in conflict with the law</b>	Disagree	454	49.9
	Agree	340	37.4
	Neutral	115	12.7
	Total	909	100.0
<b>We have adequate and working offender–victim restoration and conflict resolution programmes</b>	Disagree	381	46.0
	Agree	329	39.7
	Neutral	118	14.2
	Total	829	100.0
<b>We have enough policies and regulations to handle children in conflict with the law</b>	Disagree	220	23.0
	Agree	645	67.4
	Neutral	92	9.6
	Total	957	100.0
<b>We have adequate medical and health support programmes for children in conflict with the law</b>	Disagree	328	39.9
	Agree	407	49.5
	Neutral	87	10.6
	Total	822	100.0
<b>We have adequate legal representation for children in conflict with the law</b>	Disagree	320	41.5
	Agree	345	44.7
	Neutral	106	13.7
	Total	772	100.0

Notably, a significant number of respondents agreed that they have enough policies and regulations to handle children in conflict with the law (67.4%), there are adequate medical and health support programmes for children in conflict with the law (49.5%), and availability of adequate legal representation for children in conflict with the law (44.7%).

### **3.8.2 Responses from children respondents on specific aspects in regard to the adequacy of Criminal Justice Agencies' Institutions**

The children respondents were also asked to respond to specific aspects of efficacy and adequacy of different programmes/services within their institutions on addressing their needs. As shown in Table 3.13, most (42.3%) of them indicated inadequacy of equipment, 40.1%

said there was inadequate legal representation, and 38.5% cited inadequate victim restoration and conflict resolution programmes and/or services.

**Table 3.13: Statement by Children in Conflict with the Law on the adequacy of different aspects of the institution relating to children in conflict with the law**

Statement by Children in Conflict with the Law on the adequacy of different aspects of the institution relating to children in conflict with the law	Responses	Frequency	Valid Percent
<b>There are enough programmes and/or services for children in conflict with the law</b>	Disagree	91	25.5
	Agree	245	68.6
	Neutral	21	5.9
	Total	357	100.0
<b>The staff are enough and know how to handle children in conflict with the law</b>	Disagree	112	31.3
	Agree	223	62.3
	Neutral	23	6.4
	Total	358	100.0
<b>There are enough infrastructural resources to handle children in conflict with the law</b>	Disagree	76	21.7
	Agree	257	73.2
	Neutral	18	5.1
	Total	351	100.0
<b>There is enough equipment to handle children in conflict with the law</b>	Disagree	142	42.3
	Agree	173	51.5
	Neutral	21	6.2
	Total	336	100.0
<b>We have adequate and/or working offender–victim restoration and conflict resolution programmes and/or services</b>	Disagree	109	38.5
	Agree	136	48.1
	Neutral	38	13.4
	Total	283	100.0
<b>There are adequate reintegration and resettlement programmes and /or services for children in conflict with the law</b>	Disagree	62	21.0
	Agree	199	67.5
	Neutral	34	11.5
	Total	295	100.0
<b>There are adequate behavioral and emotional support programmes and/or services for children in conflict with the law</b>	Disagree	66	19.1
	Agree	257	74.5
	Neutral	22	6.4
	Total	345	100.0
<b>There are adequate family and community engagement</b>	Disagree	104	30.7
	Agree	209	61.7

Statement by Children in Conflict with the Law on the adequacy of different aspects of the institution relating to children in conflict with the law	Responses	Frequency	Valid Percent
<b>programmes and /or services for children in conflict with the law</b>	Neutral	26	7.7
	Total	339	100.0
<b>There are adequate education development programmes and /or services for children in conflict with the law</b>	Disagree	108	30.5
	Agree	228	64.4
	Neutral	18	5.1
	Total	354	100.0
<b>There are adequate medical and health support programmes and/or services for children in conflict with the law</b>	Disagree	70	19.8
	Agree	266	75.1
	Neutral	18	5.1
	Total	354	100.0
<b>There is adequate legal representation for children in conflict with the law</b>	Disagree	111	40.1
	Agree	132	47.7
	Neutral	34	12.3
	Total	277	100.0

However, some of the respondents agreed that they had adequate medical and health support programmes/services (75.1%) in addition to having sufficient behavioral and emotional support programmes/services (74.5%) and enough infrastructures (73.2%).

The two categories of respondents have clearly indicated that some children in conflict with the law face inadequacy in medical and health provision and a lack of enough emotional support and infrastructure. To realize this need, all criminal justice agencies need to enhance the services mentioned here to ensure efficiency in the delivery of services. In particular, the Department of Children's Service needs to provide complete implementation of the Children Act 2022 and legislation of required policies and regulations for full compliance with the law.

### **3.9 Challenges Experienced by Criminal Justice Agencies in Handling Children in Conflict with the Law**

This study sought to find out the challenges faced by criminal justice agencies. The main challenges faced by criminal justice agencies in handling children in conflict with the law are inadequate funding (58%), and inadequate skilled personnel on children matters (36.7%). Other challenges include inadequate infrastructure and equipment (33.8%), inefficiencies of Criminal Justice Agencies 15.9%, low civic education, awareness and sensitization (12.8%),

and neglect and rejection from parents and guardians (11.9%). All other details are captured in Table 3.14.

**Table 3. 14: Challenges experienced by Criminal Justice Agencies in Handling Children in Conflict with law**

Challenges Experienced by Criminal Justice Agencies in Handling Children in Conflict with Law	Frequency	Percent of Cases
<b>Inadequate funds</b>	582	58.8%
<b>Inadequate skilled personnel</b>	363	36.7%
<b>Inadequate infrastructure and equipment</b>	334	33.8%
<b>Inefficiencies of Criminal Justice Agencies</b>	157	15.9%
<b>Low civic education, awareness, and sensitization programs</b>	126	12.8%
<b>Neglect and rejection from parents and guardians</b>	118	11.9%
<b>Poor cooperation and collaboration among CJS agencies</b>	114	11.5%
<b>Poor implementation of legal and policy framework</b>	102	10.3%
<b>Inadequate support from stakeholders towards the administration of justice and re-integration</b>	59	6.0%
<b>Corruption among CJS agencies</b>	57	5.8%
<b>Retrogressive cultural practices</b>	51	5.2%
<b>Language barrier challenge</b>	49	5.0%
<b>Lack of confidentiality in the CJS agencies</b>	45	4.6%
<b>High poverty levels in society</b>	43	4.3%
<b>Inadequate legal representation</b>	32	3.2%
<b>Inadequate psycho-social support /counseling services</b>	29	2.9%
<b>Negative peer pressure when minors re-integrate</b>	28	2.8%
<b>Inconsistent follow-up and aftercare services programs</b>	27	2.7%
<b>Interference from other CJS agencies</b>	25	2.5%
<b>Prevalence of Alcohol and Substance Abuse</b>	24	2.4%
<b>Invisibility of some institutions like the Witness Protection Agency and/or Victim Protection Board</b>	14	1.4%
<b>Most cases are not reported</b>	14	1.4%
<b>Psychological trauma</b>	14	1.4%

The findings from key informants on the challenges encountered by criminal justice agencies were varied. A senior Children Officer in Machakos County pointed out several challenges that impede the effective functioning of the Department of Children Services as follows:

*“.... One of the most pressing issues is the severe lack of staffing, which is causing serious problems across the board. With so few officers on hand to manage the various tasks and responsibilities associated with children's work, it's not surprising that many important duties are falling by the wayside. Another major challenge for this*

*institution is a lack of logistics support. Specifically, there are no vans available to transport children who need to be moved from one location to another. This represents a serious problem, as it means that some children may not be able to receive the care and attention they need due to transportation difficulties. Finally, there is also an issue with inadequate financial resources. Without sufficient funding, it can be difficult for this institution to operate effectively and fulfill its mission.....”*

A Senior Prosecution Counsel in Nyeri said that: -

*„... I have observed several challenges the juvenile justice system faces in Kenya, including the lack of children officers when required to provide an assessment report. This results in delays and difficulties in determining appropriate interventions and outcomes for children involved in legal proceedings. Another problem is the prevalence of children without birth certificates, which makes it difficult to establish their age and identity. Additionally, there are cases where children are accused or charged with adults, which can lead to inappropriate treatment and sentencing. The Office of the Director of Public Prosecutions is also facing challenges in undertaking diversion programs for children due to a shortage of trained officers. As a result, some children end up being held in private facilities rather than public ones. Pro bono lawyers who represent children also face difficulties as they often complain about not being paid for their services. This creates a barrier for effective representation of vulnerable children who may not be able to afford legal counsel.....”*

The Officer Commanding the Police Station in Elgeyo Marakwet County said that:

*„..... Kenya Police Service has several significant challenges, including a lack of enough officers who can adequately handle children in conflict with the law, lack of logistical resources, and inadequate financial resources.....”*

A senior Prisons officer in Kakamega County said: -

*„.....there are several issues that currently plague the prison system which need to be addressed. One such issue is the lack of professional counseling available to children in conflict with the law, which can be attributed to a shortage of qualified professionals or insufficient funding for such services. Another major concern is the inadequate allocation of resources, particularly financial resources, towards improving prison facilities and services. This has resulted in dilapidated and outdated facilities that do not meet the basic needs and standards required for safe*

*and humane conditions for children in conflict with the law. Furthermore, many prison officers are not adequately trained or equipped to handle matters related to children who may be incarcerated alongside adult offenders. In some cases, children may be given improper or misleading instructions which could lead to confusion and trauma.....”*

Additionally, an officer from the Department of Children Services in Nyeri County cited that:

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*..... the issue of dragging children cases is a major concern in the justice system, with one of the main reasons being witness failure to appear in court. These unending delays and backlogs frustrate children and cause them to conflict with the law. Some pro bono lawyers also contribute to this problem by failing to show up to process the matters. Another challenge is the lack of special facilities for children, which conflicts with the law. Such children need specialized care and attention but often find themselves placed in adult prisons or detention centers without proper support systems. Inadequate training of Criminal Justice System (CJS) practitioners on how to handle children in conflict with the law is another challenge. Furthermore, some processes and procedures used in the CJS are not always in the best interest of the child. These may include harsh sentencing practices or punitive measures that do little to address underlying issues such as poverty, trauma, or mental health problems.....”*

A Judicial officer in Mombasa County brought to light several pressing issues that are affecting the judicial system in Kenya while dealing with children in conflict with the law as follows: -

*.....one of the major challenges is the language barrier that exists in courts, which can hinder effective communication between judges, lawyers, and children. This can result in misunderstandings and even lead to wrongful convictions. Another challenge is the lack of support for children from broken marriages, which are often emotionally and financially draining. Therefore, some children struggle to navigate the legal system on their own. Furthermore, there is a shortage of Borstal institutions in the country, which are facilities designed for young offenders who require more than just regular imprisonment. These institutions offer education and vocational training programs to help rehabilitate offenders and prepare them for re-entry into society.*

*The shortage of these institutions means that many young people who conflict with the law are not getting the help they need to turn their lives around....”*

In the Kiambu County Department of Children's Services (DCS), a senior officer identified several key challenges affecting the children in conflict with the law. He noted that:

*„... One of the most pressing concerns is the diverse backgrounds of these young individuals, which can often lead to difficulties in terms of communication, understanding, and cultural clashes. Another major issue is drug abuse, which can have a devastating impact on a child's physical and mental health, as well as their academic performance and social relationships. The family environment is also a significant factor that can contribute to challenges for children in conflict with the law. Many families are not very friendly or supportive, which can leave children feeling isolated and vulnerable. Additionally, there is often a lack of cooperation from parents and society at large when it comes to supporting these young individuals.....”*

A Senior Prosecution Counsel in Nairobi County asserted: -

*„...I have observed that several challenges need to be addressed in order to ensure that children in conflict with the law are able to receive justice in a safe and supportive environment. One major issue is the lack of a friendly environment for children during the search for justice. This can be particularly difficult for young people who may already feel vulnerable or scared due to their experiences. We must work to create more welcoming spaces where children can feel comfortable sharing their stories and accessing legal support...”*

Also, a senior police officer in the Directorate of Criminal Investigation in Nairobi County mentioned that -

*“A key challenge in handling children in conflict with the law is the lack of training and refresher courses available to prosecutors. Those working on cases involving children must have access to ongoing education and professional development opportunities to stay up-to-date with best practices and approaches. This will help ensure that we are providing high-quality services to all those who seek our support. Finally, there is also a significant lack of inter-agency cooperation when it comes to addressing issues related to child justice. This means that different institutions and*

*agencies may not be communicating effectively or working together in a coordinated way, which can lead to gaps in service provision or missed opportunities for collaboration. By improving cross-sector partnerships and communication channels, we can better serve the needs of children and families in our community....”*

### **3.10 Recommendations by Public Officials in Institutions Dealing with Children in Conflict with the Law**

In efforts to mitigate the challenges faced by Criminal Justice Agencies dealing with children in conflict with the law, the public officials were asked to make appropriate recommendations. The primary remedial measures suggested were the provision of adequate funding (58.8%), training, capacity building, and employment of adequate skilled staff (41.2%), provision of proper infrastructure (25.1%), and civic education and sensitization programs. Table 3.15 indicates other proposed recommendations.

**Table 3. 15: Recommendations by Public Officials in Institutions dealing with Children in Conflict with Law**

What would you propose to be done	Frequency	Percent of Cases
<b>Provision of adequate funding</b>	578	58.8%
<b>Training, capacity building, and employment of adequate skilled staff</b>	405	41.2%
<b>Provision of adequate infrastructure</b>	247	25.1%
<b>Civic education and sensitization programs</b>	224	22.8%
<b>Proper implementation of policies and laws</b>	145	14.8%
<b>Improved collaboration among stakeholders</b>	125	12.7%
<b>Expeditious redress in the criminal justice process</b>	64	6.5%
<b>Establish and tailor rehabilitation programs to address the criminogenic needs of children in conflict with the law</b>	52	5.3%
<b>Enactment of a system to promote integrity, professionalism, and accountability</b>	48	4.9%
<b>Designated legal representation for children in conflict with the law</b>	48	4.9%
<b>Expertise on matters of children to be considered when allocating cases to officers</b>	39	4.0%
<b>Provision of psychosocial support to both CJA staff and children</b>	34	3.5%
<b>Parents/ guardians to take initiative in guiding children</b>	33	3.4%
<b>Enactment of staff motivation programs</b>	25	2.5%
<b>Application of alternative dispute resolution mechanism to cases meeting the threshold</b>	24	2.4%



<b>Decentralization of services to county level</b>	22	2.2%
<b>Implementation of witness or/ victim protection guidelines</b>	12	1.2%
<b>CJA officers should appreciate cultural diversity even when applying the rule of law</b>	8	0.8%
<b>Mainstream human rights in Kenya’s educational curriculum</b>	6	0.6%
<b>Digitization of CJS processes</b>	6	0.6%

The key informants were also asked to give their recommendations on how to address challenges faced by criminal justice agencies dealing with children in conflict with the law. A senior officer from the Department of Children Services in Nyeri County noted that -

*“...when it comes to education, there are some significant challenges that need to be addressed. For instance, many children are in conflict with the law and cannot attend school for various reasons. This poses a challenge in terms of placing them in formal programs and ensuring that they receive adequate education. Additionally, there are cases where children are at different levels of education, making it difficult to harmonize their learning experiences effectively. Given these challenges, it is important to prioritize efforts toward improving the adequacy and effectiveness of education for children in conflict with the law. This can involve innovative approaches such as digital learning initiatives. By investing in these areas and ensuring that all children have access to quality education, we can help ensure a brighter future for children in conflict with the law....”*

A Senior Prosecution Counsel in Uasin Gishu County said that: -

*“...there is an urgent need to improve the staffing of children officers in order to serve better and protect young individuals who may be at risk of engaging in criminal activities or who have already committed serious offenses. These children must receive the appropriate support and guidance from qualified child psychologists, as they may be dealing with a range of emotional and psychological issues that require specialized attention. In terms of rehabilitation, it has been suggested that the current period allotted for Borstal institutions to work with children may not be sufficient. The period spent in Borstal institution may not be enough time to address all of the underlying issues that contribute to criminal behavior in young individuals. As such, there may be a need for longer-term solutions that allow for more comprehensive rehabilitation efforts....”*

Another key informant from Kenya National Commission for Human Rights in North Rift Regional recommended as follows: -

*“...it is of utmost importance that the prosecution takes measures to conduct age assessments in order to prevent the placement of children with adults. Furthermore, it is crucial to investigate any instances of coercion where children are forced to provide evidence in court. To ensure the safety and protection of minors, police stations throughout the country should establish child-specific holding cells. Additionally, ongoing reforms within the judiciary must align with Borstal Institution's reforms. By implementing these measures, we can ensure that our justice system serves as a safeguard for all members of society, particularly vulnerable minors who require special care and attention...”*

A senior National Government Administrative officer in Trans-Nzoia said:

*“...One important initiative for promoting the well-being of children in conflict with the law is to engage County Government in rolling out more programmes, particularly those that focus on establishing rehabilitation institutions. This is especially crucial given the fact that many children are brought up in poor environments where they may be exposed to negative influences and unhealthy behaviors. By working closely with families, we can help reduce the incidence of crimes and family-triggered forces that lead to offending behaviour among young people. Through these efforts, we can create a safer and more supportive environment for all children, regardless of their background or circumstances. Ultimately, this will help ensure that future generations have access to the resources and opportunities they need to thrive and succeed in life.....”*

An Inspector of Prisons in Kakamega County commentated on Borstal institutions as follows:

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*“..... I believe that Borstal Institutions have a crucial role to play in rehabilitating children who conflict with the law. To achieve this objective, these institutions must invest in evidence-based practices and roll out market-oriented programmes that equip these children with useful skills in their future lives. One area where we can make a significant difference is by ensuring that prison officers deployed at Borstal Institutions wear child-friendly clothes. This move will help to demilitarize the rehabilitation process and create a more welcoming environment for the children. I recommend that these clothes be civilian attire as opposed to uniforms. Additionally, we must ensure that there is a consistent supply of basic supplies such as bedding and clothing. These items are essential for the comfort and well-being of the children*

*under our care. By providing them with necessities, we can foster a sense of security and stability which is crucial for their rehabilitation...*”

### **3.11 Other Recommendations by Children undergoing rehabilitation within Criminal Justice Agencies Institutions**

Lastly, the children were asked to give general suggestions on how to address the challenges they face while undergoing rehabilitation. As indicated in Table 3.16, most (15.4%) stated a need to establish sustainable rehabilitation empowerment programmes, and 13.4% cited the need to promote integrity and introduce more vocational training (10.2%).

**Justice Agencies Institutions Table 3. 16: Other Recommendations by Children undergoing rehabilitation within Criminal**

<b>Other Recommendations by Children undergoing rehabilitation within Criminal Justice Agencies Institutions</b>	<b>Frequency</b>	<b>Percent of Cases</b>
<b>Establishment of sustainable empowerment programmes</b>	22	15.4%
<b>Promote integrity, professionalism, and accountability</b>	19	13.4%
<b>Introduce more vocational courses in institutions</b>	15	10.2%
<b>Establish sustainable formal education programmes</b>	13	9.2%
<b>Improve visitation programmes and community engagement</b>	12	8.5%
<b>Provision of basic needs</b>	10	7.0%
<b>Ensure an effective reintegration process</b>	9	6.3%
<b>Provision of adequate skilled staff</b>	8	5.6%
<b>Improve on infrastructural status</b>	8	5.6%
<b>Entertainment and extracurricular activities</b>	8	5.6%
<b>Prioritize alternative dispute resolution programmes in some cases</b>	7	4.9%
<b>Care and protection services</b>	7	4.9%
<b>Intensify psychosocial support services to deal with mental distress, mental abuse &amp; sexual harassment cases within institutions</b>	6	4.2%
<b>Provision of sufficient equipment</b>	5	3.5%
<b>Create child friendly environment</b>	5	3.5%
<b>Provision of quality health and medical services</b>	4	2.8%
<b>Expeditious implementation of criminal justice processes</b>	3	2.1%
<b>Civic education, awareness and sensitization</b>	2	1.4%
<b>Provision of adequate funds</b>	2	1.4%

From the recommendations given by public officials and children in conflict with the law, it is evident that the following: establishment of sustainable empowerment programmes; promotion of integrity, professionalism, and accountability; introduction of more vocational courses in institutions; provision of adequate funding; more training, capacity building and

employment of adequate skilled staff; improvement and construction of modern adequate infrastructure; civic education and sensitization programs are the key issues that the criminal justice agencies require undertaking towards the effort in addressing efficacy and adequacy in handling children in conflict with the law.

## **CHAPTER FOUR: SUMMARY OF FINDINGS, CONCLUSIONS AND RECOMMENDATIONS**

### **4.1 Introduction**

This study sought to assess the efficacy and adequacy of criminal justice agencies and systems in handling children in conflict with the law. The following specific objectives guided the study: To identify programme need for children in conflict with the law; assess the level of adequacy of programmes and/or services in place for addressing the needs of children in conflict with the law; evaluate the level of efficacy of programmes and/or services provided by criminal justice agencies; examine the satisfaction level of programmes and/or services provided by criminal justice agencies; examine the efficacy of programmes in criminal justice agencies in handling children in conflict with the law in Kenya; identify other programmes and/or needs in specific criminal justice agencies; and identify challenges faced by criminal justice agencies in handling children in conflict with the law in Kenya.

### **4.2. Summary of Key Findings**

The key findings of this study are summarized thematically according to the specific objectives of the study

#### **4.2.1 Programmes Needs of Children in Conflict with the Law in Kenya**

The majority of the public officials' respondents (60.0%) identified psycho-social support (guidance and counselling) as a critical programme needed by children who are undergoing rehabilitation. Other significant programmes needs were legal representation, including legal awareness (41.3%), care and protection for children (40.5%), provision of basic needs such as food, clothing, sanitary towels, and diapers for young mothers, beddings and sanitation (37.5%) and access to formal education (29.8%).

In addition, children respondents were also asked what they needed from the criminal justice agencies from the time of their arrest to reintegration and resettlement back into society. The findings established at least 29 needs, which in the order of priority included the following top five needs: primary formal education while in correctional and rehabilitation centres (55.1%), provision of adequate basic needs and other personal effects (48.9%), guidance and counselling (34.7%), care and protection (33.0%) and legal representation (27.3%).

#### **4.2.2 Level of Adequacy of Programmes and/or Services in place for addressing the needs of Children in Conflict with the law**

It was established that a number of programmes and or services offered to children in conflict with the law were perceived to be adequate. The findings from the public officials' respondents indicated the following programmes and or services as adequate: legal services

(91.7%), there was sufficient health/medical services provision (83.2%), expeditious judicial process, mentorship programmes, and supervision/ monitoring with a response rate (80.0%). On the contrary, the other specific programs and services mentioned as not adequate were vocational training and seminars offered in correctional and rehabilitation centres (66.7%), victim and witness protection (66.7%), diversion of cases programmes from criminal justice agencies (60.0%) and inadequate child protection units (56.8%).

#### **4.2.3 Satisfaction level of Programmes and Services provided by Criminal Justice Agencies**

The findings of this study established that the majority (96.1%) of the respondents approved of alternative dispute resolution mechanisms provided by criminal justice agencies as very effective. They also indicated that judicial services within the administration of justice were effective (95.0%), and opportunities to participate in extracurricular activities were also regarded as effective (91.9%).

On the other hand, the majority (92.6%) of the children respondents said that they were satisfied with spiritual nourishment. Other programmes and or services that received a high satisfactory level rating were empowerment programmes ((92.0%) and life skills/ mentorship programmes (91.4%). The study established a significant lack of satisfaction among the children respondents with alternative dispute resolution mechanisms (40.0%) and provision of primary formal education (29.1%), while 20.0% indicated they were not satisfied with legal representation.

However, in regards to the effectiveness of Criminal Justice Agencies in addressing the specific needs of children. It emerged that 71.8% were in concurrence that criminal justice agencies have been able to address their needs effectively, while 20.9% said that the CJA has not managed to address their needs effectively.

#### **4.2.4 Other programmes and services for children in conflict with the law recommended by officials in institutions dealing with children in conflict with the law**

It was established that the most needed programmes and services are psychosocial support (19.9%), child protection services/ programmes (13.1%), and capacity building /mentorship programmes (13.0%).

#### **4.2.5 Reasons why Criminal Justice Agencies have not been able to Effectively Address the needs of children in conflict with the law**

Based on the findings of this study, most (29.5%) of the public official's respondents mentioned inefficiencies in service delivery, delays in their work (28.7%),

unethical/unprofessionalism of some officials in institutions dealing with children in conflict with law 27.4%), inadequate funding (27.1%). From the children respondents, the reasons cited why the Criminal Justice Agencies have not been able to address their needs effectively were about eleven (11) reasons; most (22.9%) of them mentioned insufficient training programs for children, unprofessional conduct by some criminal justice agencies' officers (20.0%), lack of proper implementation of programs (16.3), delay in criminal justice processes and intimidation and harassment (14.3%).

Further, the respondents were asked to respond to specific aspects of the efficacy and adequacy of different programmes and or services of the criminal justice agencies. Responses Findings from public officials respondents included; most (89.8 %) cited lack of enough financial resources to handle children in conflict with the law, inadequate infrastructural resources to handle children in conflict with the law (81.5%), lack of enough equipment to handle children in conflict with the law (81.2%), lack of enough programmes and services for children in conflict with the law (66.9%) and 61.2% said they don't have appropriate staff numbers to handle children in conflict with the law. However, a significant number of respondents agreed that they have enough policies and regulations to handle children in conflict with the law (67.4%), adequate medical and health support programmes for children in conflict with the law (49.5%) and adequate legal representation for children in conflict with the law (44.7%).

The children respondents were also asked to respond to specific aspects of efficacy and adequacy of different programmes/services within their institutions on addressing their needs. Most (42.3%) of them indicated inadequacy of equipment, 40.1% said there was inadequate legal representation, and 38.5% cited inadequate victim restoration and conflict resolution programmes and/or services. However, some of the respondents agreed that they had adequate medical and health support programs/services (75.1%), adequate behavioral and emotional support programmes/services (74.5%), and enough infrastructure (73.2%).

#### **4.2.6 Challenges Experienced by Criminal Justice Agencies in Handling Children in Conflict With the Law**

This study established that the main challenges faced by Criminal Justice Agencies in handling children in conflict with the law are inadequate funding (58%) and inadequate skilled personnel on children matters (36.7%). Other challenges include inadequate infrastructure and equipment (33.8%), inefficiencies of Criminal Justice Agencies 15.9%, low civic education, awareness and sensitization (12.8%), and neglect and rejection from parents and guardians (11.9%).

### **4.3 Conclusion**

This study has established that programmes and services in place for addressing the needs of children in conflict with the law are still inadequate to meet the needs for successful rehabilitation. The public officials have cited a lack of financial resources, equipment, and proper infrastructure. The public officials also mentioned that there are inadequacies in staffing, capacity training, and vocational training programmes.

The children undergoing rehabilitation have mentioned that they face neglect and rejection from parents and guardians that cause them psychological distress and trauma due to stigmatization. Also, it emerged that in some police stations, due to a lack of facilities, the children are held in the same cells as adults, and the accommodation facilities are not child-friendly. In general, the children indicated that Criminal Justice Agencies have not managed to address their rehabilitation needs effectively. This, therefore, calls for the need to address the challenges faced by children who conflict with the law.

### **4.4 Recommendations**

From the findings and conclusion of this study, the following are areas for policy recommendations.

#### **4.4.1 Policy recommendations**

- i. This study found that some police stations still hold children and adults in the same holding facility. To ensure the safety and protection of minors, there is a need for the National Police Service to establish more child protection units and children-friendly holding cells in all police stations in the country. In addition, they should provide a conducive accommodation environment and child-friendly amenities.
- ii. The study established a need to divert children's cases from the criminal justice system. To achieve this, there is a need for the Office of the Director of Public Prosecutions (ODPP) to sensitize and encourage the community at large on alternative dispute resolution mechanisms in addition to training the police and prosecutors on alternative deflection pathways of children's cases from the criminal justice system.
- iii. The findings of this study were that punishment of children by way of institutionalization should be the last resort. This is because punishment does not reduce crime or rehabilitate the child in conflict with the law. Therefore, efforts should be made by the judiciary to place children in community-based rehabilitation.



iv. The children undergoing corrective and rehabilitation mentioned that they are faced with psychological distress, trauma, and stigmatization due to disconnect with family and community. This is because Borstal Institutions and Youth Corrective Training Centres are not decentralized in the country, affecting children's visitation programmes. In this regard, there is a need of the Kenya Prisons Service to decentralize Borstal Institution and Youth Corrective Training Centre at the regional level or establishment of units in each correctional facility.

v. Inefficiencies and inadequacy in handling children in conflict with the law were mentioned as a challenge. Among them was a lack of enough logistics, finances, infrastructure, and capacity to handle the training needs of children. It is recommended that the Department of Probation and Aftercare Services enhance officers' capacity, refurbish the current infrastructures that are in a dilapidated state, and increase allocation to rehabilitation centres.

vi. The public officials interviewed and children respondents highlighted the ineffectiveness of some rehabilitation programmes, inadequately skilled staff, and the capacity of children officers to handle the specific needs of children in conflict with the law. They cited the need to modernize and introduce new technical and vocational programmes. Therefore, the Department of Children Services must recruit additional children officers, build the officers' capacity, and diversify vocational training needs.

vii. The role of National Government Administrative Officers is to coordinate other governments' ministries/departments/agencies. In this regard, as the agency between the criminal justice system and community members, the National Government Administrative Officers should prioritize and enhance public awareness of the roles of various actors/agencies in facilitating access to criminal justice. In this study, a significant percentage of members of the public were not aware of the Victim Protection Board, Witness Protection Agency, Borstal Institutions, and Youth Corrective Training Centre, including their roles in handling children in conflict with the law. This calls for enhanced public sensitization about the mandates and roles of these key players.

viii. Public officials mentioned the capacity building of officials dealing with children in conflict with the law. Most respondents cited a lack of skills by some officials coping with children in conflict with the law. There is a need, therefore, for the National Council on the Administration of Justice (NCAJ) to enhance the capacity of the officials in criminal justice agencies tasked with handling children in conflict with the law. This includes coordination and sourcing for training opportunities with all other agencies. Additionally, the study established delays in children's case processing, hampering the delivery of justice. To address this challenge, it is imperative to dedicate children's sessions during the court user committee (CUC) as a way of promoting synergy among the criminal justice actors/stakeholders. This will significantly enhance stakeholder's involvement in juvenile justice.

ix. The study revealed that witness and victim interference is among the critical challenges faced by children in conflict with the law. This, therefore, calls for the strengthening of the Witness Protection Agency and Victim Protection Board as duty-bearer agencies responsible for the witness and victim protection services.

x. The respondents identified delays in processing children's court cases and inadequate funding as critical challenges criminal justice agencies face. Therefore, the National Assembly needs to enhance funding to criminal justice agencies, an essential requisite to aid in putting in place appropriate systems and structures for effective and adequate handling of children and improving service delivery.

xi. The findings of this study showed that there are still gaps in legal representation. Several child offenders depend on the state for legal representation, with these lawyers dropping out or declining to take up the cases due to challenges with legal fee processing. Consequently, there is a need to strengthen the pro-bono legal representation services for children in conflict with the law. In particular, the National Legal Aid Services (NLAS) needs to be strengthened

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## NATIONAL CRIME RESEARCH CENTRE



### **Appendix 1: Interview Schedule for the Sample Respondents: Officials in institutions dealing with children in conflict with the law**

#### **EFFICACY AND ADEQUACY OF CRIMINAL JUSTICE AGENCIES IN KENYA: THE CASE OF CHILDREN IN CONFLICT WITH THE LAW**

County: \_\_\_\_\_

Sub-County: \_\_\_\_\_

Division: \_\_\_\_\_

Agency/Institution of affiliation \_\_\_\_\_

Rank/Designation \_\_\_\_\_

Date of interview: \_\_\_\_\_

Start time: \_\_\_\_\_ End Time: \_\_\_\_\_

Name of the Research Assistant: \_\_\_\_\_

#### **Introduction**

The **National Crime Research Centre (NCRC)** is a state corporation mandated to conduct crime research as provided in NCRC Act, 1997. The Centre is conducting a study on **‘Efficacy and Adequacy of Criminal Justice Agencies in Kenya: The Case of Children in Conflict with the Law.’** The survey findings will assist the Government and relevant stakeholders in implementing policies and interventions that will improve the management of children in conflict with the law. All the information you give will be treated with utmost confidentiality, and your identity will not be revealed. We would highly appreciate it if you spared some time to respond to the following questions.

**Respondent consent**                      Yes    (    )                      No    (    )

#### **Section A: Respondent’s Background Information**

1. Gender
  - 1) Male
  - 2) Female
2. Age of Respondent
  - 1) 18-34
  - 2) 35-51
  - 3) 52-68
  - 4) 69 and above.
3. Marital Status.
  - 1) Single/Never Married
  - 2) Married
  - 3) Divorced
  - 4) Separated
  - 5) Widowed
4. Highest Level of Education Attained
  - 1) None
  - 2) Primary
  - 3) Secondary
  - 4) Middle level
  - 5) Graduate
  - 6) Postgraduate
  - 7) Adult Education
5. How long have you served in this agency or institution?
  - 1) Less than 1 year
  - 2) 1-5 years
  - 3) 6-10 Years
  - 4) 11-15 Years
  - 5) 16-20 Years
  - 6) 21-25 Years
  - 7) 26 Years and Above

**Section B. Programme needs of children in conflict with the law in Kenya**

6. What do children in conflict with the law need from criminal justice agencies in the whole process of administration of criminal justice (that is, from arrest to reintegration and

resettlement back into society)?

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**Section C: Programmes, services, and institutions in place for addressing the needs of children in conflict with the law and their general adequacy and effectiveness**

**(i) General Questions**

7. (a) What programmes and/or services are in place in Kenya for addressing the needs of children in conflict with the law, and how adequate are they generally (that is, able to fulfill the needs or requirements)?

Programmes and/or services in place for addressing the needs of children in conflict with the law	General adequacy of the programmes and/or services		
	Adequate (1)	Not adequate (2)	Not sure (3)

(b) Generally, in your objective opinion, how effective are the programmes and/or services in mitigating the risk of re-offending among children in conflict with the law?

1. Effective                      2. Not effective                      3. Not sure

8. Generally, please rate the effectiveness of programmes and/or services offered by the listed agencies in addressing the needs of children in conflict with the law in Kenya.



Institutions involved in addressing the programme needs of children in conflict with the law	General effectiveness of the institution			If not effective, give reasons
	Effective (1)	Not Effective (2)	Not sure (3)	
The National Police Service				
Office of Director of Public Prosecutions				
The Judiciary				
Probation and Aftercare Services				
Kenya Prisons Service (Borstal Institutions)				
Kenya Prisons Service (Youth Correctional Training Center)				
Department of Children Services (remand homes)				
Department of Children Services (rehabilitation homes)				
Witness Protection Agency				

Institutions involved in addressing the programme needs of children in conflict with the law	General effectiveness of the institution			If not effective, give reasons
	Effective (1)	Not Effective (2)	Not sure (3)	
Victim Protection Board				
National Government Administrative Offices (NGAO, including Nyumba Kumi)				
Health institutions				
Government Chemist				
State law office				

(ii) **Institution-specific questions** (that is, questions to be asked to specific sample respondents about their institution)

9. (a) What programmes and/or services are in place in your institution for addressing the needs of children in conflict with the law, and how effective are they generally?

Programmes and/or services in place in your institution for addressing the needs of children in conflict with the law	General effectiveness of the programmes and/or services			If not effective, give reasons
	Effective (1)	Not Effective (2)	Not sure (3)	

Programmes and/or services in place in your institution for addressing the needs of children in conflict with the law	General effectiveness of the programmes and/or services			If not effective, give reasons
	Effective (1)	Not Effective (2)	Not sure (3)	

(b) Generally, in your objective opinion, how effective are your programmes and/or services in mitigating the risk of re-offending among children in conflict with the law?

1. Effective                      2. Not effective                      3. Not sure

10. Which other programmes and/or services for children in conflict with the law do you think your institution needs to have in place?

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11. Please respond to the following statements with regard to specific aspects of the adequacy of your institution (where applicable) on matters relating to children in conflict with the law in Kenya (that is, the ability to fulfill the needs or requirements of children in conflict with the law)

Statement on the adequacy of different aspects relating to children in conflict with the law	Responses		
	Disagree (1)	Agree (2)	Neutral (3)
We have enough programmes and/or services for children in conflict with the law			
We have the appropriate staff skills to handle children in conflict with the law.			
We have the appropriate staff numbers to handle children in conflict with the law.			

Statement on the adequacy of different aspects relating to children in conflict with the law	Responses		
	Disagree (1)	Agree (2)	Neutral (3)
We have enough financial resources to handle children in conflict with the law.			
We have enough infrastructural resources to handle children in conflict with the law.			
We have enough equipment to handle children in conflict with the law.			
We have enough policies and regulations to handle children in conflict with the law.			
We have adequate and/or working offender-victim restoration and conflict resolution programmes.			
We have adequate reintegration and resettlement programmes for children in conflict with the law			
We have adequate behavioral and emotional support programmes for children in conflict with the law.			
We have adequate family and community engagement programmes for children in conflict with the law			
We have adequate education development programmes for children in conflict with the law			
We have adequate medical and health support programmes for children in conflict with the law.			
We have adequate legal representation for children in conflict with the law.			

**Section D: Challenges experienced by criminal justice agencies in handling children in conflict with the law**

12. Generally, based on your knowledge and/or experience, what challenges do criminal justice agencies experience in handling children in conflict with the law in Kenya?

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13. What would you propose to address the challenges the criminal justice agencies face in handling children in conflict with the law in Kenya?

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14. Give any other relevant comments.

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**Thank you.**

## NATIONAL CRIME RESEARCH CENTRE



### Appendix 2: Interview Schedule for the children in conflict with the law

#### EFFICACY AND ADEQUACY OF CRIMINAL JUSTICE AGENCIES IN KENYA: THE CASE OF CHILDREN IN CONFLICT WITH THE LAW

County: \_\_\_\_\_

Sub-County: \_\_\_\_\_

Division: \_\_\_\_\_

Agency/Institution of affiliation \_\_\_\_\_

Date of interview: \_\_\_\_\_

Start time: \_\_\_\_\_ End Time: \_\_\_\_\_

Name of the Research Assistant: \_\_\_\_\_

#### Introduction

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**Respondent consent**                      Yes    (    )                      No    (    )

**Section A: Respondents Background Information**

1. Gender
  - 3) Male
  - 4) Female
2. Highest Level of Education Attained
  - 8) None
  - 9) Primary
  - 10) Secondary

**Section B. Programme needs of children in conflict with the law in Kenya.**

3. What do you need from criminal justice agencies in the whole process of administration of criminal justice (that is, from arrest to reintegration and resettlement back into society)?

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**Section C: Programmes and/or services and institutions in place for addressing the needs of children in conflict with the law and their general adequacy and effectiveness**

4. What programmes and/or services have been put in place by the institution you are currently placing towards addressing your needs, and how satisfied are you with the programmes and/or services?

Programmes and/or services in place for addressing the needs of children in conflict with the law	General satisfaction with the programmes and/or services			If not satisfied, give reasons
	Satisfied (1)	Not satisfied (2)	Not sure (3)	

Programmes and/or services in place for addressing the needs of children in conflict with the law	General satisfaction with the programmes and/or services			If not satisfied, give reasons
	Satisfied (1)	Not satisfied (2)	Not sure (3)	

5. What do you like and/or dislike about the following institutions as concerns your interaction with them?

Institution (please check only the applicable institutions)	Things the child likes about the institution	Things the child dislikes about the institution	What should be done to address the things you don't like?
Police			
Prosecution			
Judiciary			



Institution (please check only the applicable institutions)	Things the child likes about the institution	Things the child dislikes about the institution	What should be done to address the things you don't like?
Probation and Aftercare Services			
Kenya Prisons Service (Borstal Institutions)			
Kenya Prisons Service (Youth Correctional Training Centre)			
Department of Children Services (remand homes)			
Department of Children Services (rehabilitation homes)			

6. (a) Generally, would you say that the programmes and/or services offered by the criminal justice agencies have been able to address your needs effectively? 1. Yes 2. No 3. I am not sure 4. I don't know

(b) If No in Q6 (a), please explain. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

7. Please respond to the following statements with regard to specific aspects of the adequacy of this institution (where applicable) on matters relating to children in conflict with the law

(that is, the ability to fulfill your needs or requirements)

<b>Statement on the adequacy of different aspects of the institution relating to children in conflict with the law</b>	<b>Responses</b>		
	<b>Disagree (1)</b>	<b>Agree (2)</b>	<b>Neutral (3)</b>
There are enough programmes and/or services for children in conflict with the law.			
The staff are enough and know how to handle children in conflict with the law.			
There are enough infrastructural resources to handle children in conflict with the law.			
There is enough equipment to handle children in conflict with the law.			
We have adequate and/or working offender-victim restoration and conflict resolution programmes and/or services.			
There are adequate reintegration and resettlement programmes and/or services for children in conflict with the law.			
There are adequate behavioral and emotional support programmes and/or services for children in conflict with the law			
There are adequate family and community engagement programmes and/or services for children in conflict with the law			
There are adequate education development programmes and/or services for children in conflict with the law			
There are adequate medical and health support programmes and/or services for children in conflict with the law			
There is adequate legal representation for children in conflict with the law			

8. Please give any other relevant comments \_\_\_\_\_

**Thank you.**

## NATIONAL CRIME RESEARCH CENTRE



### Appendix 3: Key Informant Guide

#### EFFICACY AND ADEQUACY OF CRIMINAL JUSTICE AGENCIES IN KENYA: THE CASE OF CHILDREN IN CONFLICT WITH THE LAW

County: \_\_\_\_\_

Sub-County: \_\_\_\_\_

Division: \_\_\_\_\_

Agency/Institution of affiliation \_\_\_\_\_

Rank/Designation \_\_\_\_\_

Date of interview: \_\_\_\_\_

Start time: \_\_\_\_\_ End Time: \_\_\_\_\_

Name of the Research Assistant: \_\_\_\_\_

#### Introduction

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**Respondent consent**                      Yes    (    )                      No    (    )

1. What do children in conflict with the law need from criminal justice agencies in the whole process of administration of criminal justice (that is, from arrest to reintegration and resettlement back into the society)?
2. What programmes and/or services are in place in Kenya to address the needs of children in conflict with the law, and how adequate are they generally (that is, able to fulfill the needs or requirements)?
3. Please mention the institutions involved in addressing the needs of children in conflict with the law and, generally, rate their efficacy.
4. Which programmes and/or services are in place in your institution to address the needs of children in conflict with the law, and generally, how adequate and effective are they?
5. Which other programmes and/or services for children in conflict with the law do you think your institution needs to have in place?
6. Generally, based on your knowledge and or experience, what challenges does your institution face in handling children in conflict with the law in Kenya?
7. What would you propose to be done to address the challenges?



**NATIONAL CRIME RESEARCH CENTRE**  
ACK Garden Annex - Ground Floor  
1st Ngong Avenue, Off Bishop's Road  
P.O. Box 21180-00100. Nairobi, Kenya  
Tel: +254-20-2714735/0722 980 102  
Email: [director@crimeresearch.go.ke](mailto:director@crimeresearch.go.ke)  
Website: [www.crimeresearch.go.ke](http://www.crimeresearch.go.ke)