

UNIVERSAL JUSTICE FOR CHILDREN AT RISK

**An Evaluation of the Programme and Activities
of the Children's Legal Action Network
November 2000 - December 2002**

Final Report

by

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LIST OF ACRONYMS

- ANPPCAN: African Network for the Prevention and Protection Against Child Abuse and Neglect
- CLAN: Children's Legal Action Network
- FLCAK: Family Life Counselling Association of Kenya
- IEC: Information, Education and Communication
- KBC: Kenya Broadcasting Corporation
- KNH: Kenyatta National Hospital
- NGOs: Non-Governmental Organisations
- WRAP: Women's Rights Awareness Programme

SUMMARY

Generally, Kenya's legislation is now child friendly and there are indications that provisions therein are being implemented or taken into account more frequently. In spite of this, knowledge of these provisions and actual implementation are either lagging behind or being resisted by sections of the society. Hence, incidences of child abuse and neglect are still widespread. This evaluation report therefore looks at the activities of the Children Legal Action Network (CLAN). Specifically, the evaluation assesses the extent to which CLAN has succeeded in providing protection to children at risk and its contribution to the general law and policy reforms undertaken by the government in the recent past. This information was gathered by paying attention to the historical background of CLAN, major issues and concerns in the area of juvenile justice, the type and nature of interventions being undertaken and, who in particular is working in collaboration with CLAN, when and how. This study report details the nature of activities undertaken, the spread of coverage both in terms of area and issues, and the organisational structure within which these interventions are made. In addition, the study aims to bring out some of the key challenges and constraints that CLAN has faced in attempts to realise a universal legal protection for children at risk.

The Legal Advise and Assistance Programme

Legal advice is provided on a daily basis at the CLAN offices to those who present themselves. Most complainants are, in the absence of enough advocates, initially attended to by social workers and para-legals and cases that require legal advice or going to court are then handed over to an advocate. Whenever possible, there is an attempt to sort out civil matters out of court, especially in situations of negligence or marital instability. In the event that a case requires intervention in a court of law, CLAN provides for free legal representation and associated support. The children concerned are assisted to cope with court procedures and requirements including ensuring that they appear in court when required. In the case of criminal cases where the state therefore prosecutes, CLAN organises for an advocate to watch brief. In addition, CLAN conducts legal clinics aimed at offering legal advise to members of the public.

Para-legal Training

Para-legal training is aimed at enhancing child protection services at the community level. The training covers issues such as who is a child, the rights of the child, forms of child abuse, manifestations of child abuse, how to prevent child abuse, and case management. In addition to this, the training looks at the legal implications of child abuse, legal instruments in child protection, role of para-legal workers in child protection, how to work with the community, and basic counselling skills in child protection.

Community-Based Awareness Creation and Advocacy

The awareness creation and advocacy campaigns by CLAN are aimed at enlisting the support of the community in combating child abuse and neglect through the promotion of knowledge on child rights and child protection and laws pertaining to children. These activities are carried out through public meetings at the community level, use of IEC materials and the assistance and presence of para-legal trainers in the community. The community based awareness creation exercise was rated as one of the best ways of enabling the community to participate in the search for solutions to problems facing the children in their midst.

Information, Education, and Communication Materials

In order to advocate for the rights of children farther, CLAN produces a range of materials for purposes of informing, educating and communicating. These IEC materials cover a variety of scenarios, mainly demonstrating what is right to do and what is wrong and to be avoided. So far, CLAN has conducted radio and television interviews, and the printing of advocacy materials. Also some of the staff at CLAN contribute articles to magazines with the aim of informing the general public on legal issues touching on children. Some of the magazines include *The Lawyer* and *Child Watch*.

Participation in Legal Policy Reforms

In pursuit of its mandate, CLAN has actively participated in the review of statutes and policies that deal with children. The organisation has also lobbied different decision making bodies with the intention of making them appreciate the importance of recognising children's rights in policy making. Indeed, the current policy on free universal primary school education is one of the outcomes of this endeavour. Generally, contributions made by CLAN and members of the network on Child Rights and Child Protection have aimed at ensuring that children's rights are effectively provided for in the constitution by lobbying the government to guarantee the enhancement of children's welfare and protection.

Networking and Resource Sharing

As a network, CLAN works in collaboration with like-minded organisations in the furtherance of child rights and child protection and more specifically, in the provision of victim support services. These include rescue, temporary shelter, counselling, medical care and legal representation. One of the main achievements from networking is resource sharing at the level of information and in terms of actual service. And, in the process of networking and sharing resources, many organisations and individual participants have built their capacities.

Conclusions and Recommendations

Although we have observed through this evaluation that the CLAN programmes have contributed to the field of juvenile justice by offering protection to children at risk, it is also evident that most activities need strengthening. Much of this could take place at the organisational level in terms of level and type of personnel required, implementation of various programmes, and the documentation of the diverse experiences. One way of doing this is through the development of a strategic plan that infuses the organisation's vision/mission into daily activities and in such a manner that this concretises the broad objectives. In so doing, set programmes will aim to meet specific targets and on the bases of laid down benchmarks. Moreover, a strategic plan will assist CLAN to anticipate some of the obvious challenges and thereby mitigate them in time. It will also be easier to draw work programmes and these will easily bring out any potential overlaps or conflicts in set activities while building on emerging strengths. The ultimate goal is for CLAN to work towards cutting out and concretising a niche for itself, both geographically and in terms of actual activities on the ground.

Acknowledgements

This study benefited from discussions and interviews carried out at CLAN and among network members and collaborators. I am most grateful to each one of the persons that availed time to respond to my inquiry. I am also grateful to the children and volunteer staff who shared their experiences and thus enriched our assessment of progress made. Finally, my thanks to CLAN members of staff; Eric Ogwang the Executive Director, Edward Ouma the Head of Programmes, and Bobby Mkangi the Legal Officer, for logistical support.

SECTION ONE

BACKGROUND

Over the years, incidences of child abuse and neglect have been on the increase in Kenya. Nevertheless, there are now several provisions in law aimed at availing protection to affected children. Generally, the country's legislation is now child friendly and there are indications that provisions therein are being implemented or taken into account more frequently. In spite of this, knowledge of these provisions and actual implementation are either lagging behind or being resisted by sections of the society. Hence, incidences of child abuse and neglect are still widespread. This evaluation report therefore looks at the activities of the Children Legal Action Network (CLAN). Specifically, the evaluation assesses the extent to which CLAN has succeeded in providing legal protection to children at risk.

1.1. Children's Legal Action Network

The Children's Legal Action Network is a registered charitable organisation established in 1998 with the assistance of the Coalition on Child Rights and Child Protection for purposes of providing children with a *voice* within and through the Kenyan legal system.

The Children's Legal Action Network (CLAN) was founded in response to a clear need for legal protection and representation for affected children. This followed a marked increase in the number cases of child abuse and neglect reported to the child help desks. The Coalition on Child Rights and Child Protection at ANPPCAN Regional embarked on a plan to respond to this need and in 1999 CLAN was launched.

The ultimate goal of CLAN is the realisation of a universal legal protection for children at risk. Most of the activities have taken place in and around Nairobi, mainly in Kibera and lately Mukuru areas. Many of the cases involve children in need of protection and care after being neglected and abused by parents, guardians or members of the public. Interventions provided have included legal action, advice and counselling. In order to address the issues arising fully, CLAN networks with several agencies and organisations including various government departments and other members of the child rights and child protection network. The general aim is to protect children at risk through the provision of legal advice or representation.

1.2. Programme of Work and Activities

Since inception, CLAN has endeavoured to ensure justice for Kenya's children through the provision of legal services using the following outlets:

- Provision of legal advice and assistance to children
- Training of law enforcement officers dealing with children
- Community based awareness creation on child rights and laws pertaining to the child
- Paralegal training and co-ordination of activities
- Networking and resource sharing among stakeholders engaged in Child welfare

In the last two years (November 2000 - December 2002), the Children's Legal Action Network has with financial support from the Royal Netherlands Embassy and the Embassy of Sweden undertaken the following activities:

- Secured office space and established a secretariat
- Community based awareness creation workshops
- Monthly legal counselling clinics
- Paralegal training
- Advocacy campaigns on child rights
- Provision of legal assistance
- Networking and resource sharing
- Participation in legal policy reform

The above listed activities suggest that CLAN is a fully-fledged entity with a specific mandate and related activities. Most of the activities seem to interpret the provision of legal protection to children at risk in terms of awareness creation, direct service delivery, advocacy, legal reform and networking. The question therefore is to what extent has CLAN succeeded in realising these objectives?

1.3. Terms of Reference

This evaluation assesses progress made towards providing juvenile justice to all children. In particular, the evaluation focuses on the goals, aims and objectives of the Children's Legal Action Network (CLAN) between November 2000 and December 2002, with the aim of assessing progress made, when and how. The following constitute key components of the Terms of Reference:

- Identify and outline the goals and activities of CLAN
- Assess progress made towards the realisation of the network's goals and objectives
- Identify the strengths and weaknesses in the various approaches employed with regards to the realisation of universal justice for children at risk
- Bring out emerging opportunities and make recommendations on the way forward

In order to address the above Terms of Reference adequately, this evaluation paid attention to several issues. These included the following: the historical background of CLAN, major issues and concerns in the area of child rights and child protection, the type and nature of interventions being undertaken and, who in particular is working in collaboration with CLAN, when and how. This study report therefore details the organisational structure of CLAN, the nature of activities undertaken, the spread of coverage both in terms of area and issues, and the structures within which these interventions are made. In addition to the above, the study aims to bring out some of the key challenges and constraints that the organisation has faced in attempts to realise a universal legal protection for children at risk. It is also hoped that such information will input into the development of a strategic plan for the network.

1.4. Research Methodology

This evaluation was participatory in nature with the aim of providing as many stakeholders as possible, the opportunity to input into the process. As such, much of the information was collected with the use of open-ended discussions. In addition to this, however, some guideline questions were applied in an attempt to assess performance and program coverage and therefore make recommendations for the way forward. This information was supplemented with data from existing records both within CLAN and other depositories.

The following constituted key questions and issues:

- What is the organisational structure of CLAN?

- What specific activities has CLAN undertaken in the last two years?
- How has each activity contributed to offering legal protection to children at risk?
- Who has benefited from CLAN activities, how and when?
- What are some of the best practices emerging from the CLAN experience?
- What challenges and constraints has the organisation faced in attempts to offer legal protection to children at risk?
- What is the way forward?

The above guideline questions were administered to the following groups and individuals, among others:

- CLAN trustees, project staff, volunteers, interns and support staff
- The Children's Department
- The Probation Department
- The Police
- Health Service Providers
- The Media
- Fellow Collaborators
- Crisis Desk Staff
- Project Beneficiaries including children, their parents/guardians and paralegal trainees

Information gathered from the above sources was analysed with the aim of demonstrating the performance of CLAN with regard to the provision of legal protection to children at risk. Underlying this analysis is the need to bring out progress made and key achievements. In addition to documenting some of the best practices, this evaluation also provides information necessary to plan for the way forward. This assignment took approximately four weeks to complete.

SECTION TWO

ACTIVITIES AND PROGRAMMES

The children's Legal Action Network (CLAN) has through various projects and programmes aimed to deliver justice to children at risk. It is observed that in collaboration with its various networks, CLAN has actually succeeded in offering protection to children at risk of abuse and neglect. This has happened through the provision of legal advice and assistance, paralegal training, community-based awareness creation and advocacy campaigns, production of IEC materials, inputting into legal reforms, and networking and resource sharing. Study findings show that the above listed programmes and activities have had a marked impact on juvenile justice. The rest of the discussions in this section look at progress made, major achievements realised, challenges faced, and the possible way out.

2.1. Establishment of a Secretariat

The Children's Legal Action Network is a membership organisation open to all individuals, firms, NGOs, companies and corporate bodies, who wish to support children's rights (CLAN Brochure).

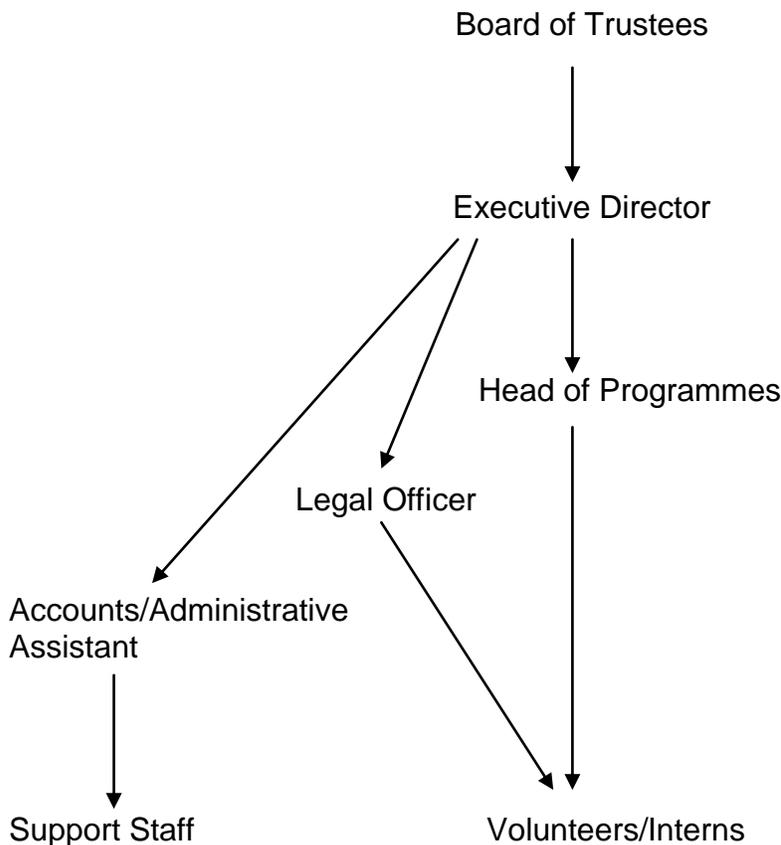
The Board of Trustees is the overall authority in CLAN. This is the policy-making organ of the organisation. Below the Board of Trustees is the Executive Director. He is the chief executive of the organisation and runs the day-to-day activities of CLAN. He is also the secretary to the Board of Trustees. All other salaried staff in the organisation are answerable directly to the Executive Director. These include the Head of Programmes, the Legal Officer, and the Accounts/Administrative Assistant. The Receptionist, Messenger, and Security Personnel report to the Accounts/Administrative Assistant.

The Head of Programmes is in-charge of overseeing all CLAN programmes including writing proposals, making work plans, monitoring, implementing and reporting. The Head of Programmes also works closely with advocates within the secretariat by co-ordinating them and ensuring that their activities run smoothly. This includes ensuring that programmes function according to work schedules and this involves assigning roles to staff and volunteers. He also works with social work and para-legal volunteers in dealing with clients and by having knowledge of what goes on through debriefing meetings to ensure that volunteers are well co-ordinated and motivated.

The Legal officer is in-charge of legal programmes and co-ordinates legal representation, training and some aspects of advocacy. He is in-charge of victim support services. This entails co-ordinating all assistance required to ensure that

every child receives appropriate support. This includes court assistance, securing an advocate, linking up the child/parents with the advocate, carrying out investigation, and arranging temporary shelter and co-ordinating with the police and other relevant authorities.

Figure 1: Organisational structure of CLAN

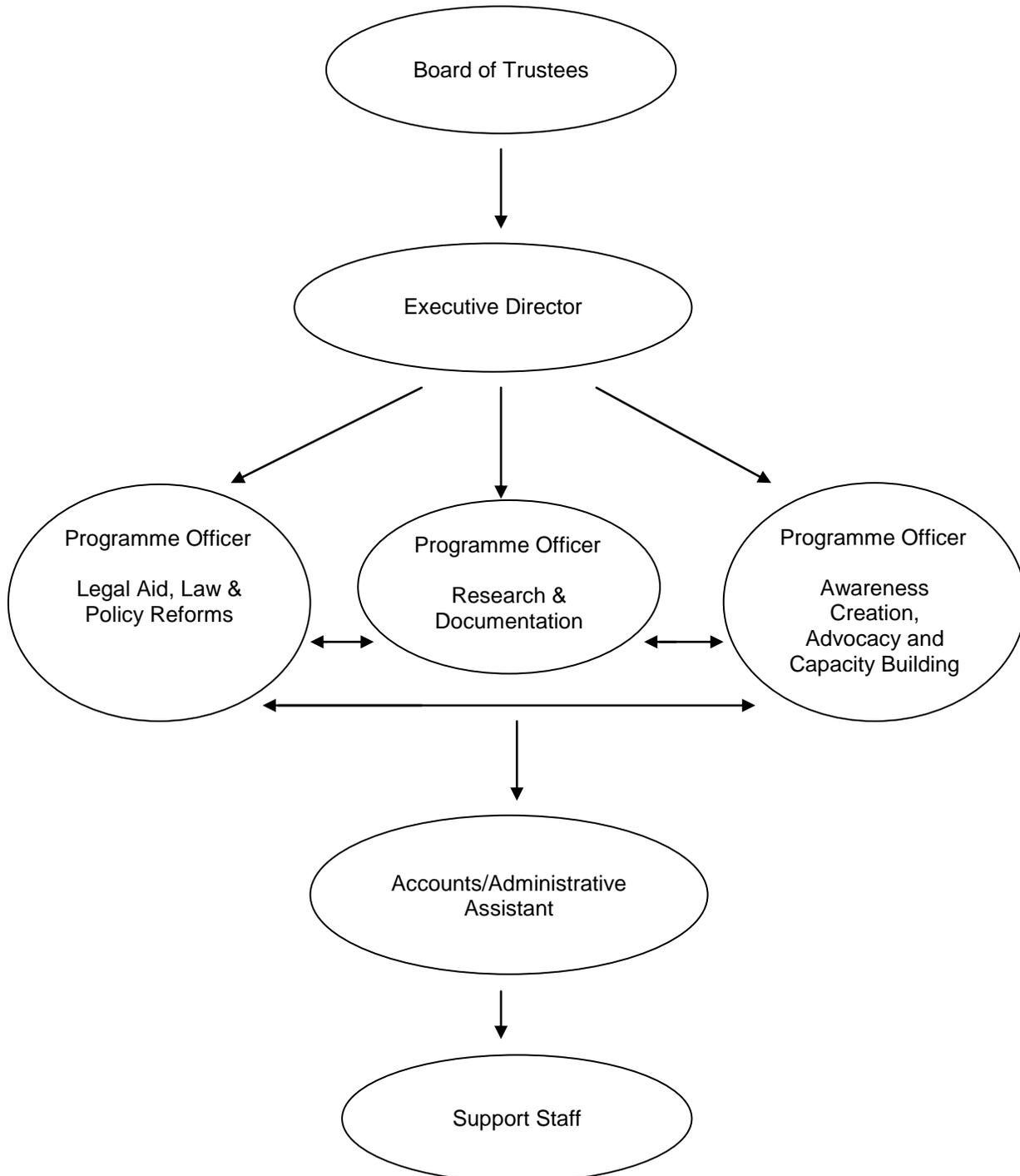


The above organisational structure is, however, likely to pose a challenge to the smooth functioning of CLAN. Generally, there is no clear demarcation of actual functions between the Executive Director and his officers, namely the Head of Programmes and the Legal Officer. Secondly, this lack of clarity is also the case when it comes to the functions of the Head of Programmes and the Legal Officer. Furthermore, the office of the Executive Director looks over-loaded in terms of the multiplicity of persons that report directly to him.

What seems to be apparent therefore is the need for clear demarcations and lines of authority. One, the functions of the office of the Executive Director must be clearly spelt out. This includes having an established demarcation between what the Head of Programmes is responsible for and how this links up with the office of the Executive Director. Related to this is the need to indicate what the

Legal Officer is responsible for and how this feeds into activities currently running under the Head of Programmes in terms of functions and levels of authority. Finally, the volunteers should be seen to be working under a specific office either by virtue of their functions for administrative expediency.

Figure 2: Recommended Organisational Structure



The above recommended structure builds on the observation that the activities carried out at CLAN are interactive and complimentary, yet this sort of structure requires clear lines of authority and task assignment for administrative expediency. It is thus recommended that the Board of Trustees remains the overall authority to be engaged in policy making. Below this is the Executive Director who therefore oversees the actualisation of these policies. This means therefore that the Executive Director is responsible for each of the programme activities but only to the extent that these are the core functions of the organisation. To this end, the Executive Director is responsible for initiation and successful completion of programme activities in collaboration with Programme Heads. It is further suggested that the core activities of CLAN be grouped into three programmes, namely, Legal Aid, Law and Policy Reform; Awareness Creation, Advocacy and Capacity Building; and Research and Documentation. A Programme Officer could then head each of the three. This is the person in-charge of the day-to-day running of the programme and depending on the intensity of activities within each programme, several officers including interns and volunteers could be engaged to work under the Programme Officer. The Programme Officers are then directly answerable to the Executive Director and with whom they jointly plan the programme of activities and in consultation with other programmes. The Accounts/Administrative Assistant is answerable to the Executive Director and h/she supervises the support staff.

2.2. Provision of Legal Advice and Assistance to Children

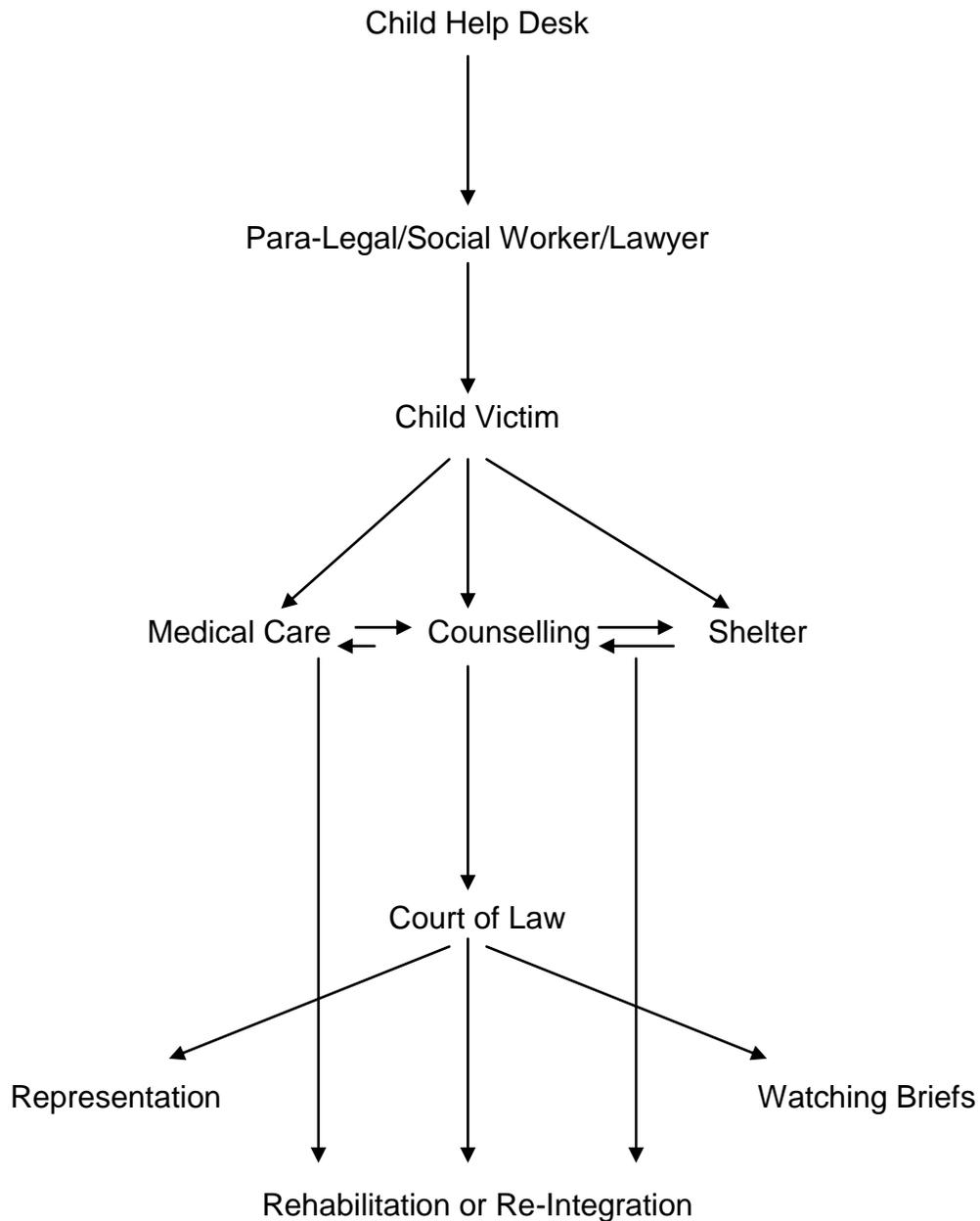
The legal aid programme is the flagship of the Children's Legal Aid Network (CLAN). Legal aid entails free legal advice, direct court representation and victim support to children in conflict with the law, and children in need of special protection.

Legal advice is provided on a daily basis at the CLAN offices to those who present themselves. The complainants are, in the absence of enough advocates, initially attended to by social workers and para-legals and cases that require going to court are then handed over to the advocate. Once a case is reported, the social workers carry out a thorough social inquiry to establish the validity of the case and on the basis of which they decide on the course of action. This entails making home visits and talking to clients and others concerned in their own environment. Whenever possible, there is an attempt to sort out civil matters out of court, especially in situations of negligence or marital instability.

In the event that a case requires intervention in a court of law, CLAN provides for free legal representation and associated support. The children concerned are assisted to cope with court procedures and requirements including ensuring that they appear in court when required. In the case of criminal cases where the state therefore prosecutes, CLAN organises for an advocate to watch brief.

In addition, CLAN conducts legal clinics aimed at offering legal advice to members of the public. These clinics are conducted every third Saturday of the month with the aim of offering clients who are unable to visit CLAN on weekdays an opportunity to do so. The clinics also serve as brainstorming sessions on issues of child protection and the Law. Para-legals and university students on attachment attend these sessions. Both groups aim at seeking further guidance on the dynamics of the Law. The organisation has also attempted to reach members of the public through training seminars on legal matters pertaining to children.

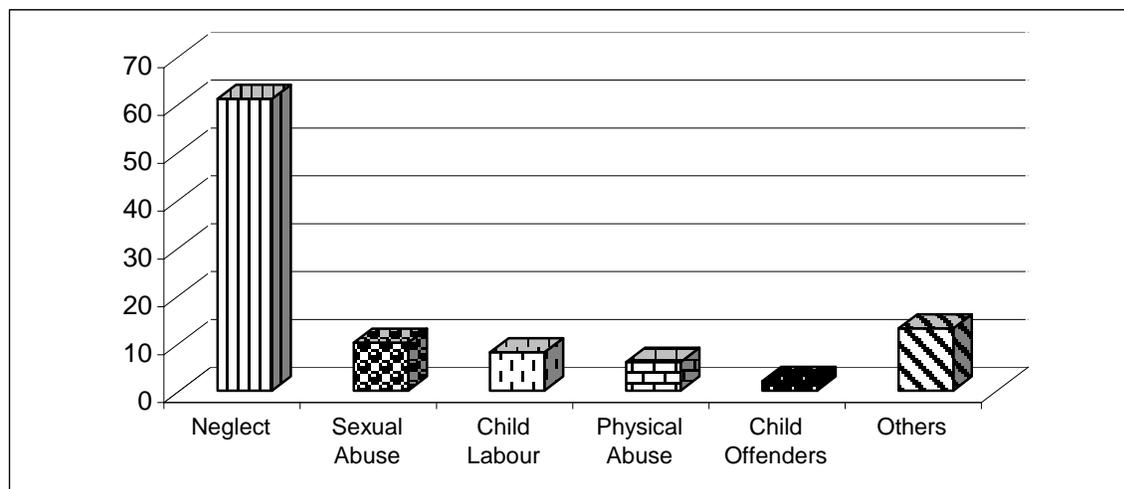
Figure 3: The movement of cases once received at the Child Help Desk



Regular members of staff at CLAN and volunteer advocates, social workers and para-legals carry out most of the above listed activities. CLAN also relies on the services of volunteer advocates and like-minded organisations for victim support services such as rescue, counselling, medical care and temporary shelter.

In the year 2001/2002, a total of 949 cases were reported to CLAN. Over one half of these cases related to various types of child neglect including the failure by parents to pay school fees (61%). Cases of sexual abuse, child labour and physical abuse accounted for one quarter of the total number of reported cases. And, over one tenth of the cases included incidences that affect children such as traffic accidents, succession and inheritance.

Figure 4: Distribution of reported cases by type (2001-2002)



The legal aid programme within CLAN was reported to have achieved the following:

- ◆ The provision of legal aid to juveniles has off-loaded from central government, cases that require legal intervention and representation. This assistance is still evident from the number of referrals that central government and the children's department in particular, makes to CLAN. Indeed, some rough estimates suggest that about 60 percent of the referrals originate from the children's department as compared to about 40 percent that come directly from the public
- ◆ Provision of legal service to the Kibera community has grown and even exceeded the borders. There is now a countrywide demand for service and although this falls outside the mandate of CLAN, several people have been assisted around Nairobi, its environs and from up-country

- ◆ The provision of legal aid has given children an opportunity to be represented and this has made a difference to the juvenile justice system. Among the gains is the fact that such a service never existed before. Since then, the court set-up is less intimidating to children and the justice system is friendly. When represented, children are better prepared to handle their presence in court. There is also an increase in the number of magistrates who are now conscious of the fact that children's issues should not be discussed in the open court
- ◆ In providing service to clients that are unable to reach CLAN during any other time, the clinics have contributed to creating bridges between the organisation and the community
- ◆ In addition to this, the debate on child protection issues serves to enlighten all those concerned on how best to deal with certain types of child violations such as those perpetrated by known relations. The discussions also serve to restore confidence in para-legals as they share their fears and gains. On the part of CLAN, the staff is able to judge and off load difficult cases from para-legals
- ◆ The public has continued to receive information on child rights and there is evidence that the message is bearing fruit. There is an increase in the number of reported cases and generally most people now know the importance of preserving evidence
- ◆ The organisation is able to secure medical assistance, counselling services, temporary shelter, repatriation and re-integration into normal life for child offenders. Most children in conflict with the law are successfully defended or CLAN co-ordinates with both the prosecutor and the magistrate for appropriate sentences such as probation or a non-custodial sentence
- ◆ CLAN has facilitated quest for justice and all reported cases are seen through the system and in many instances abusers are convicted. Discussions with some of the programme beneficiaries indicated that many of them would not have managed to pursue justice on their own accord. They further elaborated that assistance from CLAN had enabled them to carry on with life, sometimes with a bigger resolve.

The above listed achievements emanating from the provision of legal advice and assistance demonstrates an attempt by CLAN to provide protection to children at risk. Field reports suggest that almost all the children and families that have benefited from free legal advice and representation would not have afforded these services in the absence of CLAN. In spite of the gains, a number of challenges and constraints were cited as facing the provision of legal advice and assistance to children. These include the following:

- ◇ Law enforcement agencies and chiefs and district officers in particular have continued to demonstrate apathy towards juvenile justice. They are often suspicious of the need to grant children's issues attention. For some of them, the fear of contradicting community values has resulted in complacency towards the need to offer protection to children at risk. As such, issues of child protection do not feature among the day-to-day concerns of the provincial administration. Consequently, most of the staff don't know how to deal with children's issues even as they have continued to skip meetings to which they are duly invited
- ◇ Much as the community seems to appreciate interventions by CLAN, there is also a realisation that some of the clients arrive with too many expectations. In some instances, the public seeks assistance on matters that are clearly outside of the CLAN mandate such as divorce
- ◇ It was also reported that some magistrates have remained hostile especially when requested to hear cases involving children in 'camera'. Related to this, most prosecutors that have not received training intimidate child victims whom they are ideally supposed to be representing
- ◇ On the other hand, the attitude of some sections of the public is not encouraging. Some of the people view CLAN activities as aimed at making life difficult for the men folk, especially because they handle cases of negligence. On the other hand, some women have become opportunistic and are taking advantage of the Children Act to enter into relationships that they are sure will not last, with the intention of gaining support
- ◇ CLAN is also many times unable to take on more cases due to a shortage of personnel. The organisation is fairly under-staffed. The core staff consists of three officers and six support staff. For instance, CLAN is totally dependent on volunteers in offering victim support and whereas this has worked out fairly well, the turnover is high. This is because as volunteers, these staff are free to leave whenever they find it appropriate and in spite of the fact that they would have received some training
- ◇ Most volunteers reported that the token payment of between Kshs. 2000 and 4,000 per month is a big constraint. Many of them reported that the money is not enough and this too becomes irregular whenever funding is delayed. CLAN has therefore continued to be under-staffed especially in the area of complimentary services such as social work and counselling

- ◇ The organisation operates on a fairly thin budget that can not therefore accommodate all its activities. For instance, there is only one vehicle and this may not always be available when required to carry out urgent rescue. Similarly, limited office facilities such as computers delay the processing of urgent mail or it causes congestion in the waiting room
- ◇ It is also reported that the job is emotionally draining. Generally, people walk into CLAN with bad news all the time and such cases seem to linger on at least until a solution is found. Moreover, staff are expected to handle all these cases objectively and thoroughly even though they have not been trained on stress management
- ◇ There is no established staff de-briefing and this has resulted in cases weighing down on staff. Most of these problems are discussed informally and this does not provide the required therapy
- ◇ It is increasingly difficult to find lawyers who are willing to work for free yet the need to file more suits is clearly there
- ◇ Much as CLAN is mandated to operate in the Kibera area, several requests are received from outside of Kibera. So far, the CLAN staff attends to these cases to the extent possible yet so much more requires to be done.

The above challenges and constraints suggest that there is a demand for service and this requires additional resources, mainly personnel. Secondly, awareness creation is still important and must now target specific members of the community. On the other hand, some of the challenges emanate from the organisational structure of CLAN, largely the fact that the organisation is largely dependent on the services of volunteer workers.

2.3. Paralegal Training

Para-legal training is aimed at enhancing child protection services at the community level. The training is spread over a six month period and covers issues such as who is a child, the rights of the child, forms of child abuse, manifestations of child abuse, how to prevent child abuse, and case management. The cases discussed zero in on children in conflict with the law, children in need of care and protection and how to manage a traumatised child. In addition to this, the training looks at the legal implications of child abuse, legal instruments in child protection, role of para-legal workers in child protection, how to work with the community, and basic counselling skills in child protection.

In the period 2000/2002, a total of 14 para-legal training sessions were held and these reached 88 trainees. And, in the year 2001, a community out-reach programme through para-legals was initiated with the aim of reaching both the

teachers and pupils in non-formal schools as one way of complementing mainstream community awareness programmes. The main advantage of this approach is the fact that as the main facilitators, the para-legals are known in the area and the community identifies with them. On occasions when these para-legals engage in out-reach activities, they receive Kshs. 100 as transport.

The para-legal workers reported that they have so far reached over 70 non-formal schools with the aim of sensitising teachers, most of who were found to be ill equipped to deal with cases of child abuse. The para-legals mainly provide these teachers with basic information on child rights and child protection. Thereafter, they make re-visits to the schools to assess the impact of their training.

Para-legals also interact with their fellow peers at different levels. One, they invite youth groups from different organisations and hold discussions on major causes of child abuse. During these sessions, they also train these youth and create awareness on HIV/AIDS. These groups thereafter move into the community where they advocate for the rights of the child and non-violence.

The para-legals also participate in community based awareness campaigns through the Community Outreach Programme. They make visits to religious congregations and school parents' days where they talk about child rights to both the children and their parents.

Most para-legals are available on demand and they spend about 3 to 4 days per week on children's issues. Currently, there are 15 active para-legals. Some of the ones interviewed indicated that their involvement with CLAN has benefited them as individuals:

- ◆ Many of them felt that they have become public figures and the positive response from the community fills them with a sense of pride. In addition, the training has exposed them to basic skills in law, counselling, interpersonal skills and motivation. And, given that they do this work only during their spare time, they are able to keep busy
- ◆ The training is seen as a life long skill that could be applied even outside of the current engagement. Some para-legals even felt that since they are already equipped, they could well function as reservists
- ◆ It was also argued that the nature of training received prepares the para-legals to render voluntary service without expecting any remuneration

At the community level, the para-legals reported several achievements, many of which centred on protecting children at risk in the form of direct service or awareness creation. These were listed as follows:

- ◆ They have increased the capacity of CLAN to intervene on child rights violation cases in Kibera and its environs largely because they are drawn from within the community and are therefore able to penetrate and reach areas where CLAN is unable to cover
- ◆ They have been able to reach each of the eleven villages in Kibera and currently, there is at least one para-legal stationed in each of the villages
- ◆ They have participated in the safe repatriation of children; most of them arrested for loitering. Para-legals participate in the diversion activities within the Kilimani police station
- ◆ Para-legals greatly complement services provided by government departments such as the children's department
- ◆ The para-legals have improved interventions at the community level. On many occasions, they are able to dispose of cases that do not require advanced intervention
- ◆ They have mobilised the community to take action on perpetrators of child abuse and neglect
- ◆ The recognisable efforts of para-legals have resulted in CLAN being approached by other organisations to offer similar training
- ◆ According to the para-legals interviewed, there is an increase in the number of cases reported which they attribute to increased awareness. It was even felt that this increase is as a result of the fact that most people, children included, now know their rights and where they should report cases of abuse and neglect
- ◆ The various training programmes have created a sense of belonging both for members of the community that participate and for the para-legals themselves. As a result, there is now a sense of responsibility and accountability amongst members of the community. Indeed, some parents were increasingly taking on their responsibilities without much debate, partly because they now know about their legal obligations as relates to children
- ◆ Para-legals are active at the community level and they are able to advice children and parents accordingly. Indeed, a number of cases are now successfully handled at the community level without need for further legal intervention.

Para-legal training as an approach to child protection is therefore ranked highly on the basis that it compliments the activities of CLAN staff and links the organisation with the community. It was also noted that the fact that most para-legals are school leavers or retirees makes use of an available human resource. In addition to this, they live in the community. This approach is, however, faced with several challenges, among them the following:

- ◇ While it could be assumed that once trained the para-legals are available and do offer service wherever they will be stationed in life, some of them do not last within the CLAN set-up. It was reported that a number of them get lured and taken away by organisations that too require their services
- ◇ Para-legals are expected to offer their services as volunteers and this therefore means that whenever they have an opportunity to generate income, this takes precedence. However, in so doing they tend to abandon child rights advocacy, sometimes forever
- ◇ Lack of official identification has on occasion made it difficult for the para-legals to carry out their work satisfactorily. They reported instances where perpetrators of child abuse question their intervention. Some para-legals reported having been threatened when attempting to rescue children and even accused of abduction
- ◇ The para-legals noted that in some instances, the desire for instant results by victims of abuse poses a challenge to efforts aimed at taking them through a rehabilitation process
- ◇ The community's appreciation of the importance of child protection is sometimes delayed by too much ignorance on their part and the presence of competing demands. As a result, much as the target audience may be aware of what constitutes child rights, they do not always enforce this
- ◇ The general working conditions and poor weather in particular make it difficult for para-legals to reach the various parts of Kibera. This is complicated further by poor sanitation and other health hazards
- ◇ In most instances, para-legals find themselves unable to give expected attention because this requires financial resources and they often do not have this at their disposal. This ranges from medical care to preserving of evidence through rescue and placement
- ◇ Lack of government support is a major constraint. It was reported that some victims are drug addicts and alcoholics who therefore pose a security threat to para-legals, especially because they lack formal

identification. In other instances, business people in collaboration with the administration thwart their interventions.

The challenges facing the role of para-legal trainees in providing protection to children at risk calls for concerted efforts in awareness creation. It is, however, also clear that most of the volunteers are financially constrained and this continues to hamper their efforts in enforcing the rights of the child. Some of the concerns raised will have far reaching consequences and must therefore be addressed within the larger framework of the future of CLAN as a child rights organisation.

2.4. Community-Based Awareness Creation and Advocacy Campaigns

The awareness creation and advocacy campaigns by CLAN are aimed at enlisting the support of the community in combating child abuse and neglect through the promotion of knowledge on child rights and child protection and laws pertaining to children. These activities are carried out through public meetings at the community level, use of IEC materials and the assistance and presence of para-legal trainers in the community.

The target audience includes teachers, community-based organisations, non-formal schools, day-care centres, children's homes, government officers, provincial administration and children within a school environment. Attendance of community-based training programmes is voluntary. At the end of the programme participants are facilitated with lunch prepared by a private caterer within the workshop premises. This is seen as a farther opportunity for them to blend and bond.

In the year 2001/2002 alone, eleven community based awareness creation workshops were held and these reached over 900 participants. These workshops focused on informing the community about what services CLAN offers and who else works in conjunction with CLAN and how.

The use of performing art as a way of conveying messages on child protection is captivating. It was reported that this kind of approach is appropriate both for the literate and the illiterate. Moreover, the fact that those performing are members of the community makes it easier for them to capture the key issues affecting the community in question. The following were reported as the main achievements of the community-based awareness creation exercise:

- ◆ Establishment of community level out-reach programmes
- ◆ Increased appreciation of the rights of children and the reality of child abuse as a big problem that needs immediate redress

- ◆ Improvement in the number of reported cases. These cases are both fresh and partially dealt with
- ◆ Community has gained capacity to handle cases of child abuse and neglect to the extent that only cases requiring further intervention such as professional advice or legal intervention are mostly brought forward
- ◆ The making of social inquiry has provided children who come into conflict with the law the opportunity to reform and be re-united with family. This has brought about the realisation that some of the children that would otherwise find their way into police cells only require repatriation or rehabilitation
- ◆ In cases where the children are involved with criminal offences, they are counselled and assisted to go through the court process. In particular, social workers prepare them so that they can psychologically go through the court procedures
- ◆ Parents who come to CLAN with a set mind, insisting to have their way in child welfare matters come to appreciate through persuasion, the need to compromise their stand for the sake of their children
- ◆ The awareness creation campaigns that advocate for child rights inform the community on where they could report cases of child abuse and neglect and while doing so, CLAN gets to learn more about what goes on in the field
- ◆ Home visits ensure that there is continuity in the type of settlements that various parties agree upon
- ◆ Most cases are sorted out within CLAN and some families have ended up re-uniting soon after beginning to offer joint support to their children. In several instances, clients have sent back messages of appreciation especially when the decisions arrived at are in the best interest of children
- ◆ The fact that these interventions are offered free of charge has enabled the poor who constitute the majority in Kibera to benefit. They have increasingly put children's issues at the centre of the things they do and because of their co-operation, most cases presented in court are successful.

The community based awareness creation exercise is seen as one of the best ways of enabling the community to participate in the search for solutions to problems facing the children in their midst. This way, most of the solutions proposed have been sustainable. For instance, most people reported that the

court is often shunned as a solution to family disputes. But, whenever this decision comes from the afflicted parties, most of them have taken their search for justice to its conclusive end. It was also felt that in community awareness campaigns, many people are reached at one go and there is consensus building on an instantaneous basis. However, some challenges and constraints were identified:

- ◇ There is a general resistance to the call for child rights and child protection. Generally, child protection is unpopular among communities because individual members view children as their 'property'. Whereas there is evidence of some change, this general attitude has slowed down progress towards ensuring that children live in safe environments and their rights are upheld
- ◇ It is also felt that both illiteracy and abject poverty make it even more difficult for people to appreciate the need for child rights and protection. In being pre-occupied with basic needs such as the search for food, some people do not find time to attend the community-based awareness creation workshops. Moreover, some messages regarding child abuse and neglect become difficult to appreciate and accommodate in the midst of a multiplicity of needs
- ◇ Although CLAN is generally known in Kibera, actual coverage is still limited. Kibera is one of the largest slums in Africa with an estimated population of over 800,000 inhabitants. As such, actual contact with community members is not yet widespread and the numbers that have been reached so far cannot be said to be representative of the whole
- ◇ Most programmes draw on participants from within and around Nairobi yet issues affecting children vary from place to place. In addition to this, accessibility to groups of children is restricted. Moreover, certain topics lack first hand information because children may not be able to speak for themselves and those who can fear for their safety
- ◇ Some of the gains arising from raised public knowledge translate into a demand for assistance. In such instances, members of the public begin to put pressure on the wrong people for assistance such as financial help.

It is apparent that poverty plays a key role in efforts aimed at ensuring that children are protected. The failure to accord children their rights both at the family and at the community level is partly a function of their poverty. But, we also know of situations where fairly endowed households fail to offer required protection to children. The challenge however is to be able to communicate the need to give protection to children amidst various other basic necessities.

2.5. Information, Education and Communication Materials

In order to advocate for the rights of children farther, CLAN produces a range of materials for purposes of informing, educating and communicating. These IEC materials cover a variety of scenarios, mainly demonstrating what is right to do and what is wrong and to be avoided. The general aim is to entrench the need to provide protection to children at risk. So far, CLAN has conducted radio and television interviews, and 24 of these sessions were held in the year 2001/2002. In addition, 24 advocacy materials were printed and distributed. The articles are in the English and Kiswahili languages. In addition, CLAN staff contributes articles to magazines with the aim of informing the general public on legal issues touching on children. Some of the magazines include *The Lawyer* and *Child Watch*.

Table 1: List of IEC materials produced and their key message

<i>Type</i>	<i>Key Message</i>
Posters	<ul style="list-style-type: none"> ▪ The need for a cordial relationship between police officers and child offenders ▪ Familiarise with the contents of the Children's Act 2001 ▪ A step by step guide on what to do to assist a child that has been sexually abused ▪ The rights of children and the need to learn about them
Booklets	<ul style="list-style-type: none"> ▪ Understanding the Children's Act 2001 ▪ The need to combat <i>Unyanyasaji wa Watoto</i> ▪ The Children's Act 2001: Abridged Version. Aide Memoir for Para-legals ▪ Child Rights and Child Protection: A Trainer's Manual
Publication Articles	<ul style="list-style-type: none"> ▪ A profile of the Children's Legal Action Network (The Lawyer, No. 41) ▪ A Review of the Children's Act 2001 (The Lawyer, No. 46) ▪ Constitution and Children - Forget us Not (The Lawyer, No. 47) ▪ Sexual Abuse: More Protection for Children (The Lawyer, No. 48)

The messages as contained in the above advocacy materials are centred on how best to utilise existing legislation to offer protection to children. There is also an attempt to address existing anomalies and sections of the law that are disadvantageous to children. What remains to be done therefore is to make these materials and information available to sections of the population that remain ignorant. These include the children themselves, their parents/guardians, and various gatekeepers.

2.6. Participation in Legal Policy Reforms

In pursuit of its mandate, CLAN has actively participated in the review of statutes and policies that deal with children. The organisation has participated and lobbied different decision making bodies with the intention of making them appreciate the importance of recognising children's rights in policy making. Indeed, the current policy on free universal primary school education is one of the outcomes of this endeavour. The specific contribution from CLAN and amendments made to the Act are acknowledged in the *Hansard*.

Table 2: Recommendations and contributions made to the Children Bill 2001

<i>Theme</i>	<i>Specifications</i>
Definition of 'Child'	A child is any <i>human being</i> under the age of eighteen years
Definition of 'Relative'	'Relative' in relation to a child means <i>any person related to a child</i> whether of full blood, half blood or by affinity
Definition of 'Disabled Child'	' <i>Child with disability</i> ' means a child suffering from any physical or mental handicap, which necessitates special care for the child
Right to Education	Basic primary education shall <i>be free and compulsory, and the Ministry shall make regulations for the implementation of this object</i>
Right to Health Care	Every child shall have a right to health and medical care, the provision of which shall be the <i>responsibility of the government and the family</i>
	A child with disability shall have the right to be treated with dignity <i>and the government shall accord</i> appropriate medical treatment,

	special care, education and training free of charge
Protection from Abuse	A child shall be entitled to protection from <i>sexual</i> , physical and psychological abuse, neglect and any other form of exploitation including sale, trafficking or abduction by any person
Protection from Harmful Cultural Rites (New Clause)	<i>Children shall be protected from marriage and betrothal</i>
Protection from Drugs	Every child <i>shall be</i> protected from the use of hallucinogens, narcotic or psychotropic drugs and from being involved in their production, trafficking or distribution
Responsibilities of the Child (New Clause)	Every child shall have responsibilities towards his family and society, state and government. The child subject to his age and ability and such limitation as provided by law shall have the duty to: <ul style="list-style-type: none"> (a) Assist the family in duties, respect his parents, superiors and elders and assist them in case of need (b) To preserve and strengthen positive local cultural values in his relation with other members of society (c) To serve his nation by placing his physical and intellectual abilities at its service
Penalties	Recommended for stiffer penalties (Clause 18)
Composition of Council	Noted that not all organisations engaged in child welfare are registered under the non-governmental organisations Act
	Sought for re-nomination of members of the Council noting that three years is a very short time to serve
Duties of The Director	Aimed to make clear the Clause that the Director of Children's Services can take over any proceedings save for those which are

	already under due process
Children's Institutions	Noted that at all costs children in need of protection and care should be kept away from child offenders and should never be in a rehabilitation school where child offenders are committed. Instead, it is children in need of discipline who should be committed to the rehabilitation schools
Children' Court	Addresses contradictions arising from Clause 69(b) and Clause 178 (1). It also notes that offences punishable by death and persons over eighteen years jointly charged with children cannot be tried at the Children's Court
Prohibition of Publication (New Clause)	Seeks to reaffirm children's privacy so as to avoid stigmatisation and victimisation. This is also aimed at meeting the ends of juvenile justice, which are rehabilitative rather than punitive
Powers of the Court	To allow persons who may not be parties to the case <i>per se</i> but still relevant to hear the matter such as a parent. There is also a new Clause to make the Children's Court as child friendly and as informal as possible
Custody and Maintenance	Proposed additional paragraphs to differentiate between 'legal custody' and 'actual custody'
Protection and Care	Proposes that the category 'Street Children' be added on to the categories of children who are in need of protection and care
Children in Need of Discipline (New Clause)	Aims to demarcate children in need of discipline and those in need of protection. A child in need of discipline is one who is a truant; who is falling into bad associations; who is beyond parental control; and who is using hallucinogens, narcotics, alcohol or psychotropic drugs

Adoption	Spells out members of an adoption committee with the aim of achieving representation, professionalism, and experience and to limit the powers given to the Minister to appoint such a committee without taking into consideration who sits in the committee
Child Offenders	Notes and reaffirms the constitutional right to be presumed innocent until proved guilty

Table 3: Recommendations and contributions made to the Constitutional Review Process on the Rights of the Child

<i>Theme</i>	<i>Specifications</i>
Definition of a Child	<ul style="list-style-type: none"> ▪ Definition of a child as any person under 18 years of age
Basic Rights of a Child	<ul style="list-style-type: none"> ▪ The right to life, survival and development ▪ The right to a free and compulsory education ▪ The right to health and free medical services ▪ The right to protection from child labour, child abuse and harmful cultural practices
Due Process Rights	<ul style="list-style-type: none"> ▪ The right to be presumed innocent until proven guilty ▪ The right to legal assistance ▪ The right to separation from adults at all times ▪ The right to diversion <p>Protection from capital punishment, corporal punishment and Imprisonment</p>

Basic Social Rights	<ul style="list-style-type: none"> ▪ The right to sufficient and nutritious food ▪ The right to clean, safe and accessible water ▪ The right to habitable shelter
Citizenship	<ul style="list-style-type: none"> ▪ All children born in Kenya acquire automatic citizenship ▪ Kenyan women married to foreigners be able to convey citizenship to their children ▪ Establishment of the office of a Children's Ombudsman whose duty will be to reinforce the rights of children and ensure that these rights are exercised

Table 4: Recommendations and contributions to the Criminal Law Amendment Bill

<i>Theme</i>	<i>Specifications</i>
Penalties	Stiffer penalties for sexual offences affecting children accompanied by interventions that deal with socio-psycho, cultural and economic factors that lead to child sexual abuse
Evidence Act	Relaxation of the Evidence Act (Cap. 80) to convict in sexual offences on the evidence of a child of tender years
Secrecy	Make it mandatory upon courts to hear all matters of rape, attempted rape, defilement and incest by both male and female persons in private and ensure that information that may lead to the identification of the victim is not released by any person
Age of Consent	Raise the age of consent to carnal knowledge and protection against indecent assault to 18 years to make it consistent with provisions within the Children Act 2001 whereby all persons under 18 years of age are entitled to protection against sexual exploitation and abuse

Definition of Offences	Redefine offences such as rape to appreciate emerging sexual acts and accommodate the fact that both men and women can rape and be raped
Liability	Introduce strict liability to offences of defilement and scrap provisions of marriage as a defence
Pornography and Prostitution	Enact specific laws that target people who produce child pornography or expose children to pornography, or those who use children as prostitutes or target child prostitutes

Generally, contributions made by CLAN and members of the Coalition on Child Rights and Child Protection have aimed at ensuring that children's rights are effectively provided for in the Constitution by forcing the government to guarantee the enhancement of children's welfare and protection. It is noted that all proposed amendments to the then Children's Bill 2001 were taken up. Most of these amendments aimed to make the government the primary protector of all children.

2.7. Networking and Resource Sharing

As a network, CLAN works in collaboration with like-minded organisations in the furtherance of child rights and child protection and more specifically, in the provision of victim support services. These include rescue, temporary shelter, counselling, medical care and legal representation.

Several government departments and organisations were visited for purposes of understanding farther, the nature of this networking. These organisations and departments include the following: Probation Department, Ministry of Home Affairs; The Children's Department, Ministry of Home Affairs; The Nairobi Hospital; Kenya Broadcasting Corporation; Pendekezo Letu; Kenyatta National Hospital; Women's Rights and Awareness Programme; Mama Ngina Children's Home; Family Life and Counselling Association of Kenya; and the Kilimani Police Station. CLAN is also a member of a wider network, the Coalition on Child Rights and Child Protection.

Table 5: Nature of collaboration between Network Members

<i>Organisation</i>	<i>Activities</i>
Probation Department	The Department of Probation within the Ministry of Home Affairs began collaborating with CLAN in the year 2001 when the department was asked to input into the Children's Bill. A total of 80 probation officers drawn from various parts of the country took part in these discussions. The discussions covered issues relating to the content of the then draft Children's Bill 2001, how to

	disseminate the new Bill to the public, and how to sensitise all stakeholders in the Bill.
The Nairobi Hospital	The Nairobi Hospital carries out cross-referrals with CLAN. On its part, the hospital gives fee waivers to children who require health care and are unable to afford payments. Secondly, the hospital refers cases to CLAN for further action, irrespective of whether or not the individual concerned can afford a lawyer. These are mainly cases of sexually abused or neglected children that require legal intervention. As a result of this collaboration, CLAN has empowered hospital staff through regular sessions on Children and Law.
KBC	Collaboration with the Kenya Broadcasting Co-operation (KBC) is interactive. While running regular programmes, the KBC seeks the expertise of CLAN in terms of inviting them to the station as resource persons or making direct referrals of cases that require legal intervention. As a result, programmes aired have continued to sensitise members of the public about child rights. Some of the programmes to which CLAN has made a contribution include radio discussions on the Constitution, the Children Act, Juvenile Justice, and sexual exploitation of children. These programmes have been instrumental because they narrow their focus to topical issues and alongside this, they provide information on where members of the public, children included can seek further assistance. On their part, CLAN seeks the assistance of journalists whenever they have cases that require highlighting.
Pendekezo Letu	The Pendekezo Letu is a child rights organisation focusing mainly on the girl child. The organisation networks with CLAN in terms of referrals and through the exchange of materials and information at training workshops. Pendekezo Letu also indicated that they have benefited from the services of para-legals trained through CLAN.
Kenyatta National Hospital	The Kenyatta National Hospital offers free medical care to infants (0-5 years) and a fee waiver for children from poor backgrounds aged 6 to 18 years. In addition to this, the department of Social Work at the hospital networks with other institutions to find placement for abandoned children or inpatient street children. The department networks with CLAN when they require legal intervention.
The Children's Department	The Children's Department within the Ministry of Home Affairs works closely with CLAN in making referrals. The department liaises with CLAN in seeking legal assistance.
WRAP	The women's Rights Awareness Programme (WRAP) provides shelter to abused women and children. As

	such, the organisation has collaborated with CLAN in making referrals. WRAP also refers to CLAN cases relating to child maintenance.
Mama Ngina Children's Home	The Mama Ngina Children's Home caters for displaced and orphaned children aged 0 to 18 years. The home networks with several other organisations in seeking or providing shelter or for legal intervention. The home has collaborated with CLAN for the last three years. This collaboration has entailed making referrals to CLAN for legal assistance. On the other hand, CLAN too seeks assistance from the home in the form of provision of shelter awaiting conclusion of investigations or court procedures.
FLCAK	CLAN sends clients to FLAK for counselling and medical care. Most of those referred here are victims of sexual abuse, battering and neglect. The organisation also refers clients in need of legal advice to CLAN. However, most clients do not seem to make this follow up due to fear of legal interventions. There is a general assumption that going to CLAN is tantamount to filing a court case. On the other hand, some of the people that do make the necessary follow up complain that they do not receive urgent attention. Court cases take too long, some of it because advocates are absent. Other clients explained that they have no bus fare and this makes them fail to follow up referrals.
Kilimani Police Station	Kilimani Police Station is one of the pilot points in the child diversion project. The station has a separate office and sleeping area for children brought to the station for various offences. CLAN is a member of this project. Once children are received at the station, they are booked in a separate premise and relevant organisations are alerted for further action. This normally entails working for the children's safe repatriation home. On the other hand, CLAN refers cases of child abuse to the police where they require their intervention such as in making arrests.

In addition, in the year 2001/2002, three capacity building workshops were held for network members and these reached 99 officers. The officers were drawn from the children's department (41), probation (35), and the legal fraternity (23). The main achievements of collaborating and networking are as detailed below:

- ◆ Most of the network members were able, through joint efforts, to make a contribution to the enactment of the Children's Bill 2001
- ◆ Some members have been trained in the provisions of the Children's Act and this has enhanced their service delivery. For some of the

networks, the training was particularly important given that they have branches through out the country and they are among the first people to be called upon on issues relating to children

- ◆ Participation in various advocacy forums brought to light the interplay between the activities of network members. In addition, these forums provided various officers with an opportunity to share challenges and on the basis of which it was agreed that CLAN needed to offer similar seminars to others that come into contact with children. This has also continued to raise the profile of these organisations and their contribution to child rights and child protection
- ◆ Legal training enhanced the skills of participants who have no legal knowledge, especially with regard to court procedures and other forums from where they discharge their duties
- ◆ Most participants felt that they are now better skilled to handle children's issues more professionally. For instance, prior to the training, many of them did not have access to copies of the relevant acts under which they rendered service
- ◆ Among probation officers, they reported the realisation that children too have a right to participate in the social inquiries that they make. For instance, it is now a common practice to allow children to peruse through reports written about them. Moreover, the children now have a chance to give their views as compared to previous practice whereby only parents/guardians spoke on their behalf
- ◆ Most activities by network members have contributed to awareness creation. Within the KBC, the information that is aired reaches many Kenyans, a majority of who are rural-based. In some instances, feedback is instant especially in situations where there is a call-in facility. Some people even write to the studio seeking additional information
- ◆ Children's Homes continue to enjoy access to free legal advice and representation. These homes are also able to re-direct some of the cases that end up with them directly to CLAN for legal attention and therefore immediately off-load themselves.

Therefore, the main achievement from networking is resource sharing at the level of information and in terms of actual service. It is noted that in the process of networking and sharing of resources, many organisations and individual participants have built their capacities. However, some challenges were reported:

- ◇ Some of the organisations that make referrals tend to unknowingly bias clients even before they get to CLAN. For instance, there is a general assumption that CLAN focuses on court matters and therefore visits to the organisation will necessarily resort in court cases. This has tended to discourage some people to the extent that they do not follow up with such referrals. On the other hand, some of the people who have been referred to CLAN fail to pursue the issue due to 'status'
- ◇ Sometimes variation in course of action creates discontent in some network members. For instance, some staff from the children's department felt that when CLAN fails to pursue the court as recourse, offenders remain unpunished
- ◇ Generally, it takes quite some time to get a medical fee waiver. Probably then, CLAN needs to augment this by seeking partnership with a medical facility where they can send children freely and regularly. This is important especially in situations where evidence needs to be preserved. Government owned hospitals provide the best possibility.

It is apparent that networking can be a delicate affair especially where there are no clearly defined obligations. Such *ad hoc* arrangements work well when both parties stand to benefit and therefore wear out when there is a clear imbalance. Future activities might therefore require that interested parties get to pursue formalised collaboration. This is likely to work best when each participating organisation demarcates its boundaries, hence a known niche. Therefore, given that several other organisations are responding to the need to provide legal protection to children, CLAN needs to cut out such a niche for itself.

SECTION THREE

CONCLUSIONS AND RECOMMENDATIONS

This evaluation set out to assess progress made in attempts to give protection to children at risk with the use of the country's legal system. Study findings show that the aims of the programme on juvenile justice have already been achieved. Alongside this, however, there are challenges, many of which should be taken into account as CLAN plans ahead. In this concluding section therefore, we make several recommendations that are considered necessary to enhance the cause of offering juvenile protection to children at risk.

3.1. Administration

- ☞ The CLAN organisational structure needs to be refined with an aim to creating clear demarcations regarding duties and functions. This will entail having a staff policy that outlines recruitment procedures and job descriptions. Some of this could benefit from the development of a strategic plan for the organisation, operationalising the vision and mission of CLAN
- ☞ CLAN requires a basic minimum of core staff so as to limit the number of people that come across confidential information. The current structure necessitates that in the lifetime of any one case, more than one person would have dealt with it just because others may have changed jobs. Permanent staff will also give continuity and consistency in handling of issues and both of which add to a client's confidence level
- ☞ Given the field of operation, it is important that staff become knowledgeable even in areas outside of their primary training. This will give them additional confidence, it will generate new ideas and they will be better positioned to influence change at the policy making level
- ☞ There is need for further training for staff so that they can accommodate and respond to various field experiences. Some of the key areas include how to handle the variety of situations encountered in the field
- ☞ CLAN should move away from depending overly on volunteers by providing full time employment. This will create the necessary incentives

- ☞ There is need for a policy on volunteers spelling out how to take them in, for what particular purpose and what should be expected of either party
- ☞ Whatever the case, financial support is necessary. This would enable the volunteers to work better. Most of them felt that the current situation makes them vulnerable and the issues that they advocate for children have also become a problem even to them. These include access to shelter, food and clothing.

3.2. Programme of Activities

- ☞ In order to consolidate some of the gains, it is necessary to compile all completed court cases as appropriate. This will make available some database that can then support the direction that future activities should take
- ☞ CLAN should establish the number of cases that they are able to handle so as to prioritise use of available resources
- ☞ There is need to interest and integrate the provincial administration in the activities of CLAN. This could be done through sensitisation training programmes that offer staff an opportunity to appreciate the fact that children's issues are just as important. It is already important that some chiefs and district officers do refer cases to CLAN and what they therefore need is an appreciation of why and how CLAN needs their continued involvement
- ☞ It is expected that the current provision of free primary education will bring non-formal schools to a close. If this becomes the case, then entry points into the community may have to shift so that the awareness creation programme can continue to come into contact with children and especially those at risk of abuse and neglect
- ☞ Some cases of child abuse require a national level intervention. For instance, there is need to make available essential victim support services such as medical care, counselling and legal representation. Alongside this, the public needs to be made more aware of what to do in case of such abuse
- ☞ It is evident that CLAN is a pioneer in the area of free legal support to children and the service is in demand beyond Nairobi. It is therefore recommended that the organisation should aim to widen its scope geographically. Some network members suggested that both Nyanza and

Western Provinces should receive priority due to the number of reported cases of child abuse

- ☞ The capacity building programme should continue in the area of provision of legal training and advice covering sections such as court procedures, court language, how to put ideas across and any other new information on children's issues
- ☞ It was felt that most children get into trouble because of family problems. If possible, CLAN should incorporate interventions that work towards family financial stability such as household level income generating activities

3.3. Way Forward

- ☞ CLAN is generally identified with juvenile justice. In order to maintain the momentum, the organisation should strive to create sub-programs within each programme. Much of this can be concretised through the drawing of a strategic work plan.

Although we have observed through this evaluation that CLAN programmes have contributed to the field of juvenile justice by offering protection to children at risk, it is also evident that most activities need strengthening. Much of this could take place at the organisational level in terms of level and type of personnel required, implementation of various programmes, and the documentation of the diverse experiences. Therefore, the future of CLAN is dependent on the drawing of a strategic plan that infuses the organisation's vision/mission into daily activities and in such a manner that this concretises the broad objectives. In so doing, set programmes will aim to meet specific targets and on the bases of laid down benchmarks. Moreover, a strategic plan will assist CLAN to anticipate some of the obvious challenges and thereby mitigate them in time. It will also be easier to draw work programmes and these will easily bring out any potential overlaps or conflicts in set activities while building on emerging strengths. The ultimate goal is for CLAN to work towards cutting out and concretising a niche for itself, both geographically and in terms of actual activities on the ground.

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Appendix 1: List of Persons and Organisations Visited and Interviewed

<i>Name</i>	<i>Organisation</i>
Abubakar, Botul	Volunteer Para-Legal Trainee, CLAN
Bakhuya, Geoffrey	Volunteer Para-Legal Trainee, CLAN
Faith, Ms.	FLAK
Gitonga, Freshiah	Kilimani Police Station
Kavesu, Beatrice	Pendekezo Letu
Kihuha, Joy	Nairobi Hospital
Kyaa, Kerry	Volunteer Social Worker, CLAN
Makaye, Stephen	Social Work Department, KNH
Mikia, Anne	Radio Producer & Head, Current Affairs Section, KBC
Mkangi, Bobby	Legal Officer, CLAN
Mwangi, Rose	Children's Officer, Kibera
Mwiti, Janet	Manager, Mama Ngina Children's Home
Nabusoba, Toepista	Kenya Broadcasting Corporation (KBC)
Ngugi, Anne	Women's Rights Awareness Programme (WRAP)
Njeru, Teresa	Probation Department, Ministry of Home Affairs
Njuguna, Wambui	Director of Programmes, ANPPCAN Regional
Opiyo, Pamela	Volunteer Advocate, CLAN
Ouma, Edward	Programme Officer, CLAN
Owino, Beatrice	Volunteer Social Worker, CLAN