

## **POLICY AND CHILDREN'S RIGHTS ADVOCACY IN EARLY CHILDHOOD EDUCATION CENTRES IN KENYA: A CASE OF NAROK COUNTY**

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### **ABSTRACT**

*This paper discusses the policy and children's rights advocacy in early childhood center. Previously in Kenya there was no legislation that exclusively addressed the rights of the child. The children Act which came into force on 1<sup>st</sup> March 2002 domesticated the principles of the UNCRC and the African charter. This is an act of parliament that provides for the rights of children in Kenya. The children's Act was enacted for the following main reasons; to put together (consolidate) the provisions of the various laws that affected children and to give effect the provision of the UNCRC the African charter and other international instruments on the rights and welfare of the child. The act constitutes into one law the children and young person's acts, the guardianship of infants act and the adoption act. This has further been facilitated by the establishment of a children's court. The act is divided into fourteen parts dealing with various issues related to children. It is important to highlight that the rights and freedoms enjoyed by all citizens in the constitution of Kenya are not related in this act. The right of the children are based on the principles that; The best interest of the child shall be a primary consideration in all actions concerning children; The interest of the child shall also be the first and paramount consideration; The child shall be accorded an opportunity to express his opinion which shall be taken into account depending on the child's age and degree of maturity and that No child is to be subjected to discrimination on the ground of origin, sex, religion, greed, custom, language, conscience, color, birth, social, political, economic or other status race, disability, tribe Residence or local connection.*

**Keywords:** Child Rights, advocacy, policy, Early Childhood Education

### **INTRODUCTION**

Children are innocent from birth and depend on their parents and other caregivers for survival and development. This means that they can be exploited or missed if caution is not taken. Children are vulnerable especially during often than not, cases of children being raped and defiled, discriminated abandoned and engaged in child labour have been heard the world over. This has necessitated the emergence of several mechanisms to be put in place in order to curb the ever rising cases of violation of children's rights. All stakeholders concerned with children's issues should fully understand their responsibility towards the child as well as what they should demand of the children. There has been a wrong perception that children are the parents property hence assumes to have no objection to what the parents say.

Schools have a primary responsibility of meeting children's educational needs as a fundamental right. In order to realize this responsibility, they need to effectively partner with parents. Educational institutions have the duty to ensure that they safeguard and promote the welfare of children. Children spend the greater part of the day at school and therefore, keen

teachers and caregivers are often the first people outside the family to realize when there are difficulties affecting children's safety or welfare.

Child rearing practices have changed due to socio-economic changes in the fast changing world. Due to the changes, children are living in especially difficult circumstances and in broken homes (Gichuba, Kanyoria, Kangethe, 2012). Some emerging issues in child rights and protection have been witnessed like child trafficking has become a common practice. Children have been denied the right to like by the HIV/AIDs pandemic which has taken a toll on the life of many children.

Children are a vulnerable group of people that need care and protection (Gichuba et al., 2012). They require rights that protect them adequately. These rights are engraved on both the international and local instruments. The children's Act 2001 captures the rights as domesticated from the African Charter on the Rights and Welfare of the Child (ACRC). The African charter of the child (UNCRC). Where customs and cultural practices negate on the children's rights, the rights of the child in international conventions take precedence. Therefore in advocating for the rights of the child, cultural and social norms prejudice to the rights should be overlooked.

Part two of the children act 2001 stipulates the rights and welfare of children as provided for in the issues of safe guarding the right and welfare of the child which includes the right to non-discrimination, right to parental care, education, health care and protection. Through networking and collaboration, various organization and individual have been involved in common initiatives, goals and efforts to safe guard the rights of the child. This has been achieved through advocacy done by individual, communities and organizations.

The government of Kenya has done its best in implementing the children's act by ensuring that primary health care (PHC) services are available for the community. This has secured the survival and development of the child as mortality rates have reduced. Through the ministry of health; infant and child mortality rates have reduced:

- 1) There is provision of necessary medical assistance and health care to all children with emphasis on the primary health care (PHC).
- 2) There is adequate nutrition and safe drinking water, creation of awareness and education of the community in the use of the basic knowledge of child health and nutrition, the advantage of breastfeeding, hygiene, environmental sanitation and prevention of domestic and other accidents.
- 3) The local resources have been mobilized in development of primary health care programs for children.

All this is geared towards achieving the children's rights which states in part two Article 9," Every child shall have a right to health and medical care the provision of which shall be the responsibility of the parent and the government".

The ministry of education has also played its role in implementing the act by:

- I. Providing free and compulsory basic education.
- II. Offering bursaries to the needy children.
- III. Referring identified cases of abused children to appropriate agencies.
- IV. Sensitizing the communities on child abuse and neglect.
- V. Developing curriculum and support materials: This is an achievement of the children Act No. 8 of 2001, part two article 7.

The judiciary has also implemented the children Act by putting up children's courts which are subordinate courts that deal with civil matters relating to parental responsibility, children's guardianship, custody and maintenance, judicial orders for the protection, foster care placement and adoption.

The children's court upholds the best interest of the child by ensuring that the court has setting friendly to the child and the child has privacy and dignity and child is assigned a lawyer or that a guardian is appointed for safeguarding the child's interest (KIE, 2002).

Through the ministry of gender and children Services, the National council for children services has formulated a policy on planning, financing and coordinating of child welfare activities and advice the government on the same.

It has also facilitated donor funding of child welfare projects, ensured protection of displaced children, designed programs for children with special needs, set criteria for establishment of children's institutions, establish area advisory councils and has created linkages and exchanges with other organizations locally and internationally.

The ministry of labour has tried in controlling and monitoring employment of children. In cases where children have been employed, people have been prosecuted. They have been conducting workshops and seminars to sensitize the various groups and the public against child labour which is a contravention of the children's Act part two, article 10.

The legislature through enactment of crucial bills like the sexual offences bill, female genital mutilation bill, early marriages, child labour, child trafficking have reinforced the implementation of the children's Act. All offences are sentenced and pay heavy penalties.

The nongovernmental organizations have been very vibrant in safeguarding the welfare of children through such organizations like FIDA, CRADLE, SOSD, Child line network just to name but a few. Religious organizations through offering services like alternative means of passage initiation have saved children from retrogressive cultural practices and beliefs and also they have been organizing seminars and workshops to sensitize the community on the children's Act.

Financial institution and philanthropists have offered scholarships to needy children to realize their dreams of having an education like equity programs of wings to fly. Community based organizations have been instrumental in advocating the right of the child and through this, many children have been able to study and complete school through the community's initiatives.

Charitable children's institutions and rehabilitations schools have been instrumental in safeguarding the welfare of children by:

- a. Receiving children who have been abused, neglected or referred,
- b. Provision of good shelter and clothing,
- c. Provision of rehabilitation services and skill training,
- d. Provision of recreational facilitates,
- e. Offering formal education,
- f. Providing medical services.

The African Network for the prevention and protection against child abuse and Neglect (ANPPCAN) have also been active in matters concerning children by carrying out research on child abuse and neglect and identifying abuse children. They have done this through sensitizing various stakeholders on child rights and protection through seminars, workshops

and conferences, electronic and print media, sponsoring schools and colleges annual drama media, sponsoring schools and colleges annual drama festivals and provision of free legal services to children. They also refer children to appropriate agencies like hospitals, family life counseling association of Kenya, department of children's services. The Kenya Police, society of Kenya of Kenya and the Children's Legal Action Network (CLAN). However, all this has not been without challenges as discussed in the next section.

Children are a special group irrespective of gender, age, tribe and county of birth, social-economic status and other factors. They have no political or economic power to speak for them which further explains why they require protection and security protection and security from individual's institutions and government. Although the government enacted the children's act 2001 a lot has not been done in regard of the act. This has been complicated by merging issues in the Kenyan society today.

Children being the future generation need a healthy development so that they are prepared psychologically for adult responsibilities. Children still suffer more during famine, conflicts wars, and wrong actions of the government or calamities like HIVAIDs leaving them orphans who lack care, love and protection. In most cases the rights of children are not met in different levels. At each level there are some expectations from the stake-holders.

A family is set up made up of two or more individuals staying together. The family should be the first institution to promote and protect children rights. At this level the family is expected to take care of their children and ensure that they are healthy have access to medical care are able to get education protected at all times against abuse or exploitation and participate in activities that affect them either directly or indirectly. They must also provide adequate clothing, shelter and care.

Parents should listen to the voice of their children and allow them to take part in family decision making. The family should also educate their children on how to practice self-protection against child abuse. This is done by avoiding association with strangers, seeking companies faced with going to school, shouting for help when refusing to be touched indecently, bathing and dressing in private and avoiding narrow bushy and dark areas. Children should also be warned against asking and receiving favours and gifts without the parents' consent.

In practice, most families are not able to do as they are expected when it comes to the wellbeing of their children. Several practices such as child labour, neglect, abandonment, incest, discrimination, abuse, exploitation and punishment are rampant in most families. This results into the rights of children being violated which affects their growth and development. Family members need to be sensitized on what is expected of them in matters that touch on the child.

A school is a community that comprises pupils, teachers and the parents. The school is expected to protect all children, provide quality education and train them to be better citizens. Teachers should be warm and friendly to all children. The classes should be conducive for learning by ensuring that teaching and learning aids are adequate.

The school environment should be safe to be able to protect all children in the school. There should be a fence to prevent strangers from entering the school. Adequate toilets for both boys and girls should be of paramount importance. Play should be an integral part in the learning process and there should be no ethnicity on the basis of their sex, race, ethnicity, background or their disabilities.

The appropriate behaviour modification techniques should be applied by the teacher and avoid corporal punishment. This is to protect children from any torture or cruelty and any

inhuman treatment. A suggestion box can be provided to allow freedom of opinion and expression. Children should be allowed to form and join clubs of their choice.

The teachers have the role to sensitize children on how to apply self-protection measures against child abuse. A friendly teachers stands a better chance of children reporting to them any form of abuse, defilement or mistreatment for them to take appropriate action.

Most schools don't have adequate toilets. Girls are especially the ones who are a lot of challenges which makes them drop out of school. Most teachers are not child friendly; are harsh and they harass children at will. Some school compounds are not protective due to lack of fence. This exposes children to many kinds of violators e.g. rape, torture and drug abuse. Teachers hold the presumption that it is the role of the parents to sensitize children on child abuse. School activities are exam oriented thus denying children time to play and participate in other co-curricular activities. Complaints have been heard of teachers torturing and even sexually abusing children. There is need to have child rights clubs in schools to be able to educate children on their rights.

Structures established at community level are not fully utilized and this leads to violation of children's rights. Children are exploited, abused, raped, neglected, and subjected to child labour by the community members. Most of the issues are not reported to the relevant offices due to threats or fear from the victims. Parents in the community lack communal responsibility of caring for all children. The community members should always be on the lookout and sort out any issues that come up especially in violations of rights. I police stations a desk that deals with issues of children exist and a police officer is put in charge to handle the cases. The major role is to monitor children welfare and report any forms of child abuse and discourages the harmful cultural practices like early marriages and female genital mutilation.

At the government level, there are ministries that are concerned with children issues. In Kenya different ministries like ministry of justice the ministry of gender and children issues. In Kenya different ministries like ministry of education and ministry of local government directly deal with children affairs. This has not been without challenges. The ministry of gender and children services is not fully functional due to the fact that not all people are aware of its existence and the few who know about it are not fully informed of its roles. The services don't reach the communities at the grassroots level. This being the scenario, the communities are forced to solve matters of child abuse and other matters that violate child rights locally which oppresses the child further. Some community's beliefs also do not give room for children matters to be reported, instead they prefer sorting out some children issues traditionally.

The ministry of labour is mandated with controlling and monitoring employment of children and forward cases of child labour to be prosecuted in county. The role of this ministry is greatly hindered by how people view children. Children are viewed as a source of labour and family property. This has subjected children to labour at the expense of holistic development and education as stipulated in the children's act article 5. Children are left with no free time to play, have leisure and associate with others. Poverty forces some parents to give out their children for employment in order to supplement family income where girls are taken as house helps and boys as farm workers, touts, hawkers or cattle herdsman.

The education system in Kenya which is manned by the ministry of education has the main aim of offering education that promotes and develops the child's personality, talents, mental and physical abilities to their fullest potential. The Kenyan government has tried to achieve the goal by offering free and compulsory education. However, due to the high child-teacher

ratio and overstretched facilities, the child does not receive quality education from the education oriented and this violates the child's right to play associate and express them.

The ministry of health faces a lot of challenges in trying to ensure that every child receives all the required services. In the recent past the use of herbal medicine has been on the increase leading to unauthorized herbalists being in the field. This has led to high mortality rates denying many children there to life. Some communities are not yet ready to drop their traditional beliefs which affect the feeding of young children. Children become malnourished and some even die due to those traditional practices. This has become a challenge especially when the ministry would like to enhance the Primary Health Care (PHC) services.

In general, the stakeholders do not read from the same script. They lack proper networking leading to duplication of each other's role and are not able to address all the health issues related to children. In some rural areas, children are not able to receive the health services in time due to poor infrastructure and this increases infant and child mortality rates. Violation of rights is also witnessed in most of the offices where the people in charge are expected to protect the children in return they abuse, exploit and violate these rights.

## **CONCLUSION**

In conclusion it is worth mentioning that different factors have contributed to the violation of rights of children. Poverty makes parents unable to provide for their children and they end up in the streets ignorance where both parents of the children do not know their rights cultural beliefs has also contributed to the violation of the law that leads to denial of rights. Divorce or separation in the family where the child lives with one parent and is denied opportunity to see the other. Poor governance in a country where the implementation and enforcement of the law lacks mostly there is mismanagement of resources and also corruption in the society.

To safeguard the rights of children and protect children against exploitation and abuse, major actions should be taken by all key stakeholders, including parents, the community, the government and other partners concerned with early childhood development. A curriculum and support materials for training should be developed for all personnel and other stakeholders especially men should be sensitized on their roles in relation to care and protection of children. There is need to empower local communities and households to plan and prioritize effective interventions to improve the implementation of the children's Act, 2001. There is need to link development with child survival which can be effected by incorporating functional literacy skills for income generating activities, health, nutrition, psycho-social care, hygiene, sanitation and environmental education that are injurious to children or hamper their development should be integrated with other children in learning situations. Measures should be taken to prevent harmful and exploitative child labour and also women workload should be reduced in order to give them more time for the child and self-care. Finally, inter-sectorial collaboration at all levels is very necessary particularly at community level. Different ministries, religious organizations, civil society and non-governmental organizations should all collaborate for the good cause of safeguarding and protecting the rights of children.

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