



REPUBLIC OF KENYA

Ministry of Labour and Social Protection  
Department of Children's Services

# Blueprint for Rehabilitation and Social Reintegration Programmes for Children in Conflict with the Law in Kenya



JANUARY 2021

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# Foreword

The reforms in the child justice system in Kenya have been, to a large extent, propelled by an acknowledgement that rehabilitation and reintegration of children in conflict with the law, as objectives of the system, have not been fully realized. Optimal rehabilitation and reintegration of children in conflict with the law require well designed and implemented programmes. Research on the child justice system in Kenya reveals a wide range of rehabilitation and reintegration programmes implemented at various levels. It is evident however, that the programmes are inconsistent and are not uniformly implemented across the board. Further, the programmes are not only underfunded but are also not adequately supported by staff possessing the requisite skills.

It is in the nation's best interests that children in conflict with the law return to the community with the education, skills and attitudes that will enable them to stay out of prison in the future. Being a part of society, when children in conflict with the law are eventually released from correctional facilities, it is of benefit to the broader community and in the interest of public safety, that they are able to play a positive role in society. If they leave the correctional facilities without having been rehabilitated, they are likely to reoffend, hence affecting their families and communities with cost implications for the state. International human rights conventions as well as the United Nations standards and norms in crime prevention and criminal justice reiterate this and emphasize the importance of interventions to support the social reintegration of offenders as a means of preventing further crime and protecting society.

Investments in rehabilitation programmes for children in conflict with the law are cost-effective ways of preventing re-offending, with significant benefits not only for the individuals concerned, but impacting public safety as well. This blueprint for rehabilitation and social reintegration programmes therefore, maps out the key programmes that ought to be implemented in institutions for children in conflict with the law and upon release of children from institutions. It also highlights the principles that should inform processes at each stage of the child justice system, in line with the overall objective of rehabilitation and reintegration. It also sets out the requirements for each programme to run optimally.

I wish to express my gratitude to all those who participated in the consultations dedicated to the development of this blueprint, including the Department of Children's Services staff and representatives from the criminal justice agencies in Kenya. I also extend appreciation to our development partners who have provided financial as well as technical support.

I urge all stakeholders in the child justice sector to use this blueprint as a guiding framework when developing rehabilitation and social reintegration programmes for children in conflict with the law in Kenya. The State Department for Social Protection remains committed to its mandate of providing leadership in child protection in Kenya through the Department of Children's Services.



**Nelson Sospeter Marwa CBS**

Principal Secretary  
State Department for Social Protection  
Ministry of Labour and Social Protection



# Acknowledgments

The United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) recognise rehabilitation and social reintegration programmes as important modalities for crime prevention. This Blueprint for Rehabilitation and Social Reintegration Programmes for Children in Conflict with the Law in Kenya therefore, is as important as it is timely and will make a contribution towards crime prevention.

The Department of Children's Services is appreciative of the longstanding partnership with the United Nations Office on Drugs and Crime Regional Office for Eastern Africa (UNODC –ROEA), which has produced important child justice resource materials such as this Blueprint. Further, UNODC has continued to support the government in implementing rehabilitation programmes within the statutory children's institutions. Profound gratitude is especially extended to the UNODC Regional Office for providing technical support towards the development of this Blueprint.


Immense appreciation is due to the children, managers as well as other staff in statutory children's institutions and officers in the institutions division at the Department's Headquarters for their valuable contribution in making the development of the blueprint a reality. The input of officers from other criminal justice agencies is also well appreciated.

The Department acknowledges the excellent coordination efforts of Ms. Ruth Areri in mobilizing resources for the validation, launch, dissemination and implementation of this blueprint.

Without doubt, this endeavour would not have been successful without the generous financial support of the Government of Canada, which is well appreciated. Special acknowledgement goes to the UNODC lead consultant, Dr. Sarah Kinyanjui, for developing this blueprint which was informed by the assessment she carried out on the child justice system in Kenya; and to UNODC's Ms. Rebecca Nyandiwa for her facilitation and supportive role throughout the entire process.

To all that are not individually mentioned but contributed in one way or another to this process, I say thank you.

I urge all stakeholders in the child justice sector to use this blueprint as a guiding framework when developing rehabilitation and social reintegration programmes for children in Kenya.



**Noah M.O Sanganyi HSC**

Director Children's Services  
Ministry of Labour and Social Protection



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# Glossary of Terms

The following definitions apply to this Blueprint:

**Aftercare** – services which may be provided to children in conflict with law to resettle back into the community upon release from various statutory institutions.<sup>1</sup> These services reinforce the interventions that were undertaken to rehabilitate children while at the institutions.

**“Borstal institution”** – institution established by the Borstal Institutions Act to rehabilitate children in conflict with the law who are between the age of sixteen and eighteen.<sup>2</sup>

**Child** – any person under the age of eighteen.<sup>3</sup>

**Child justice system** – comprises the legislation, norms and standards, procedures, mechanisms and provisions specifically relating to, and institutions and bodies set up to deal with, children in conflict with the law.<sup>4</sup> The key agencies in the child justice system in Kenya are the Judiciary, Department of the Children's Services (DCS), the Office of the Director of Public Prosecutions (ODPP), the National Police Service (NPS), the Probation and After Care Service (PACS) and the Kenya Prisons Service (KPS).

**Children with disabilities** – children with physical, sensory, mental, psychological or other impairment, condition or illness that has, or is perceived by significant sectors of the community to have, a substantial or long-term effect on an individual's ability to carry out ordinary day-to-day activities.<sup>5</sup>

**Diversion** – measures for referring children in conflict with the law away from the judicial system, at any time prior to or during the relevant proceedings<sup>6</sup>; a process for resolving criminal cases without resort to full judicial proceedings. Diversion can take the form of a simple caution or warning, an apology to the victim, payment for damage done, or it may involve referral to a structured diversion programme, restorative justice process or similar scheme. This enables offenders to be dealt with by non-judicial bodies and thereby avoiding the negative effects of formal judicial proceedings, a criminal conviction and a criminal record.<sup>7</sup>

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1 Throughcare and Aftercare Procedures for Children in Statutory Institutions.

2 Borstal Institutions Act, s.3; Children Act, s. 191(g).

3 Constitution of Kenya, art. 260; Children Act, s.2; Convention on the Rights of the Child, art.1. African Charter on the Rights and Welfare of the Child, art. 2.

4 Committee on the Rights of the Child General Comment No. 24 (2019), para 8.

5 Constitution of Kenya, art.60; Persons with Disabilities Act, s.2.

6 Committee on the Rights of the Child General Comment No. 24 (2019), para 8.

7 Office of the Director of Public Prosecutions, Diversion Policy, pg. viii.



**Guardian** – any person who in the opinion of the court has charge or control of the child<sup>8</sup>;

**Parent** – the mother or father of a child and includes any person who is liable by law to maintain a child or is entitled to his custody.<sup>9</sup>

**Reception Centre** – institutions established for assessment, classification and placement of children committed to rehabilitation schools.

**Rehabilitation** – interventions aimed at promoting desistance from crime and restoration to the status of a law-abiding child.<sup>10</sup>

**Rehabilitation Schools** – schools established under the Children Act to rehabilitate children between the age of ten and fifteen.<sup>11</sup>

**Reintegration** – long term processes aimed at disengaging children from institutions and re-uniting them with their families and communities through interventions, programs and services designed to assist them resettle in their families and communities.<sup>12</sup>

**Remand Homes** – institutions established under the Children Act, for the confinement of children pending the determination of their cases.<sup>13</sup>

**Restorative justice** – any process in which the victim, the offender and/or any other individual or community member affected by a crime actively participates together in the resolution of matters arising from the crime, often with the help of a fair and impartial third party. Examples of restorative process include mediation, conferencing, conciliation and sentencing circles.<sup>14</sup> These processes seek to foster interventions that address the impact of the wrongdoing and develop a sense of responsibility on the part of the offender.

**Special needs children** – children who have notable physical, mental or emotional challenges preventing them or making it especially difficult for them to fulfil some of their normal needs and to function normally in society.<sup>15</sup>

**Victim** – any natural person or legal entity that suffers injury, loss or damage as a consequence of an offence.<sup>16</sup>

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8 Children Act, s.2

9 Children Act, s.2.

10 Vivienne Chin and Yvon Dandurand, Introductory Handbook on the Prevention of Recidivism and the Social Reintegration of Offenders (UNODC 2012) 149.

11 Children Act, s.2 & s.191.

12 Government of Kenya, Throughcare and Aftercare Procedures for Children in Statutory Institutions (GOK 2013) 8.

13 Children Act, s.2.

14 Committee on the Rights of the Child General Comment No. 24 (2019), para 8.

15 Vivienne Chin and Yvon Dandurand, Introductory Handbook on the Prevention of Recidivism and the Social Reintegration of Offenders (UNODC 2012) 150.

16 Victim Protection Act, s.2.

# 1. Introduction

The rehabilitation and reintegration of child offenders are overarching objectives when dealing with children in conflict with the law.<sup>17</sup> Both are often conceptualised as processes to be undertaken subsequent to the trial process as objectives of the orders imposed. Rehabilitation and reintegration however, operate in a continuum and are either supported or undermined by the entire child justice process, right from apprehension. The success in rehabilitation and reintegration of children in conflict with the law is therefore, largely dependent on the overall operation of the child justice system.

The reforms in the child justice system in Kenya have been, to a large extent, propelled by an acknowledgement that rehabilitation and reintegration of children in conflict with the law, as objectives of the system, have not been fully realised. Optimal rehabilitation and reintegration of children in conflict with the law require well designed and implemented programmes. Research on the child justice system in Kenya reveals a wide range of rehabilitation and reintegration programmes implemented at various levels. It is evident however, that the programmes are inconsistent and are not uniformly implemented across the board. Further, the programmes are not only underfunded but are also not adequately supported by staff possessing the requisite skills.<sup>18</sup>

This Blueprint therefore, maps out the key programmes that ought to be implemented in institutions for children in conflict with the law and upon release of children from institutions. It also highlights the principles that should inform processes at each stage of the child justice system, in line with the overall objective of rehabilitation and reintegration. It also sets out the requirements for each programme to run optimally.



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<sup>17</sup> African Charter on the Rights and Welfare of the Child, art. 17(3); Sentencing Policy Guidelines, para 20.10.

<sup>18</sup> Sarah Kinyanjui, An Assessment of Rehabilitation and Social Reintegration Programmes, Services and Practices for Children in Conflict with the Law in Kenya, (UNODC 2020).

## 2. Objectives of the Blueprint

The blueprint provides a framework within which rehabilitation and reintegration programmes should be implemented in each institution within the child justice system. Its objectives are:

- To promote structured and institutionalised rehabilitation and reintegration programmes for children in conflict with the law.
- To harmonize programmes, practices and services across institutions in the child justice system.
- To provide a framework within which rehabilitation and reintegration are streamlined in the entire continuum of the child justice system.
- To enhance coordination of agencies involved in the rehabilitation and reintegration processes.





# **3. Principles Underpinning the Rehabilitation and Social Reintegration Programmes**

## **3.1 Best interests of the child**

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When designing and implementing programmes the best interests of the child must remain the paramount consideration.

## **3.2 Do no harm**

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At all stages of the programmes, deliberate care must be taken to avoid and/or minimise negative impacts on the children.

## **3.3 Holistic approach**

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The programmes are designed to complement each other and children in conflict with the law should therefore be engaged in a range of programmes that are suitable for their needs.

## **3.4 Family and Community involvement**

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Family and community based interventions are encouraged and where possible, the involvement of communities should be sought.

## **3.5 General and specific responsivity of programmes**

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While the programmes are designed to benefit children across the board, the programmes should be tailored to suit the uniqueness and diversity of children.

## **3.6 Validity of risk and criminogenic needs assessment methods**

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Identification of the most suitable programmes for an individual child is dependent upon the risk and needs assessment of the child. The assessment must therefore be well designed, evidence based, reliable and properly conducted.

### 3.7 Program integrity

To achieve the intended objectives, the programmes ought to be implemented as designed. Program integrity demands that the implementers of the programmes are equipped with the necessary skills, resources and appropriate training on the procedures as well as the required standards in the delivery of the programme. Further, to attain programme integrity, continuous engagement between the department's management and the implementers must be conducted consistently to identify programme failures. This would inform adjustments or re-designing of the programmes which are critical, bearing in mind that ill-delivered programmes may result in more harm than good.

### 3.8 Compatibility and complementarity of the programmes

The programmes leverage on and seek to complement the existing practices and guidelines such as the Throughcare and Aftercare Procedures for Children in Statutory Institutions in Kenya and the National Standards and Regulation for Children's Institutions.

### 3.9 Sustainability of programmes

In designing the programmes, the contextual realities and opportunities are taken into account to ensure the sustainability of the programmes.

### 3.10 Adherence to the law

All rehabilitation and reintegration processes, programmes and interventions must comply with the dictates of the law. The robust body of laws governing the child justice system, as well as the broader criminal justice system, should therefore inform the child justice agencies and stakeholders when dealing with children. As treaties or conventions ratified by Kenya and general rules of international law form part of the law of Kenya,<sup>19</sup> due attention should be paid to the following international, regional and domestic legal and policy instruments.

#### 3.10.1 Domestic legal and policy instruments

- Constitution of Kenya
- Children Act
- Criminal Procedure Code
- Borstal Institutions Act
- Probation of Offenders Act
- Persons Deprived of Liberty Act
- Sentencing Policy Guidelines

<sup>19</sup> Constitution of Kenya, art 2(5) & (6).

- Bail and Bond Policy Guidelines
- Throughcare and Aftercare Procedures for Children in Statutory Institutions in Kenya
- National Standards and Regulation for Statutory Children's Institutions
- Probation and After Care Services: The National Standards Manual
- Criminal Procedure Bench Book
- Office of the Director of Public Prosecutions Diversion Policy
- Office of the Director of Public Prosecutions Diversion Guidelines and Explanatory Notes
- Standard Operating Procedures for Implementing Alternative Family and Community Based Care for Children in Kenya
- Guidelines for the Alternative Family Care of Children in Kenya
- Case Management for Reintegration into Family and Community Based Care for Children

### 3.10.2 International legal and policy instruments

- Convention on the Rights of the Child
- International Covenant on Civil and Political Rights
- International Covenant on Economic, Social and Cultural Rights
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules)
- United Nations Rules for the Protection of Juveniles Deprived of their Liberty
- United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines)
- United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules)
- United Nations Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules)
- United Nations Standard Minimum Rules for Non-custodial Measures (Tokyo Rules).
- Guidelines for Action on Children in the Criminal Justice System
- Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Code of Conduct for Law Enforcement Officials
- Basic Principles on the Use of Force and Firearms by Law Enforcement Officials
- Basic Principles on the Role of Lawyers
- Guidelines on the Role of Prosecutors



### 3.10.3 Regional legal and policy instruments

- African Charter on the Rights and Welfare of the Child
- African Charter on Human and Peoples' Rights (Banjul Charter)
- African Union Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa



## 4. Rehabilitation and Reintegration of Children in Conflict with the Law: A Continuum Approach

### 4.1 Diversion

Where possible, diversion of children by resorting to possible alternatives to the formal child justice system should be considered.<sup>20</sup> Examples include instances where a child is remorseful and the complainant is agreeable to resolving the matter without resorting to a criminal trial. This is in keeping with the rehabilitative objectives, which are paramount when dealing with children and resonate with the requirement to consider children's best interests.<sup>21</sup> To streamline diversion, the Office of the Director of Public Prosecutions launched a Diversion Policy and Diversion Guidelines in 2019. These documents signify the organic embracing of diversion and give a framework within which decisions of diversion can be made. In particular, the ODPP Diversion Policy and Diversion Guidelines place emphasis on diversion as a suitable pathway for children in conflict with the law.<sup>22</sup>

Diversion of children in conflict with the law can also take place at the trial stage, during which a decision is made to discontinue the proceedings and the matter resolved out of court.<sup>23</sup> That said, it is desirable for children to be diverted at the earliest opportunity and preferably before the court process commences.

The objective of diversion is not to absolve children of their wrongdoing, but to shield them from the potential negative effects of the child justice system and to provide an appropriate response to their wrongdoing. Where a decision to divert a child has been made therefore, the following determinations ought to be made:

- The underlying cause and push factors that led the child to commit an offence.
- The appropriate interventions geared towards behavioural change of the child and addressing the underlying causes.
- The role of the parents or guardians and children's officers in the delivery of the interventions.

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20 Convention on the Rights of the Child, art.40(3); United Nations Standard Minimum Rules for the Administration of Juvenile Justice, r. 11; Guidelines for Action on Children in the Criminal Justice System, para. 15; UN Guidelines on the Role of Prosecutors, para. 18 & 19; National Prosecution Policy, para. 6(b).

21 Constitution of Kenya, A. 53(2); Children Act, s.4 (2).

22 ODPP Diversion Policy, clause 20; ODPP Diversion Guidelines and Explanatory Notes, clause 35.

23 Diversion during trial can be effected through withdrawal or discontinuation procedures provided by the Criminal Procedure Code in sections. 82, 87, 163(2), 176 and 204.

- The specific complainant's needs and/or requests such as compensation or an apology.

Possible responses upon diversion include:<sup>24</sup>

- Requiring the child to make an unconditional apology to the victim;
- With the intervention of the parent or guardian requiring restitution and/or compensation of any expenses incurred by the victim to be made;<sup>25</sup>
- Referral to counselling, education programmes, addiction treatment or other programmes that might address underlying issues. Some of the types of counselling applicable may include:
  - Alcohol and drug counselling
  - Stopping violence
  - Anger management
  - Family or relationship counselling
  - Counselling for unresolved personal issues (e.g. grief, sexual abuse)
- Voluntary community service
- Requiring school attendance
- A formal caution administered by the prosecutor with or without conditions
- Placement under supervision of a children's officer.<sup>26</sup> The supervision placement may include certain conditions to be met by the suspect e.g. good behaviour by the suspect and avoiding bad company
- Vocational training
- Religious instructions and mentorship programmes
- Supervised mental health care/ treatment

#### Programme Requirements

- Trained personnel: police officers, prosecutors, judicial officers and children's officers.
- Structured partnerships with community leaders and community based service providers such as alcohol and drug rehabilitation centres, mental health institutions, counselling centres, religious institutions, schools and vocational training institutions.
- Sensitisation and implementation of the Office of the Director of Public Prosecutions Diversion Policy to streamline the practice of diversion. Good coordination between police officers, children's officers and judicial officers.

## 4.2 Remand at the Police Station

Treatment of children at the police station ought to resonate with the overarching rehabilitative objective of the child justice system. Humane treatment in adherence with the international, regional and domestic legal instruments on handling of children sets a good foundation for subsequent rehabilitative initiatives, practices and programmes. Inhumane treatment

<sup>24</sup> Adopted from the ODPD Diversion Guidelines and Explanatory Notes 2019, clause 67.

<sup>25</sup> See the Children Act, s. 193(1).

<sup>26</sup> While section 130 of the Children Act provides for supervision by children's officers through court orders, section 37(3) thereof confers the Director of Children's Service with the authority to direct children's officers to perform additional duties.



and lack of interaction with parents or guardians hardens children and nurtures negative attitudes against the system which seeks to rehabilitate and reintegrate them.

The following practices are compatible with the overall goals of rehabilitation and reintegration:

- **Limited remanding at police stations**

- Timely communication with the ODPP for consideration of diversion.
- Effective networking between police officers and other actors such as children's officers and prosecutors to facilitate timely decision making.
- Presentation before the court within twenty-four hours of apprehension.<sup>27</sup>
- Consideration of police bail at the earliest opportunity<sup>28</sup>. Denial of bail should be limited to the existence of compelling reasons for not releasing the child.<sup>29</sup> Alternatives to secure court attendance by the child must be explored.<sup>30</sup>
- Immediate transfer to the nearest remand home from the police cell as soon as possible when bail is denied.<sup>31</sup> Where the nearest remand home is located far from the police/court station, police officers should engage the court on the most appropriate course of action.
- Due regard and reasonable accommodation of children with special needs and children with disabilities. In such cases, release on bail and bond should be prioritised unless a child is being held for their own safety.
- Conduct age assessment at the earliest opportunity.

- **Protection of children**

- Consistent monitoring by the Officer Commanding Station (OCS) to ensure:
  1. Separation of children from adult suspects.
  2. Separation of male children from female children.
  3. Consideration and protection of children with special needs such as children with disabilities and intersex children.<sup>32</sup>
- Consistent and continuous monitoring of children detained to guarantee their safety.
- Routine visits of children cells by authorised institutions i.e., the Independent Policing Oversight Authority<sup>33</sup> and the Director of Children Services who have the respective mandates of ensuring adherence to required police cell standards and to provide care for children in police custody.<sup>34</sup>
- Escorting of female child suspects by female officers.

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27 Constitution of Kenya, art. 49(1) (f).

28 United Nations Standard Minimum Rules for Non Custodial Measures (Tokyo Rules), rules 6.1 - 6.2.

29 Constitution of Kenya, art. 49(1) (h); United Nations Standard Minimum Rules for the Administration of Juvenile Justice, rule 10.2.

30 Child Offender Rules, r. 10 (6), Bail and bond Policy Guidelines, para 4.28.

31 Child Offenders Rules, r. 10.

32 Persons Deprived of Liberty Act, s. 12, Child Offenders Rules, r. 6(1); African Charter on the Rights and Welfare of the Child, art. 17(2) (b); Convention on the Rights of the Child, art. 37(c); United Nations Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), r. 11(d).

33 Independent Policing Oversight Authority, s. 6 (e).

34 Children Act, s. 38(2)(o).

- Restrictions against engaging children in duties away from the facility in which they are detained.
- **Access to and support from parents, guardians, children's officers and legal representatives**
  - Timely notification of an apprehended child to the children's officer.<sup>35</sup>
  - Timely facilitation of communication to parents or guardians upon apprehension of children.<sup>36</sup>
  - Ready access to legal representatives by the children and oversight by the National Legal Aid Service to ensure proper legal representation is undertaken.
- **Care and humane treatment**
  - Treatment of children with utmost care and protection.<sup>37</sup>
  - Use of child friendly language.
  - Provision of basic necessities such as food, beddings, sanitary towels.
  - Adequate lighting of the facilities in which children are held.
  - Ready access to washrooms.
  - Frequent fumigation and monitoring of hygiene standards.

#### Institutional Requirements

- Appropriate infrastructure – separate holding facilities for children. Where possible, child protection units - which exist in some stations, may be improvised to serve as holding facilities for children.
- Trained personnel – all stations should have designated police officers to deal with children's matters, including criminal matters. These officers should be trained on the requisite standards of handling children. To ensure consistency, there is need to have children and gender units with a trained cohorts of children and gender officers.
- Budgetary allocation – all stations should be able to cater for basic necessities including food, beddings and sanitary towels as well as facilitate communication with parents or guardians.
- Good coordination of all the child justice actors.

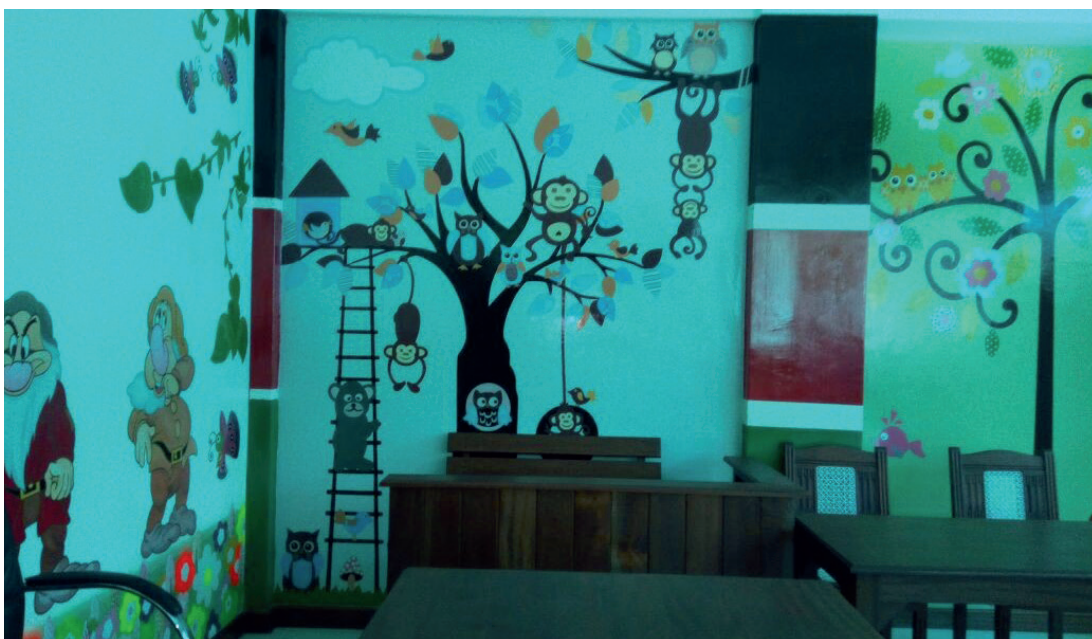


<sup>35</sup> Child Offenders Rule, r. 4(2 & 4).

<sup>36</sup> Ibid; United Nations Standard Minimum Rules for the Administration of Juvenile Justice r. 10.1.

<sup>37</sup> United Nations Standard Minimum Rules for the Administration of Juvenile Justice, r. 10.3.

## 4.3 Trial Process



As noted with respect to treatment of children at the police station, mishandling of children during the trial process may render them less receptive to subsequent rehabilitative processes. Treatment that enhances a sense of dignity and responsibility contributes towards the effectiveness of subsequent rehabilitative efforts. Further, the interventions ordered by the court may or may not be suitable for the rehabilitation of a particular offender. The court's conduct is therefore critical and plays a significant role in the rehabilitation of children.

The following practices are compatible with the overall goals of rehabilitation and reintegration:

- **Determination of bail**
  - Granting of bail at the first instance. Children should be released on bail except where there are compelling reasons against releasing the child.<sup>38</sup> Alternatives to secure court attendance by the child must be explored.<sup>39</sup>
- **Child friendly trial and just outcomes**
  - Accurate age assessment at the earliest opportunity.
  - Assessment on mental status to ascertain fitness to stand trial and to establish appropriate orders/interventions.
  - Timely risk and needs assessment and submission of social enquiry reports to guide the court in establishing appropriate orders/interventions.
  - Provision of a friendly environment to enhance the participation of children during trial. This includes having child friendly murals and use of age appropriate language.

<sup>38</sup> Constitution of Kenya, art. 49(1) (h); United Nations Standard Minimum Rules for the Administration of Juvenile Justice, para 10.2.

<sup>39</sup> Child Offender Rules, r.10 (6), Bail and bond Policy Guidelines, para 4.28; Committee on the Rights of the Child General Comment No. 10 (2007), paras 79-81.



- Prioritisation of children matters to ensure that children's presence at the court is minimised.
  - Provision of child friendly holding facilities in the court premises to cater for children attending court. The facilities should have gender sensitive toilets to cater for female, male and intersex children as well those with disabilities.
  - Requiring provision of legal aid where a child is not represented by a lawyer.<sup>40</sup>
  - In the event that legal representation cannot be accorded, ensuring that children understand the proceedings and that their views are heard throughout trial.<sup>41</sup>
  - Ensuring that procedural technicalities do not undermine justice.
  - Commitment to conclusion of cases without unjustifiable delay.<sup>42</sup>
  - Due regard and reasonable accommodation of children with special needs and children with disabilities.
  - Playing a proactive oversight role to ensure that the required standards in handling children are adhered to by the relevant institutions.
  - Promoting diversion in suitable cases.
- **Interventions and orders**
    - Timely notification of parents or guardians of court proceedings to determine appropriate final orders.
    - Facilitating active participation of children, their parents or guardians, victims, children's officers, probation officers to guide the court in imposing the most appropriate interventions for children.
    - Opening protection and care files for children in conflict with the law to address welfare concerns.
    - Focusing on identification of the most suitable interventions that will result in reformation, social integration, rehabilitation and restorative justice.<sup>43</sup>
    - Exploring the wide range of interventions set out in section 191(1) of the Children Act to address the rehabilitative needs of each child.<sup>44</sup>

#### Institutional Requirements

- Sensitised judicial officers – particularly on Throughcare and Aftercare Procedures; Sentencing Policy Guidelines; Bail and Bond Policy Guidelines; minimum standards on handling of children in conflict with the law; the role and scope of different institutions in which children serve custodial orders ; diversion and restorative justice interventions.
- Good coordination of all child justice actors.

40 Children Act, s. 77; African Charter on the Rights and Welfare of the Child, art 17(2) (c) (iii); Convention on the Rights of the Child, art. 37(d); United Nations Standard Minimum Rules for the Administration of Juvenile Justice, r. 15.1; Children Act, s. 186; Guidelines for Action on Children in the Criminal Justice System, para 16.

41 Convention on the Rights of a Child, art. 12; Committee on the Rights of the Child General Comment No. 10 (2007), para 44.

42 Constitution of Kenya, art. 50(2) (e).

43 Sentencing Policy Guidelines, para. 20.10.

44 Committee on the Rights of the Child General Comment No. 10 (2007), para 73.

## 4.4 Rehabilitation Programmes in Institutions

Informed by a multi-modal approach, a range of rehabilitation and reintegration programmes are designed to be implemented in institutions where children serve custodial terms. The programmes are premised upon custodial orders being limited for children who would not otherwise benefit from non-custodial orders served within the community. That is, custodial sentences should only be imposed as the last available option.<sup>45</sup> Thus, the programmes are designed with medium to high risk children in mind.

### 4.4.1 Advanced Risk and Needs Assessment

Prior to engaging children in the various programmes, a rigorous risk and needs assessment must be carried out.

With respect to children committed to rehabilitation schools, the risk and needs assessment is to be carried out in the reception centres. For children committed to borstal institutions, the risk and needs assessment is to be carried out in the respective borstal institutions. The risk and needs assessment should be carried out in accordance with the tool provided in the Throughcare and Aftercare Procedures for Children in Statutory Institutions in Kenya.<sup>46</sup>

The assessment should not be undertaken as merely a routine exercise but to provide relevant information that would guide the involvement of individual children in the rehabilitation programmes.

Upon conducting the risk and needs assessment, individual treatment plans should be developed in line with the Throughcare and Aftercare Procedures for Children in Statutory Institutions in Kenya.<sup>47</sup>

#### Institutional Requirements

- Personnel trained on conducting risk and needs assessment.
- Electronic resources – computers and printers.

### 4.4.2 Conducive Environment for Rehabilitation

The objective of rehabilitation and reintegration programmes offered within child offenders institutions is to foster behavioural change and to equip the offender to remain law-abiding upon release from the institution. Rehabilitation and reintegration programmes require a conducive environment in which children are treated with dignity and in so doing, nurture a sense of responsibility.

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<sup>45</sup> Committee on the Rights of the Child General Comment No. 10 (2007), paras 79-81.

<sup>46</sup> Pages 23-30; see Appendix I.

<sup>47</sup> Page 51, Appendix 2; see also United Nations Rules for the Protection of Juveniles Deprived of their Liberty, rule 27.

### Minimum Standards for Care and Treatment of Children

Children must be provided with:

- well balanced meals of adequate quantity<sup>48</sup>
- decent clothes that are suitable for the climate in which the institution is located.<sup>49</sup>
- basic grooming and sanitary necessities; due attention should be paid to the sanitary needs of female offenders.<sup>50</sup>
- clean, decent sleeping quarters and washrooms.<sup>51</sup>
- adequate recreational facilities such as sporting facilities.<sup>52</sup>
- adequate health care.<sup>53</sup>
- adequate storage facilities for personal effects.<sup>54</sup>
- protection from internal and external harm.<sup>55</sup>



Rehabilitation and reintegration programmes seek to address the criminogenic needs of the offender as well as the risk factors that trigger criminality. The programmes below are therefore multi-modal, seeking to meet the different rehabilitative needs.

### 4.4.3 Institution Orientation Programmes<sup>56</sup>

Proper orientation of children when admitted to the institutions is vital and impacts on the children's responsiveness to the programmes offered in the institution. Poor orientation often leads to children escaping from institutions or general apathy towards the activities and programmes undertaken in the institution. Proper orientation on the other hand, inspires confidence and psychologically prepares the children for the programmes offered in the institution.

During the first month of admission, close monitoring should be done to ensure that a child settles in well.

While critical, orientation programmes should be short so as not to delay a child's commencement of the education programme.

#### **Orientation Guidance and Counselling**

Upon orientation, children should undergo an individual guidance and counselling session preparing them for the programmes that they will undertake. At this stage, children should be

48 United Nations Rules for the Protection of Juveniles Deprived of their Liberty, rule 37.

49 United Nations Rules for the Protection of Juveniles Deprived of their Liberty, rule 36.

50 United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), rule 5.

51 United Nations Rules for the Protection of Juveniles Deprived of their Liberty, rule 33.

52 United Nations Rules for the Protection of Juveniles Deprived of their Liberty, rule 47.

53 United Nations Rules for the Protection of Juveniles Deprived of their Liberty, rule 49; United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), rules 38 and 39.

54 United Nations Rules for the Protection of Juveniles Deprived of their Liberty, rule 35.

55 United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), rule 36.

56 United Nations Rules for the Protection of Juveniles Deprived of their Liberty, rule 24 and 25.



advised of the rehabilitation programmes in place. The session is also intended to introduce a child to a contact person that they can seek assistance or guidance from as they settle in the institution. The session is further intended to expose children to the benefits that accrue from successful completion of the term.

During the session, the regulations, disciplinary procedures and complaint mechanisms should be explained to the children being admitted.

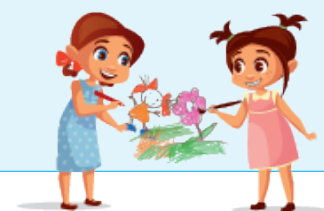
An inspiring activity during orientation sessions is a walk through the “wall of success”. Institutions could for instance, maintain murals or displays of alumni who completed their terms and have succeeded in various fields. Such an activity provides a subliminal communication of positive outcomes of the rehabilitation process.

### **Peer Reception**

The peer reception is designed to provide a welcoming environment for children joining the institution. A team of children in the institution who are of good character and who have benefitted from the programmes are brought together to share their experiences with the children that are joining the institution. This positive interaction is intended to counter immediate negative peer influence as children join the institution.

#### **Institutional Requirements**

- Orientation faculty
- Trained peer counsellors
- Murals or display areas



#### 4.4.4 Educational Programmes<sup>57</sup>

Educational programmes are designed to meet academic and instructional needs. These programmes in rehabilitation schools and borstal institutions provide children with continuity in pursuing education. Further, for individuals not wishing to pursue educational qualifications, basic literacy equips them to pursue other career options and provides skills that are useful in everyday life. The educational programmes in rehabilitation schools and borstal institutions are therefore designed to meet the needs of individuals pursuing an academic path as well as equipping offenders with basic educational skills that are necessary for everyday living. In the latter case, the objective is to equip such offenders with basic reading and numeracy skills. The educational programmes are also specifically designed to instil discipline and nurture good character in young offenders.

In adherence to the right of education, all children committed to institutions should be enrolled in educational programmes.

##### *Placement in Education Programmes*

The educational level of the offender must be assessed prior to placement in an educational programme. Failure to assess or inaccurate assessment can affect the academic performance of the offender, which is likely to undermine interest in the programme or discourage the offender in the process.

##### *Modes and Scope of Educational Programmes*

Rehabilitation schools cater for children between the age of twelve and fifteen years. Informed by the age bracket of these children, rehabilitation schools should therefore offer upper primary and lower secondary classes. As some of the children may not have attended school previously, elementary classes on basic reading, numeracy and writing should also be offered.

With respect to borstal institutions which cater for offenders between the age of fifteen and eighteen, classes should be held as from Class Six to Form Four.

In remand homes and reception centres where short term confinement is envisaged, basic literacy and numeracy classes, informed by the competency based curriculum in Kenya, should be provided. These basic literacy and numeracy classes should be coupled with thematic learning of general knowledge. Thematic learning on general knowledge such as on the environment, history, science and healthy living amongst others caters for advanced learners who may have been at a higher educational level while at the same time benefitting learners who are still at an elementary level. The new competency based curriculum in Kenya provides a wide range of thematic lessons in different subjects, which can be used with these learners who are in custody for short terms. For instance, the curriculum includes lessons on child

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<sup>57</sup> United Nations Rules for the Protection of Juveniles Deprived of their Liberty, rule 38; United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), rule 37.



rights and responsibilities, personal hygiene as well as health education covering drug abuse and HIV/AIDS.

### **Quality of Education**

High standards in the delivery of educational programmes must be maintained to motivate and adequately equip children to succeed academically.

All requirements for the delivery of quality education such as competent teachers, adequate number of teachers, suitable learning environment, proper timetabling, availability of learning resources like books and writing materials, should be met. Low education standards are counterproductive to rehabilitation efforts and may demotivate children academically.

### **Blended Curriculum**

The competency based curriculum introduces learning outcomes which relate to non-academic aspects, which are critical for individual and community development.<sup>58</sup> It incorporates discussions on values and requires students to be engaged in community service activities. The curriculum therefore provides a good starting point for discussions on behavioural issues relating to learners in rehabilitation schools and borstal institutions. Thus, instructors in these institutions are required to identify topics that touch on relevant behavioural issues and to develop these further to serve the needs of the young offenders. For instance, the topic on child rights and responsibilities provides a good opportunity to discuss the rights and responsibilities of children in the child justice system. This would also provide an opportunity for the learners to share their experiences in and expectations from the system vis a vis the objectives of the system. Similarly, the topic on drugs and substance abuse could be developed further to complement the drugs and substance abuse programme.

#### **Institutional Requirements**

- Adequate number of teachers in remand homes, reception centres, rehabilitation schools and borstal institutions.
- Adequate teaching and learning materials including textbooks, writing materials, teaching aids, classrooms, white boards and markers.
- Memorandums of understanding with teacher training institutions to ensure a steady flow of teachers on teaching practice to support the schools.
- Training of all teachers on rehabilitation of child offenders and on basic counselling.
- Aftercare programme supporting children to continue with education upon release from the institution.

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<sup>58</sup> 'Popular Slides on CBC' (Kenya Institute on Curriculum Development, 2019) <[http://www.kicd.ac.ke/cbc-materials/popular-clides-on CBC/](http://www.kicd.ac.ke/cbc-materials/popular-clides-on-CBC/)> accessed 20 February 2019.

#### 4.4.5 Library Services<sup>59</sup>

Library services provide educational, cultural, leisure and informational resources. In addition to supporting educational programmes, library services provide an opportunity for offenders to gain useful information that would enrich their world view as well as nurturing ambitions. Books provide information that can complement positive growth in different aspects. Motivational books may for instance, develop high self-esteem while biographies may raise children's aspirations. Apart from the value derived from the content of books, a reading culture promotes good use of free time.

Libraries in institutions should be stocked with a wide range of carefully selected books. Whilst institutions receive many book donations, the quality of books donated is often wanting. Institutions should therefore carry audits of their library and guide donors on their needs. The books in the library should cut across the different educational levels of the children.

##### *Structured reading programme*

All children should be required to read non- academic books. To this end, reading targets should be set for each child depending on their reading level. Book clubs should also be set up for children to read selected books in groups.

To promote a reading culture, awards should be provided for children who read the most books and share reviews of the books.

##### **Institutional Requirements**

- Library.
- Librarian – a member of staff managing library resources and can be supported by children assistants.
- Age appropriate books.
- Structured partnerships with communities, institutions or any other stakeholders to facilitate continuous book donations as well as to support the book reading awards.
- Continuous government funding to sustain the library services.

#### 4.4.6 Vocational Programmes

Vocational programmes are designed to cater for several categories of children in institutions. Primarily, they cater for children who were not enrolled in schools prior to committal and who by virtue of their age would benefit from vocational programmes. They also cater for children who may be academically challenged but are capable of mastering skills that would enable them to earn a living. The programmes are also suitable for older children who turn eighteen soon after release from the institutions and hence, able to start engaging in income generating activities right away.

<sup>59</sup> United Nations Rules for the Protection of Juveniles Deprived of their Liberty, rule 41.



In light of the right to education for all children, priority should be placed on educational programmes. However, where it is carefully determined that a child is best suited to pursue vocational programmes, these must be complemented with core reading, writing and numeracy skills. Institutions should offer a range of vocational programmes to cater for the different interests and capabilities of children.<sup>60</sup>

Apart from equipping the children with the relevant skills, formal certification such as from the Kenya National Examination Council should be incorporated in all the programmes.

Upon release from the institutions, the graduates from the vocational programmes should be placed on apprenticeship programmes.<sup>61</sup>

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<sup>60</sup> United Nations Rules for the Protection of Juveniles Deprived of their Liberty, rule 42 and 43; UNODC, Justice in Matters Involving Children in Conflict with the Law: Model Law on Juvenile Justice and Related Commentary (UNODC 2013) art. 65(3).

<sup>61</sup> Ibid, art. 65(6).

**Sample Vocational Programmes**

- Cosmetology.
- Hairdressing.
- Carpentry.
- Tailoring, fashion design and dressmaking.
- Masonry.
- Culinary arts.
- Plumbing.
- Electrical works.
- Motor vehicle mechanics.
- Animal husbandry.
- Horticulture.
- Information technology.
- Cellular phone repair.
- Television repair.

**Institutional Requirements**

- Skilled trainers for the different programmes.
- Training of the instructors on rehabilitation and handling of child offenders.
- Workshops.
- Tools.
- Materials and supplies.
- Reintegration scheme through which children who have successfully completed programmes are provided basic tools and start up kits upon release.
- Structured apprenticeship programmes.

**4.4.7 Life Skills Programmes**

Life skills programmes are designed to equip children with skills that are necessary to navigate day to day challenges. The children are nurtured to make more responsible decisions and to successfully reintegrate back into the community. In actual sense, life skills are inculcated through all the programmes offered. Certain programmes however, are designed to specifically focus on particular life skills.

***Nurturing Life Skills through Clubs***

Child offenders need to acquire a wide range of life skills for them to desist from reoffending. These include stress management, anger management, navigating through relationships as well as family violence, decision making, overcoming negative peer pressure, budgeting/banking, healthy living, job skills/job readiness, cooking, and clothing care. Such skills and competencies are best developed through routine activities or in the context of clubs.





### Sample Clubs

- Presidents Award-Kenya
- Scouts and Girl Guides
- Farming and marketing clubs such as 4K club
- First Aid club
- RODI's Crime Prevention club
- Crime si Poa
- Community Collective Action Life Skills clubs (beading, soap making, baking etc.)
- Chastity club; True Love Waits club

### Institutional Requirements

- Patrons to run the clubs.
- Structured partnerships with communities, institutions, individuals and any other stakeholders to support the clubs.

### Offender Chore Programmes

Chores carried out by the children in the institutions contribute towards development of practical skills and nurture discipline. The chores include assisting in meal preparation, cleaning of the premises, maintenance of the yards and laundry.



### *Income generating Opportunities*

Opportunities to engage in income generating activities enable children in custody to raise and save funds that would benefit them upon release.<sup>62</sup>

The income generating activities opportunities are embedded in the educational, vocational and life skills programmes. Whilst a prescriptive range of income generating opportunities is not provided and the opportunities are dependent on the unique context of each institution, the income generating activities must be suitable for children. The income generating opportunities must also not be exploitative or hazardous.<sup>63</sup> Good records of the income generating activities done and the remuneration earned must be kept for purposes of accountability.

### *Recreational Programmes<sup>64</sup>*

Recreational programmes foster physical and social development of the child offenders, which is vital for all children. Offering these recreational programmes in institutions also nurtures a life-long interest in the activities which can be carried on upon release hence keeping the children meaningfully engaged. Whilst the programmes are rehabilitative in themselves, their optimal potential is harnessed through intentional and deliberate designing as well as implementation.

These programmes range from sporting activities to hobbies and are delivered in the evening and weekends when the children are not in school or engaged in vocational programmes.

### *Rehabilitation through Sporting Programmes*

The Teaching Games for Understanding (TGfU) model provides a good illustration of an intentional designing of sporting programmes for the rehabilitation of children. This model uses the game dynamics to create a parallel to life's stages and draws attention to the game skills that are applicable in real life as shown in the table below:

Structuring Recreation through TGfU Stages to Promote Treatment<sup>65</sup>

TGfU STAGE	EXAMPLES OF STAGE RELATIONSHIPS TO REHABILITATION GOALS
1. Game Form	Game of Life." Important players and coaches include family, teachers, and loved ones. What physical, psychological, social, financial, etc. equipment is needed to play your game of life? Does your game need to become more sophisticated? How can you increase your life skills to warrant less modification of your game?
2. Game Appreciation	Laws and ethics of society are the rules of the game. Do you know the "rules" of the game? Do you value them? Why are they important? How is the "quality" of the game of life (for all players) increased by knowing and following the rules? How can you gain more appreciation for life?

62 United Nations Rules for the Protection of Juveniles Deprived of their Liberty, rule 46; UNODC, Justice in Matters Involving Children in Conflict with the Law: Model Law on Juvenile Justice and Related Commentary (UNODC 2013) art. 66(1).

63 Ibid, art. 66.

64 UNODC, Justice in Matters Involving Children in Conflict with the Law: Model Law on Juvenile Justice and Related Commentary (UNODC 2013) art 67.

65 D Williams, WB Strean and EG Bengoechea, 'Understanding Recreation and Sport as a Rehabilitative Tool within Juvenile Justice Programs' (2002) Juvenile and Family Court Journal 31, 37 (excerpt).

TGFU STAGE	EXAMPLES OF STAGE RELATIONSHIPS TO REHABILITATION GOALS
3. Tactical Awareness	How can you follow the rules and win? What are your strengths? What are your weaknesses and how can you correct them? How can you use your resources within the rules of the game? How can you work with others to succeed at your game? How can you develop “win-win” relationships? Can you be more assertive to meet your needs in appropriate ways?
4. Decision-Making	Choices should reflect tactical awareness. Do your choices help you succeed at the game of life? Do they increase quality? Do you choose to avoid “high-risk” situations? Can you make a good choice when faced with pressure from peers? Do you know what to do and how to do it, in order to “win” at the game of life?
5. Skill Execution	Do you “practice” what you learn in treatment? Do you “talk” therapy, or do you “work” therapy? Are your actions congruent with your speech? Do you execute your game plan? Does your behaviour help you succeed at the game of life (in the long run)?
6. Performance	Performance is measured against criteria independent of the learner. How do others view your performance in the game of life? How do your “teammates” view your performance? Does your performance help or hinder your team (family and loved ones)? How can your performance be improved?

The sporting activities therefore target to develop personal discipline, create personal awareness and to foster teamwork, as well as an appreciation of all those that are part of the child's life.

A range of sporting activities like football, netball, volleyball, handball and athletics should be provided in institutions. They should be well-organised under the instruction of a tutor and should incorporate group discussions linking their sporting activities to their lives. Proper training schedules should be provided and implemented to promote discipline amongst the players.

Apart from the physical games, board games such as chess and scrabble, which complement the educational as well as behavioural programmes should also be availed.

#### **Institutional Requirements**

- Sports tutors trained on rehabilitation of child offenders.
- Structured partnerships with communities, institutions or individuals to ensure a steady flow of tutors to support the institution's sports team.
- Sporting equipment and facilities.
- Registration of teams in relevant competitions.

### **4.4.8 Psychosocial Support Programmes**

Child offenders are often from difficult backgrounds, many of whom may have gone through traumatic experiences. Moreover, many of them feel alienated as they go through the child justice process. Therefore psychosocial support is vital in the rehabilitation process. This support is multidimensional and institutions should run different programmes addressing the diverse psychosocial needs.

### **Counselling**

Both individual and group counselling should be offered in the institutions. The risk and needs assessment carried out should identify the nature and intensity of individual counselling to be undertaken. The need for advanced counselling may also be identified in the course of the basic individual counselling. The grouping of individuals for the purposes of group counselling should be strategic and well-thought-out to optimise the benefits to the individual offenders.

Counselling programmes should in particular seek to provide: sex offender treatment; anger management; support for transitions; guidance for constructive relationships; support for suicidal offenders; support to deal with separation and loss; addictions such as for drugs and alcohol; recovery from sexual and physical abuse as well as other traumatic experiences<sup>66</sup>; peer support; family support.

#### **Institutional Requirements**

- Staff with basic counselling skills and designated officers with advanced counselling qualifications.
- Structured partnerships with counselling centres and institutions of higher learning training counsellors.
- Counselling rooms

### **Family, Victim and Offender Conferencing/ Family interactions**

The support of family members is vital in the rehabilitation process.<sup>67</sup> Through structured interactions between the family and the offender, the family is guided on the support required by the offender in the rehabilitation journey. With the help of counsellors, during the family conferences, underlying issues such as broken relationships are addressed and reconciliation is fostered. Factors revolving around the family that may have contributed to the offending are also identified and addressed.

As much as possible, offenders should be encouraged to engage in family, victim and offender conferencing, if the victim is willing to participate. These conferences give the offenders an opportunity to take responsibility for their actions and provides catharsis for the victims.

#### **Institutional Requirements**

- Personnel trained in facilitating conferences and with counselling skills.
- Video conferencing facilities in institutions and in children's officers' offices for video conferences to be held in cases where the institutions are far from the families' domicile and where families are unable to travel.

66 United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), rule 38.

67 UNODC, Justice in Matters Involving Children in Conflict with the Law: Model Law on Juvenile Justice and Related Commentary (UNODC 2013) art. 69.



### ***Parents and Guardians Support Programmes***

Often, children resort to offending as a result of poor parenting skills. Equipping parents and guardians with good parenting skills prepares the parents to receiving the children upon release and to support them in their rehabilitation journey.

### ***Parenting Forums***

Guided by a counsellor, the parenting forums give the parents or guardians an opportunity to do some introspection and assess whether they contributed to child's offending in any way. It also enables them to examine their parenting methods and strategies.

The forums provide suggestions and information on parenting approaches and strategies that work best with children who have a history of offending and which will complement the rehabilitative processes that the children have undergone. Parents or guardians are also guided to identify underlying issues that deter them from parenting effectively. Support such as anger management, rehabilitation from drug and substance abuse or alcoholism, counselling after undergoing traumatic experiences such as violent relationships is also offered. The forums also provide peer support for the parents or guardians.

Both group forums and individual sessions are offered depending on the nature of the cases.

#### **Institutional Requirements**

- Personnel with counselling skills and trained on parenting skills.
- Video conferencing facilities in institutions and in children's officers' offices for parents or guardians who are domiciled far from the institutions to participate in the forums. However, the forums may also be conducted by field officers wherever the parents or guardians are domiciled.

### ***Mentorship Programmes***

Mentoring provides an avenue through which child offenders are nurtured to change their attitudes, aspire to lead successful lives and are supported individually in their rehabilitation journey. Often, children are led to offending by a lack of role models and supportive environments. Mentorship programmes therefore, provide children with opportunities to interact and be supported by role models.

The programmes are either delivered through group or individual mentorship. Institutions are required to mobilise mentors who are vetted and guided on the mentorship programme. Pairing with mentors may be targeted to address specific needs. For instance, children wishing to pursue a particular career can be matched with mentors in that profession. Children can also be matched with mentors who have successfully overcome conduct that relates to the children's conduct.

Mentors and the children are advised of the mentorship guidelines to ensure that the engagement remains professional and constructive.

#### **Institutional Requirements**

- Trained personnel to coordinate the mentorship programme.
- Structured partnerships with communities, institutions and individuals to provide a consistent flow of mentors.

### ***Faith Based Rehabilitation Programmes***

Faith based programmes, which are programmes delivered by organisations with religious affiliation, provide an avenue for children to exercise their freedom of religion.<sup>68</sup> They also seek to rehabilitate children from various perspectives. First, using religious teachings, children are oriented towards identifying right from wrong and to appreciate consequences for wrong actions. Secondly, many child offenders suffering disillusionment and having low self-esteem, require consistent motivation and cognition of self-worth. Faith based programmes seek to create a sense of hope and nurture a sense of self-worth. Thirdly, the programmes seek to equip children to maintain constructive relationships. Fourthly, members of faith based organisations provide mentorship to the children.

Typically, faith based programmes are delivered in the form of religious gatherings or through structured studying of religious texts such as bible studies. The structured studies are usually targeted and address behavioural issues as well as drivers of offending.

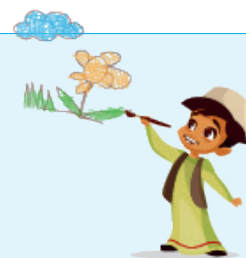
Children should not be forced to join faith based programmes that are of a religious faith that they do not profess. For instance, Muslim children should not be forced to join Christian programmes and vice versa.

68 UNODC, Justice in Matters Involving Children in Conflict with the Law: Model Law on Juvenile Justice and Related Commentary (UNODC 2013) art. 68.



### Institutional Requirements

- Religious professionals, imams and pastors assigned to institutions.
- Places of worship within the institution.
- Religious texts such as Bibles and Qurans.
- Structured partnerships with faith based organisations.



### Creative Arts Programmes

Creative arts provide an opportunity for offenders to express themselves, which is essential in the rehabilitative process. Further, creative arts programmes provide an opportunity for children to exhibit their talents and in so doing, enhance their self-esteem. Creative arts which require team work such as music and drama also nurture individual qualities that are essential for day to day human interactions. The rehearsals and preparations also foster discipline in offenders. Skills in creative arts may also provide income generating opportunities for offenders upon release.

Institutions should provide a wide range of creative arts programmes. These range from fine art, such as painting and drawing, music, drama to pottery amongst others.



### Institutional Requirements

- Trained instructors for the creative arts programmes.
- Structured partnerships with institutions and individuals in the creative arts industry to ensure a steady flow of instructors and support for the programmes.
- Creative arts rooms, equipment and necessary materials.

#### 4.4.9 Offence/Need Specific Programmes

While the general interventions outlined above are intended to and do contribute towards rehabilitation of all children in conflict with the law, there are certain forms of wrongdoing that require targeted and specialised interventions. These include drugs and substance abuse, alcoholism, sexual offending and violent extremism.

The offence/need specific programmes set out in this section are intended to complement the general programmes by addressing the unique needs posed by the selected groups of children in conflict with the law.

##### *Recovery from Drugs and Substance Abuse and Alcoholism Programmes*

Children in conflict with the law often have a history of drugs and substance abuse or alcoholism. Often, these addictions are the genesis of criminal activities. Programmes addressing these addictions are therefore vital for the offenders to be fully rehabilitated.

The interventions to drugs and substance abuse or alcoholism are multi-modal and require programmes to complement each other.

##### **Key interventions that should be provided by institutions:**

- Prevention and addiction recovery programmes such as Support for Addictions Prevention and Treatment in Africa – SAPTA's Youth Drug Free World Pledge.
- Medical drug and alcohol rehabilitation treatment<sup>69</sup> such as detoxification and withdrawal management programs.
- Targeted counselling and referral for advanced counselling.
- Peer support forums.

##### **Institutional Requirements**

- Personnel trained in the recovery programmes and counselling specifically for individuals with drugs and substance and/or alcohol addiction.
- Structured referral mechanisms to hospitals where medical intervention is required.
- Mapping of institutions that offer specialised services for individuals with drugs and substance and/or alcohol addiction.
- Forge partnerships with institutions mapped and establish referral mechanisms for children as well as support for the programmes offered in the institutions.
- Partner with and leverage on programmes and activities spearheaded by the National Authority for the Campaign Against Alcohol and Drug Abuse (NACADA).

##### *Sex Offender/Victims Treatment Programmes*

Over and above the general rehabilitation programmes, children committed to institutions as a result of sex offending require specialised programmes to be fully rehabilitated. The

69 UNODC, Justice in Matters Involving Children in Conflict with the Law: Model Law on Juvenile Justice and Related Commentary (UNODC 2013) art. 63(1) (b).

specialised programmes range from behavioural therapy, psychotherapy, faith-based treatment to intensive supervision. Sex offending treatment programmes focus on enabling children to take responsibility for their actions, appreciate the harm done to victims, overcome the shame arising from their conduct and desisting from irrational sexual conduct in future.

Some children in conflict with the law are themselves victims of sexual offences and their rehabilitation from offending requires addressing the needs that arose from sexual abuse.

### ***Behavioural Therapy***

This therapy is intended to assist offenders to confront and deal with irrational thoughts that trigger them to engage in undesirable sexual conduct. The programme is delivered through group settings and gives an opportunity to offenders to correct their irrational thoughts and to practice exercising self-control. Offenders are equipped to recognise risk factors and are exposed to strategies that would enable them to counter their irrational thinking patterns. The therapy further enables them to identify and address risk factors that predispose them to offending.

### ***Psychotherapy/Counselling***

Under this programme, children are taken through talk therapy and explore the underlying causes and thoughts related to sexual offending. They are also guided to take responsibility for their actions.

Children who have been victims of sexual abuse undergo counselling to enable them to overcome the traumatic experiences which often have a correlation with wrongdoing.

#### **Institutional Requirements**

- Personnel trained in the delivery of sex behavioural therapy.
- Personnel with advanced counselling qualifications.

### ***Rehabilitation Programmes for Offenders Involved in Violent Extremism***

The rehabilitation programmes designed for offenders involved in violent extremism takes into account the underlying drivers. There are varied factors that lead individuals to violent extremism.<sup>70</sup> These include a sense of marginalization propagated through narratives of victimisation; a strong sense of ethnic and religious identity which makes individuals protective of the collective as well as the lack of a national identity. Individual developmental challenges triggering a search for sense of meaning, belonging or status also predisposes individuals to extremist behaviour. In other instances, violent extremism is overt retaliation against State action. Socio-economic discontent coupled with economic incentives for joining extremist groups is also a common factor leading to extremist conduct. Misinterpretation of

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70 Anneli Botha, 'Political Socialization and Terrorist Radicalization among Individuals Who Joined al-Shabaab in Kenya' [2014] SCT 900; EOS Odhiambo, Kennedy Onkware & Maito T. Leshan, 'Domestic Radicalisation in Kenya' [2015] GJISS 50; Sirkku Hellsten, 'Radicalisation and Terrorist Recruitment among Kenya's Youth' (Nordic Africa Institute 2016) 3.

religious texts with a view to misleading individuals often plays a role in the recruitment of individuals to extremist groups. Further, weak family structures, changing family structures and the general lack of family authority has contributed to the radicalisation of individuals, particularly the youth.

In view of this, the rehabilitation of child offenders linked to violent extremism requires a multifaceted approach. This ranges from tackling radical ideology, instilling a sense of belonging and civic duty, offering psychosocial support and equipping the offender to earn an income upon release from custody to enabling the offender to reintegrate back into the community. The rehabilitation of these offenders therefore, requires exposure to the general programmes set out in this blueprint which include the educational, vocational, recreational, psychosocial support and faith based programmes. These provide an all rounded rehabilitation approach.

The rehabilitation programmes seek to balance the need to protect other children from radicalisation against stigmatisation and labelling of children linked to extremism.<sup>71</sup> Thus, the approach is not to isolate this group of children from the others but to have measures to deter radicalisation within the institution.<sup>72</sup> In addition to the general programmes, the following initiatives should also be put in place.

### *Preliminary Assessment*

Upon committal to an institution, extensive assessment of offenders involved in violent extremism must be carried out. In particular, the following must be ascertained<sup>73</sup>:

- Whether the offender poses any risk to themselves or others;
- Whether the offender is a flight risk;
- The possibility of re-offending;
- The probability of influencing criminal activity through proxies in the community.

The individual circumstances and background of each offender must be ascertained to inform modalities of engagement.

When dealing with children involved or linked to violent extremism confidentiality must be upheld at all times.

### *Psychosocial Programmes*

Offenders are taken through individual counselling to identify and address the underlying factors that predisposed them or facilitated radicalisation. Counselling also seeks to identify family issues which may have predisposed the individual to criminality.

71 Melissa Lefas (ed.), *Correcting the Course: Advancing Juvenile Justice Principles for Children Convicted of Violent Extremism Offenses* (GCCS and ICCT 2017) 16; PRI, *Children and Violent Extremism: International Standards and Responses from Criminal Justice Systems* (PRI 2017) 11.

72 UNODC, *Handbook on Children Recruited and Exploited by Terrorist and Violent Extremist Groups: The Role of the Justice System* (UNODC 2017) 142.

73 UNODC (n59) 41.

Often, extremist offenders undergo disillusionment, depression, guilt or shame as they undergo rehabilitation programmes. Counselling is therefore designed to enable them to overcome these feelings and to raise their esteem. It also equips the offenders with future coping mechanisms.

#### **Institutional Requirements**

- Staff with advanced counselling qualifications and trained on counselling offenders involved in violent extremism.

### ***Faith Based Programmes***

Where violent extremism is pegged on religion, faith based programmes are designed to address extremism.

In these programmes, offenders undergo religious instruction from credible religious professionals who possess the requisite credentials. The overall objective is countering extremist religious narratives through a thorough understanding of religious texts. With regard to child offenders, religious professionals are required to deliver the instruction in a child-friendly manner. These programmes are offered in a group setting but individual sessions may be held where an offender requires individual attention.

Faith based programmes are also designed to provide support and networks for the children, which continue upon release from custody. For instance, Imams, Sheikhs or clergy may act as liaisons between the children, their families and their communities.<sup>74</sup>

When running the faith based programmes, the children's freedom of religion must be respected.<sup>75</sup> To this end, religious instruction is delivered within the context of the individual children's religion.

#### **Institutional Requirements**

- Qualified and vetted religious professionals.
- Qualified and vetted inhouse chaplains.
- Vetted information resources such as books.

### ***Nurturing Decision Making Skills***

Typically, radicalisation thrives through misinformation, lack of agency and unchallenged perspectives. The rehabilitation of children involved in violent extremism therefore, requires nurturing of decision-making skills and critical thinking.

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74 PRI, Children and Violent Extremism: International Standards and Responses from Criminal Justice Systems (PRI 2017) 12.

75 Convention on the Rights of the Child, art. 14(1); Melissa Lefas (ed.), Correcting the Course: Advancing Juvenile Justice Principles for Children Convicted of Violent Extremism Offenses (GCCS and ICCT 2017) 28.



Decision making skills and critical thinking are best developed through day to day activities as opposed to isolated programmes. In particular, the life skills programmes incorporate activities that nurture decision making skills and critical thinking.<sup>76</sup>

### ***Involvement of Family and/or Significant Others***

The process of disengagement from violent extremism is challenging for offenders and therefore requires external support. Thus, there must be structured engagement with the family and/or significant others who will offer that external support. Further, this involvement sensitises the family on the needs of the offender and prepares them for the reintegration of the offender back into the community.<sup>77</sup> Often, family members or significant others are keen on rehabilitation of offenders but are ill equipped to contribute to the de-radicalisation process. Further, owing to the circumstances of their kin's apprehension and committal, they may hesitate to get involved. In such scenarios, officers dealing with them must offer assurances of good will and offer guidance on their contribution to the rehabilitation process.

Nevertheless, families and/or significant others may have been or are party to the radicalisation of the child in custody. As such, the families and significant others must first be subjected to thorough scrutiny before involvement.<sup>78</sup>

#### **Institutional Requirements**

- Capacity building of officers in family conferencing and other forms of family engagement.
- Mechanisms to establish family or significant others' disposition and their potential to support ongoing interventions.
- Funding to facilitate communication and participation of family or significant others.

### ***Community Involvement***

Involvement of community members who will inspire change in the offenders is essential. Influential individuals such as community leaders, celebrities and other individuals who are highly regarded in the community can play an important role in the rehabilitation process. For instance, they may nurture positive thinking and inspire change in the offenders.<sup>79</sup>

Non-government organisations, particularly those with a focus on and have capacity in de-radicalisation of offenders, may provide useful support in the rehabilitation and reintegration programmes. The support of such organisations and private sector should be harnessed to enrich the programmes. However, before involvement, thorough vetting processes should be undertaken.<sup>80</sup>

<sup>76</sup> See part 4.4.2. 5 above.

<sup>77</sup> Neuchâtel Memorandum on Good Practices for Juvenile Justice in a Counterterrorism Context, Good Practice 11; UNODC, Handbook on the Management of Violent Extremist Prisoners and the Prevention of Radicalization to Violence in Prisons (UNODC 2016) 38.

<sup>78</sup> Ibid.

<sup>79</sup> UNODC (n59) 39.

<sup>80</sup> UNODC (n59) 40.

### **Institutional Requirements**

- Partnership with the National Counter Terrorism Centre for strategic planning, capacity building of officers and for implementation of de-radicalisation programmes.
- Mapping of influential vetted community members, non-government organisations, and other stakeholders to support the 'inspire for change' programmes.
- Fostering structured partnerships with the mapped community members, non-government organisations and other stakeholders to support the programmes.

## **4.5 Reintegration Programmes<sup>81</sup>**

Rehabilitation of child offenders remains ineffective if not coupled with effective reintegration of the children back into the community. Reintegration programmes are geared towards supporting offenders to resume normal life out of the institution and not to reoffend. Preparation for reintegration is done through various initiatives, practices and programmes that take place throughout the period that a child is in custody. These include facilitating children's contact with their parents or guardians through telephone conversations or visits to the institution. Family conferences or victim and family conferences should also be conducted to foster a conducive environment for the child upon release. Similarly, vetted community members' visits to institutions for child offenders and institution based mentorship programmes are also geared towards preparing children for reintegration.

In addition to these general programmes, there are targeted programmes that aim at practically enabling the child to reintegrate into the community.

### **4.5.1 Pre-release Programmes**

Towards the end of the term, concerted efforts must be applied to psychologically and physically prepare the child for release. This includes ascertaining (through the probation or children's office) which recommended committal to an institution (committing office), the home environment and the extent to which it is conducive for the child's return.<sup>82</sup> The committing office is required to organise a visit to the child's home as well as interviews with the parents, community leaders and the victim. The purpose of the visit is to prepare the community and parents to receive the child in view of the rehabilitation process he or she has gone through. Simultaneously, a child awaiting release is guided on what to expect upon release and how to avoid re-offending. Often, offenders who have been rehabilitated within the context of institutions experience fear prior to release owing to uncertainties of post-release realities. The pre-release programmes should therefore, address such fears through psychosocial support as well as through equipping offenders to handle real projected issues

81 UNODC, Justice in Matters Involving Children in Conflict with the Law: Model Law on Juvenile Justice and Related Commentary (UNODC 2013) art. 81.

82 See Government of Kenya, Throughcare & Aftercare Procedures for Children in Statutory Institutions in Kenya (GoK 2013) 7, 34; Appendix 3.

of concern. Further, community based support mechanisms such as peer groups, sporting groups or religious group that may support the child upon release should be identified. Ideally, this process should be undertaken jointly by officers in institutions as well as those who will receive a child in the community.

Where it is ascertained that the home environment is not conducive, arrangements should be made to place the child in a halfway home or charitable institution pending the improvement of the home environment.

Preparation of children prior to release involves both group sessions as well as individual sessions. During this preparation phase, the officer receiving a child in the community together with the parents or guardians are required to explore the transition of the child back to school. If a child was pursuing vocational skills, apprenticeship opportunities should be pursued.

## 4.5.2 Post-release Programmes

For effective reintegration to be achieved, a multi-strategies approach must be taken.<sup>83</sup> The reintegration process must be meticulously designed to ensure that all the rehabilitation needs are addressed to complement the processes undertaken while a child was in custody.

### *Re-entry meetings*

Children should be escorted home by a children's officer upon release. In addition to ensuring the safety of children, the officer's role is to engage with key individuals including the parents or guardians, community leaders like the area chief, neighbours and school principals amongst others. These individuals are expected to provide support to offenders and hence, are considered vital for successful reintegration into the community. During these engagements, the officer is required to explain to them the nature of rehabilitation programmes that a child has undergone. This affirmation is intended to reduce stigmatisation of the child. The officer is further required to provide guidance on the nature of support from the community that is necessary for the child to reintegrate and not reoffend.

### *Supervision and guidance*

Upon release, children are required to report to a children's officer in their locality. This provides a platform for continued supervision. Coupled with guidance and counselling, supervision is aimed at supporting children to prevent reoffending. It also provides an opportunity for a child to receive assistance in addressing challenges experienced in the home environment which may trigger reoffending.

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<sup>83</sup> Vivienne Chin and Yvon Dandurand, *Introductory Handbook on the Prevention of Recidivism and the Social Reintegration of Offenders* (UNODC 2012) 113.

### ***Recreational Activities and Guided Peer Groups***

To keep children fully engaged upon release from custody, they should be linked to groups that engage in constructive recreational activities such as sports and faith based activities. Such activities also provide platforms for mentorship and character building.

### ***Apprenticeship***

For children who acquired vocational skills while in custody, apprenticeships provide mentorship and supported entry into the job market. During the pre-release period, the children's officer receiving the child upon release should identify possible apprenticeship positions.

Individuals engaging apprentices should be guided on how to interact with child offenders and the necessary support that they require to keep them from reoffending.

In preparation for apprenticeship, children should be provided tools and start-up kits.

### ***Education***

Placements in institutions for children to continue with their education post-release should be supported. Often, child offenders released from custody are stigmatised and face challenges in securing admission to schools. Where such challenges arise, the Department of Children's Services should intervene. Further, opportunities for bursaries/scholarships should be pursued to cater for children who are unable to continue with their education due to financial handicaps.

### ***Mentorship***

Where possible, it is desirable for children to be engaged in mentorship programmes that are carried on post-release. Such programmes provide continuity in the rehabilitation process. However, this may not always be feasible, in which case children should be engaged in community based mentorship programmes upon release.

### ***Offender Specific Services***

The targeted rehabilitation programmes in institutions addressing specific risk factors or offending should be complemented through after care programmes. In particular, offenders placed in recovery from drugs and substance abuse, sexual offending and violent extremism programmes in institutions should be introduced to similar community based programmes upon release.

### ***Alternative Care Arrangements***

In the event that a child does not have a family, relatives or community to receive the child upon release, suitable alternative care arrangements such as supported independent living or guardianship should be pursued. The suitability of alternative care arrangements should be determined on a case by case basis.

insert footnote for this paragraph (Standard Operating Procedures for Implementing Alternative Family and Community Based Care for Children in Kenya; Guidelines for the Alternative Care of Children in Kenya; Case Management for Reintegration into Family and Community Based Care for Children.

**Institutional Requirements**

- Trained personnel in after care services.
- Resources to facilitate escorting of children to their homes and for the re-entry meetings to take place.
- Structured partnerships with the communities, institutions and individuals to provide a steady flow of mentors.
- Structured partnerships with communities, institutions and individuals that may be running recreational activities.



## 5. Annex I: Mechanism for the Evaluation of the Programmes' Impact

### 1. Introduction

In 2018, the Department of Children's Services, with support from UNODC, commissioned a study on the rehabilitation and reintegration of children in conflict with the law.<sup>84</sup> The report set out the context in which the child justice system operates in Kenya and interrogated the extent to which the system facilitates the rehabilitation of child offenders. It further mapped out the existing rehabilitation programs, services and practices. The community-based interventions and diversion practices at various levels were also identified. Appreciating the role played by the entire child justice system, the research assessed the contribution of the different agencies in rehabilitating child offenders and identified the gaps that undermine their efforts. The research also mapped out the mechanisms in place and the institutions involved in the reintegration of child offenders back into the community. In view of the unique needs presented by offenders involved in violent extremism and drug-related offences, the report further assessed the capacity of and the programmes available in the child justice institutions. Aware of the dynamics involved when dealing with female offenders, the survey employed a gender lens as well.

Informed by the findings of the study, this Blueprint for Rehabilitation and Social Reintegration Programmes for Children in Conflict with the Law was developed. This tool sets out a framework for evaluating the implementation of the Blueprint for Rehabilitation and Social Reintegration Programmes for Children in Conflict with the Law in Kenya. The tool envisages internal, continuous monitoring of the programmes undertaken by the Department of Children's Services and a summative evaluation conducted by an independent consultant.



### 2. Evaluation Criteria

The evaluation of the programmes focuses on the following:

1. Relevance
2. Effectiveness
3. Efficiency
4. Coordination
5. Impact
6. Sustainability

<sup>84</sup> Kinyanjui Sarah, Survey on Rehabilitation and Social Reintegration Programmes, Services and Practices for Children in Conflict with the Law in Kenya, (UNODC 2019).

### **Relevance**

Under this criterion, the evaluation assesses the extent to which the Blueprint for Rehabilitation and Social Reintegration Programmes for Child Offenders in Kenya addressed the needs of the Department of Children's Services. The 2018 report revealed that many rehabilitation and social reintegration programmes in different institutions were varied, sometimes random and highly dependent on partners in terms of funding as well as personnel. Therefore, the objectives of the Blueprint Rehabilitation and Social Reintegration Programmes for Child Offenders in Kenya were:

- To promote structured and institutionalised rehabilitation and reintegration programmes for child offenders.
- To harmonize programmes, practices and services across institutions in the child justice system.
- To provide a framework within which rehabilitation and reintegration programmes are streamlined into the entire continuum of the child justice system.

Under the relevance criterion, the evaluation seeks to establish whether the Blueprint as designed addressed the needs for the rehabilitation and reintegration of child offenders in Kenya. Secondly, whether the Blueprint took into account the contextual realities and the programmes more appropriate in some cases than in others.

### **Effectiveness**

The long-term impact of the Blueprint is dependent upon the realisation of immediate outcomes. The evaluation therefore, assesses the extent to which the intended immediate results are realised.

### **Efficiency**

The evaluation should examine whether the programmes outlined in the Blueprint are implemented in a timely and cost-effective manner.

### **Coordination**

As highlighted in the 2018 report, rehabilitation and reintegration of child offenders is a process which requires implementation throughout the criminal justice continuum. The realisation of the Blueprint is therefore, dependent upon proper coordination among all the agencies in the criminal justice system. The evaluation should therefore assess whether the agencies involved are well coordinated.

### **Impact**

The overall objective of the rehabilitation and reintegration programmes incorporated in the Blueprint is the reformation of child offenders and prevention of reoffending. Related to this objective is enabling of child offenders to acquire education and/or skills to address livelihood challenges that predispose them to criminality. The evaluation should therefore assess the efficacy of the programmes in achieving this overall objective. Further, it should

identify any changes, intended or unintended, that affect the child offenders as well as other stakeholders.

## Sustainability

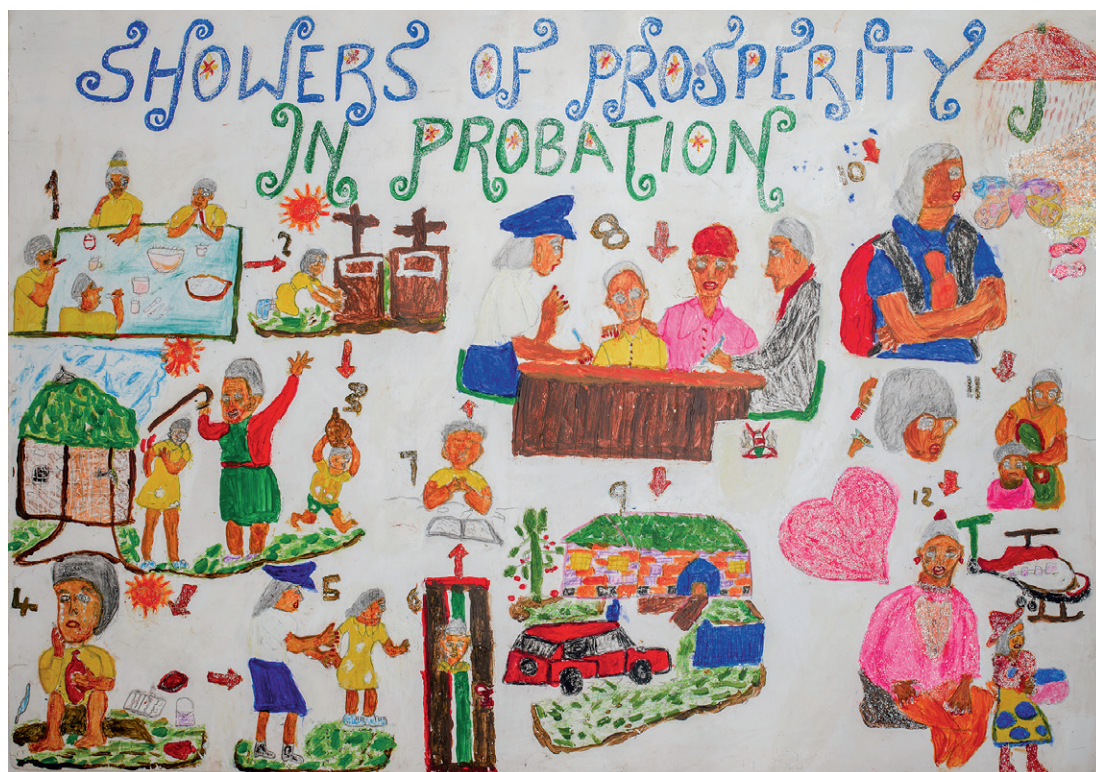
The rehabilitation and reintegration of child offenders is a long-term process which requires sustained, multi-agency implementation of the programmes. Thus, the evaluation should assess whether there is a long-term strategy in place which is viable and will ensure the realisation of the overall objective.



### 3. Guiding principles

When carrying out the evaluation the following principles should be adhered to:

1. Integrity
2. Transparency
3. Accuracy
4. Participation



## 4. Programmes Strategy

Level	Objectives	Input/ Programme Requirements/ Implementation
<b>Diversion</b>	<ul style="list-style-type: none"> <li>Avoiding trials as much as possible thus minimising the negative impacts of the justice system on children.</li> <li>Offering children in conflict with the law an opportunity to be reformed without being subjected to the formal child justice system.</li> <li>Through conditions and programmes attached to diversion, address the root causes of delinquency.</li> <li>Through active participation of the child, family, community and the victim, facilitate restorative justice.</li> </ul>	<ul style="list-style-type: none"> <li>Trained personnel: police officers, prosecutors, judicial officers and children's officers.</li> <li>Structured partnerships with community leaders and community-based service providers such as alcohol and drug rehabilitation centres, mental health institutions, counselling centres, religious institutions, schools, vocational training institutions, Structured engagement with parents/guardians, communities and victims.</li> <li>Implementation of the Office of the Director of Public Prosecutions Diversion Policy.</li> </ul>
<b>Remand at the Police Station</b>	<p>Engaging in practices that are compatible with rehabilitation and reintegration of offenders such as:</p> <ul style="list-style-type: none"> <li>Limited remand at police stations.</li> <li>Humane treatment.</li> <li>Contact with parents/ significant others.</li> <li>Protection from exposure to adult offenders and from harm.</li> </ul>	<ul style="list-style-type: none"> <li>Appropriate infrastructure – separate holding facilities for children.</li> <li>Police officers trained on handling child offenders.</li> <li>Provision of basic necessities i.e., food, beddings and sanitary towels.</li> <li>Facilitation of communication and contact with parents or guardians.</li> <li>Good coordination between police officers, children's officers and judicial officers.</li> <li>Continuous monitoring of police stations to ensure implementation of set standards.</li> <li>Establishment of adequate child protection units throughout the country.</li> </ul>
<b>Trial Process</b>	<ul style="list-style-type: none"> <li>To determine the innocence or guilt of the children so as to establish the appropriate intervention.</li> <li>To determine the appropriate rehabilitation or reintegration programme.</li> <li>Engaging in practices that are compatible with rehabilitation and reintegration of offenders.</li> </ul>	<ul style="list-style-type: none"> <li>Sensitisation of judicial officers, prosecutors, police officers, probation officers and defence counsel particularly on Throughcare and Aftercare Procedures, Sentencing Policy Guidelines, Bail and Bond Policy Guidelines and minimum standards on handling of child offenders.</li> <li>Coordination of all actors in the child justice system.</li> <li>Adherence to the right to legal representation and implementation of the legal aid scheme.</li> <li>Limited holding of children; granting of bail to children at the first instance.</li> <li>Enhanced participation of children; provision of a friendly environment.</li> <li>Guaranteed legal representation; provision of legal aid.</li> <li>Expeditious determination of cases.</li> <li>Imposition of the most appropriate interventions for child offenders that will result in reformation, social integration, rehabilitation and restorative justice.</li> <li>Utilisation of the wide range of interventions set out in section 191(1) of the Children Act to address the rehabilitative needs of each offender.</li> </ul>

## 4. Programmes Strategy

Level	Objectives	Input/ Programme Requirements/ Implementation
Committal to Institutions	<ul style="list-style-type: none"> <li>Proper risk and needs assessment of offenders.</li> </ul>	<ul style="list-style-type: none"> <li>Personnel trained on conducting risk and needs assessment.</li> <li>Electronic resources – computers and printers.</li> </ul>
	<ul style="list-style-type: none"> <li>Proper orientation of children when admitted to the institutions.</li> </ul>	<ul style="list-style-type: none"> <li>Orientation faculty</li> <li>Trained peer counsellors</li> <li>Murals or display areas</li> </ul>
	<ul style="list-style-type: none"> <li>Effective rehabilitation and reintegration of children.</li> </ul>	<p><b>Well-designed educational programmes to meet academic and instructional needs.</b></p> <ul style="list-style-type: none"> <li>Adequate number of teachers.</li> <li>Adequate teaching and learning materials - textbooks, writing materials, teaching aids, classrooms, white boards and markers.</li> <li>Memorandums of understanding with teacher training institutions to ensure a steady flow of teachers on teaching practice to support the schools.</li> <li>Training of all teachers on rehabilitation of child offenders and on basic counselling.</li> <li>Aftercare programme supporting children to continue with education upon release from the institution.</li> </ul> <p><b>Strategic library services providing educational, cultural, leisure and informational resources.</b></p> <p>Library.</p> <ul style="list-style-type: none"> <li>Librarian – a member of staff managing library resources and can be supported by children assistants.</li> </ul> <p>Age appropriate books.</p> <ul style="list-style-type: none"> <li>Structured partnerships with communities or institutions to facilitate continuous book donations as well as to support the book reading awards.</li> </ul> <p><b>Vocational Programmes.</b></p> <ul style="list-style-type: none"> <li>Skilled trainers for the different programmes.</li> <li>Training of the instructors on rehabilitation and handling of child offenders.</li> <li>Workshops.</li> <li>Tools.</li> <li>Materials and supplies.</li> <li>Programme through which graduating students are given basic tools upon release.</li> <li>Structured apprenticeship programmes.</li> </ul> <p><b>Life Skills Programmes.</b></p> <ul style="list-style-type: none"> <li>Patrons to run life skills clubs.</li> <li>Structured partnerships with communities, institutions and individuals to support the clubs.</li> </ul>



## 4. Programmes Strategy

Level	Objectives	Input/ Programme Requirements/ Implementation
<b>Committal to Institutions</b> <i>Cont.</i>	<ul style="list-style-type: none"> <li>Effective rehabilitation and reintegration of children.</li> </ul> <i>Cont.</i>	<b>Recreational Programmes.</b> <ul style="list-style-type: none"> <li>Sports tutors trained on rehabilitation of child offenders.</li> <li>Structured partnerships with communities, institutions or individuals to ensure a steady flow of tutors to support the institution's sports team.</li> <li>Sporting equipment and facilities.</li> <li>Registration of teams in relevant competitions.</li> </ul>
		<b>Psychosocial Support Programmes</b> <ul style="list-style-type: none"> <li>Staff with basic counselling skills and designated officers with advanced counselling qualifications.</li> <li>Structured partnerships with counselling centres and institutions of higher learning training counsellors.</li> <li>Counselling rooms.</li> </ul>
		<b>Family, Victim and Offender Conferencing/ Family interactions.</b> <ul style="list-style-type: none"> <li>Personnel trained in facilitating conferences and with counselling skills.</li> <li>Video conferencing facilities in institutions and in children officers' offices for video conferences to be held in cases where the institutions are far from the families' domicile and where families are unable to travel.</li> </ul>
		<b>Parents and Guardians Support Programmes.</b> <ul style="list-style-type: none"> <li>Personnel with counselling skills and trained on parenting skills.</li> <li>Video conferencing facilities in institutions and in children officers' offices for parents or guardians who are domiciled far from the institutions to participate in the forums. However, the forums may also be conducted by field officers wherever the parents or guardians are domiciled.</li> </ul>
		<b>Mentorship Programmes.</b> <ul style="list-style-type: none"> <li>Trained personnel to coordinate the mentorship programme</li> <li>Structured partnerships with communities, institutions and individuals to provide a consistent flow of mentors.</li> </ul>
		<b>Faith Based Rehabilitation Programmes.</b> <ul style="list-style-type: none"> <li>Religious professionals i.e., imams and pastors assigned to institutions.</li> <li>Places of worship within the institution.</li> <li>Religious texts, such as Bibles and Qurans.</li> <li>Structured partnerships with faith-based organisations.</li> </ul>
		<b>Creative Arts Programmes.</b> <ul style="list-style-type: none"> <li>Trained instructors for the creative arts programmes.</li> <li>Structured partnerships with institutions and individuals in the creative arts industry to ensure a steady flow of instructors and support for the programmes.</li> <li>Creative arts rooms, equipment and necessary materials.</li> </ul>

## 4. Programmes Strategy

Level	Objectives	Input/ Programme Requirements/ Implementation
<b>Committal to Institutions</b> <i>Cont.</i>	<ul style="list-style-type: none"> <li>Effective rehabilitation and reintegration of children.</li> </ul> <i>Cont.</i>	<b>Recovery from Drug and Substance Abuse and Alcoholism Programmes.</b> <ul style="list-style-type: none"> <li>Personnel trained in the recovery programmes and counselling, specifically for individuals with drug and substance and/or alcohol addiction.</li> <li>Structured referral mechanisms to hospitals where medical intervention is required.</li> </ul>
		<b>Sex Offender/Victims Treatment Programmes</b> <ul style="list-style-type: none"> <li>Personnel trained in the delivery of sex behavioural therapy.</li> <li>Personnel with advanced counselling qualifications.</li> </ul>
		<b>Rehabilitation Programmes for Offenders Involved in Violent Extremism.</b> <ul style="list-style-type: none"> <li>Staff with advanced counselling qualifications and trained on counselling offenders involved in violent extremism.</li> <li>Qualified and accredited religious professionals.</li> <li>Vetted information resources such as books.</li> </ul>
		<b>Reintegration Programmes.</b> <ul style="list-style-type: none"> <li>Trained personnel in after care services.</li> <li>Resources to facilitate escorting of children to their homes and for the re-entry meetings to take place.</li> <li>Structured partnerships with the communities, institutions and individuals to provide a steady flow of mentors.</li> <li>Structured partnerships with communities, institutions and individuals that may be running recreational activities.</li> </ul>

### Capacity building, staff support and motivation for optimal Implementation of the Blueprint

<b>All levels</b>	<ul style="list-style-type: none"> <li>Develop staff competencies and capacity for effective rehabilitation and reintegration of children.</li> </ul>	<ul style="list-style-type: none"> <li>Overall structured training at induction and routinely on legal and policy instruments relating to children in conflict with the law set out in this Blueprint.</li> <li>Targeted training linked to individual staff duties e.g. counselling; handling children linked to violent extremism, rehabilitation of drugs and substance abuse addicts etc.</li> <li>Hire more officers with a focus on the gaps in the rehabilitation and reintegration programmes.</li> </ul>
	<ul style="list-style-type: none"> <li>Promote specialisation of officers to effectively rehabilitate and reintegrate children as well as foster high level strategic planning.</li> </ul>	<ul style="list-style-type: none"> <li>Mapping and equipping officers in each of the child justice agencies to serve as national experts in and trainers on rehabilitation and reintegration of children in conflict with the law.</li> <li>Mapping officers in the Judiciary, National Police Service, Kenya Prisons Service and the Probation and After Care Service for training to serve as focal points for rehabilitation and reintegration of children in each County.</li> <li>Funding local and international training of officers specialising in children in conflict with the law.</li> <li>Internal discussions on establishment of permanent Children Departments/Units in all agencies in the child justice system.</li> </ul>

## 4. Programmes Strategy

Level	Objectives	Input/ Programme Requirements/ Implementation
	<ul style="list-style-type: none"> <li>Enhance implementation of the Blueprint through provision of practical and readily accessible guidance.</li> </ul>	<ul style="list-style-type: none"> <li>Develop user friendly and practical workbooks for all the aspects of rehabilitation and reintegration of children.</li> <li>Sensitise all officers in the child justice agencies on the workbooks.</li> <li>Provide hard copies and online access to the workbooks.</li> </ul>
	<ul style="list-style-type: none"> <li>Provide all round support for staff for them to operate optimally.</li> </ul>	<ul style="list-style-type: none"> <li>Psychosocial support mechanisms for staff including peer support and free access to individual counselling.</li> <li>Sensitising all officers in the child justice system on self-care.</li> <li>Consistent team building activities to foster supportive working relationships.</li> </ul>
	<ul style="list-style-type: none"> <li>Harness child justice agencies' experiences and best practices to enrich the reintegration and rehabilitation programmes.</li> </ul>	<ul style="list-style-type: none"> <li>Workshops on specific aspects of the Blueprint with participation from all the child justice agencies.</li> <li>Annual national conference on rehabilitation and reintegration of children in conflict with the law.</li> <li>Inter-agency benchmarking of implementation of the rehabilitation and reintegration programmes.</li> </ul>
	<ul style="list-style-type: none"> <li>Enhance inter-agency coordination and develop a cohesive child justice system.</li> </ul>	<ul style="list-style-type: none"> <li>Child Justice Policy jointly developed by all agencies to inform individual agencies' vision and strategies.</li> <li>Deliberate and continuous involvement of agencies in individual agencies activities.</li> <li>Strengthening of the National Council of Administration of Justice and the National Council for Children's Services (NCCCS).</li> </ul>
	<ul style="list-style-type: none"> <li>Monitor and evaluate rehabilitation and reintegration programmes/ practices to inform reforms or scaling up.</li> </ul>	<ul style="list-style-type: none"> <li>Training of staff on continuous documentation on the implementation of rehabilitation and reintegration programmes and practices.</li> <li>Holding biannual evaluation exercises targeting the rehabilitation and reintegration programmes and practices.</li> </ul>



## 5. Evaluation Strategy

Evaluation issue/ Question	Indicators	Continuous monitoring Processes	Summative Evaluation: Information Collection Methods
<b>Relevance</b>			
Are the rehabilitation and reintegration programmes set out in the Blueprint compatible with the structures, processes, regulations and policies of the correctional institutions?	<ul style="list-style-type: none"> <li>• Reports on challenges or bottlenecks in the implementation of the programmes due to incompatibility with structures, processes, regulations and policies.</li> <li>• Linking of implementation of programmes to the institutional policy framework and/or other governing frameworks.</li> </ul>	<ul style="list-style-type: none"> <li>• Correctional institutions quarterly reports on the implementation of programmes.</li> </ul>	<ul style="list-style-type: none"> <li>• Interviewing key informants in the respective institutions.</li> <li>• Review of institutional reports.</li> </ul>
Are the rehabilitation and reintegration programmes set out in the Blueprint well designed to address the gaps and needs in rehabilitation and reintegration of child offenders?	<ul style="list-style-type: none"> <li>• Registered positive behavioural changes in offenders – offender conduct logs in institutions.</li> <li>• Offenders reconnected with their families, significant others and communities – reintegration records of offenders.</li> </ul>	<ul style="list-style-type: none"> <li>• Correctional institutions quarterly reports on the rehabilitation and reintegration outcomes.</li> </ul>	<ul style="list-style-type: none"> <li>• Interviewing key informants in the respective institutions; offenders in institutions, released offenders, their families, significant others and communities.</li> <li>• Review of institutional documents.</li> </ul>
Do the rehabilitation and reintegration programmes set out in the Blueprint take into account the contextual realities?	<ul style="list-style-type: none"> <li>• Practical challenges or ease in the implementation of the programmes.</li> </ul>	<ul style="list-style-type: none"> <li>• Correctional institutions quarterly reports on the implementation of programmes.</li> </ul>	<ul style="list-style-type: none"> <li>• Interviewing key informants in the respective institutions.</li> <li>• Review of institutional reports</li> </ul>
Have new rehabilitation and reintegration needs emerged?	<ul style="list-style-type: none"> <li>• Identification of gaps in the rehabilitation and reintegration process.</li> </ul>	<ul style="list-style-type: none"> <li>• Correctional institutions quarterly reports on the implementation of programmes.</li> </ul>	<ul style="list-style-type: none"> <li>• Interviewing key informants in the respective institutions.</li> <li>• Review of institutional reports</li> </ul>
Have the stakeholders owned the rehabilitation and reintegration programmes?	<ul style="list-style-type: none"> <li>• Stakeholder knowledge and awareness of the programmes</li> </ul>	<ul style="list-style-type: none"> <li>• Quarterly records of internal forums relating to the programmes.</li> </ul>	<ul style="list-style-type: none"> <li>• Interviewing key informants in the respective institutions.</li> <li>• Review of institutional reports.</li> </ul>

## 5. Evaluation Strategy

Evaluation issue/ Question	Indicators	Continuous monitoring Processes	Summative Evaluation: Information Collection Methods
<b>Effectiveness</b>			
Has the Blueprint led to uniformity of rehabilitation and reintegration programmes in correctional institutions?	<ul style="list-style-type: none"> <li>Adoption of programmes in the different institutions.</li> </ul>	<ul style="list-style-type: none"> <li>Correctional institutions quarterly reports on the introduction and running of programmes.</li> </ul>	<ul style="list-style-type: none"> <li>Interviewing key informants in the respective institutions.</li> <li>Observation.</li> </ul>
To what extent have rehabilitation and reintegration programmes been streamlined into the entire continuum of the child justice system?	<ul style="list-style-type: none"> <li>Practices facilitating rehabilitation and reintegration at all levels of the justice system.</li> </ul>	<ul style="list-style-type: none"> <li>Filling in of checklists on prescribed practices (preferably simple forms that are not unduly time consuming).</li> </ul>	<ul style="list-style-type: none"> <li>Interviewing key informants in the respective institutions.</li> <li>Observation.</li> </ul>
Are the rehabilitation and reintegration programmes systematically run?	<ul style="list-style-type: none"> <li>Day to day scheduling of programmes.</li> </ul>	<ul style="list-style-type: none"> <li>Correctional institutions quarterly reports documenting programme schedules.</li> </ul>	<ul style="list-style-type: none"> <li>Interviewing key informants in the respective institutions.</li> <li>Observation.</li> </ul>
<b>Efficiency</b>			
What level of funding was required to roll out the programmes?	<ul style="list-style-type: none"> <li>Programme Budgets</li> </ul>	<ul style="list-style-type: none"> <li>Annual budgets</li> </ul>	<ul style="list-style-type: none"> <li>Interviewing key informants in the respective institutions.</li> <li>Review of institutional documents.</li> </ul>
Would there have been cheaper alternatives/ ideas in the utilisation of the resources? Which are these alternatives?	<ul style="list-style-type: none"> <li>Registered budgetary constraints</li> <li>Comparative practices</li> </ul>	<ul style="list-style-type: none"> <li>Quarterly reports highlighting budgetary deficits.</li> </ul>	<ul style="list-style-type: none"> <li>Interviewing key informants in the respective institutions.</li> <li>Focus group discussions.</li> <li>Review of institutional documents.</li> </ul>
<b>Coordination</b>			
Do the agencies in the justice system work together to ensure seamless handling of children from one level to the next?	<ul style="list-style-type: none"> <li>Implementation of Throughcare and Aftercare Procedures and ODPP Diversion Policy.</li> <li>Consistent meetings of the Court Users Committees, Area Advisory Council and Probation Case Committees and addressing of matters raised in the meetings that relate to child offenders</li> </ul>	<ul style="list-style-type: none"> <li>Routine maintenance of individual child offender files.</li> <li>Quarterly reporting on interagency interactions</li> </ul>	<ul style="list-style-type: none"> <li>Interviewing key informants.</li> <li>Focus group discussions involving court users' committee members.</li> </ul>



## 5. Evaluation Strategy

Evaluation issue/ Question	Indicators	Continuous monitoring Processes	Summative Evaluation: Information Collection Methods
<b>Impact</b>			
Are the Blueprint programmes leading to behavioural change?	<ul style="list-style-type: none"> <li>Offender conduct logs.</li> <li>Counsellor-offender contact logs.</li> <li>Social enquiry reports.</li> <li>Environmental adjustment reports.</li> </ul>	<ul style="list-style-type: none"> <li>Consistent recording of offender progress.</li> <li>Quarterly supervision reports by probation officers or chiefs.</li> </ul>	<ul style="list-style-type: none"> <li>Interviewing key informants in the respective institutions.</li> <li>Offender focus group discussions.</li> <li>Review of institutional documents.</li> </ul>
What is the recidivism rate?	<ul style="list-style-type: none"> <li>Five year after-care offender records.</li> </ul>	<ul style="list-style-type: none"> <li>Routine contact (including remote) with ex-offenders and keeping records.</li> </ul>	<ul style="list-style-type: none"> <li>Interviewing aftercare supervisors.</li> <li>Offender focus group discussions.</li> <li>Offenders' parents/significant others/community members focus group discussions.</li> <li>Review of aftercare offender records.</li> </ul>
How has the family, significant others and/or the community been impacted by the child offender who has been subjected to the rehabilitation and reintegration programmes?	<ul style="list-style-type: none"> <li>Reports/information from families, community members, probation officers, children officers, schools or any other institutions which handle the child.</li> </ul>	<ul style="list-style-type: none"> <li>Quarterly supervision reports by probation officers or children officers.</li> </ul>	<ul style="list-style-type: none"> <li>Interviewing aftercare supervisors.</li> <li>Offender focus group discussions.</li> <li>Offenders' parents/significant others/community members focus group discussions.</li> <li>Review of aftercare offender records.</li> </ul>
<b>Sustainability</b>			
What is the source of funding for running the programmes?	<ul style="list-style-type: none"> <li>Institutional budgets.</li> <li>Funding from partners.</li> </ul>	<ul style="list-style-type: none"> <li>Quarterly institutional reports.</li> </ul>	<ul style="list-style-type: none"> <li>Interviewing key informants in the respective institutions.</li> </ul>
Have the agencies in the child justice system been well equipped in terms of skills/knowledge or staff as well as the number of staff engaged?	<ul style="list-style-type: none"> <li>Staff lists.</li> <li>Staff training records.</li> </ul>	<ul style="list-style-type: none"> <li>Annual institutional reports.</li> </ul>	<ul style="list-style-type: none"> <li>Interviewing key informants in the respective institutions.</li> <li>Staff focus group discussions.</li> </ul>







REPUBLIC OF KENYA

Ministry of Labour and Social Protection  
Department of Children's Services

