



2011:4

UTV Working Paper

Jane Amiri  
Arne Tostensen

# Kenya Country Case Study: Child Rights

Commissioned by Norad and Sida



# Kenya Country Case Study: Child Rights

**Commissioned by Norad and Sida**

**Jane Amiri  
Arne Tostensen**

**UTV Working Paper 2011:4**

**Sida**

**Authors:** Jane Amiri, Arne Tostensen

The views and interpretations expressed in this report are the authors' and do not necessarily reflect those of Sida and Norad.

**UTV Working Paper 2011:4**

Commissioned by Sida and Norad

**Copyright:** Sida and the authors

**Date of Final report:** February 2011

**Published by:** Edita

**Art. no.** Sida61389en

**ISBN** 978-91-586-4172-3

**URN:NBN:** se-2011-5

This publication can be downloaded/ordered from:

<http://www.sida.se/publications>

---

SWEDISH INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Address: S-105 25 Stockholm, Sweden. Office: Valhallavägen 199, Stockholm

Telephone: +46 (0)8-698 50 00. Telefax: +46 (0)8-20 88 64

Postgiro: 1 56 34-9. VAT. No. SE 202100-478901

E-mail: [info@sida.se](mailto:info@sida.se) Homepage: <http://www.sida.se>

# Table of Contents

|                                                                           |           |
|---------------------------------------------------------------------------|-----------|
| <b>EXECUTIVE SUMMARY .....</b>                                            | <b>2</b>  |
| <b>Acronyms and abbreviations .....</b>                                   | <b>6</b>  |
| <b>Introduction .....</b>                                                 | <b>8</b>  |
| <b>Methodology .....</b>                                                  | <b>10</b> |
| <b>Backdrop .....</b>                                                     | <b>12</b> |
| <b>Donor interventions .....</b>                                          | <b>18</b> |
| ANPPCAN Kenya .....                                                       | 18        |
| Counter-trafficking .....                                                 | 19        |
| Deaf Aid .....                                                            | 21        |
| Korogocho Community Radio (KOCH FM) .....                                 | 22        |
| Maasai Education Discovery .....                                          | 24        |
| Mathare Youth Sports Association (MYSA) .....                             | 25        |
| Empowering Youth for Development .....                                    | 26        |
| Governance, Justice, Law and Order Sector (GJLOS) Reform Programme .....  | 28        |
| Mainstreaming in Action .....                                             | 31        |
| Nyanza Roads 2000 Programme .....                                         | 34        |
| Diversion Programme for Children in Conflict with the Law .....           | 36        |
| UNICEF: Building a Child Protection System .....                          | 38        |
| <b>Voices of children .....</b>                                           | <b>44</b> |
| Maasai Education Discovery, Narok .....                                   | 44        |
| Milimani Primary School, Nairobi .....                                    | 44        |
| <b>Conclusions .....</b>                                                  | <b>46</b> |
| <b>Recommendations .....</b>                                              | <b>49</b> |
| Mainstreaming vs. targeted interventions .....                            | 49        |
| State-to-state cooperation vs. engagement through CSOs .....              | 49        |
| <b>Appendix 1. Overview of Norwegian and Swedish interventions* .....</b> | <b>51</b> |
| <b>Appendix 2. Persons consulted .....</b>                                | <b>52</b> |
| <b>Appendix 3. References .....</b>                                       | <b>54</b> |

## EXECUTIVE SUMMARY

1. The Kenya country case study forms part of broader evaluation of Norwegian and Swedish aid interventions in support of child rights. While Norway has opted for advancing child rights through targeted interventions, Sweden has chosen an approach that combines child-targeted interventions with the mainstreaming of child rights in all its interventions across the board.
2. An initial mapping of the Norwegian and Swedish portfolios of intervention was undertaken. From a universe of a large number of interventions a small purposive sample of 12 interventions was selected. While not representative in a statistical sense, the sample reflected a cross-section of types of interventions in terms of specific criteria.
3. The adopted methodology was the perusal of available documentation combined with interviews with stakeholders. The mainstreaming prong of Sida's approach was given particular attention to consider its pros and cons.
4. Kenya has a population of 38.7 million. With 43 per cent below the age of 15 and 63.5 per cent below 25 years the country's population is youthful. Since the change of government in 2003 the economy has picked up. Notwithstanding increasing growth rates severe inequalities persist. The foreign debt service ratio is low and stood at 4 per cent in 2008.
5. There has been considerable improvement in child rights-related indicators in the past decade, including a dramatic decline in childhood deaths. Infant mortality decreased to 52 deaths per 1,000 live births in 2008–2009 from 77 in 2003. Similarly, under-five-mortality decreased to 74 deaths per 1,000 live births in 2008–2009 from 115 in 2003. However, stunting, wasting and underweight of children remain a serious challenge. While FGM appears to be declining slowly, it is still practiced in many communities. As a result of the introduction of free primary education in 2003 the gross enrolment rate rose to 112 in 2008. But the transition rate to the secondary level is about half of the relevant cohorts.
6. Kenya ratified the United Nations Convention on the Rights of the Child (CRC) on 30 July 1990. The most recent periodic report to the treaty body was submitted in 2005 and since Kenya is lagging behind in its reporting duties the combined third, fourth and fifth periodic reports is due in September 2012. The Committee on the Rights of the Child commended Kenya for the legal, policy and substantive progress made in meeting its obligations as a duty-bearer. However, more disaggregated statistics were wanting. In its Concluding Observations the treaty body urged Kenya to continue its work towards enforcing existing and adopting new legislation, and to enforce policies already in place. Notwithstanding some legal and policy gaps, what is most needed is implementation. In terms of a composite Index of Child-Friendliness Kenya was ranked number six among all African countries in 2008.
7. The report reviews in some detail 12 different interventions, six funded by Norway and six by Sweden, even though both countries have made contributions to some of them: (a) African Network for the Prevention and Protection against Child Abuse and Neglect (ANPPCAN); (b) Counter-trafficking; (c) Deaf Aid; (d) Korogocho Community Radio; (e) Maasai Education Discovery; (f) Mathare Youth Sports Association; (g) Empowering Youth for Development; (h) Governance, Justice, Law and Order Sector (GJLOS) Reform Programme; (i) Mainstreaming in Action; (j) Nyanza Roads 2000 Programme; (k) Diversion Programme for Children in Conflict with the Law; (l) Building a Child Protection System.

8. In accordance with Article 12 of the CRC on the child's right to be heard, two sessions were held with children, one involving direct beneficiaries of a project and another with a primary school human rights club. They exhibited impressive knowledge and awareness of child rights and considerable assertiveness about their ambitions.
9. The legal and policy framework with regard to child rights in Kenya has improved tremendously in recent years. The change of government following the 2002 elections is no doubt a major factor driving this change. Although this development is not attributable to the interventions of specific donors, it would be fair to say that the donor community – Norway and Sweden included – has made significant contributions to that achievement, in conjunction with the government of Kenya and Kenyan CSOs.
10. CSO involvement in state interventions tends to make those interventions more child-friendly. Furthermore, the role of civil society in government reporting and its contributions to the improvement of government systems are noteworthy. Many CSOs have played key roles in food distribution and other services during emergencies.
11. Although the improvement of service provision for children and child protection has been lagging behind progress in the legal and policy framework, considerable improvements have been seen in that regard as well. Notable cases in point are the introduction of free primary education in 2003 and the cash transfer programme as from 2004.
12. The relationship between government and civil society remains ambiguous. On the one hand, large parts of civil society have adopted a stance of collaboration and complementarity. On the other hand, other parts of civil society prefer to maintain a watchdog position vis-à-vis government institutions and are wary of being co-opted. Most CSOs continue advocacy activities on an array of issues. Nearly all of them contributed to the 'shadow' report to the official submission by Kenya as a state party to the CRC.
13. The building of a functioning child protection system is in progress but needs further development to be sustainable. Towards that end, the government has firmed up its commitment by increasing its budgetary allocations to the Dept. of Children's Services, to the educational sector, mainly at the primary level, and to the cash transfer programme. Through the sector-wide GJLOS reform programme a large number of ministries and departments have begun working together towards common objectives in the justice sector.
14. Notwithstanding great strides towards the fulfilment of child rights, huge challenges of policy implementation and law enforcement remain. With the promulgation of the new constitution additional legal reforms are needed. The legal provisions can be used to leverage further action by the government and to increase budgetary allocations to meet international obligations as a duty-bearer and to give substance to domestic legal commitments. Nonetheless, the financial and human resource constraints are bound to persist. The demands on the Kenyan state are numerous; respecting, protecting, promoting and fulfilling child rights are but one of them. The sustainability of what has been achieved to date can only be secured if commensurate budgetary and human resources are provided. The donors can only provide a short-term respite by supplying funds and technical advice. At some stage the donors will have to exit, while the long-term obligations rest on the government's shoulders.
15. The donor community has to make a choice as to the level and channel of intervention. Interaction at the level of the state has a main advantage: the potential for long-term sustainability by establishing state structures with adequate resources and a policy and legal environment conducive to fulfilling child rights. But this level of intervention also carries risks and disadvantages: undue political interference and corruption coupled with a lethargic civil service.

16. The alternative level of intervention is that of civil society. There is some merit to the argument that CSOs are more effective than government institutions in satisfying immediate needs in the short and medium term and in responding quickly to new challenges. The downside of the CSO mode of operation is the typical intervention by means of discrete and disparate projects with limited and/or uneven coverage. Also, the financial sustainability of CSOs is a perennial problem because they are seeking funding from the same sources and competing among themselves for those funds. To date, both Norway and Sweden have adopted a two-pronged approach as far as aid channels are concerned. While interacting and supporting state institutions directly they have at the same time channelled considerable funds through CSOs. Apparently, they see the two channels as complementary rather than contradictory.
17. Apart from the choice of intervention level, the donors – in this case Norway and Sweden – have to consider the pros and cons of mainstreaming and targeted interventions in favour of children. Mainstreaming is a very ambitious approach that requires continuous attention by staff across the board, not only within Sida but also by recipient partners in the South. Previous evaluations of mainstreaming have shown that it has proven exceedingly difficult to live up to the high level of ambition. It would not be correct, however, to discard mainstreaming as a failed approach. Its justification, rationale and potential impact are compelling arguments in favour of retaining mainstreaming as one prong of intervention. But donors must acknowledge the resource requirements involved to make it work. While aware of the challenges, it seems that Sida has not yet taken that insight fully on board in an operational sense; in practice it continues to hobble along while the lofty ambitions remain largely rhetorical.
18. The child-targeted approach appears to have produced better tangible results, whether the channel is state-to-state or through CSOs, because such interventions are generally more focused and often limited in scope, size and time horizon. It does not follow, however, that targeting is preferable to mainstreaming. For the neatness of child-targeted interventions in terms of scope, size and duration is also their greatest weakness. They often lack strategic direction and sustainability.
19. A choice is made between discernible alternatives with respect to modes of intervention: (a) between mainstreaming and child-targeted interventions in terms of child rights; and (b) between channels of intervention and interaction, i.e. between state-to-state collaboration and engagement with civil society, whether or not the mode of intervention is mainstreaming or targeted. Support through CSOs tends to be targeted, however, but need not be, as a matter of principle.
20. All the assessed interventions are highly relevant in assisting Kenya to honour its obligations as the principal duty-bearer in terms of the CRC. Likewise, they are relevant in terms of the obligations of donors as secondary, extra-territorial duty-bearers to provide development assistance. Furthermore, they are relevant by being complementary to the actions of the Kenya government, whether the assistance is channelled to state institutions or through CSOs. Beyond the framework of the CRC, the assistance provided by Norway and Sweden is also contributing towards the achievement of the MDGs, generally towards poverty reduction with emphasis on child poverty (MDG 1) and especially with regard to primary education (MDG 2). Moreover, key principles of the Paris Declaration – harmonisation, alignment, and ownership – have by and large been observed, albeit variably so.
21. In terms of effectiveness, most of the interventions assessed have performed satisfactorily, some even very well. But the performance is uneven. However, the challenge is the patchy nature of interventions. It must be acknowledged that external aid cannot be expected to fill *all* the gaps. It should also be noted that much development assistance – e.g. to the health and education sectors – tends to favourably affect the well-being of children, even if the child rights perspective is only implicit. The strides made in creating a legal and policy framework conducive to child rights observance represent a formidable challenge of implementation and enforcement – both with respect to financial and

human resources. The primary responsibility for meeting that challenge rests on the Kenyan state as the principal duty-bearer, notwithstanding the obligation of the international donor community to assist in a complementary fashion. International aid does not exonerate the Kenyan state from that responsibility.

22. The greatest shortcoming is sustainability. Even though the government budgetary provision has increased considerably there is still a long way to go before financial sustainability has been reached. Correspondingly, human resource constraints will persist for some time to come, despite training programmes on a large scale. Above all, the awareness of child rights in different segments of the population, in civil society and the civil service needs to be enhanced to buttress action towards fulfilling Kenya's CRC obligations. The long-term impact of achievements to date hinges to a large extent on sustainability and if sustainability is in question the impact will *ipso facto* be questioned.
23. The comparative merits of targeted interventions are quick results while the main weaknesses are limited coverage, short duration and low sustainability. By contrast, mainstreaming is slower in producing results and more resource-demanding, though with better prospects of long-term sustainability. However, one prong does not exclude the other. It is recommended, therefore, to combine the two approaches. If and when opting for a two-pronged approach, Norway and Sweden must be prepared for the cost consequences.
24. Practical steps need to be taken to overcome the shortcomings of mainstreaming. First, efforts must be made towards identifying synergies between the multiple mainstreaming issues with a view to handling them in conjunction, or alternatively establishing a hierarchy of policy priorities. Second, efforts must be redoubled to integrate into daily routines the experiences and lessons learned through training, e.g. by producing better manuals and providing support facilities (a fast-responding help desk) for programme officers. Third, the mainstreaming policies must be made more applicable and practicable by clarifying concepts and objectives.
25. The efforts to build a functioning child protection system has yielded results, notwithstanding resource constraints and challenges of absorptive capacity in the civil service. But building a child protection system is no quick-fix matter; a long time horizon is required, probably a couple of decades. It should be underscored that a functioning and sustainable child protection system can only be state-based. No matter how dedicated and diligent CSOs might be, they will never be able to replace the state and carry and sustain a nationwide child protection system. This reasoning underpins a strong case for state-to-state cooperation.
26. However, state-to-state cooperation tends to move slowly. Therefore, Norway and Sweden would be well advised to opt for a combination of state-to-state cooperation and intervention through CSOs. There is considerable scope for CSO activities for a long time to come. Yet, complementarity between two approaches is emphasised: state-to-state cooperation as the principal long-term, sustainable approach complemented by ancillary CSO interventions – whether targeted or not – in the short and medium run. The donors would chart exit strategies as the state-based child protection system is firming up and role of civil society in service delivery and protection would diminish, albeit not obviated altogether.
27. The advocacy and watchdog roles of CSOs will remain of pivotal importance. No matter the nature of a political regime, a state is always a state. The need for vigilance and advocacy in order to hold the government to account will never become redundant. Civil society is indispensable to keep child rights high on the agenda.

## Acronyms and abbreviations

|         |                                                                                   |
|---------|-----------------------------------------------------------------------------------|
| AAC     | Area Advisory Council                                                             |
| AIDS    | Acquired Immune Deficiency Syndrome                                               |
| ANPPCAN | African Network for the Prevention and Protection against Child Abuse and Neglect |
| BAFOPE  | Baghdad for Peace                                                                 |
| BBC     | British Broadcasting Corporation                                                  |
| CBO     | Community-Based Organisation                                                      |
| CCI     | Charitable Children Institutions                                                  |
| CDF     | Constituency Development Fund                                                     |
| CJPC    | Catholic Justice and Peace Commission                                             |
| CLAN    | Children's Legal Action Network                                                   |
| CRADLE  | Child Rights Advisory, Documentation and Legal Centre                             |
| CPC     | Child Protection Centre                                                           |
| CPU     | Child Protection Unit                                                             |
| CRC     | Convention on the Rights of the Child                                             |
| CSO     | Civil Society Organisation                                                        |
| CSR     | Corporate Social Responsibility                                                   |
| CWSK    | Child Welfare Society of Kenya                                                    |
| DFID    | Department for International Development (now UKAid)                              |
| DCS     | Department of Children's Services                                                 |
| EC      | European Commission                                                               |
| EPI     | Expanded Programme on Immunisation                                                |
| FBO     | Faith-Based Organisation                                                          |
| FIDA    | Federation for Women Lawyers                                                      |
| FIFA    | Fédération Internationale de Football Association                                 |
| FGM     | Female Genital Mutilation                                                         |
| Forum   | Forum for Child Rights Initiatives                                                |
| GCN     | Girl Child Network                                                                |
| GDP     | Gross Domestic Product                                                            |
| GJLOS   | Governance, Justice, Law and Order Sector Reform Programme                        |
| GNI     | Gross National Income                                                             |
| GoK     | Government of Kenya                                                               |
| GTZ     | Gesellschaft für Technische Zusammenarbeit                                        |
| HIPC    | Heavily Indebted Poor Country                                                     |
| HIV     | Human Immunodeficiency Virus                                                      |
| ILO     | International Labour Organisation                                                 |

|         |                                                    |
|---------|----------------------------------------------------|
| IOM     | International Organisation for Migration           |
| JICA    | Japan International Cooperation Agency             |
| KAACR   | Kenya Alliance for Advancement of Children         |
| KDHS    | Kenya Demographic and Health Survey                |
| KEC     | Kenya Episcopal Conference                         |
| KeRRA   | Kenya Rural Roads Authority                        |
| KES     | Kenya shilling                                     |
| KESSP   | Kenya Education Sector Support Programme           |
| KNCHR   | Kenya National Commission on Human Rights          |
| KOCH FM | Korogocho Community Radio                          |
| KRA     | Key Result Area                                    |
| LRF     | Legal Resources Foundation                         |
| MDG     | Millennium Development Goal                        |
| MED     | Maasai Education Discovery                         |
| MFA     | Ministry of Foreign Affairs                        |
| MoU     | Memorandum of Understanding                        |
| MTEF    | Medium-Term Expenditure Framework                  |
| MTSP    | Medium-Term Strategic Plan                         |
| MYSA    | Mathare Youth Sports Association                   |
| NCA     | Norwegian Church Aid                               |
| NCCK    | National Council of Churches of Kenya              |
| NCCS    | National Council for Children's Services           |
| NGO     | Non-Governmental Organisation                      |
| NOK     | Norwegian krone                                    |
| NYS     | National Youth Service                             |
| OR-E    | Other Resources-Emergency                          |
| OR-R    | Other Resources-Regular                            |
| OVC     | Orphans and Vulnerable Children                    |
| RR      | Regular Resources                                  |
| SEK     | Swedish krona                                      |
| SMEP    | Small and Micro Enterprise Programme               |
| SWAP    | Sector-wide Approach                               |
| UNDEC   | United Nations Office on Drugs and Crime           |
| UNDP    | United Nations Development Programme               |
| UNICEF  | United Nations Children's Fund                     |
| USAID   | United States Agency for International Development |
| WASH    | Water, Sanitation and Hygiene                      |

# Introduction

This specific country case study of Kenya forms part of broader evaluation of Norwegian and Swedish aid interventions in support of child rights. Three other case studies cover Guatemala, Mozambique and Sudan. Based on the findings of these four cases a synthesis report will be made to summarise experiences and lessons learned. The evaluation also involves a measure of comparison between the differing approaches of the two donors. While Norway has opted for advancing child rights through interventions targeted at given categories of children, Sweden has chosen an approach that combines child-targeted interventions with the mainstreaming of child rights in all its interventions across the board.

Before embarking on country studies a mapping of the Norwegian and Swedish portfolios of intervention was undertaken. The different approaches had far-reaching implications: the size of the Swedish portfolio was much larger than that of Norway due to its much broader coverage. By contrast, the Norwegian portfolio was comparatively neat and more manageable. Based on the compiled portfolios for the four countries concerned, a purposive sampling of interventions was made for each country, involving a measure of discretion and judgement. The key selection criteria were: (i) target group; (ii) expenditure volume; (iii) type of implementing organisation; (iv) sector; and (v) type of activity. The intention was not to draw a representative sample in a statistical sense but care was taken to ensure that a cross-section of interventions was included (see appended table of the ultimate sample).

A shortlist of interventions in Kenya was thus arrived at. Owing to the emphasis on the utilisation of the evaluation the Steering Group and stakeholders in Norway and Sweden were initially consulted. Thereafter, the shortlist was presented to Kenyan stakeholders at an inception workshop at the start of field work; at this stage, however, children were not included among the stakeholders. In view of the time constraint, the intention was to reduce the list to altogether 10–12 interventions. It proved impossible, however, for the stakeholders to eliminate any of the listed interventions. Instead, they delegated it to the evaluators to make the ultimate selection. The Norwegian and Swedish samples (six interventions each) were as follows:

## *Interventions supported by Norway:*

- African Network for the Prevention and Protection against Child Abuse and Neglect (ANPPCAN);
- Counter-trafficking;
- Deaf Aid;
- Korogocho Community Radio (KOCH FM);
- Maasai Education Discovery (MED);
- Mathare Youth Sports Association (MYSA).

## *Interventions supported by Sweden:*

- Empowering Youth for Development
- Governance, Justice, Law and Order Sector (GJLOS) Reform Programme
- Mainstreaming in Action
- Nyanza Roads 2000 Programme
- Save the Children Sweden: Diversion Programme for Children in Conflict with the Law
- UNICEF: Building a Child Protection System

Each of these interventions is described and analysed in some detail below. As a whole they make up the ‘meat’ of the country case study. They are treated in the order listed above but it is important to bear in mind that taken together they constitute *one* body of evidence and findings that forms the basis of the conclusions and lessons learned. The recommendations formulated are applicable at the country level; we do not suggest recommendations for each of the separate interventions.

This country case report contains by way of introduction a section on methodology followed by a backdrop on child rights in Kenya, including the legal and policy environment as well as the provision of services to children. It is against this backdrop that the interventions by donors are assessed. The main substantive section provides a description and analysis of altogether 12 interventions. The penultimate section draws some conclusions and comparative perspectives, before the final section that advances some recommendations.

Even though it is strictly speaking not part of the terms of reference, mention must be made of the ethical aspects of abruptly discontinuing the funding of individual projects addressing the needs of particularly vulnerable groups. While it is appreciated that donors’ country programmes need reviewing and streamlining from time to time, care must be taken to avoid that vulnerable recipients suffer in that process. The Kenya portfolios of both Norway and Sweden comprise projects that are at risk of termination in the near future for reasons that have nothing to do with the performance of those projects. As evaluators we have noted considerable apprehension and nervousness about such gloomy prospects on the part of CSOs (and even UN agencies) that manage projects in that category. Some of them are struggling to diversify their funding sources while others have embarked on rather ambitious plans in the anticipation that funds will continue to flow. Few, if any, have prepared for the day when donors inevitably have to exit. For their part, neither Norway nor Sweden seems to have formulated exit strategies that provide some respite for the recipients to adjust to a new funding situation. We venture, therefore, to question whether it is ethically defensible (even if its legality is impeccable) to phase out projects that are clearly far from completion. Project cases at risk include counter-trafficking; deaf aid; Maasai education discovery; empowering youth for development; and the diversion programme for children in conflict with the law, and possibly others.

## Methodology

This country case study is based first and foremost on the perusal of a large number of reports of various descriptions from agencies and stakeholders, e.g. previous reviews and evaluations; annual reports; thematic and synthesis reports; brochures; manuals; bills and laws; electronic online sources; working papers; academic articles; assessment memos and appraisals; briefings; newspaper articles, etc. Some of these documents were acquired before field work commenced but the bulk of them were obtained only while in the field. It should be added, moreover, that while the secondary material was generally rich its quality and accuracy varied considerably. Above all, it must be emphasised that baselines were generally missing, which made it exceedingly difficult to determine with any appreciable degree of precision what results had been achieved. In the few instances when baselines did exist, they were not used systematically in subsequent evaluations to establish effects.

Second, complementary to the written secondary material a large number of personal interviews were conducted with stakeholders (see the appended list of persons consulted). Most of them were involved in the execution of the selected interventions while others were simply knowledgeable about the situation of children in the country. Owing to the compressed time schedule it proved difficult to make appointments with some key informants. Some loose ends were pursued by the local consultant and several interviews made after the international consultant's departure from Kenya. The interviews were very useful in order to fill in the 'between-the-lines' information missing in the reports. Unless the text refers to specific written sources, the information obtained emanate from interviewees. Third, direct observation by the evaluators during visits to a few project sites also informed our understanding of what had transpired. Fourth, focus group discussions were held with two groups of children and one project group of recipients (see separate section below).

The investigations paid considerable attention to the mainstreaming element of Sida's approach. It was important to consider the pros and cons of this strategic prong. The discussion in the section on interventions below on the 'Mainstreaming in Action' initiative provides some insights but additional factors need to be taken into account. In 2007, Sida commissioned a synthesis report on the experiences with its mainstreaming policy and practice (Uggla 2007). The report covered the mainstreaming of three cross-cutting concerns: gender; the environment; and HIV and AIDS. Admittedly, it did not address the mainstreaming of child rights explicitly but many of the observations made and the lessons learned probably apply to child rights mainstreaming as well.

Mainstreaming is a very ambitious approach indeed. Its underlying rationale is that certain policy issues are of such paramount importance that they need to inform all undertakings. In principle, mainstreaming requires the entire organisation to be capable of implementing it, e.g. possessing the requisite knowledge and practical skills to infuse every intervention with a child rights perspective. At that, the endeavour needs to be continuous to be effective, not a one-off exercise. Furthermore, the partners at the recipient end also need to buy into the approach and be up to speed on how to implement it. That is a tall order in any circumstance and these preconditions are generally not fulfilled. Responsibility for mainstreaming – regardless of the issue – is often passed on to officers who may or may not have the competence, skills and interest to carry out the task, and who are likely to consider other tasks to be of higher priority.

The 'Mainstreaming at Sida' report noted that "Sida has not managed to effectively implement any of the [mainstreaming] policies. Rather, treatments of these themes appear to be erratic, frequently disregarded, and often subject to the interest and commitment of individual staff members" (Uggla 2007:5). Sida has adopted bold mainstreaming policies and Sida staff appear highly committed to implementing them with the best of intentions. Yet, written guidelines and tools available in the organisation were

seldom used or often found difficult to apply in specific circumstances (Uggla 2007:20). As a result, in practical implementation Sida falls short of its mainstreaming ambitions. In other words, there is a considerable gap between what Sida professes to do and what it actually does (Uggla 2007:19). The shortcomings are related to Sida's internal organisation. There is an overload of policies and guidelines, yet an absence of clarity about goals, lack of systems for follow-up and learning, and inadequate staff competence to undertake the necessary analyses (Uggla 2007:5). The 'crowded' policy agenda leads to competition for attention between policies and so far no rules and regulations have been introduced to handle prioritisation. At the end of the day, each programme officer is left to make up her/his own order of priority (Uggla 2007:22). Mechanisms for sharing lessons and learning are also deficient. The new aid architecture with donor harmonisation and alignment would add to the challenge of mainstreaming – especially when taking into account sector or general budget support as a key element (Uggla 2007:18).

## Backdrop

Kenya is a multi-ethnic country in East Africa with a total population of 38.7 million, of which 68 per cent is rural-based (KNBS 2010). In terms of religious affiliation, Christian denominations predominate, with a sizable Muslim minority, largely in the Coast and North Eastern provinces. The annual population growth rate is 2.7 per cent but has been declining during the inter-census period (IEU 2008:12). The current total fertility rate is 4.6 births per woman, though significantly higher in rural areas (5.2) than in urban areas (2.9). Remarkably, the total fertility rate is down from 8.1 births in 1975–1978, which suggests that Kenya is well into a demographic transition (KNBS 2009a:11). With 43 per cent below the age of 15 and 63.5 per cent below 25 years the country's population is youthful indeed (KNBS 2010). This represents a formidable challenge for the government as a duty-bearer in terms of the CRC.

Since the change of government after the 2002 elections the economy started to pick up and grew gradually until reaching a peak growth rate of 7.1 per cent in 2007. The Gross National Income per capita was USD 770 in 2008 (World Bank 2010b:378). However, the civic unrest in the wake of the 2007 elections caused the 2008 economic growth rate to plummet to 1.7 per cent, the lowest since 2003 (Ministry of Planning 2009). However, economic growth started to pick up again in 2009 but the distribution of growth has been a controversial political issue. Kenya ranks among the most unequal countries in the world and the inequality has a distinct rural and female face; rural women and children are hardest hit. This gross inequality has led to poverty, insecurity, crime, social unrest and undermines overall economic growth and development (APRM 2006:46). The Gini coefficient has tended to increase slightly, meaning that the rich are benefiting more than the poor from the economic upturn (Oyugi 2008:125). Poverty is notoriously difficult to measure and different estimates and figures abound. It is certain, nevertheless, that poverty remains a serious challenge for Kenya, including for children. In 2005–2006 the percentage of the population living below USD 2 per day was 39.9, down from 42.7 in 1997 (World Bank 2010b:380).

Unlike its neighbours and many other sub-Saharan African countries Kenya is not classified as a Heavily Indebted Poor Country (HIPC). The debt service ratio – the repayment of loans and interest as a percentage of total exports of goods and services – stood at 4 per cent in 2008 (KNBS 2009b:11). While the high economic growth rates have produced a good foundation for addressing poverty and the plight of children, the distributional effects remain a challenge. The paragraphs below suggest that improvements have been recorded in a number of social sectors, resulting from public investment, although tough challenges remain.

The 2008–2009 Demographic and Health Survey (KDHS) showed a dramatic decline in levels of childhood deaths compared to those rates observed in the 2003 and 1998 surveys. For example, the infant mortality rate decreased to 52 deaths per 1,000 live births in 2008–2009 from 77 in 2003. Similarly, the under-five-mortality rate decreased to 74 deaths per 1,000 live births in 2008–2009 from 115 in 2003 (KNBS 2009a:14). This improvement in child survival is no doubt in part attributable to the child vaccination coverage and the use of insecticide-treated mosquito nets. Overall, 77 per cent of children aged 12–23 months were fully vaccinated against six preventable childhood illnesses (tuberculosis, diphtheria, pertussis, tetanus, polio and measles) and only 3 per cent had not received any vaccines at all (KNBS 2009a:19–20). More than half of the children under five years were reported to have slept under a mosquito net the night prior to the interview (KNBS 2009a:23).

Three anthropometric indicators depict the nutritional status of children: height-for-age (stunting); weight-for-height (wasting); and weight-for-age (underweight). Stunted children, i.e. those too short for their age, are the results of inadequate nutrition over an extended period and recurrent or chronic

illness. The 2008–2009 KDHS found that 35 per cent of Kenyan children are stunted, while 14 per cent are severely stunted. Wasted children, i.e. those whose weight is too low for their height, result from inadequate nutrition and illnesses such as diarrhoea, or a rapid deterioration in food supplies. Seven per cent of Kenyan children are wasted, with 2 per cent severely wasted. Underweight children, i.e. those whose weight is too low for their age, reflect the effects of both acute and chronic malnutrition. Sixteen per cent of Kenyan children are underweight, with 4 per cent classified as severely underweight (KNBS 2009a:25–26).

Female genital mutilation (FGM) is practiced in many Kenyan communities. Just over one-quarter (27 per cent) of women reported that they themselves had been circumcised. The practice appears to be diminishing among younger women, declining from 49 per cent among women aged 45–49 to only 15 per cent among those aged 15–19. Rural women are more likely than urban women to have been circumcised. There are wide regional differentials: almost all women in North Eastern Province (98 per cent) reported having been circumcised, compared to less than one per cent in Western Province. The practice is far less prevalent among educated women than those with no education, and FGM appears to be declining slowly over time (KNBS 2009a:34).

Since the introduction of free primary education in 2003 the enrolment has shot up. The Gross and Net Enrolment Ratios at the primary level in 2008 was 112 and 82, respectively. The corresponding figures at the secondary level were 58 and 49 (World Bank 2010a:107). In other words, the transition rate from primary to secondary levels is about half of the age cohorts. The quality of education has been questioned, however, as suggested by the teacher/pupil ratios. In 2008 the primary teacher to pupil ratio was 1:50 in public schools, while the corresponding ratio at the secondary level was 1:32 (KNBS 2009b:22). Apart from these ratios, the availability of textbooks and teaching material is problematic. The primary completion rate was 80 per cent of the relevant age group in 2008 – 85 per cent for boys and 75 per cent for girls (World Bank 2010a:115).

Kenya ratified the United Nations Convention on the Rights of the Child (CRC) on 30 July 1990.<sup>1</sup> The convention has been translated into Kiswahili, sign language, Braille and several vernacular languages (CRC 2006a:21). In order to domesticate the CRC Kenya enacted in 2001 the Children Act which entered into force on 1 March 2002. This statute is a pioneering human rights law in Kenya's legislative history. It contains many provisions regarding economic, social and cultural rights (notably free primary education) alongside the protection of civil liberties. Under the Act, the National Council of Children Services was established, charged with the responsibility for supervision and control over the planning and coordination of child rights and welfare activities, while the Department of Children's Services was tasked with providing services for children and securing their rights. While Kenya made no reservations when ratifying the convention, certain provisions of the Children Act contravene some articles of the CRC.

As a state party to the convention, Kenya is required to submit reports every five years and did submit its second periodic report in 2005 (CRC 2006a). It should be pointed out that although this report is an official government document it was produced with the assistance of a number of CSOs working in the field of child rights; it is generally of high quality. The report notes that the Kenya National

---

<sup>1</sup> Kenya has also acceded to or ratified a number of child rights and other rights instruments such as: (i) African Charter on the Rights and Welfare of the Child (25 July 2000); (ii) International Convention on the Elimination of All Forms of Racial Discrimination (13 September 2001); (iii) ILO Convention No. 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (7 May 2001); (iv) Optional protocol on the Involvement of Children in Armed Conflict (28 January 2002); (v) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime (5 January 2005); (vi) Protocol to the African Charter on Human and People's Rights on the Establishment of an African Court on Human and People's Rights (4 February 2004); and (vii) Rome Statute of the International Criminal Court (15 March 2005). However, the Hague Convention on the Civil Aspects of International Child Abduction has not yet been ratified by Kenya.

Commission on Human Rights (KNCHR) was set up in 2003 and that budgetary provisions towards the fulfilment of child rights had increased substantially, even if it is difficult to separate expenditures targeting children directly from those that only indirectly benefit children. Thereafter, the report reviews progress in some detail with reference to one substantive CRC article after another, pointing out what has been done so far and what remains to be done. The text is replete with statements to the effect that achievements have been made but many challenges lie ahead. In many respects the report is quite frank in admitting shortcomings and is interspersed with quotations by children that liven up the otherwise terse text.

After considering Kenya's report the treaty body requested Kenya to provide disaggregated statistical data on the situation of children with regard to a series of parameters, as well as on budget allocations and trends over time (CRC 2006b). The committee evidently found the information provided in the original report as being too general. In its response, Kenya provided the detailed statistical information as requested to the extent such statistics were available, plus other clarifying answers (CRC 2006c). The treaty body also pointed out the inconsistency of the definition of a child in various domestic laws. The CRC and the Children Act define a child as a person below the age of 18. So does the new constitution that two-thirds of the voters accepted in a referendum on 4 August 2010. However, the Marriage Act and the Hindu Marriage and Divorce Act have not been harmonised with the Children Act to protect children from early marriage. Likewise, customary law and Islamic law allow persons under the age of 18 to be married. The age for sexual consent has been raised from 14 to 16 years for girls but the corresponding age of sexual consent for boys has not been defined. With regard to labour, it is proposed that children aged 13 may engage in light work while those between 16 and 18 years may engage in any kind of employment. The age of criminal responsibility remains 8 years (Kenya NGO CRC Committee 2006:13).

In its concluding observations the treaty body urges Kenya to continue its efforts to harmonise all legislation appertaining to children and to make every effort to effectively implement the Children Act. Furthermore, the committee recommends that Kenya allocates adequate resources to the KNCHR so as to enable it to discharge all of its tasks in line with the Principles Relating to the Status of National Institutions (Paris Principles). Moreover, it recommends that budgetary allocations be increased for the implementation of the rights of the child. The committee also recommends that the system for data collection be improved as a basis for better monitoring of progress. Not least does the treaty body urge Kenya to expedite the ongoing review and amendment process of the Children Act. A number of other requests are also made towards implementing policies and enforcing legislation already in place. The recent promulgation of the new constitution adds the urgency of harmonisation. Finally, Kenya is invited to submit a consolidated third, fourth and fifth report by 1 September 2012 – which is the date for submission of the fifth regular report – because Kenya has been lagging behind in its reporting (CRC 2007).

A coalition of CSOs submitted a 'shadow' report in 2006 and dubbed it complementary as distinct from an alternative report, ostensibly to signal a collaborative rather than an adversarial posture (Kenya NGO CRC Committee 2006). It is interesting to note that although the KNCHR is a government institution – albeit autonomous in its operations – the CSO coalition was convened under its auspices in order to produce the parallel report. The KNCHR hosted all the meetings and the Kenya Alliance for Advancement of Children (KAACR) served as the secretariat. Thus, the KNCHR played a dual role: *both* as a key contributor to the official report by Kenya as a state party to the CRC *and* as the convenor and contributor to the 'parallel' report produced by civil society. Whereas the former role is central to its mandate, the latter reflects the degree of autonomy the KNCHR has enjoyed and the remarkable confidence and respect it seems to command in civil society. Although a state institution, in effect the KNCHR has to a large degree acted as a watchdog on the government, sometimes voicing sharp

criticism. This posture probably reflects the fact that some commissioners and many staff members have a background from civil society rather than from the civil service.

While commending the government for taking numerous steps in the right direction, the overall message of the parallel or complementary report is that most of the legal child rights instruments are in place; what is lacking is implementation. Echoing and reiterating the concluding observations of the treaty body and the Kenya government's own admissions in the official report, the shadow report points to a number of gaps that need to be closed. In particular, it urges the government to enact a number of pending bills and to launch draft policies. Such action would go a long way towards meeting the obligations incumbent upon Kenya in terms of the CRC. Furthermore, the CSO coalition in its report draws attention to the fact that 52 primary pieces of legislation dealing with issues related to children have not been reviewed to bring them into conformity with the provisions of the CRC. Moreover, the KNCHR is resource-strapped and therefore unable to discharge its mandate fully. Notwithstanding its resource constraints, the KNCHR managed to address child rights within its broad human rights mandate. Currently, it has tasked two commissioners to handle child rights specifically.

As a key institution in the field of child rights the Department of Children's Services (DCS) has justifiably listed a number of achievements (partly in conjunction with other state institutions, CSOs, UN agencies and other donors):<sup>2</sup>

- a) Providing inputs to the ongoing review of the existing Children Act in order to produce an amendment bill incorporating a series of elements that were left out previously and to introduce clearer language;
- b) Harmonising other acts with the provisions of the CRC and the Children Act when amended;
- c) Promoting the establishment of Area Advisory Councils (AACs) in the districts, even though the entire country is not yet covered and not all councils operate satisfactorily;
- d) Enhancing the voices of children by producing a child participation guide;
- e) Contributing with others to the production of the anti-trafficking bill that is now pending before parliament;
- f) Contributing to the production and submission of Kenya's report on the African Charter on Human and People's Rights;
- g) Helped to establish the cash transfer programme for orphans and vulnerable children that is enjoying increasing support and in a process of scaling up;
- h) Contributing to the establishment of the toll free help line (116) for children which is now operating well;
- i) Contributing to capacity building within the department and in other ministries;
- j) Partnered with the Teachers' Service Commission about training of teachers and the issuance of a circular on child protection (including corporal punishment which is still commonplace in the schools, despite the fact that it was outlawed already in 2001);
- k) Contributing in conjunction with civil society to the establishment of Child Protection Units (CPUs) in selected police stations;
- l) Contributing to awareness-raising with regard to child rights in Kenyan society at large.

---

<sup>2</sup> Based on an interview with the Director of the Dept. of Children's Services and corroborated by other informants.

Current priorities, reflecting gaps, include: (i) continued work towards establishing a functioning child protection system involving all stakeholders and coordinated by the National Council for Children's Services (NCCS); (ii) finalising the review of the existing Children Act; (iii) preparation of new regulations for children in institutions after a three-year assessment period; (iv) continued efforts to create opportunities for children to stay in families or foster care; (v) scaling up the cash transfer programme; (vi) continued awareness-raising among all stakeholders across the board, including in the educational system; (vii) continued capacity building, training and expansion of infrastructure (equipment) in relevant departments of the civil service.

As a reflection of the government's commitment to child rights the budgetary allocations to the DCS have increased dramatically in recent years, albeit from a low level, which means that substantial budgetary gaps remain. But the direction of movement is encouraging. Many donors have also contributed to the increased flow of funds in favour of children. One might say that there is a consortium of major donors supporting child rights. Among the multilateral agencies UNICEF, the International Organisation for Migration (IOM) and the World Bank have been major supporters. The main bilaterals include DFID, Sweden and Norway (directly and through UNICEF), the Gesellschaft für Technische Zusammenarbeit (GTZ) and Japan International Cooperation Agency (JICA). The latter two have provided child rights experts to the ministry. International NGO donors include Save the Children (Canada, UK, Finland and Sweden) and World Vision. Collaboration with Kenyan CSOs, including faith-based organisations, has been excellent in many fields. The Children's Legal Action Network (CLAN) is a major contributor to legal aid for children and many CSOs take active part in the production of official reports to the treaty bodies of the CRC and the African Charter. The helpline for children warrants highlighting because it was originally a CSO initiative which was later established as a public facility.

Through the multi-donor Governance, Justice, Law and Order Sector Reform Programme (GJLOS) the DCS has benefited greatly from training and capacity building for officers. In terms of supplies and equipment GJLOS also provided 15 vans that are being used e.g. to transport children from police stations to remand homes; 60 computers and some photocopiers, as well as stationary. Apart from tangible equipment and training provided, GJLOS served to bring together agencies in the justice system that otherwise would be unlikely to work together. Close liaison is important for enhancing a greater appreciation of the interdependence and indivisibility of child rights throughout the justice system and society at large.

The challenges ahead to law enforcement and policy implementation are many. Foremost is the need to expand the capability and capacity of the implementing institutions to perform the tasks incumbent upon them. The police service represents a particular challenge. Officers need greater awareness of child rights. And not least, awareness of child rights in society at large leaves a lot to be desired. With regard to the passage of legislation, the slowness with which parliament is moving may be an impediment.

In 2008, the African Child Policy Forum published its African Report on Child Wellbeing 2008 (African Child Policy Forum 2008). A composite Index of Child-Friendliness was constructed based on two dimensions: (a) protection and (b) provision. Each dimension was broken down into sub-components and indicators. With regard to protection the accession to or ratification of international legal instruments was given much weight, as was enacted domestic legislation towards the same end. The dimension of provision was broken down into two sub-components: (i) budgetary commitment, and (ii) child-related outcomes. Indicators of budgetary commitment included government expenditure on health as a percentage of total expenditure; total expenditure on education as a percentage of GDP; budget percentage for the routine Expanded Programme on Immunisation (EPI) financed by government; military expenditure as a percentage of GDP; and percentage change in government expenditure on health since the year 2000. The child-related outcomes were measured in terms of access to basic services

(health and education); access to other services (water and sanitation, etc.); and other outcomes for children (nutritional status, mortality rates, etc.).

In terms of this index Kenya was rated number six of all African countries, trailing only Mauritius, Namibia, Tunisia, Libya and Morocco (in that order). While criticism may be levelled against the weighting of the various components and indicators of this composite index, Kenya's ranking nevertheless reflects an impressive performance. The main reasons why Kenya scored so well is probably its ratification of most of the international human rights instruments and their domestication through the Children Act and concomitant domestic policies. In terms of services, the introduction of free primary education in 2003, as well as the cash transfer programme targeting orphans and vulnerable children (OVCs) probably counted heavily.

Against the above backdrop the present evaluation is asking how the interventions of the donor community, specifically Norway and Sweden, are complementary to the action taken by the government of Kenya either by supporting government directly in its efforts or through Kenyan civil society organisations (CSOs) or multilateral agencies. However, in view of the tough past and future challenges, donor interventions cannot be expected to fill all the gaps. Still, significant contributions can be made. Are the donors living up to key principles of the Paris Declaration: harmonisation, alignment, and ownership? Moreover, performance will be judged against the standard evaluation criteria of *relevance* in terms of the Millennium Development Goals (MDGs), *effectiveness* in terms of results at the outcome level; and *sustainability* in terms of durability of efforts. However, it is acknowledged in the ToR that *impact* assessment in terms of very long-term and widespread effects is not a primary focus. Still, sustainability prospects are closely linked to lasting results.

## Donor interventions

Below, each of the 12 interventions – six for each donor – will be discussed and analysed in some detail. The varying degree of detail and comprehensiveness reflects partly the amount of available secondary material and the size and complexity of the interventions. A justification is also given for selecting each of the interventions. The presentations are made in the alphabetical order of the two donors and each intervention likewise in alphabetical order under each donor.

### ANPPCAN Kenya

Founded in 1986 in Enugu, Nigeria, with a pan-African coverage, the African Network for the Prevention and Protection against Child Abuse and Neglect (ANPPCAN) has national chapters in 22 African countries. It is headquartered in Nairobi. Its mission is to enhance, in partnership with others, the prevention of and protection against all forms of child abuse, maltreatment and neglect, and to ensure that the rights of children are fulfilled. ANPPCAN has received several awards for its work, including the African Union Award for Children's Champion in Africa. ANPPCAN's activities fall into four broad categories:

- Research, documentation and monitoring;
- Networking and establishment of chapters;
- Capacity building;
- Child protection.

ANPPCAN Kenya was established in 1989 by a group of volunteers concerned with the plight of children. This national chapter became fully operational in 1995 when a secretariat was opened in Nairobi. It is a charitable, non-profit organisation and registered as a non-governmental organisation in 1995 in terms of Kenyan legislation. Like the other national chapters, ANPPCAN Kenya operates as a national resource centre on child abuse and neglect and children's rights by providing information and technical expertise on child protection and child rights issues, by carrying out research on emerging children's issues and by lobbying the government, donors, other NGOs and communities on behalf of children. Currently, ANPPCAN Kenya has four main programmatic areas which include a child help desk; the legal services unit; information and documentation; and community-based programmes dealing with various projects and activities.

ANPPCAN Kenya was selected for closer investigation because it engages in activities orientated directly towards the protection of children, although addressed within a community setting. Support has been provided by Norway (directly from the MFA/Oslo) through an exchange programme of volunteers ('Fredskorpset') at a total expenditure of NOK 585,000.<sup>3</sup> Its purpose has been to exchange personnel, ideas and experiences, and to strengthen the capability of ANPPCAN to perform better. Six countries have taken part in the programme: Ghana, Liberia, Nigeria, Uganda, Zambia and Zimbabwe. Evidently all the participants have been suitably qualified for the assignments they have been given. This was ensured through a selection process whereby the Kenya chapter made a request for personnel with a specific profile, and through a preparatory course held in Kampala, Uganda before deployment.

This exchange programme contributed to enhancing the capacity of ANPPCAN Kenya in several respects, notably in the preparation of project proposals for funding and on a recruitment drive in 2007

---

<sup>3</sup> ANPPCAN's portfolio is wide and the network receives support from many sources. We have only selected one small Norwegian contribution and disregarded the other important aspects of ANPPCAN's work.

and 2008. Furthermore, research work was expanded, resources increased and advocacy improved. Moreover, a spin-off was the enhanced stimulation of interest in other national chapters and networking activities, as well as more frequent interaction between the national chapter and the regional secretariat.

A review meeting was held in June 2004 to assess experiences with the exchange programme. Altogether 11 countries participated and the report from the meeting confirmed that the stipulated objectives had been achieved and that the teething problems during the early stages had been overcome. Most of those problems were of a social nature: cultural shock and language barriers. Despite the fact that all exchange participants hailed from other African countries, Kenyan staff encountered cultural challenges in interacting with them. Some office and social etiquette of the exchange officers was considered unacceptable in Kenya, making the working environment tense and unfriendly at times. Similarly, the language barrier was reported as a cross-cutting challenge both socially and professionally. Oral English by exchange officers was at times a major communication challenge. Often, when the 'hosting staff' sought clarification, it triggered heated arguments and unpleasant responses, the reason being the perception that Kenyan staff considered their English superior. As the national language of Kenya, Kiswahili is commonly used in ANPPCAN's work informally in the office and formally when dealing with communities. Therefore, non-Kenyan exchange officers dealing with local communities required translation services and to some extent when interacting in the office too. However, translation services were not always available, especially for informal office communication.

The one-year duration of the exchange programme was considered too long. While the two-week preparatory course was useful, ten months in the host country was perceived to be excessive by past exchange placements. Most activities required much less time; once the main task was completed, the exchange officers would pick up new assignments which were left uncompleted or they would just spend time offering *ad hoc* assistance to other projects. A period of six months was proposed as a suitable duration.

A common complaint was the lack of home visits by exchange officers. Only in 2009 was the first home visit allowed. However, it applied only to those participants with 'biological' children. This was seen to discourage the exchange of staff with young families. During the entire period of the exchange programme, there was only one drop-out case; the officer reportedly left ANPPCAN for another job.

While there is no doubt that the exchange programme contributed to enhancing the capability of ANPPCAN to fulfil its task of promoting child rights, it could be said in conclusion the programme has been a learning process for ANPPCAN. An in-depth evaluation is warranted to complement the 2004 review meeting, to sum up the lessons learned and to consider the need for amendments in view of the experiences and challenges encountered.

## **Counter-trafficking**

The International Organisation for Migration (IOM) has since 2005 been managing a project on anti-trafficking in humans in Kenya, known as Countering Human Trafficking in Kenya through capacity building, awareness raising and assistance to victims. The current phase II (2006–2010) – with Norwegian funding (NOK 2,134,000) – has been completed. However, the IOM has continued to provide relevant support to policy and legislative processes to the extent possible in the hope of additional funding for the continuation of activities. However, it is uncertain whether there will be funding for the follow-up phase. This project does not only address children as victims of trafficking but a large proportion of those being trafficked are in fact children and young women. A number of bogus employment agencies operate in Kenya, recruiting mostly young women for domestic work in the Gulf, in Europe and the US. Domestic work is difficult to monitor and hence children are very vulnerable. Furthermore,

domestic service is often linked to sexual abuse and prostitution. Refugee children from Ethiopia and Somalia are particularly vulnerable to trafficking.

Sexual exploitation of children is rampant in the tourist industry on the coast of Kenya but about 40 per cent of the children involved in the sex industry hail from other parts of the country or from Uganda, Tanzania and Rwanda. The project has provided victim assistance in up to 20 cases for children between 13 and 17 years of age. Victim assistance is costly.

The project had six components, the first one being legislation. An anti-trafficking bill was tabled in parliament as a private member's bill and passed into law in July 2010. It is now awaiting presidential assent. Creating awareness on human trafficking was the second component as awareness about trafficking was initially low but has improved as a result of deliberate efforts at the institutional level through training of relevant actors and community outreach activities at the community level in different parts of the country. These efforts were scaled up with supplementary funding from the Government of Japan to cover IDPs following the 2008 skirmishes. Yet, there is a danger of relapse as indicated by the setback of the post-election violence in which children suffered particularly much.

The Dept. of Children's Services has done a tremendous job in advancing the child rights agenda, although its shift from the Office of the Vice President to the Ministry of Gender, Children and Social Services may have reduced its clout. Likewise, committed individuals and CSOs have worked tirelessly towards the same objective. There is no resistance to speak of in the civil service, just inertia, lack of awareness and inadequate synergy between institutions and units, although this has improved. There was no opposition to passing the anti-trafficking bill in parliament, nor in society at large.

The third component was contributing to the preparation of the National Plan of Action which was drafted in 2007 but officially accepted by the Ministry's Permanent Secretary only in April 2010. A Steering Committee with representation from all departments has been established to oversee the implementation of the plan, headed by the Permanent Secretary in the Ministry of Gender with the Secretary of Children as the secretariat. As the issue does not only affect children, there have been deliberate efforts to include the Gender Department in the Ministry in this process in order to ensure that the protection needs of all members of society (men, women and children) are taken into consideration. It is not clear what budgetary resources will be required for the plan's implementation. With regard to anti-trafficking, victim assistance (including time-consuming psycho-social counselling) is particularly costly. Massive training will be needed in the next two years but collaboration with CSOs will help to overcome the challenges.

In the fourth component a counter-trafficking network has been set up, comprising government institutions, CSOs and community-based organisations (CBOs) alike. The network provides an avenue for stakeholders involved in combating human trafficking to share experiences and best practices in prevention, protection and prosecution efforts. Faith-based organisations (FBOs) – Christian and Muslim – are particularly important. Mosques have proved an effective channel in North Eastern Province for preventing child marriages and curbing female genital mutilation (FGM) and were found to be an effective channel for disseminating information against human trafficking.

The fifth component involved direct assistance to up to 20 cases (half of whom were children between 13 and 17 years of age) who were provided services ranging from shelter for a specified period of time, medical, psycho-social support, vocational training, and family reunification services. Victim assistance is costly and must be integrated into the budget allocations by the ministry responsible. This important provision has been incorporated in the recently enacted counter trafficking law.

The last component sought to increase the capacity of the GoK in managing its labour migration practices in order to prevent labour-related trafficking. This included the provision of technical assistance to the Ministry of Labour through provision of IT equipment and the development of a data-based

system for capturing and analysing labour migration-related information with the overall objective of promoting safe migration practices to prevent human trafficking. Within the same framework, the project supported the Kenya Association of Private Employment Agencies (KAPEA) – an umbrella organisation of private recruitment agencies – to develop a new constitution to govern their operations and a code of conduct to inform their operations so as to forestall activities that are tantamount to trafficking for labour exploitation.

The envisaged phase II would include setting up a referral system for victims of trafficking. It is costly to operate rescue centres. In the interest of economy, therefore, it could be an option to set up rescue centres catering for multiple vulnerable groups, not only dedicated to trafficking victims. Family reunification is also important. But sadly, parents are themselves sometimes involved in child trafficking, often out of desperation. It would be necessary to work with the families – even involving their communities – to assess whether family reunification is feasible. Other proposed components include support to the government for operationalising the National Plan of Action, developing guidelines to assist in the enforcement of the new law against trafficking, training of relevant actors for effective response to the needs of victims and strengthening the capacity of KAPEA to promote safe migration.

## **Deaf Aid**

Deaf Aid was started as an organisation in 2006 after a feasibility study had been conducted and is now registered as an NGO in accordance with Kenyan legislation. Its objectives include raising awareness about deafness, because there is a widespread misperception among parents and teachers alike that deaf children are mentally retarded; many Kenyans treat deaf as illiterate. Since more than 70 per cent of the causes of deafness are preventable, some efforts have been devoted to the prevention of deafness. Mobile clinics have been used to screen segments of the population to identify potentially deaf people. By partnering with a general practitioner some research has been initiated on the causes of deafness in Kenya – so far confined to the Nairobi area. Deaf Aid has set up a school for the deaf in Kisii and is operating a resource centre for deaf people with a website. In respect of the latter, assistance has been secured from Cisco Systems, Inc. – a large American multinational IT corporation that designs and sells networking and communications technology and services. Supporting Deaf Aid is part of Cisco's corporate social responsibility (CSR) activities. Much effort has also been devoted to developing a Kenyan sign language, largely using volunteers. Towards that end, two scholarships were awarded. One recipient absconded to the UK, however, while the other one is currently directing the resource centre.

Norway is supporting Deaf Aid with NOK 850,000 per year through a three-year agreement covering a period of 2010–2012. In 2008 and 2009 the Norwegian contribution accounted for about 36 per cent of total turnover, but slightly decreasing from a level of nearly half at inception. Cognizant of its vulnerability, Deaf Aid has adopted a financial sustainability plan which involves reducing the Norwegian public share of its funding and seeking support from other sources, thus diversifying its dependence. Towards that end, a network of Deaf Aid Friends has been established in Norway, comprising 30 companies and seven mayors in Hallingdal. The Austrian Development Agency has been brought on board as a donor and links have been established with Global Deaf Connection – an international NGO promoting education and leadership skills through advocacy, multi-cultural exchange, college scholarships, and mentoring support to empower deaf people to claim their human rights.

Article 23 of the CRC addresses the needs of children with disabilities but Kenya has only adopted a policy on people with disabilities in general, regardless of age. This policy is reflected in the Disabilities Act of 2003 which applies, of course, to the deaf whether children or adults. But Kenya has no specific government policy covering the deaf; the general government policy is inclusion of the deaf in society. The National Council for People with Disabilities is tasked to implement the policy and

facilitate the enforcement of the law. It is difficult, however, to implement the policy when the external environment is not conducive to promoting inclusion – i.e. when attitudes in society are still stigmatising deaf people.

Deaf Aid works with the Ministry of Education in a complementary fashion. Taking its cue from the Kenya Education Sector Support Programme (KESSP) as the government's official policy document for the educational sector, Deaf Aid focuses on the special educational needs of deaf children. Collaboration has been established with the Kenya Institute of Education to develop a curriculum for a diploma course in sign language interpretation because there is a severe shortage of interpreters and teachers who master the sign language.

Currently, the Kenya government provides each school with KES 1,200 per pupil without disabilities, and double that amount for each disabled child. There are 78 primary schools for deaf children countrywide and four secondary schools. In order for a child to take full advantage of a learning environment, (s)he has first to learn the sign language as a medium of instruction. It is a challenge to develop a coordinated system for cognitive education referral. Unfortunately, autistic and children with cerebral palsy are in error referred to schools for the deaf. Every district has an Educational Assessment and Rehabilitation Centre attached. However, they are ill equipped and staffed with underqualified personnel.

This intervention was selected for closer examination on account of its orientation towards a special category of children: those with the disability of deafness. Although not exclusively geared towards children, Deaf Aid nevertheless addresses the plight of children with disabilities whose needs are often neglected, especially in the educational system. By also targeting parents and the local community, Deaf Aid contributes to creating an environment conducive to schooling for children, thus equipping them with skills and laying a foundation for future inclusion in society at large. Nonetheless, the challenges are formidable, even though the accurate size of the deaf community in Kenya is not known.

### **Korogocho Community Radio (KOCH FM)**

This project was started in 2006 in a Nairobi slum which used to be infamous for its high crime rate.<sup>4</sup> Gangs of youth dominated the area and all boys felt they had to belong to one gang or another or else they would not be considered real men. Rape and defilement cases were rife. Shoot-outs between the police and criminals were not uncommon occurrences. Hailing from Korogocho carried the stigma of being a 'bad person' in the eyes of the outside world. Some residents pondered over what could be done to change this state of affairs and the idea was mooted to start an FM community radio station as a means of mobilising the residents, especially the youth into constructive pursuits. The cost of establishing a radio station appeared manageable and the Norwegian Church Aid (NCA) was successfully approached for funding. A total amount of NOK 265,000 has been disbursed.

This intervention was selected because it is located in a disadvantaged slum area where a local radio station potentially could contribute to redressing some of the social ills that were rampant in the area. Although the target group is the larger community, children have been given a voice and participated in debates on issues affecting them.

The first attempt to make an amateur radio transmitter (before NCA funding) was made by googling the Internet for instructions. However, the initial makeshift contraption did not prove a success. Only once a proper transmitter was procured did the project start regular programmes. At first the station operated as a pirate radio without a licence which was difficult to secure. However, visits by the British Broadcasting Corporation (BBC) and Netherlands Radio and their broadcasts about KOCH FM added

---

<sup>4</sup> No evaluation report or other written material was provided about KOCH FM. The only source of information was a personal interview.

to the station's public profile, thus putting pressure on the Communications Commission of Kenya which eventually granted a licence and allocated a transmission frequency.

Priority issues addressed in the radio programmes include: (i) governance (corruption, the management of local funds such as the Constituency Development Fund (CDF), the School Bursary Fund, and the Local Authority Transfer Fund); (ii) insecurity (theft, robbery and harassment); (iii) rape which was a common occurrence; (iv) female genital mutilation (FGM) which was practiced in the area; (v) HIV and AIDS prevention and treatment.

Transmissions are made 24 hours a day but at night only music is played. A typical weekday transmission schedule would look like this:

|            |                                                                                                       |
|------------|-------------------------------------------------------------------------------------------------------|
| 06–10 a.m. | Governance issues                                                                                     |
| 10–12 a.m. | Educational programmes on health and sanitation                                                       |
| 12–14 p.m. | Entrepreneurship and talent promotion. Sometimes demo CDs produced by young musicians would be played |
| 14–16 p.m. | Educational programmes on environmental affairs, garbage collection and waste disposal                |
| 16–18 p.m. | 'Request Hour' – a call-in programme with greetings and requests for music                            |
| 18–20 p.m. | 'Oldies', mainly for adult residents                                                                  |

On Saturdays the transmission schedule would be somewhat different with more music than during weekdays. A two-hour children's programme would be aired from 10–12 a.m., giving voice to children, sometimes bringing in entire school classes for discussion – interspersed with music – on such issues as water and sanitation, health, and child labour after school. An afternoon programme would focus on women's issues and rights, including debate on how to curb the FGM practice. The most popular programme is called 'Just a Moment' with call-ins and questions for discussion mixed with music.

On Sundays prayers from different churches would be transmitted, combined with gospel music. Other programmes would address behaviour change among youth with regard to substance abuse such as *chang'aa* and *miraa*.<sup>5</sup>

KOCH FM has gradually evolved into a mouthpiece for the residents of the area and taken on the role of a watchdog to demand accountability from politicians, be they local councillors or the member of parliament for the constituency that covers Korogocho. Although attribution is difficult to establish, KOCH FM has ostensibly contributed to the decline in the incidence of rape; to improved security and the elimination of extortion; to greater transparency of political processes, e.g. that the names of the recipients of bursaries are now displayed publicly to forestall the inclusion of so-called ghost students; and to the democratic election of all the elders in the community. Apart from radio transmissions KOCH FM also produces a newsletter called 'Korogocho Mirror' which is distributed in the community. Neither the radio nor the newsletter carries commercial advertising, probably because potential advertisers do not consider its coverage to be wide enough.

While many politicians own FM radio stations and use them for propaganda purposes in election campaigns, KOCH FM has maintained a strictly impartial line in terms of party-political affiliation and steered clear of manipulation by political forces. However, there has been a 'war' of sorts with the local establishment. Some politicians who have lost their seats have claimed that KOCH FM has been run-

---

<sup>5</sup> Chang'aa is an illegal distilled, hard liquor and miraa (also called khat or qat) is a green leaf containing an amphetamine-like stimulant.

ning slander campaigns against them. At one stage the chief closed down the station office on the pretext that it was illegally located in the chief's compound.<sup>6</sup> However, part of the compound had been reserved for a community centre with external funding of structures and equipment. For its part, KOCH FM, on the other hand, denied having run slander campaigns and maintained that it was only promoting transparency and accountability. In the 2008 post-election violence many expected Korogochi to 'explode' in rioting. That did not happen, however. In fact, there were no reported inter-ethnic clashes in Korogochi at that time.

Reliable electricity supply has been a major problem and frequent interruptions of transmission have occurred. A generator was obtained from the NCA in late 2009 but it was never installed. KOCH FM is considering selling it and installing solar panels instead, which would be a more environmentally friendly option and cheaper too in the long run.

There is little doubt that KOCH FM is playing a major role in awareness-raising on a host of issues in the community, even contributing to the creation of a positive community identity for residents who used to be ashamed of living there. In terms of child rights it has contributed in many respects, not only on key issues affecting children but also by giving children voice and an opportunity for participation. Its sustainability is in question, however. External funding is critical as long as KOCH FM has no independent revenue base of its own.

## Maasai Education Discovery

Maasai Education Discovery (MED) was started in 2001 and initially ran projects funded by donors other than Norway. The Norwegian Embassy in Nairobi has been supporting this particular project (in total NOK 1.7 million over the 2007–2010 period) which seeks to prevent female genital mutilation (FGM). Previous efforts had been made in the Maasai-dominated Kajiado and Narok Districts to counter the practice of FGM as a rite of passage albeit with limited success. Innovative approaches were called for and the idea of promoting an alternative rite was mooted by which all the elements of transition into womanhood would be retained, except FGM. Initially a survey was conducted to map a host of reproductive health issues, including FGM. It revealed that FGM is a prevalent practice which is deeply rooted in the Maasai culture – about 96 per cent of the women have been circumcised; that early marriage is common, even from the age of 10; that there is a wide disparity between knowledge and utilisation of contraceptive methods – only 8 per cent of the surveyed population had ever used contraceptives (MED 2006).

With the knowledge obtained through the survey a five-month outreach phase ensued. Sexual matters are sensitive, however, and initial resistance was encountered. Some clergymen saw the elimination of FGM as tantamount to promoting promiscuity and devil worship. Surprisingly, the menfolk were not the most ardent opponents. The traditional circumcisers, however, saw it as a threat to their trade and had a material interest in preserving the practice. Aunts and older women were also reluctant, ostensibly on grounds of hygiene. Marriageability was a major factor; parents and girls alike did not think they would get married unless circumcised.

Gradually, the resistance waned and the project embarked on designing an alternative rite of passage. A programme was drawn up which, in addition to the traditional elements, including training in 'life skills' – i.e. a broader orientation to enable the girls to cope in society, including teaching in reproductive health (MED n.d.). For this purpose a special *manyatta* was constructed as a mentoring camp, where up to 15 girls would spend stints under the supervision of a mother figure as their mentor.<sup>7</sup> Educated women were brought into the programmes as role models. Much emphasis was put on buttressing the

---

<sup>6</sup> Chiefs are civil servants at the local level who derive their authority from the Chief's Authority Act.

<sup>7</sup> A *manyatta* is a Maasai homestead or compound.

girls' self-esteem. A documentary has been produced. Upon completion of the mentoring camps, ceremonies were held in the traditional fashion, except the cutting. Certificates were issued to document that the girls had gone through the programme as an alternative rite of passage.

Altogether 120 girls ranging from 9 to 17 years of age have undergone this alternative rite and are part of the programme – some in primary school and some in secondary. A critical element is the linkage to educational opportunities. For this purpose the Maasai Girls' Scholarship Programme was set up after negotiation with the Norwegian Embassy. The selection of the girls followed an agreed procedure and the main selection criterion was the willingness of the parents to go through the entire process. This meant that many girls in need of support were left out of the programme, thus revealing its inadequate coverage in terms of reaching marginalised and vulnerable girls. For those selected a Memorandum of Understanding (MoU) was signed with the parents that they would not interfere with the girls' education until they had reached 21 years of age. The parents themselves had to identify a suitable boarding school for their daughters. While there might be a certain risk that the girls would be circumcised at home during school break, the village communities are so transparent that information would soon reach the project management that preparation were in progress so that action could be taken to prevent it. Circumcision is an ostentatious and costly affair (comparable to a wedding) and could hardly be kept secret.

In 2009 three girls graduated from Form 4. In 2008 one dropped out because of pregnancy but she was not circumcised. One got a scholarship abroad. In 2010 two dropped out but later returned to school; one got pregnant. Overall, the retention rate has been 96 per cent since inception. Altogether 32 girls are now in secondary school. One has just entered Egerton University after having received a B minus grade when graduating from secondary school but her university expenses are not funded from the scholarship fund, which is facing a great replenishment challenge; Norwegian funding is due to end in November 2010, but there is a chance of linking up with a larger programme to avoid termination.

Many girls from village schools with low quality teaching needed holiday tuition financed by the parents. Their progress was slow initially but picked up. All parents struggle economically, even in normal circumstances, but especially after natural calamities such as recent droughts and floods when many lost their livestock.

The MED office in Narok has 10 employees, including the staff of library and the internet café. Parents visit the office for support when they are concerned about their daughters' education and wellbeing. This is an encouraging development in terms of parents' changing attitudes.

### **Mathare Youth Sports Association (MYSA)**

Formed in 1987 as a small self-help project to organise sports and environmental clean-ups in Mathare Valley, one of the largest slums in Nairobi, MYSA is currently a broad-based self-help youth programme linking sports with community services. Some 25,000 young members and volunteers are involved. MYSA's headquarters has a staff compliment of 63 in total. Its activities are organised in 16 geographical zones. No membership fees are levied on members because they all hail from a very poor slum area. MYSA is funded by contributions from a multitude of donors, CSO, private companies and foundations. Norway has been a significant donor to the tune of NOK 10.5 million over the years 2003–2008. The Strømme Foundation has acted as a conduit of funds from Norad through a framework agreement since 1995. This contribution is likely to be reduced to KES 30 million (equivalent to NOK 2.25 million) per year, which is less than 30 per cent of total revenue. The government of Kenya has recognised MYSA, which is registered as an NGO under the NGO Council, but has provided no funding

Football is the most popular sport among youth in Kenya, including in Mathare. Therefore, it serves as a good basis for mobilisation of youth for community service. Initially football was linked to environmental projects because poor sanitation was a major health hazard. The activities were subsequently expanded to multiple other activities such as environmental clean-ups, HIV and AIDS prevention, leadership training, etc. Football has always been a core MYSA activity in its own right: roughly one thousand Mathare youth have taken part in Norway Cup and youth tournaments in the Netherlands and out of the 480 football players in the Kenya Premier League, 180 emanate from MYSA. The training of football coaches and referees has been a related activity.

However, football is used deliberately as a vehicle for mobilisation into other pursuits. Apart from environmental clean-up, scores of Mathare youth leaders aged 13–20 have been trained on HIV and AIDS prevention and counselling; countering substance abuse is high on the agenda; small libraries and study halls have been established in four MYSA zones (expansion is underway) and are being used by local schools; young artistic talent is being encouraged through cultural groups; children in police custody are being assisted with food and improved facilities – combined with a savings and loan scheme – with a view to reuniting them with their families; changing gender relations are promoted through girls football teams and half of all elected MYSA leaders are girls; an international girls football tournament is organised every year at Easter and in 2010 the theme was safe motherhood; youth exchange programmes with European countries (principally Norway and the Netherlands) and within Africa are contributing to the broadening of horizons and worldviews. MYSA has developed a collective ethos with the motto of ‘one for all, all for one’ and is promoting a democratic culture by practicing internal democracy in the organisation.

Mindful that MYSA would be susceptible to being misused for party-political purposes, which has been the case with regular football team, the organisation has maintained a strict impartial line and steered clear of political interference.

This intervention was among those selected for closer investigation on account of its high profile in Norway and in Kenya as well as its image as a well functioning CSO. It is also an organisation that is using sports as an effective entry point into community service. It has established itself as a viable entity with a history of close to 25 years. It addresses youth specifically but within a community context.

The sustainability prospects of MYSA seem rather good. First, it is supported by a large number of sponsors and does not rely on one or a few large ones. This diversification of financial dependence reduces short-term vulnerability. Second, the diverse range of activities in which MYSA engages and the organisation’s history over nearly 25 years attest to resilience. Third, its high profile and support in the local community further contributes to its sustainability. Its international standing is exemplified by its strategic partnership with Fédération Internationale de Football Association (FIFA) during the 2010 World Cup in South Africa. MYSA was selected by FIFA as a model in the ‘Football for Hope’ tournament that took place parallel to the World Cup in the heart of Johannesburg’s township of Alexandra. The tournament, in which 32 teams participated, subscribes to MYSA’s concept of using the power and popularity of football to induce social change by bringing together teams of boys and girls from all over the world. It turned out that MYSA brought home the 2010 trophy.

## **Empowering Youth for Development**

In 2005, Diakonia, in conjunction with its partners, the National Council of Churches (NCCCK) and the Kenya Episcopal Conference (KEC) – Catholic Justice and Peace Commission (CJPC), embarked on a Youth Empowerment Programme. With funding from Sida through a framework agreement Diakonia Sweden acted as a conduit. In 2006, a baseline survey was conducted about the conditions facing youth in Kenya to inform project design (Diakonia 2006b). It showed that many youths come from poor backgrounds, broken families with violent and alcohol-abusing fathers, and a history of abuse them-

selves. The initial funding was for three years (2003–2005). A second phase followed (2005–2007) and a no-cost extension (monitoring phase) was later granted to allow activities to continue until 2010. The project targeted youth in four districts (Kisii, Kisumu, Nakuru and Mombasa). Even before the post-election violence in 2008, gangs had emerged to engage in political harassment, intimidation and violence. Unemployed youth were susceptible to manipulation and could easily be bought by politicians ‘for a small fee’ to advance their political ambitions. Indeed, violence and political thuggery for a fee were their ‘businesses’. The project provided an alternative to gang life by offering opportunities for rehabilitation through skills acquisition and the starting of income-generating activities.

The legacy of hand-outs from unscrupulous politicians proved difficult to overcome when small loans to be repaid were suggested as an alternative. Even parents were sceptical to starting businesses and a time-consuming process was needed to persuade both youth and parents that the concept was viable. The Small Micro Enterprise Programme (SMEP) under the NCCK was brought on board to customise loan schemes suited to the needs of the targeted youth who needed terms and conditions on a more concessional basis than was common in micro credit institutions. After long negotiations and delay, a revolving fund was set up with a low interest rate (1 per cent per month) and lenient conditions for repayment; SMEP would also provide training for the borrowers. Although affiliated to the NCCK, SMEP is an autonomous institution and considered the arrangement a corporate social responsibility project because it would hardly be profitable and involved risk. The NCCK and the KEC acted as guarantors and were committed to use the priests and pastors of their congregations to ensure loan repayment. Two different loan schemes were designed: one for individuals (*Mkopo wa Binza*) and one for groups (*Mkopo wa Quoro*). The intention was to encourage a saving culture in the groups comprising 10–22 members each. Owing to peer pressure the default rate has been near zero. Altogether 181 youth – 99 male and 82 female – have benefited directly from the project, either as individuals or as members of a group (Diakonia 2009).

At about the same time as negotiations were in progress with SMEP on the revolving fund the government set up a Youth Enterprise Fund to be administered by the newly established Ministry of Youth Affairs as part of its youth policy. With a similar objective, the government youth fund was perceived as a ‘competitor’ to that of SMEP. Potential youth borrowers thought the government conditions would be more favourable than what SMEP could offer, even expecting grants. However, they soon discovered that it was not the case and returned to the SMEP concept. But it did delay the implementation process (Diakonia 2006a).

This Diakonia project was selected for examination on account of its targeting of a vulnerable group of youth whose role in political violence had been devastating as noted by the Waki Commission (Republic of Kenya 2008). The difficult background of these youth would probably render the project particularly challenging but no less important.

The project has had considerable success (Kinyua and Nturibi 2007). Youth previously engaged in reprehensible behaviour had been transformed into responsible citizens who have turned their back to political manipulation. Some have even become members of Constituency Development Fund (CDF) committees. Some have married and formed families. A new ethos appears to be emerging. Unfortunately, however, the 2007 evaluation did not refer back to the baseline study in a systematic manner to measure the objective effects attributable specifically to the intervention. Rather, the evaluation used a perception approach to change by asking a number of informants about perceived changes. Subsequent annual reports also did not refer back to the baseline study. Most assessments are of a qualitative nature.

The youth have involved themselves in income-generating activities which have provided livelihoods and opportunities for saving. They have exhibited creative entrepreneurship and found business niches yielding profits. The activities include hiring out plastic chairs to hawkers during the day and storage

space at night; operating soda kiosks and ice cream parlours in attractive locations; running motor bike taxis (*boda boda*) and minibus taxis (*matatus*); maintaining toilets for public use; setting up culture groups performing (traditional dance, plays, puppet theatre, acrobatics, singing and music, etc.) at various functions (weddings, schools and shows), even at welcome-homes and send-offs at the airport for the head of state under the auspices of the Presidential Musical Commission. Among non-economic effects of the project that warrant mention are awareness-raising on issues confronting youth, such as HIV and AIDS; promoting a peace culture through the running of peace clubs; acquisition of a wide range of leadership skills; mutual trust and attitude change in the communities within which they live. In return, their communities have changed attitudes towards the ex-militia youth from contempt to respect. Their political consciousness has also been heightened but without violence as a political tool.

These achievements have not come easy and there is still a certain risk of relapse. The culture of hand-outs is resilient and adversely affects the youth's attitude to their own income-generating activities. There is room for solidifying the trust among group members. Not all youth have confidence in the micro finance institutions and sometimes they allege being used and dropped like the politicians used to do. There is still a need to review the loan products with a view to customising them to varying circumstances.

Evidence that not everything is rosy emerged when we visited two of the recipient groups, one in Huruma, Nairobi and one in Kisumu. The cultural group *Nzumari* in Huruma voiced grievances about SMEP which allegedly applied the rules and conditions too rigidly and had relocated its local branch without notice. In a similar vein, the Kondele Nissan Operators – one of the 15 member groups affiliated to the Baghdad for Peace (BAFOPE) umbrella group in Kisumu – was dissatisfied with SMEP. Each BAFOPE member group seeking access to SMEP funding submits an application which is assessed separately. Kondele Nissan Operators claimed it had to approach a credit institution other than SMEP, which had no problem lending the amount needed on regular terms. While a follow-up meeting with the parties concerned left a number of questions unanswered, it did reveal that communication between SMEP and some youth groups had not been functioning satisfactorily. There appeared to be mutual lack of understanding between lender and borrower about their respective circumstances and the ways in which they operate. The long management chain from Diakonia via its two partners and through SMEP to the recipients has probably compounded the communication problem. A thorough evaluation is needed with a focus on the relationship between SMEP and the borrowers; the previous one was conducted in 2007.

The sustainability prospects are reasonable due to the revolving nature of the fund and negligible defaulting. There could also be ripple effects with other micro credit institutions which might be prepared to lend to borrowers not perceived to be trustworthy. The government youth enterprise fund has the potential for scaling up these activities to other parts of the country. Similarly, CSOs with grassroots in communities might pick up the idea.

## **Governance, Justice, Law and Order Sector (GJLOS) Reform Programme**

The GJLOS reform programme was a sector-wide approach (SWAP) aimed at reforming the entire justice system in Kenya. It was supported by 15 international donors through a combination of basket funding and direct bilateral support or a mixture of both: Canada, Denmark, Finland, the Netherlands, Sweden, the United Kingdom, Norway, the USAID, the EC, the UNDP, UN-Habitat, UNICEF, and the United Nations Office on Drugs and Crime (UNDOC). The total budget for the GJLOS programme for all phases (2003–2009) was KES 5,791 million or roughly equivalent to SEK 527 million, of which about half emanated from the basket fund (Deloitte 2009:9, 21 and 58–59). Overall, the GoK contributed about 20 per cent while the donors accounted for the balance (Sida 2005:3).

**Six key result areas (KRA) were established:**

- KRA 1: Responsive and enforceable policy, law and regulation;
- KRA 2: More effective GJLOS institutions (or enhanced service delivery) through improved management and administrative capacity, professionalisation of staff and improved GJLOS infrastructure;
- KRA 3: Reduction of corruption-related impunity;
- KRA 4: Improved access to justice, especially for the poor, marginalised and vulnerable;
- KRA 5: More informed and participating citizenry and non-state actors;
- KRA 6: Effective management of the GJLOS reform programme.

In addition, four issues were identified as cutting across the entire programme: gender; HIV/AIDS; children; and the environment.

Led by the Ministry of Justice and Constitutional Development altogether 33 government institutions and units were involved in its implementation. Owing to its complexity and comprehensive nature (363 planned outputs) an elaborate steering structure was established which in retrospect exhibited shortcomings.

According to the end evaluation the intervention logic, although basically sound, proved inadequate as it did not focus on the outcomes and impact sought, especially in establishing indicators and means of verification. The objectively verifiable indicators were all numerical, which led to a bias and oversimplification of results reporting that sidelined the rights-based approach expressed through less tangible aspects such as accountability, empowerment, community participation, and attention to vulnerable groups (Deloitte 2009:34). Moreover, baseline surveys were not conducted which made the measurement of results difficult (Deloitte 2009:10).

The GJLOS programme was selected for closer investigation in this meta-evaluation on account of its size and in order to ascertain how the mainstreaming of child rights had been done. As a SWAP the programme is not directed towards children specifically. Rather, it addresses the full range of challenges facing the justice sector but as such it has considerable indirect repercussions for children. The Department of Children's Services, now shifted from the Office of the Vice President and Home Affairs to the Ministry of Gender and Social Services, had been able to access GJLOS funding. Thus, through the DCS it may be said that the GJLOS worked in the interest of child rights indirectly, although it has not been possible to ascertain the magnitude of that funding. It is also noteworthy that space was created for civil society to become involved in justice sector reform, e.g. with Save the Children Sweden and others to standardise the quality of child protection, improve legislation, and promote diversion of children from adults in police stations. Through CSOs the voices of children have been amplified in policy-making affecting children.

After the change of guard in the wake of the 2007 elections the euphoric atmosphere paved the way for a number of reform programmes. The corruption-ridden justice sector was considered overdue for reform and the GJLOS programme was born out of this political will to overhaul the entire sector through a SWAP. In line with the Political Pillar of the new government's Economic Recovery Strategy for Wealth and Employment Creation (ERS) and the Interim Poverty Reduction Strategy Paper of 2002, human security and access to justice were seen as key objectives that GJLOS was intended to deliver.

The GJLOS programme was controversial all along (Andreassen 2007:299–303). In the course of its implementation there were several interruptions and suspensions of disbursement of funds due to

allegations of corruption and disagreement over the use of funds. A frequent criticism heard among stakeholders was that GJLOS was too focused on the hardware side of reform and institution-building, i.e. procurement of equipment such as vehicles, computer, etc. Similarly, it was asserted that the programme focused largely on the 'supply side', i.e. the needs of the institutions involved while neglecting the 'demand side', i.e. the citizens. There was minimal attempt to accommodate the interests of 'Wanjiku, Atieno and Halima' within the programme design (Deloitte 2009:31).<sup>8</sup> As a result, institutions were strengthened but the benefit accruing to the citizens was not correspondingly great. Indeed, it is a sad irony that according to the Waki Commission the Administration Police which benefited from the supply of equipment through the GJLOS programme were among the main perpetrators of state violence during the post-election rioting in 2008 (Republic of Kenya 2008:399).

In terms of child rights, the GJLOS programme sought to promote awareness in various ministries, departments and agencies that children have specific needs and are particularly vulnerable; that the state as a duty-bearer in terms of the CRC has an obligation to provide protection and basic services for children, including legal aid and alternative care mechanisms; that child protection is a law and order reform issue through the enforcement of domestic legislation and international human rights instruments (Deloitte 2009:42). Specifically, the end evaluation maintains that the protection of children against abuse, exploitation and trafficking has improved in the course of the implementation of GJLOS. The visibility of the Dept. of Children's Services has been enhanced. A tangible outcome is the passage of the Children Act which entrenches child rights and the formulation of policies regarding adoption and foster care. Furthermore, the juvenile justice system has been improved, mainly through the improvement of living conditions for child offenders (Deloitte 2009:88).

The GJLOS final report similarly lists a number of achievements: (i) children's officers have been trained with respect to child rights; (ii) child rights perspectives have been incorporated into performance contracts for certain categories of civil servants; (iii) a code of conduct for government officers dealing with children has been adopted; (iv) the procedures for child adoption have been streamlined; (v) the staff of children's institutions have been trained; (vi) standard rules for child care institutions have been developed; (vii) preparatory work has been undertaken with regard to a National Action Plan for Children; (viii) a helpline for children has been set up with a toll-free number – 116; (ix) a cash transfer programme has been implemented for orphans and vulnerable children (OVC) in poor households; (x) public awareness of child rights has been heightened; (xi) coordination between institutions addressing child rights in various aspects has been enhanced; and finally, reflecting the above (xii) significant steps have been taken towards creating a child protection system across the country (GJLOS 2009:17).

The National Youth Service (NYS) has successfully recruited and trained perhaps as many as 5,000 young people from disadvantaged backgrounds, e.g. street youth. To this end, vehicles have been procured, toolboxes and equipment for training acquired, and officers at national and district levels have been trained in guidance and counselling (GJLOS 2009:17).

Notwithstanding notable improvements in child protection, however, much remains to be done and gaps have emerged in accessing basic services. This is particularly evident with regard to education among children of poor households. Moreover, the absence of reliable statistics on children with disabilities probably conceals discriminatory practices (Deloitte 2009:88–89). A 'baseline' survey involving 12,400 respondents was undertaken in 2006, three years into the GJLOS programme, to document perceptions and experiences on relevant dimensions such as corruption, access to justice, safety and security, human rights, and GJLOS institutions (Steadman Group 2006). Chapter 7 of the report on human rights addressed three specific rights within the GJLOS programme, among them children's

---

<sup>8</sup> Wanjiku, Atieno and Halima are common women's names from different groups in Kenya that denote ordinary citizens at the grassroots.

right to protection from abuse. It was found that 14 per cent of the respondents countrywide saw this right secured (Steadman Group 2006:67–68). In view of the fact that a baseline study was actually made, although conducted three years after inception, it is noteworthy that the 2009 evaluation stated unequivocally that the GJLOS programme was not informed by the results of any baseline survey or needs assessment (Deloitte 2009:31). As a result, it is difficult to make inferences about outcomes, let alone impact.

External funding of the GJLOS reform programme has ceased. It is hard to say what the sustainability prospects are in the absence of donor support. Several reviews have concluded that the sustainability of the programme depends on financial support and political will. For that to happen it needs to be incorporated into the GoK budgeting cycle, i.e. the Medium-Term Expenditure Framework (MTEF) (Deloitte 2009:99). The GJLOS Advisory Team singled out leadership as a key success and sustainability factor (Averatt and Kanyinga 2007:11).

## Mainstreaming in Action

This initiative is atypical in comparison with the other interventions that are discussed in this report. Initiated in 2003 by the Swedish Embassy in Nairobi, the ‘Mainstreaming in Action’ project was not a conventional aid intervention designed to produce tangible outputs. Rather, it was a tool intended to raise awareness about mainstreaming the rights perspective – including child rights – into Sida’s development cooperation with Kenya, and to design methods whereby this could be achieved. Now concluded, it dealt with the method of mainstreaming, which was the very rationale for selecting it for in-depth scrutiny. It takes on particular importance because mainstreaming is a key prong of Sida’s approach to child rights promotion. Total disbursement was SEK 1,715,000 over the 2004–2006 period. A thorough evaluation was undertaken in 2008 (Brun et al. 2008).

The project was intended to operationalise the rights-based approach in the Kenyan country context, with the overall objective of mainstreaming human rights into all interventions supported by Sweden, across the board. The rights perspective was condensed into four main principles: (i) *participation* of stakeholders in decision-making processes affecting them, with particular reference to participation by children in this context; (ii) *non-discrimination* regardless of criterion (gender, age, ethnicity, social status, etc.); (iii) *transparency* with a view to providing access to information for stakeholders; and (iv) *accountability* whereby decision-makers could be brought to account for their policies and actions. Women’s and child rights, sustainable development, peace, and the prevention of HIV and AIDS were seen as cross-cutting concerns. Sectors earmarked for attention included agriculture, health, justice, water, roads, and urban development. In view of the lack of operational guidelines as to how the rights perspective could be mainstreamed in practice, this initiative was exploratory in nature with a focus on process rather than tangible output.

Specifically, through mainstreaming the initiative aimed at ensuring that the interventions in Kenya supported by Sweden would promote development for the poor, democracy, human rights including women’s and child rights, sustainable development, peace as well as the prevention of HIV and AIDS.

The overriding objective was further broken down into a series of sub-objectives (Brun et al. 2008:23–24):

- To increase the capacity of programme staff to develop indicators, and participate in dialogue with partners on the identified mainstreaming issues in the appraisal and implementation phases;
- To enhance the capacity of partners to identify policies and programmes deemed to be harmful or to mainstream the issues considered to be beneficial;

- To enhance the capacity of partners to analyse and develop results indicators, as well as to initiate processes that would facilitate mainstreaming;
- To identify and learn from local resource persons and to link local resource persons and/or CSOs with solid knowledge of the pertinent mainstreaming issues with the partners in supported programmes in the appraisal and implementation phases alike;
- To influence other donors about the importance of mainstreaming as a means of enhancing the effectiveness of poverty reduction;
- To develop a system for monitoring and evaluation of the mainstreaming process in appraisal and implementation.

Three categories of stakeholders were targeted: (a) government institutions as the principal duty-bearers and implementers of programmes. The obligations resting with the Kenyan state include the respect, protection, promotion and fulfilment of all human rights laid down in the international conventions to which Kenya has acceded. With respect to the present evaluation, the articles of the CRC are particularly relevant; (b) civil society organisations in a variety of functions, e.g. as rights holders, watchdogs, facilitators, trainers, and project implementers; and (c) embassy staff involved in the design, appraisal, implementation, monitoring and evaluation of interventions funded fully or partially by Sweden.

There was no explicit ‘programme theory’ underlying this initiative, i.e. a presumption of the causal chain linking inputs and activities to results in terms of outputs, outcomes and lasting impact. In the absence of an elaborated programme theory or a logical framework the embassy embarked on this initiative in a ‘learning-by-doing’ fashion (Brun et al. 2008:19). Considerable time and effort were invested in training and awareness-raising among the three categories of stakeholders. For this purpose the Kenya National Commission on Human Rights was brought in as the appropriate institution with the requisite expertise to design training programmes and conduct training sessions. Other key partners included the Federation for Women Lawyers (FIDA), Children’s Legal Aid Network (CLAN), the Child Rights Advisory Documentation and Legal Centre (CRADLE), and the Legal Resources Foundation (LRF).

Without actually providing hard documentary evidence, the evaluation report draws the following conclusions in terms of achievements and shortfalls with regard to capability at the Swedish Embassy (Brun et al. 2008:48–49):

- Generally, knowledge and awareness of the rights perspective have increased, as well as the ability to integrate this perspective in programming;
- There are disparities in the perceptions of the mainstreaming approach and of the relationship between the rights perspective and cross-cutting issues as part of the approach;
- The principles of participation and non-discrimination appear to have received more attention than transparency and accountability. While these principles are interrelated and mutually reinforcing, an explicit strategy was lacking for ensuring an appropriate balance between *all* the principles in the medium- to long-term perspective;
- The main emphasis was put on the planning and design phases, probably on account of the approach being a pioneering one. However, the programme officers are also responsible for the monitoring and follow-up of interventions. An explicit strategy was lacking for integrating the principles of the rights perspective throughout the entire project cycle;
- Leadership was strong and committed and an important facilitating factor in creating a high level of knowledge and awareness among programme officers. In the same vein, resources were made available in terms of personnel, time and funding;

- f) Institutionalisation was enhanced through training and regular internal feedback. Work procedures and routines for integrating the principles of the rights perspective in assessments and dialogue were at least partially developed. However, there was a shortfall of continual training of programme officers; training sessions were most frequent in the early phases of the initiative;
- g) The routines for documenting the mainstreaming process were inadequate. This hampered institutionalisation, exchange of experience and institutional learning;
- h) Links to Kenyan resource institutions were established but remain weak and erratic. While the resource organisations played key roles in creating awareness, particularly in the initial training phases, the linkages have not been solidified or institutionalised but remained largely *ad hoc*;
- i) The organisational framework of Sida headquarters was an enabling factor, manifested in the support, back-up and feedback provided to the Embassy;
- j) The political context since the 2002 elections, that gave rise to a government paying attention to human rights, was conducive to promoting the integration of the rights perspective in sectors and programmes.

With respect to the sectors selected as cases by the 'Mainstreaming in Action' project, the evaluation likewise lists a number of sector- and context-specific findings – though attribution being in doubt – which refer mainly to the performance of the Kenyan civil service (Brun et al. 2008):

#### *Agriculture Sector*

In the agricultural sector the integration of the rights perspective was intensified in all programming phases. The extension service was increasingly based on bottom-up decision-making that empowered extension agents and enhanced the principles of participation and accountability. Mechanisms were put in place to ensure participation at the district level (including in the implementation phase), with a focus on poor groups. Transparency and accountability were enhanced by information sharing through community meetings, local media and stakeholder fora. The institutional memory improved through the documentation of all programming phases. Collaboration with human rights organisations further promoted the rights perspective and the cross-cutting issues for which monitoring mechanisms were instituted.

#### *Health Sector*

The principles of the rights perspective reached the national level and the human rights based-approach was integrated into sector policies. Programming became increasingly pro-poor and emphasised non-discrimination and participation. Bottom-up planning enabled district level staff to take decisions and to respond to local claims. Information sharing was enhanced through community meetings and local media and stakeholder fora, which enhanced transparency and accountability. Annual performance contracting based on targets enhanced staff accountability. Cross-cutting issues were included in the staff performance contracts.

#### *Water Sector*

Planning tools were designed to enhance participation and transparency. Marginalised groups were increasingly consulted in the planning and design of programmes. Increasing participation and advances in non-discrimination were evidenced by the utilisation of complaints mechanisms, which served to strengthen accountability. Links to human rights institutions exist, but remain weak. Skills were developed for integrating conflict resolution and peace as cross-cutting issues. Gender was well integrated. Discrimination against HIV-positive and people with disabilities was actively discouraged. Ease of physical access for people with disabilities received increasing attention in the design of facilities and buildings.

### *Urban Development Sector*

Participation through settlement executive committees was enhanced. Marginalised groups were increasingly consulted in the planning and design of programmes. Skills were developed for addressing environmental issues and conflict resolution as cross-cutting concerns. Gender was well integrated. Nonetheless, awareness of the human rights-based approach is generally lacking. The principles of transparency and accountability were inadequately integrated, e.g. poor use of the complaints mechanisms. The sector remains centralised, which hampers bottom-up decision-making. Links to human rights institutions are still weak.

### *Governance and Justice Sector (GJLOS)*

Government links with CSOs and the KNCHR improved. Participation increased through multi-stakeholder consultation, thematic groups and review meetings. There was increasing transparency in the priority-setting and conduct of duty-bearers (such as the police). Nonetheless, the key players as duty-bearers are those at the central level of the justice system. The degree of participation of non-state actors was limited and most CSOs were Nairobi-based. Hence, ownership suffered. It remains unclear how cross-cutting issues were integrated in programming.

### *Roads Sector*

The application of the human rights-based approach was increasingly decentralised but documentation of the process was lacking. Participation and poverty reduction were emphasised through the use of local resources and labour, and priority-setting through district committees. Accountability was enhanced through the devolution of responsibilities to district committees and engineers. Following training, CSO participation improved. In terms of cross-cutting issues, gender, HIV and AIDS and the environment were mainstreamed. Efforts were made to involve women, children, people living with HIV and AIDS, CSOs and others in compiling 'wish lists'. However, gender was frequently conflated with non-discrimination.

Notwithstanding the vexing attribution problem, there is little doubt that 'Mainstreaming in Action' made a significant contribution to awareness-raising about mainstreaming and to enhancing the capability of staff to operationalise the principles of a rights-based perspective. Yet, it started from a low base and a formidable task lies ahead in furthering the mainstreaming ambitions. However, the greatest shortcoming of the initiative lies in its one-off nature, which affects its sustainability. It focused on training as a means of heightening awareness in *ad hoc* workshops for various categories of personnel (Brun et al. 2008:146). In view of the high staff turnover at the embassy, in the civil service and in civil society there is a need for continuous training efforts because new officers without the necessary ballast keep turning up. Regrettably, the staff turnover problem is likely to undermine the initial capacity achievements unless persistent efforts are made to counter such trends. It would probably have been advisable to have involved the KNCHR in the continuation of these efforts to ensure institutionalisation, either with long-term financial support from Sida to be phased out gradually as the Kenya government was taking over the task.

A second serious shortcoming is the undue emphasis on the appraisal and design phases of interventions, while to some degree neglecting other phases of the project cycle through implementation to completion and evaluation. While this biased emphasis may be due to resource constraints, it is no less a weakness that warrants remedial action.

## **Nyanza Roads 2000 Programme**

The Sida-supported Nyanza Roads 2000 Programme came on stream in January 2006 and is still ongoing but due to end in 2011. It covers most districts in Nyanza Province: Kisumu, Siaya, Bondo, Nando, Rachuonyo, Gucha, Kisii Central, Homa Bay, Suba, Migori and Kuria. Sida's projected total contribu-

tion by the end of 2011 is KES 1,893 million (Max & Partners Ltd. 2009:20) – approximately SEK 172 million at the current rate of exchange. The Swedish contribution has accounted for about 30–40 per cent of yearly funding. The substantial Government of Kenya (GoK) contribution derives from the road fuel levy. The purpose of the programme is to build and rehabilitate rural roads by means of labour-intensive methods and by using local resources, as well as building capacity for road maintenance on a sustainable basis through training at the Kisii Training Centre. By the end of the programme 70 per cent of the rehabilitated roads is expected to be in a maintainable condition. After the reorganisation of the Ministry of Roads, the Kenya Roads Board oversees the allocation of money and follows up with audits. Funds are transferred from the Treasury to the District Road Engineers. The programme falls under the Kenya Rural Roads Authority (KeRRA) and is headquartered in Kisumu and supervised by a private consortium under contract with Sida.

This intervention was selected for closer scrutiny with a view to ascertaining the degree to which the mainstreaming of the human rights based approach to development (focusing on accountability, non-discrimination and participation) is being applied, in particular with regard to the rights of children. The programme is not specifically orientated towards child rights but its implementation affects children in various ways, directly and indirectly. Although the outcomes are many and diverse, the considerable employment generation of the programme warrants highlighting. From its start in January 2006 until June 2009 – a time span of three and a half years – a total of 1,787,631 person-days have been recorded. This is equivalent to some 7,150 person-years of full-time employment based on 250 working days per person per year. The gender distribution was 66 per cent men and 34 per cent women (Max & Partners Ltd. 2009:57). It is noteworthy that overwhelming evidence shows that the income earned by women was used to improve the livelihoods of their households, while the men tended to engage in drinking and other forms of entertainment. Female labourers were inclined to form ‘merry-go-rounds’ (small-scale savings and credit societies) in efforts of further empowerment.

To mainstream the programme its leadership established District Working Groups comprising relevant departments (and partly overlapping with the District Development Committee). To anchor the activities solidly in the communities Road Committees were formed at the divisional level and linked to the Dept. of Social Services. The Road Committees – consisting of women’s groups, faith-based organisations, youth, people with disabilities, chiefs, village elders and councillors – were the main vehicles for local participation, ownership and accountability as a basis for a sustainable maintenance system. There was some initial resistance on the part of technical officers but this waned as the approach proved effective. Some farmers also objected to the danger of run-off which could cause soil erosion but a soil erosion prevention scheme mitigated that concern. Some challenges were also experienced with regard to reliance on the Dept. of Social Services whose mandate did not include matters of roads construction and maintenance. Nor did its performance contracts include such components.

The Road Committees have assisted in the recruitment of labour for the contractors, but above all the Road Committees have helped to build consensus in the community through stakeholder workshops to determine priorities, the alignment of roads, etc. It is an indication of community ownership that some land owners did not demand compensation when new and more efficient road alignments encroached on their land; the perception was that they would nevertheless stand to benefit in the long run.

The HIV infection rate is higher in Nyanza Province than elsewhere in Kenya – 15.4 per cent against the national average of 7.8 per cent in 2007. As a result, the number of AIDS orphans is comparatively high. Many orphans are indeed heads of household with a number of other children in their care. In some districts of the province the practice of child marriage is also prevalent. The child labour issue was therefore addressed at the design phase and within the Nyanza Roads 2000 Programme a difficult dilemma thus arose. Adhering strictly to the CRC definition of a child would uphold the norm that labourers under the age of 18 could not be offered employment because they would be considered

children. On the other, by denying children as heads of household the opportunity to earn an income would effectively deny them and their fellow siblings the right to a livelihood.

The programme sought a pragmatic solution by referring the matter to the community-based Road Committees. It should be recalled that the prohibition of child labour has three main justifications of protection: (i) child labour denies a child the right to education; (ii) child labour could be injurious to the health and wellbeing of the child; and (iii) child labour tends to be extremely exploitative. Bearing this in mind, the Road Committees addressed the dilemma through arrangements by which the under-aged labourers were imparted skills related to road construction and maintenance, akin to an apprenticeship or on-the-job training, so as to provide the children with the wherewithal of earning an income in the future. Similarly, efforts were made to confine the involvement of child labourers only during weekends when school was not in session. Such arrangements were met with approval in the local communities. It should also be noted that the ILO served in an advisory function with regard to child labour issues. No NGOs dedicated to the promotion of child rights have voiced criticism of the adopted arrangements – either because they are not known or because they are found acceptable.

Overall, it may be concluded that the Nyanza Roads 2000 Programme has made commendable attempts to mainstream human rights, including child rights, in its activities. The most notable achievement in that regard is the high level of community participation through the Road Committees that have generated local ownership and commitment. The generated employment and income have had numerous beneficial ripple effects in the local economies and served to improve the livelihoods for many households. In terms of child rights specifically, the flexible arrangements to involve children in remunerative labour must be seen as an innovative solution to a seemingly intractable problem and to the promotion of the rights of particularly vulnerable children.

## **Diversion Programme for Children in Conflict with the Law**

Diversion is defined as a process whereby young people who come into conflict with the law, particularly first-time offenders, are dealt with outside the formal criminal justice system (Renstrom 2008:10). Diversion seeks to prevent the stigmatisation of children who have committed minor offences or, more often, have been abandoned, neglected, exploited and sexually abused and therefore in need of protection and care rather than punishment. The purpose is to reintegrate them into their families and communities.

Of the cases before the juvenile justice system about 80 per cent are child welfare cases not to be dealt with by the judiciary. This state of affairs induced some CSOs and the Dept. of Children's Services to embark on a diversion programme whose entry point was police stations. Generally, when apprehended for misdemeanours, minor offences or loitering, children are incarcerated in cells with adult criminals. Owing to the backlog of cases, the remand period could be long, even up to three years. The children are thus vulnerable to abuse and at risk of being initiated into a criminal career. The diversion programme, therefore, sought collaboration with the Police Dept. to set up physically separate Child Protection Units (CPU) at selected police stations throughout the country. The basic rationale is to separate from convicted criminals children in conflict with the law who are in need of care rather than deserving punishment. Following the initial encounter with the police and while in custody in CPUs the diversion programme engaged in activities towards rehabilitation by providing skills with a view to reintegrating them into society.

This intervention was selected for closer consideration because it is a case of state-civil society collaboration addressing an important aspect of child protection that has long been neglected. The Kenya diversion programme was initiated in 2001 and has been implemented in phases. Through piloting in a few areas it grew to include altogether 14 programme areas in Nairobi, Nyanza, Rift Valley and Western Provinces. The key government partners were the Department of Children's Services and the

Police Department. In addition, three civil society partners played major roles: Children's Legal Action Network (CLAN); Girl Child Network (GCN); Forum for Child Rights Initiatives (FORUM). ANPPCAN's Kenya chapter provided support in advocacy and documentation (Rutere and Kiura 2008). Between October 2004 and the end of 2008 Sida provided a total of SEK 9 million through the Kenya chapter of Save the Children Sweden as a conduit under a framework agreement. The other donor during this period was the Oak Foundation but Sida's contribution accounted for three-quarters of the funds (Save the Children Sweden 2009).

The end evaluation and completion reports list a number of notable achievements of the diversion programme (Rutere and Kiura 2008 and Save the Children Sweden, 2009 #12):

- Child Protection Units have been established in 14 police stations, although not all are fully functional and adequately equipped (furniture and toys) and staffed (trained counsellors and child psychologists as well as police officers);
- From inception until 2003 altogether 2,591 children were rehabilitated, monitored and reintegrated into their communities. Between 2004 and 2008, when Sida funding was forthcoming, a total of 7,385 children have been supported by the programme;
- Although the review of the Children Act has not been completed and an amendment bill not yet tabled in parliament, the programme has been an active advocate for including diversion in the amended act, which would serve to increase government support. The legislative process is generally slow and disagreement about corporal punishment has caused delay in this particular case;
- The Dept. of Children's Services has incorporated diversion activities in its operations;
- A provisional budget line has been included in the national budget, although no funds have so far been allocated. However, once the amended Children Act is passed, this item will surely benefit and lay a foundation for the sustainability of diversion activities;
- The police, however, practice diversion with caution as it is not yet provided for in law;
- The programme has produced a good climate for government and civil society collaboration on a sustainable basis;
- Children benefiting from the programme have been given voice and exercised their rights to education, play, information, dignity and respect. With counselling the risk of recidivism has thus been reduced;
- Computers and software for processing data on children in conflict with the law have been provided to the Dept. of Children's Services and the collaborating CSOs. This has contributed to better monitoring and a more accurate overview of the situation;
- Through considerable training programmes the awareness of child rights and the rationale underpinning diversion has been raised in government departments and in the targeted communities. CBOs have worked with opinion leaders, chiefs and others to change attitudes towards children but it is a slow process (there have been cases of mob justice against children who have committed petty offences). It is particularly noteworthy that a course on child rights has been introduced at the Police College in Kiganjo. In 2005 alone, a total of 375 police officers, 200 civil servants, 100 members of the District Diversion Core Teams; 200 community members; and 40 media personnel underwent training. Notwithstanding the general need for such training when starting from a low level of knowledge, the high turnover of personnel turns it into a Sisyphean task.
- A number of success cases have been used as role models for children going through the programme.

It augurs well for the sustainability and scaling up of diversion activities that the programme to date has been coordinated and championed by government departments, notably the Dept. of Children's Services in close collaboration with Kenyan CSOs. With the anticipated passage of the amended Children Act, including sections pertaining to diversion, such activities would get a stronger legal basis which, in turn, is expected to receive augmented financial support from an item of the regular government budget. However, the needs are formidable and scaling up will require substantial funding.

## UNICEF: Building a Child Protection System

The United Nations Children's Fund (UNICEF) is arguably the most important non-Kenyan stakeholder in child rights promotion in Kenya. It is a multilateral inter-governmental agency that relates primarily to Kenyan authorities in its activities – as an integrated, holistic programme for the realisation of child rights. Not only is UNICEF directly involved as a partner in the implementation of a series of projects and programmes, it also produces a wealth of information on the situation of children and related topics. Most of its funds derive from contributions from bilateral agencies but also from the private sector and national UNICEF committees. Both Norway and Sweden are major contributors to UNICEF's budget as shown in the Tables 1 and 2 below. Sweden has also channelled support for local NGOs addressing child rights through UNICEF (Nyamweya et al. 2007) and both countries provide funds for so-called multi-bi projects. The above are the main reasons for including UNICEF as part of this evaluation.

UNICEF's current country programme in Kenya is many-faceted and wide-ranging. It comprises four main components (Government of Kenya and UNICEF Kenya 2009):

- *Child Survival and Development*, incorporating three sub-components: (i) health; (ii) nutrition; and (iii) water and sanitation;
- *Education and Young People*, covering: (i) universal primary education (both access and quality aspects); (ii) reduction of regional disparities in education; and (iii) youth empowerment targeting the 12–24 year group;
- *Child Protection*, including four result areas: (i) legal and policy framework; (ii) establishment of a national protective family-based care system; (iii) reintegration of half a million most vulnerable children in family care or alternative family-based care systems; (iv) promotion of community-based mechanisms for prevention of violence, separation of children from their families and HIV infection among girls and boys;
- *Policy, Planning, Advocacy and Communication*, involving three sub-components: (i) social policy, research and participation; (ii) advocacy and partnerships; and (iii) communication and development.

Regular Resources (RR) are not earmarked for specific activities or countries; they are general core support for UNICEF's global budget and as such their use is flexible. It is difficult, therefore, to trace where or for what purposes such funds are being used. However, an allocation formula is being applied based on three core criteria: under-five mortality rate; gross national income (GNI) per capita; and child population. The allocation policy gives priority to the least developed countries and to sub-Saharan Africa (United Nations 2008). By contrast, to Other Resources-Regular (OR-R) – which may be either thematic (either global, regional or country) or non-thematic (most likely project-specific) – the donors attach a 'soft' earmarking, e.g. to themes of UNICEF's Medium-Term Strategic Plan (MTSP) which currently covers the period 2006–2013. When choosing a form of support a donor conveys a message. For example, if OR-R are designated global thematic for basic education it gives UNICEF considerable flexibility to spend those funds anywhere in the world for educational purposes. Conversely, if the designation is more specific, e.g. region- or country-specific the flexibility is geographically diminished. Other

Resources-Emergency (OR-E) are provided for UNICEF's humanitarian and post-emergency recovery activities, often in response to specific calls. It is interesting to note that the largest proportion of Norway's contribution to UNICEF falls under the rubric of OR-R while Sweden's largest contribution is in the form of RR throughout the period under review.

The OR-R and OR-E resource categories can be used for both thematic and non-thematic purposes, Table 2 below shows the distribution of the thematic share as the 'soft' earmarking by Norway and Sweden, respectively, for the period 2006–2009. It is interesting to note that Norway in its 'soft' thematic earmarking has consistently given highest priority to basic education and gender equality throughout the period covered. The share of this category in Norway's total thematic contributions for 2006–2009 reached 76.6 per cent. The second largest thematic earmarking was for humanitarian purposes, accounting for 15.7 per cent of the total thematic contributions. By contrast, Sweden has given highest priority to humanitarian assistance throughout the period. The share of this category in Sweden's total thematic contribution for 2006–2009 is 52.6 per cent. The second largest category of Sweden's thematic contributions was basic education and gender equality, accounting for a 29.6 percentage share in total thematic contributions for the period in question.

Partly owing to the lack of resources and/or inappropriate strategies, the approach to child protection on the part of multiple donors has in the past focused on discrete interventions by many different stakeholders (typically through CSOs but also through UN agencies and government institutions) with regard to specific issues such as child labour, child trafficking, street children, emergencies or HIV and AIDS prevention and treatment, etc. While by no means discounting the substantial results achieved, this approach has some weaknesses. However laudable in their own right, in the aggregate such discrete efforts have produced a fragmented child protection response characterised by inefficiencies and lacunae of unmet needs – notwithstanding efforts to forge synergies. An alternative to this somewhat haphazard *modus operandi* of discrete interventions is a systems approach (Wulczyn et al. 2010). This would involve a collection of components, parts or stakeholders organised around a common purpose or goal – i.e. effective child protection – as the glue that keeps the system together. For it to work it must be embedded in families and communities which, in turn, exist within a wider society. Specific attention must be paid to the coordination and interaction of the constituent components of the system, all of which with their specific functions, structures and capabilities. The key to a workable system that is flexible and robust in the face of contingency and change is, therefore, the continuous nurturing of a spirit of coordination and collaboration among stakeholders at all levels. UNICEF has adopted this systems approach to child protection and is endeavouring to apply it in the Kenyan context.

UNICEF sees a child protection system as comprising the totality of laws, policies, regulations and services across all social sectors – especially social welfare, education, health, security and justice – designed to promote the welfare of children and to protect children through risk prevention as well as *ex post* intervention to assist children who have been adversely affected by abuse or neglect. A child protection system forms part of a wider system of social protection, and extends beyond it. It aims at supporting and strengthening families in order to reduce social exclusion and the risk of separation, violence and exploitation (UNICEF 2008).

UNICEF Kenya has contributed to the implementation of the five-year strategic plan (2008–2012) of the Ministry of Gender, Children and Social Development (MoGCSD) as well as those of other social sector ministries such as health, education, water, sanitation and hygiene (WASH), plus those of the ministries of planning and national development and the elaboration of Vision 2030. UNICEF Kenya's objective to contribute to the establishment of a functioning child protection system in Kenya is relatively new. It is integrated into UNICEF Kenya's current Country Programme Action Plan 2009–2013 as well as the 2008–2012 strategic plan of the MoGCSD. Significant progress has been made but much remains to be done. With regard to the legal and policy framework, the Children Act of 2001 is in a process of amendment to incorporate appropriate legal language on violence, corporal punishment

(still controversial in society at large), justice, replacing the institutionalisation of children with family-based care. The amended bill is expected by the end of 2010 (UNICEF Kenya 2009).

It should also be noted that on 4 August 2010 Kenya's new constitutional proposal was approved by a two-thirds majority in a referendum. The new constitution contains a specific section (53) on the rights of children, entrenching the principle of the best interest of the child. Putting in place these legal provisions is important because they provide a basis for leveraging action and budgetary resources.

A Social Protection Policy has been drafted and is awaiting cabinet approval. Similarly, a policy has been elaborated on FGM and an FGM bill is expected to be tabled in parliament by the end of 2010. The National Plan of Action for Orphans and Vulnerable Children has been disseminated widely within government structures. In collaboration with the National Council for Children Services, the Department of Children Services and CSO partners, UNICEF has assisted in defining the parameters of a functioning child protection system, including the identification of gaps and priorities.

**Table 1: Global Contributions to UNICEF by Norway and Sweden 2000–2009 (USD million)**

| Donor  | Type         | 2000        | 2001        | 2002        | 2003         | 2004         | 2005         | 2006         | 2007         | 2008         | 2009         |
|--------|--------------|-------------|-------------|-------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| Norway | RR           | 32.7        | 34.5        | 39.2        | 46.2         | 48.3         | 47.4         | 46.9         | 59.9         | 73.5         | 69.9         |
|        | OR-R         | 11.3        | 20.3        | 30.7        | 34.2         | 63.9         | 90.9         | 110.6        | 119.4        | 96.0         | 114.9        |
|        | OR-E         | 9.9         | 9.5         | 12.5        | 32.4         | 22.9         | 67.3         | 21.1         | 18.3         | 21.6         | 14.1         |
|        | <b>Total</b> | <b>53.9</b> | <b>64.3</b> | <b>82.4</b> | <b>112.8</b> | <b>135.1</b> | <b>205.5</b> | <b>178.6</b> | <b>197.6</b> | <b>191.1</b> | <b>198.9</b> |
| Sweden | RR           | 31.2        | 29.7        | 30.1        | 36.3         | 45.1         | 54.9         | 58.0         | 67.5         | 71.9         | 72.4         |
|        | OR-R         | 14.6        | 14.0        | 25.9        | 36.2         | 39.1         | 41.2         | 54.1         | 66.3         | 58.8         | 69.4         |
|        | OR-E         | 10.1        | 16.3        | 17.9        | 30.5         | 27.4         | 30.2         | 32.1         | 35.0         | 39.1         | 29.4         |
|        | <b>Total</b> | <b>55.9</b> | <b>60.0</b> | <b>73.9</b> | <b>103.0</b> | <b>111.6</b> | <b>126.2</b> | <b>144.1</b> | <b>168.8</b> | <b>169.8</b> | <b>171.2</b> |

Source: UNICEF, New York.

**Table 2: Norwegian and Swedish Contributions to UNICEF Globally by Theme 2006–2009 (USD)**

| Donor              | Theme                               | 2006               | 2007               | 2008               | 2009               | Total              |
|--------------------|-------------------------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| Norway             | Basic Education and Gender Equality | 72,129,220         | 83,215,980         | 64,339,890         | 77,870,000         | 297,555,090        |
|                    | Child Protection                    | 5,573,400          | 5,597,100          | 4,298,100          | 4,886,868          | 20,355,468         |
|                    | HIV-AIDS and Children               | 3,044,200          |                    |                    |                    | 3,044,200          |
|                    | Policy, Advocacy and Partnership    |                    | 2,425,410          | 1,862,510          | 2,024,620          | 6,312,540          |
|                    | Thematic Humanitarian               | 18,298,263         | 12,514,960         | 19,350,192         | 10,790,266         | 60,953,681         |
| <b>Total</b>       |                                     | <b>99,045,083</b>  | <b>103,753,450</b> | <b>89,850,692</b>  | <b>95,571,754</b>  | <b>388,220,979</b> |
| Sweden             | Basic Education and Gender Equality | 13,590,139         | 13,693,273         | 15,332,477         | 11,093,800         | 53,709,689         |
|                    | Child Protection                    | 6,090,585          | 5,303,823          | 3,232,854          | 9,821,362          | 24,448,624         |
|                    | HIV-AIDS and Children               | 2,032,468          | 1,806,146          | 128,336            | 796,938            | 4,763,888          |
|                    | Policy, Advocacy and Partnership    | 218,254            | 45,846             | 660,013            | 472,738            | 1,396,851          |
|                    | Thematic Humanitarian               | 28,625,120         | 27,678,878         | 38,698,145         | 420,715            | 95,422,858         |
|                    | Child Survival and Development      | 381,944            | 545,859            | 586,678            | 314,016            | 1,828,497          |
| <b>Total</b>       |                                     | <b>50,938,510</b>  | <b>49,073,825</b>  | <b>58,638,504</b>  | <b>22,919,569</b>  | <b>181,570,408</b> |
| <b>Grand Total</b> |                                     | <b>149,983,593</b> | <b>152,827,275</b> | <b>148,489,195</b> | <b>118,491,323</b> | <b>569,791,387</b> |

Source: UNICEF, New York. Data for the former half of the decade were not available.

Child Protection Centres (CPC) have been set up in Nairobi, Garissa, Eldoret and Mombasa to enable mainly street children vulnerable to violence, abuse, exploitation and family disruption to get access to basic services. UNICEF supported the government in developing harmonised standards and procedures for the operation of CPCs in respect of administration, management (including record keeping), service provision and referral. By the end of 2009 1,792 children (1,430 boys and 362 girls) were registered at those centres. Altogether 910 of them were provided services by the CPCs – psycho-social and educational assessment; feeding; hygiene (laundry and bathing); and counselling – while 403 were reunited with their families. A total of 403 children returned to school, of whom 27 were at nursery, 162 at primary and 14 at secondary levels, plus 200 in vocational facilities (UNICEF Kenya 2009:7–8). In the same vein, the national helpline for children (116 toll free call) is a major achievement. Originally a CSO initiative but now operated by the government, the number of monthly received calls is about 28,000, of which 5–6,000 cases were referred for counselling or legal aid. UNICEF has assisted CLAN and CRADLE in providing legal aid to approx. 400 children in Nairobi, Garissa, Mombasa, Malindi, Mt. Elgon and Eldoret districts, some of which involving sexual abuse and exploitation, especially at the coast. The provision of legal aid has also informed legal and policy reform. Furthermore, UNICEF has assisted in the drafting of a training manual for police officers on child rights, child protection and child-friendly procedures to be included in the curriculum of the police training college as part of the police reforms, and in the drafting of operational standards for Child Protection Units (CPU) at police stations.

In 2008, a collaborative programme was started with the Dept. of Children's Services (DCS), the Child Welfare Society of Kenya (CWSK) and the National Council of Churches of Kenya (NCCCK), to identify, trace and document the reunification of separated children with their families. With UNICEF support a total of 8,008 such children had been identified by the end of 2009, of whom 998 were put in boarding schools, 1,082 placed in Charitable Children Institutions (CCI), and 5,928 living in child-headed households across the 15 most affected districts. Of the 8,008 children, those in boarding schools were subsequently dropped from the programme because it was discovered that they maintained regular contact with their parents. Of the remaining 7,010 children (3,599 boys and 3,411 girls), altogether 5,769 (2,945 boys and 2,824 girls) were reunited with their families by the end of August 2009. Even though UNICEF is working towards the de-institutionalisation of children in favour of family-based care (fostering or adoption), it is acknowledged that CCIs will continue to operate for some time to come. Therefore, UNICEF has supported the elaboration of Standards for Best Practice to provide guidelines for CCI management and a basis for closure or penalisation of those CCIs found to be encouraging family separation or not meeting the set standards which emphasise case management, exit strategies for children with prioritisation of family reunification, adequate care and protection while in the institution. The development of a training manual for CCI personnel is also in progress (UNICEF Kenya 2009:8–9).

A key element of the child protection system is the cash transfer programme for orphans and other vulnerable children (OVC) that was launched as a pilot in 2004, after a political mobilisation and publicity campaign dating back to the 2002 elections (this section draws on Alviar and Pearson 2009). The basic underlying concept was to contribute through direct cash transfers to alleviating the burden of poverty borne by ultra-poor households, whose members comprise orphans and other vulnerable children. Largely owing to a high incidence of HIV infection and deaths resulting from AIDS, there are an estimated 2.4 million orphans in Kenya.<sup>9</sup> Initially, 500 households were targeted in three parts of the country with diverse profiles: pastoralist, urban slums, and a poor agricultural community.

There are four broad categories of ultra-poor in Kenya: (i) the poor residents of arid and semi-arid areas predominantly deriving a livelihood from pastoralism; (ii) the poor affected by HIV and AIDS to

<sup>9</sup> An orphan is any child who has lost one or both parents. A maternal orphan is a child whose mother has died, a paternal orphan is a child whose father has died, and a double orphan has lost both parents.

the extent that economically active household members are either ailing or deceased due to AIDS; (iii) the poor of urban slums; and (iv) the migrant labourers on large tea and pineapple plantations. In-kind transfers by the state to poor people, mainly food relief in humanitarian crises (droughts and floods), is nothing new in Kenya; it has been practiced almost continuously for nearly 30 years as a regular feature of the country's social protection efforts – often involving the World Food Programme and CSOs.

Cash transfers were a novelty and indeed a radical departure from previous practices to a new mode of delivery with comparatively low transaction costs; targeting parts of the country with high poverty rates and high rates of HIV incidence; and using community knowledge in the selection of ultra-poor households with vulnerable children (Alviar and Pearson 2009:8). For low-cost cash delivery the post office system was used with its 400 outlets throughout the country. Based on experiences from Latin America and after much debate the magnitude of the monthly flat rate cash transfer per household was pragmatically set at the equivalent of USD 21 in Kenyan currency. This was considered adequate to make a difference yet low enough to forestall dependency.

A baseline survey of 1,506 households was undertaken. The mean number of children was 3.3 per household and 97 per cent of the households had orphaned members. Ten per cent of the households housed a chronically ill child while 18 per cent housed chronically ill caretakers, probably reflecting the high HIV prevalence rate (Alviar and Pearson 2009:25). The selection of beneficiary households was based on a combination of community knowledge and objective criteria such as the quality of household buildings and ownership of household appliances and conveniences such as bicycles. Extra weight was assigned to households with no able-bodied persons (in effect child-headed households), with disabled children, with foster children, etc. (Alviar and Pearson 2009:22).

The pilot programme was run by the Government of Kenya (GoK) in conjunction with UNICEF, with partial funding by Kenyan taxpayers and co-funding from Sida. DFID began making financial contributions in mid-2007. The second phase scaled up to 37 districts by 2008, with an anticipated number of 75,000 households to be enrolled by mid-2009. Significantly, the GoK increased its contribution dramatically from about USD 800,000 in 2005 to more than USD 9 million in the 2008/2009 budget year. The GoK share of the total cost of the programme is currently about half. In 2009 the World Bank provided an IDA loan of USD 50 million over five years from 2010.

While learning from experiences elsewhere, there was much debate about the danger of creating dependency on cash hand-out and whether the recipients would spend the money for the 'right' purposes rather than squandering it. A thorough evaluation with control groups is ongoing but some evidence from previous evaluations has emerged. The money was spent on rent, school uniforms, food and sometimes anti-retroviral drugs. There was little evidence of misuse. Selling assets to buy consumption items is a common coping mechanism but it is also destructive because it undermines future income generation. It turned out, however, that fewer households reported selling assets during the six-month period since they received the first lump-sum transfer. Beneficiary households were also more likely to have acquired assets over the same six-month period (Alviar and Pearson 2009:15). There is also evidence of secondary effects that cash transfers stimulate economic growth when being injected into the local economy – hence stimulating demand for goods and services that help small businesses to grow, creating employment, generating income, and thus expanding the tax base (Alviar and Pearson 2009:10).

Pending the results of the ongoing evaluation, the cash transfer programme appears to have been successful in many respects. However, the main questions are whether it can be scaled up further to cover the entire country and whether it will be financially sustainable. Ultimately those are political issues of prioritisation. The revenue collection in Kenya has been increasing in recent years and reached the fairly sound level of 20 per cent of GDP in 2008. This compares favourably with its neighbours Tanzania (11.6 per cent) and Uganda (12.5 per cent) and is close to the sub-Saharan African average of

23.9 per cent. Those figures should be considered against Kenya's fiscal deficit – excluding aid – which was minus 11.3 per cent, while those of Tanzania and Uganda were minus 8 and minus 5.6 per cent, respectively. Kenya receives relatively modest aid flows – only USD 25.8 per capita against USD 54.6 for sub-Saharan Africa (Alviar and Pearson 2009:29). Whether the parliamentarians are prepared to increase and maintain a high level of funding for the cash transfer programme – competing with a multitude of other good ends – is a moot point but if behaviour to date is anything to go by the prospects are not discouraging.

A number of the building blocks of a child protection system in Kenya is already in place; the embryo is discernible and growing. The legal and policy framework is particularly advanced, even though major gaps remain. Furthermore, significant beginnings have been made with regard to giving operational substance to the implementation of policies and the enforcement of legislation. Pilot programmes have been started in selected locations and are subsequently scaling up in terms of geographical coverage and number of recipients. This is a painstaking process because the awareness of child rights is still generally low; both government departments and society at large need to be sensitised to the challenges of child protection. Moreover, when scaling up the services provided more budgetary resources will be required to make the system financially sustainable. For example, although the Children Act provides for free legal aid to children, there is not yet a sustainable legal aid programme in place. This gap is currently filled by CSOs. Similarly, while commitments have been made to capacity building with regard to producing a training manual, and setting standards for CPUs, the police have not moved decisively to give it effect.

These caveats notwithstanding and in view of the long-term nature of building a functioning child protection system, considerable progress has been made and the prospects appear moderately good for seeing a fully-fledged system in the medium-term future.

## Voices of children

Article 12 of the CRC provides the child with a right to be heard and that their views be given due weight in accordance with the age and maturity of the child. General Comment No. 12 of the Committee on the Rights of the Child provides further clarification and an authoritative interpretation of the article (CRC 2009).

Towards giving effect in a modest way to this right the evaluators had two sessions with children to allow them to express opinions on their situation and matters related to child rights. One session in Narok comprised girls who were direct beneficiaries of an aid intervention. The other session took place at a primary school in Nairobi. Both sessions had the character of a focus group discussion. It is unfortunate, however, that the time constraint did not permit more extensive discussion with children.

### Maasai Education Discovery, Narok

A dozen Maasai girls enrolled at the St. Mary's Girls Primary School in Narok assembled on the school grounds during recess for a discussion with the evaluators about the project in which they had been involved (see separate description above) and about any other issue they would care to raise. As beneficiaries of this project they all came from poor pastoralist households depending on herds of cattle and smallstock for their livelihood. Narok district in the Rift Valley is susceptible to natural calamities such as periodic droughts and floods which decimate the livestock. The pupils attended Standards 6–8 and their ages ranged from 11–13 years. They had all gone through the alternative rite of passage to the conventional FGM practice and enrolled in the school as a result of a scholarship provided through the Maasai Education Discovery (MED). After a round of introductions they thawed and shed some of their shyness.

They all expressed gratitude for being part of the project and for getting an opportunity to go to school which otherwise would probably not have been an option open to them. Their awareness of the adverse implications of FGM and early marriage was impressive both in terms of health hazards and career prospects. A measure of assertiveness was gradually emerging and increasingly bolder statements were made about their aspirations and future plans. This assertiveness was particularly evident with regard to their plans for continued education at secondary level. Almost without exception they all aspired to enrol at so-called national schools, not because they had relatives in the neighbourhood or friends attending the particular schools they named, but simply because those schools had a reputation for being good ones in terms of their ranking in national exams.

As to ambitions about future professions, surprisingly many wished to become airline pilots or stewards. Some wanted to become doctors and others teachers. None expressed a wish just to get married soon and settle down.

### Milimani Primary School, Nairobi

A session was organised after school hours with a club calling itself *Ambassadors of Children's Rights*. This club was established in 2009 with the assistance of CLAN and Forum for Child Rights Initiatives which provided continuous follow-up. It is overseen by a school matron. At first only girls were members but later boys were allowed to join as well. The club holds meetings at the school premises once a week for the purpose of educating members on child rights matters and the planning of other club activities. With a total membership of 45 at ages 11–13 in Standards 6–8 it practices internal democracy and elects by secret ballot officers for positions of trust after a one-week campaign period. Their grasp of

basic democratic principles was impressive and they were visibly proud to demonstrate their knowledge and practice of democratic procedures.

They also showed remarkable knowledge about child rights and awareness about the obverse side of rights: the responsibility of children. They engage in various types of activity, including debates on salient issues such as freedom of expression, child abuse and corporal punishment and counselling as its alternatives. They have made a simplified version of the Children Act to make it easier for children to understand what it means for them. Through these activities the members acquire courage to speak their mind, to know their rights and teach others the same, in other words to participate. They know about the child helpline and have contributed to making it known for use in cases of emergency. Once they leave primary school they intend to start a similar club in secondary school if there is none already. Their motivation for participating is both learning about rights but also the fun activities they organise. Meeting with other pupils at other schools they visit is also a bonus plus meeting people like us to discuss what is being done to promote child rights in Norway and Sweden, e.g. through ombudsmen for children.

## Conclusions

Based on the findings from the perusal of a multitude of reports and other sources, combined with interviews with key stakeholders, some overall conclusions may be drawn. However, no project-specific conclusions of substantive nature will be advanced. This section should be read in conjunction with the subsequent one on recommendations.

First, the legal and policy framework with regard to child rights in Kenya has improved tremendously in recent years. The change of government following the 2002 elections is no doubt a major factor driving this change. Although this development is not attributable to the interventions of specific donors, it would be fair to say that the donor community – Norway and Sweden included – has made significant contributions to that achievement, in conjunction with the government of Kenya and Kenyan CSOs. The sections above specify these achievements in some detail.

Second, it warrants highlighting that CSO involvement in state interventions tends to make those interventions more child-friendly. The GJLOS reform programme is a case in point. Furthermore, the role of civil society in government reporting and its contributions to the improvement of government systems are noteworthy. In this regard the diversion programme discussed above is a good example of state-civil society synergy and collaboration. And finally, many CSOs have played key roles in food distribution and other services during emergencies such as droughts, floods and other natural calamities, and even in human-made disasters such as the 2008 post-election violence that displaced some 350,000 people.

Third, although the improvement of service provision for children and child protection has been lagging behind the legal and policy framework, considerable improvements have been seen in that regard as well. Notable cases in point are the introduction of free primary education in 2003 and the cash transfer programme as from 2004.

The relationship between the government and civil society remains ambiguous. On the one hand, large parts of civil society have adopted a stance of collaboration and complementarity. On the other hand, other parts of civil society prefer to maintain a more confrontational watchdog position vis-à-vis government institutions and are wary of being co-opted. Regardless of their stand, most CSOs continue advocacy activities on an array of issues. For example, nearly all of them contributed to the ‘shadow’ report to the official submission by Kenya as a state party to the CRC. And many are grappling with finding a middle way by balancing collaboration and criticism, although it may be a difficult balancing act at times.

The building of a functioning child protection system is in progress. Significant initiatives have already been taken but will have to be developed further to be sustainable. As multilateral agencies UNICEF and the IOM are working with the government on a broad front towards that goal. In the same vein, the government has firmed up its commitment by increasing its budgetary allocations to the Dept. of Children’s Services, to the educational sector, mainly at the primary level, and to the cash transfer programme. Through the sector-wide GJLOS reform programme a large number of ministries and departments have begun working together towards common objectives in the justice sector.

Notwithstanding the great strides that have been witnessed towards the fulfilment of child rights, any stakeholder would be prepared to admit that huge challenges of policy implementation and law enforcement remain. Also, with the promulgation of the new constitution additional legal reforms are needed. However, the legal provisions already in place and those that are to come in the wake of the new constitutional provisions can be used to leverage further action by the government and to increase budgetary allocations to meet international obligations as a duty-bearer and to give substance to domes-

tic legal commitments. Nonetheless, the financial and human resource constraints are bound to persist. The demands on the Kenyan state are numerous; respecting, protecting, promoting and fulfilling child rights are but one of them. The sustainability of what has been achieved to date can only be secured if commensurate budgetary and human resources are provided. The donors can only provide a short-term respite by supplying funds and technical advice. At some stage the donors will have to exit, while the long-term obligations rest on the government's shoulders.

From the point of view of the donor community, choices have to be made as to the level and channel of intervention. Interaction at the level of the state has at least one main advantage (by their very nature as inter-governmental bodies UN agencies interact primarily with state institutions): the potential for long-term sustainability by establishing state structures with adequate resources and a policy and legal environment conducive to fulfilling child rights. But this level of intervention also carries risks and disadvantages: undue political interference and corruption coupled with a lethargic civil service.

The alternative level of intervention is that of civil society. At one point in time large parts of the donor community were keen to bypass what was perceived to be an overly bureaucratic, slow and corrupt civil service by channelling the bulk of funds through CSOs, ostensibly directly to the intended beneficiaries. The thinking is more nuanced today. However, there is merit to the argument that CSOs are more effective than government institutions in satisfying immediate needs in the short and medium term and in responding quickly to new challenges. The downside of the CSO mode of operation is the typical intervention by means of discrete and disparate projects with limited and/or uneven coverage. At that, the financial sustainability of CSOs is a perennial problem because they are seeking funding from the same sources and competing among themselves for those funds. To date, both Norway and Sweden have adopted a two-pronged approach as far as aid channels are concerned. While interacting and supporting state institutions directly they have at the same time channelled considerable funds through CSOs. Apparently, they see the two channels as complementary rather than contradictory (cf. discussion below on recommendations).

Apart from the choice of intervention level, the donors – in this case Norway and Sweden – have to consider the pros and cons of mainstreaming and targeted interventions in favour of children. As noted earlier the current policies of these two donors differ in this regard. While Sweden's strategy combines mainstreaming with targeted interventions for the benefit of children, Norway emphasises targeted interventions. The above discussion on mainstreaming reveals that it is a very ambitious approach that requires continuous attention by staff across the board, not only within Sida but also by recipient partners in the South. Previous evaluations of mainstreaming (Uggla 2007; Brun et al. 2008) have shown that it has proven exceedingly difficult to live up to the high level of ambition. It would not necessarily be correct, however, to discard mainstreaming as a failed approach. Its justification, rationale and potential impact are compelling arguments in favour of retaining mainstreaming as one prong of intervention. But any donor must be aware of and acknowledge the resource requirements involved to make it work. While being aware of these challenges, it seems that Sida has not yet taken that insight fully on board in an operational sense; in practice it continues to hobble along while the lofty ambitions remain largely rhetorical.

The child-targeted approach appears to have produced better tangible results, whether the channel is state-to-state or through CSOs. This is understandable because these interventions are generally more focused and often limited in scope, size and time horizon. Therefore, they are neater to manage efficiently. Although the results emanating from targeted interventions appear to be better, it does not follow that they are preferable to the exclusion of mainstreaming. For their neatness in terms of scope, size and duration is also their greatest weakness. While such interventions are no doubt capable of producing tangible results, they often lack strategic direction and sustainability. Rather, CSO interventions tend to be discrete and disparate without integration into a coherent whole. Above all, their sustainability is in serious doubt.

A choice is always made between discernible alternatives with respect to modes of intervention: (a) between mainstreaming and child-targeted interventions in terms of child rights; and (b) between channels of intervention and interaction, i.e. between state-to-state collaboration and engagement with civil society, whether or not the mode of intervention is mainstreaming or targeted. Support through CSOs tends to be targeted, however, but need not be, as a matter of principle.

There is no doubt that all the interventions assessed are highly relevant in assisting Kenya to honour its obligations as the principal duty-bearer in terms of the CRC. As aid efforts they are also relevant in terms of the obligations of donors as secondary, extra-territorial duty-bearers to provide development assistance (Vandenhoele 2009). Furthermore, they are relevant by being complementary to the actions of the Kenya government, whether the assistance is channelled to state institutions or through CSOs. Beyond the framework of the CRC, the assistance provided by Norway and Sweden is also contributing towards the achievement of the MDGs, generally towards poverty reduction with emphasis on child poverty (MDG 1) and especially with regard to primary education (MDG 2), even if not couched in child rights terms. Moreover, key principles of the Paris Declaration – harmonisation, alignment, and ownership – have by and large been observed, albeit variably so. While alignment has been achieved to a considerable degree and harmonisation among donors is reasonably good, the ownership aspect is less satisfactory, especially when considering sustainability.

In terms of effectiveness, most of the interventions assessed have performed satisfactorily, some even very well. But again, the performance is uneven. However, the main problem is unlikely to lie in the achievements of results by an array of the discrete interventions we have observed. Rather, the challenge is the patchy nature of interventions, i.e. that certain needs crying out for attention is left unattended or neglected. Although we concede that we do not have a complete overview of the child rights situation (the comprehensive UNICEF Situation Analysis of Children and Women in Kenya was not available at the time of writing), it is our distinct impression that action is uneven. It must be acknowledged that external aid cannot be expected to fill *all* the gaps. It should also be noted that much development assistance – e.g. to the health and education sectors – tends to favourably affect the well-being of children, even if the child rights perspective is only implicit. The strides made in creating a legal and policy framework conducive to child rights observance represent a formidable challenge of implementation and enforcement – both with respect to financial and human resources. The primary responsibility for meeting that challenge rests on the Kenyan state as the principal duty-bearer, notwithstanding the obligation of the international donor community to assist in a complementary fashion. International aid does not exonerate the Kenyan state from that responsibility.

The greatest shortcoming is no doubt sustainability. Even though the government budgetary provision has increased considerably there is still a long way to go before financial sustainability has been reached. Correspondingly, human resource constraints will persist for some time to come, despite training programmes on a large scale. Above all, the awareness of child rights in different segments of the population, in civil society and the civil service needs to be enhanced to buttress action towards fulfilling Kenya's CRC obligations. The long-term impact of achievements to date hinges to a large extent on sustainability and if sustainability is in question the impact will *ipso facto* be questioned.

## Recommendations

Two overriding policy choices emerge from the Kenya country study: (a) mainstreaming vs. child-targeted interventions; and (b) state-to-state cooperation vs. engagement through CSOs. They will be discussed in the subsequent paragraphs.

### Mainstreaming vs. targeted interventions

The merits of targeted interventions are comparatively quick results while the main weaknesses are limited coverage, short duration and low sustainability. By contrast, mainstreaming is slower in producing results and more resource-demanding, though with better prospects of long-term sustainability. The experiences and lessons learned in Kenya suggest that one approach – regarding either of the two policy issues – does not exclude the other, at least not in the short and medium term. It would seem advisable, therefore, to combine the two options. Mainstreaming would be the preferred long-term strategy to ensure that child rights are integrated in all donor and government policies and actions. However, acknowledging that mainstreaming is a resource-demanding and slower option, funds could be funnelled in the short and medium term through targeted interventions to fill gaps in a complementary fashion until child rights would inform all interventions across the board as a matter of routine resulting from mainstreaming efforts on a broad front. If and when opting for this two-pronged approach, donors such as Norway and Sweden must be prepared for the cost consequences. Not only is mainstreaming ambitious and costly in its own right, when combined with child-targeted interventions the costs would rise considerably.

It follows that, in view of Sida's experiences with mainstreaming of cross-cutting concerns other than child rights, a number of practical steps would have to be taken to overcome the shortcomings that were revealed. First, efforts would have to be made towards identifying synergies between the multiple mainstreaming issues (gender, environment, HIV and AIDS, child rights, etc) with a view to handling them in conjunction, or alternatively establishing a hierarchy of policy priorities. Second, redouble efforts to integrate into daily routines the experiences and lessons learned through training, e.g. by producing better manuals and providing support facilities (a fast-responding help desk) for programme officers. Third, make the mainstreaming policies more applicable and practicable by clarifying concepts and objectives.

### State-to-state cooperation vs. engagement through CSOs

The efforts to build a functioning child protection system has yielded results, notwithstanding resource constraints and challenges of absorptive capacity in the civil service that slow down the speed with which one is able to move forward. It should also be added that building a child protection system is no quick-fix matter in any circumstances. It takes considerable time and patience, not least if local ownership is to be nurtured. Hence, a long time horizon is required, probably a couple of decades. That said, it should be underscored that a functioning and sustainable child protection system can only be state-based. No matter how dedicated and diligent CSOs might be, they will never be able to replace the state and carry and sustain a nationwide child protection system. This reasoning underpins a strong case for state-to-state cooperation.

However, state-to-state cooperation tends to move slowly and be affected adversely by a volatile political environment. Again, donors – such as Norway and Sweden – would be well advised to opt for a combination of state-to-state cooperation and intervention through CSOs. While knowing full well that a fully-fledged state-based child protection system would be long in coming, there would be considerable scope for CSO activities in the interim. Yet again, complementarity between two approaches would be

emphasised: state-to-state cooperation as the principal long-term, sustainable approach complemented by ancillary CSO interventions – whether targeted or not – in the short and medium run. The donors would then chart exit strategies as the state-based child protection system is firming up and the CSOs would gradually become almost superfluous in service delivery and protection.

We hasten to add that civil society will continue to serve key functions as far as child rights promotion is concerned. But the relative importance of the three main functions of CSOs – service provision; advocacy; and watchdog activities – is likely to change. The role of CSOs in the provision of tangible services parallel to that of the state would probably diminish in relative terms as the state assumes full responsibility as the duty-bearer. But that role is not likely to be obviated altogether. CSO interventions are likely to continue to play a role, albeit at a reduced level, in the foreseeable future. Arguably, there will be some scope for permanent CSO involvement in child protection and service delivery for children.

By contrast, the advocacy and watchdog roles of CSOs will remain of pivotal importance. Immediately after the 2002 elections in Kenya when the Kibaki government took over the political reins, the atmosphere in civil society was euphoric. Some even went as far as to say that there was no need for civil society any longer because the new incumbent government was ‘ours’. They soon discovered that a state is always a state. The need for vigilance and advocacy in order to hold the government to account was not redundant. The lesson was learned that unless the government is kept on its toes it could slide into inactivity. To forestall such a development civil society is indispensable to keep child rights high on the agenda.

## Appendix 1. Overview of Norwegian and Swedish interventions\*

| Title                                                     | Type         | Local Partner                                      | Duration  | Amount |             |
|-----------------------------------------------------------|--------------|----------------------------------------------------|-----------|--------|-------------|
| Norway:                                                   |              |                                                    |           |        |             |
| Fredskorpset/Volunteers                                   | Targeted     | ANPPCAN Kenya                                      | 2008      | NOK    | 585,000     |
| Counter-trafficking                                       | Targeted     | IOM                                                | 2006–2010 | NOK    | 2,134,000   |
| Deaf Aid                                                  | Targeted     | Deaf Aid                                           | 2010–2012 | NOK    | 850,000     |
| Korogocho Community Radio                                 | Targeted     | NCA Kenya – Korogocho Community Radio              | 2006–2010 | NOK    | 265,000     |
| Maasai Education Discovery                                | Targeted     | Maasai Education Discovery                         | 2007–2010 | NOK    | 1,700,000   |
| Mathare Youth Sports Association                          | Targeted     | Mathare Youth Sports Association                   | 2003–2008 | NOK    | 10,500,000  |
| Sweden:                                                   |              |                                                    |           |        |             |
| Empowering Youth for Development                          | Targeted     | Diakonia Kenya; NCCK; KEC (CJPC); SMEP             | 2003–2010 | SEK    | 8,773,000   |
| GJLOS Reform Programme                                    | Mainstreamed | Ministry of Justice and Constitutional Development | 2003–2009 | SEK    | 4,180,000   |
| Mainstreaming in Action                                   | Mainstreamed | Swedish Embassy                                    | 2004–2006 | SEK    | 1,715,000   |
| Nyanza Roads 2000 Programme                               | Mainstreamed | Kenya Rural Roads Authority                        | 2006–2011 | SEK    | 150,456,000 |
| Diversion Programme for Children in Conflict with the Law | Targeted     | Save the Children Kenya                            | 2004–2008 | SEK    | 9,000,000   |
| Building a Child Protection System                        | Targeted     | UNICEF                                             | 2004–2006 | SEK    | 49,000,000  |

\* There are inconsistencies in the data which stem from different sources. For example, it is likely that the contribution to UNICEF's programme is larger than depicted in the table on account of the resources channelled via headquarters in New York (see main text). Similarly, Sida's contribution to GJLOS is much higher than suggested by the figure in the table, because Sida's financial management database appears not to have captured all or that not all phases were included.

## Appendix 2. Persons consulted

Adede, Rose, Gender and Development, CARE, Kisumu

Adzalla, Jean-Claude, Programme Director, Deaf Aid, Nairobi

Achar, Peter, Project Officer, NCCK, Nairobi

Alviar, Carlos, Social Protection Specialist, UNICEF Kenya, Nairobi

Aouma, Edward, Children's Legal Action Network (CLAN), Nairobi

Baastруп, Luz, Deputy Regional Manager, Diakonia, Nairobi

Buchan, Farida, Children's Legal Action Network (CLAN), Nairobi

Carlsson, Jonna, Child Protection Officer, UNICEF Kenya, Nairobi

Chavangi, Aziz Tom, Executive Director, Children's Legal Action Network (CLAN), Nairobi

Gilgan, Megan, Chief, Field Operations and Emergency, UNICEF Kenya, Nairobi

Gumba, Paul, Administrative Secretary, Baghdad for Peace (Bafope), National Council of Churches of Kenya (NCCK) and Catholic Justice and Peace Commission (CJPC), Kisumu

Hassan, Omar Hassan, Commissioner, Kenya National Commission on Human Rights, Nairobi

Hussein, Ahmed, Director, Department of Children's Services, Ministry of Gender, Children and Social Development, Nairobi

Hussein, Ismail, Director, Community Health and Education, Mathare Youth Sports Association (MYSA), Nairobi

Ibutu, Susie, Programme Director, National Council of Churches of Kenya (NCCK), Nairobi

Jacobsen, Elisabeth, Ambassador, Embassy of Norway, Nairobi

Jayawardena, Annika Nordin, Counsellor, Country Director for Development Cooperation, Embassy of Sweden, Nairobi

Kamau, Kinyanjui, Senior Programme Officer, NCCK, Nairobi

Kamau, Phyllis, NCCK Nairobi Regional Coordinator, Nairobi

Karanja, Peter, Executive Director, Mathare Youth Sports Association (MYSA), Nairobi

Karanu, Kellen, Deputy Director of Children's Services, National Council of Children's Services, Nairobi

Khamali, Catherine, Project Officer, Diakonia, Nairobi

Kimani, Alice, Counter Trafficking Programme Officer, International Organisation for Migration (IOM), Nairobi

Kina, Koitamet ole, Executive Director, Maasai Education Discovery, Narok

Kipyegon, Isaiah, Norwegian Church Aid, Nairobi

Koti, Rigmor Elianne, Counsellor, Development Cooperation, Embassy of Norway, Nairobi

Lund-Henriksen, Birgithe, Chief, Child Protection, UNICEF Kenya, Nairobi

Macksallah, Beatrice, Masaai Education Discovery, Narok

Magambo, Rosemary, Programme Officer, NALEP, Nairobi

Majale, Henry, Director, Fundraising, PA and Culture, Mathare Youth Sports Association (MYSA), Nairobi

Matwetwe, Robert, Coordinator, Forum for Child Rights Initiatives, Nairobi

Mboya, Tom, Team Leader, Korogocho Community Radio, Nairobi

Moe, Siv Cathrine, First Secretary, Embassy of Norway, Nairobi

Mugane, Mercy, Intern, Children's Legal Action Network (CLAN), Nairobi

Musyoki, Samuel M., Strategic Programme Support manager, PLAN International, Kenya Country Office, Nairobi

Mwangangi, Stephene, Communication Officer, Mully Children Family Homes, Nairobi

Mwangi, James, Livelihood Advisor, PLAN International, Kenya Country Office, Nairobi

Mwangi, Joyce, Kenya Programme Manager, Save the Children Sweden, Nairobi

Mwangi-Mweki, Josephine, Programme Officer, Embassy of Sweden, Nairobi

Ndirang'u, Jane N., Project Manager, Nyanza 2000 Roads Programme, Kisumu

Ndung'u, Judy, Senior Assistant Director, Dept. of Children's Services, Ministry of Gender, Children and Social Development, Nairobi

Ndugwa, Robert, Research and Evaluation Specialist, SPME UNICEF Kenya, Nairobi

Nthenya, Felistus, Intern, Children's Legal Action Network (CLAN), Nairobi

Odaga, Assenath, Director of Programmes, Gender & Development Centre, Nairobi

Ojuka, Tina, Programme Officer, Save the Children Sweden, Nairobi

Oluoch, Jane, Club Matron, Milimani Primary School, Nairobi

Omondi, Risper A., Project Officer (Legal Aid and Child Protection Aid), ANPPCAN, Nairobi

Omweri, Grace, Legal Officer (former beneficiary of exchange with Liberia), ANPPCAN, Nairobi

Onambo, Edwin, Nzumari Youth Group, Huruma, Nairobi

Onyang'o, Collins, Programme Coordinator, Baghdad for Peace (Bafope), NCKK and CCJP, Kisumu

Opiyo, Dominic, Nzumari Youth Group, Huruma, Nairobi

Opiyo, Vincent, Programme Manager, Mully Children Family Homes, Nairobi

Ortiz-Iruri, Juan J., Deputy Representative, UNICEF Kenya, Nairobi

Oyaro, Alice Okuto, Country Programme Manager – Kenya, Diakonia, Nairobi

Prendiville, Noreen, Chief, Nutrition Section, UNICEF Kenya, Nairobi

Raviv, Tal, Regional Programme Development Officer, Head, Programme Development & Implementation Unit, International Organisation for Migration (IOM), Nairobi

Redner, Camilla, Embassy of Sweden, Nairobi

Tameno, Alex, Programme Officer (Roads and Environment), Embassy of Sweden, Nairobi

Tanui, Rebecca, Programme Officer, Building Eastern Africa Community Network (BEACON), Nairobi

Wamakobe, Alex, Chief Senior Children's Officer, Dept. of Children's Services, Ministry of Gender, Children and Social Development, Nairobi

Yambi, Olivia, Representative, UNICEF Kenya, Nairobi

## Appendix 3. References

- African Child Policy Forum (2008), *The African Report on Child Wellbeing 2008: How Child-Friendly are African Governments?*, Addis Ababa: African Child Policy Forum.
- Alviar, Carlos and Roger Pearson (2009), *Cash Transfers for Vulnerable Children in Kenya: From Political Choice to Scale-Up (Social and Economic Policy Working Paper)*, New York: UNICEF.
- Andreassen, Bård Anders (2007), 'Poverty, Human Rights and Justice Sector Reform in Kenya and Uganda', in Margot E. Salomon, Arne Tostensen and Wouter Vandenhole (eds), *Casting the Net Wider: Human Rights, Development and New Duty-Bearers*, Antwerp: Intersentia, pp. 285-312.
- APRM (2006), *Country Review Report of the Republic of Kenya*, Midrand: African Peer Review Mechanism Secretariat.
- Averatt, David and Karuti Kanyinga (2007), *Kenya: Governance, Justice, Law and Order Sector (GJLOS) Programme: Fourth Programme Review. Draft Report*, Nairobi: South Consulting and Strategy & Tactics.
- Brun, Sara, Karin Dawidson, Karolina Hulterström and Susanne Mattsson (2008), *Integrating the Rights Perspective in Programming: Lessons Learnt from Swedish-Kenyan Development Cooperation. (SADEV Report 2008:2)*, Karlstad: Swedish Agency for Development Evaluation.
- CRC (2006a), *Considerations of Reports Submitted by States Parties under Article 44 of the Convention: Second Periodic Reports of States Parties due in 1997 - Kenya (CRC/C/KEN/2)*, Geneva: United Nations Convention on the Rights of the Child.
- CRC (2006b), *Implementation of the Convention of the Rights of the Child. List of Issues to be Taken up in Connection with the Consideration of the Second Periodic Report of Kenya (CRC/C/KEN/2): Part I (CRC/C/KEN/Q/2)*, Geneva: United Nations Convention on the Rights of the Child.
- CRC (2006c), *Written Replies by the Government of Kenya Concerning the List of Issues (CRC/C/KEN/Q/2) Received by the Committee on the Rights of the Child Relating to the Consideration of the Second Periodic Report of Kenya (CRC/C/KEN/2)*, Geneva: United Nations Convention of the Rights of the Child.
- CRC (2007), *Considerations of Reports Submitted by States Parties under Article 44 of the Convention. Concluding Observations: Kenya ((CRC/KEN/CO/2)*, Geneva: United Nations Convention on the Rights of the Child.
- CRC (2009), *General Comment No. 12 (2009): The Right of the Child to be Heard (CRC/C/GC/12)*, Geneva: United Nations Convention on the Rights of the Child.
- Deloitte (2009), *Governance, Justice, Law and Order Sector Reform Programme: A Path for Progress*, Nairobi: Deloitte.
- Diakonia (2006a), *Kenya Programme: Empowering Women and Youth for Development. Report 2005-2006*, Nairobi: Diakonia.
- Diakonia (2006b), *Our Youth, Our Hope: A Report on a Baseline Survey on Issues Facing the Youth in Kenya*, Nairobi: National Council of Churches of Kenya and Catholic Justice and Peace Commission.
- Diakonia (2009), *Empowering Youth for Development: Small & Micro Enterprise Programme (SMEP) Component*, Nairobi: Diakonia.
- GJLOS (2009), *Governance, Justice, Law and Order Sector (GJLOS): Results by Institution. Final Report*, Nairobi: Ministry of Justice and Constitutional Affairs.

Government of Kenya and UNICEF Kenya (2009), *Country Programme Action Plan 2009–2013*, Nairobi: Government of Kenya and UNICEF Kenya.

IEU (2008), *Kenya: Country Profile 2008*, London: Economist Intelligence Unit.

Kenya NGO CRC Committee (2006), *NGO Complementary Report on Implementation of the United Nations Convention on the Rights of the Child (UNCRC) in Kenya*, Nairobi: Kenya NGO CRC Committee.

Kinyua, Muriithi and Daudi Nturibi (2007), *Diakonia - Kenya Programme: Empowering Women and Youth for Development. Evaluation Report.*, Nairobi: Diakonia.

KNBS (2009a), *Kenya Demographic and Health Survey 2008–09: Preliminary Report*, Nairobi: Kenya National Bureau of Statistics.

KNBS (2009b), *Kenya Facts and Figures 2009*, Nairobi: Kenya National Bureau of Statistics.

KNBS (2010), *2009 Population and Housing Census*, Nairobi: Kenya National Bureau of Statistics.

Max & Partners Ltd. (2009), *Review of the Sida-GoK Nyanza Roads 2000 Programme*, Nairobi: Kenya Rural Roads Authority.

MED (2006), *Eradication of Female Genital Mutilation (FGM) in Narok District: Survey Report on the Knowledge, Attitude and Practice of Female Circumcision and Other Reproductive Health Issues Among the Maasai of Narok District*, Narok: Maasai Education Discovery.

MED (n.d.), *Sexual Reproductive Health Handbook: Curriculum*, Narok: Maasai Education Discovery.

Ministry of Planning, National Development and Vision 20130 (2009), *Kenya Economic Survey 2009: Highlights*, Nairobi: Ministry of Planning, National Development and Vision 20130.

Nyamweya, Pauline, Atsango Chesoni, Nansozi Muwanga, Eric Ogwang, Jackson Karanja, Karuti Kanyinga and Julia Sloth-Nielsen (2007), *Sida Support to the UNICEF Country Programme in Kenya (Sida Evaluation 07/08)*, Stockholm: Sida.

Oyugi, Lineth Nyaboke (2008), 'Poverty Profiles and the Evolution of Poverty Reduction Strategies in Kenya', in Flora L. Kessy and Arne Tostensen (eds), *Out of Poverty: Comparative Poverty Reduction Strategies in Eastern and Southern Africa*, Dar es Salaam: Mkuki na Nyota Publishers, pp. 117–136.

Renstrom, Jennie (2008), *Diversion Program for Children in Conflict with the Law: The Kenyan Experience. Final Draft*, Nairobi: Save the Children.

Republic of Kenya (2008), *Report of the Commission of Inquiry into Post-Election Violence (CIPEV)*, Nairobi: Government Printer.

Rutere, S.K. and C.M. Kiura (2008), *Evaluation of the Diversion Program in Kenya*, Nairobi: Save the Children.

Save the Children Sweden (2009), *Diversion Programme for Children in Conflict with the Law in Kenya: Final Diversion Programme Report*, Nairobi: Save the Children.

Sida (2005), *Protokoll: Projektkommittén. Mote avseende Governance, Justice, Law and Order Reform Programme in Kenya, 27 maj 2007 (Attachment B)*, Stockholm: Sida.

Steadman Group (2006), *National Integrated Household Baseline Survey Report for Governance, Justice, Law & Order Sector (GJLOS) Reform Programme*, Nairobi: Steadman Group Research Division.

- Uggla, Fredrik (2007), *Mainstreaming at Sida: A Synthesis Report (Sida Studies in Evaluation 2007:05)*, Stockholm: Swedish International Development Cooperation Agency.
- UNICEF (2008), *Social Protection in Eastern and Southern Africa: A Framework and Strategy for UNICEF*, New York: UNICEF.
- UNICEF Kenya (2009), *Thematic Report for Focus Area 4: Child Protection – 2009*, Nairobi: UNICEF Kenya.
- United Nations (2008), *Report on implementation of the ‘modified system for allocation of regular resources for programmes’ approved by the Executive Board in 1997. 30 July 2008. (E/ICEF/2008/20). UNICEF Executive Board Second Regular Session 2008, 15–18 September 2008*, New York: United Nations, Economic and Social Council.
- Vandenhoe, Wouter (2009), ‘Economic, Social and Cultural Rights in the CRC: Is There a Legal Obligation to Cooperate Internationally for Development?’ *International Journal of Children’s Rights*, 17, 23–63.
- World Bank (2010a), *2010 World Development Indicators*, Washington D.C.: World Bank.
- World Bank (2010b), *World Development Report 2010: Development and Climate Change*, Washington D.C.: World Bank.
- Wulczyn, Fred, Deborah Daro, John Fluke, Sara Feldman, Christin Glodek and Kate Lifanda (2010), *Adapting a Systems Approach to Child Protection: Key Concepts and Considerations (Working Paper)*, New York: UNICEF.





## Kenya Country Case Study: Child Rights

The Kenya country case study forms part of broader evaluation of Norwegian and Swedish aid interventions in support of child rights. While Norway has opted for advancing child rights through targeted interventions, Sweden has chosen an approach that combines child-targeted interventions with the mainstreaming of child rights in all its interventions across the board.<sup>7</sup> The report reviews in some detail 12 different interventions, six funded by Norway and six by Sweden, even though both countries have made contributions to some of them: (a) African Network for the Prevention and Protection against Child Abuse and Neglect (ANPPCAN); (b) Counter-trafficking; (c) Deaf Aid; (d) Korogocho Community Radio; (e) Maasai Education Discovery; (f) Mathare Youth Sports Association; (g) Empowering Youth for Development; (h) Governance, Justice, Law and Order Sector (GJLOS) Reform Programme; (i) Mainstreaming in Action; (j) Nyanza Roads 2000 Programme; (k) Diversion Programme for Children in Conflict with the Law; (l) Building a Child Protection System.

SWEDISH INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Address: S-105 25 Stockholm, Sweden

Tel: +46 (0)8-698 50 00. Fax: +46 (0)8-20 88 64

Telegram: sida stockholm. Postgiro: 1 56 34-9. VAT. No. SE 202100-478901

E-mail: [info@sida.se](mailto:info@sida.se) Homepage: <http://www.sida.se>

