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KWALE COUNTY CHILD PROTECTION POLICY



NOVEMBER 2024



Preface

It is a tremendous honor and pleasure for me to speak on behalf of the Department of Social Services and Talent Management to state that the Department is pleased with the formulation of the first Kwale County Child Protection Policy. The County Child Protection Policy aims at safeguarding children from violence, exploitation, abuse, and neglect. Article 19 of the UN Convention on the Rights of the Child provides for the protection of children in and out of the home. Child protection is therefore, a measure/s taken by individuals or institutions to prevent or respond to violence, exploitation, abuse, and neglect against children (persons aged below 18 years)

The participatory policy process, drawing stakeholders, Development Partners, the Media, and Civil Society Organizations across the County, incorporated lessons learned from the successes and challenges faced by the children Directorate. The County Child Protection Policy provides broad objectives and policy commitments, as well as a detailed institutional framework for the operationalization of County Government, commitments to achieve Child Protection Policy in its vision of “A County where the rights and well-being of all children are prioritized, respected, promoted and protected.

The 2 broad policy objectives rendered as policy commitments are: to prevent, respond to, and protect children from all forms of violence, abuse, neglect, and exploitation in Kwale County; and to improve Kwale County’s planning, programming, and implementation of high-quality childcare and protection services.

The two areas of concern serve as the conceptual foundation for achieving the policy’s ultimate objective. They include social protection for children, program development and accountability, sectoral and crosscutting child protection challenges for policy response, and activities to meet child protection objectives. The policy commitments were formulated based on the sector’s difficulties and lessons acquired. Numerous inclusive consultation meetings were organized at the county and boardroom levels to ensure ownership of the policy and practice. To ensure that vulnerable children, marginalized children, and children with disabilities participate and have a voice in governance processes, the policy presents topics from protective viewpoints.

HON. FRANCISCA MUTHETHYA KILONZO,

County Executive Committee Member Social Services and Talent Management

Acknowledgement

The Kwale County Protection strategy has advanced significantly. The process began in May 2024, and as early as mid-November 2024, it was anticipated that a finished policy might be presented to the County Assembly.

I wish to express my appreciation to the people of Kwale for their participation in the development of this inaugural county Child Protection Policy. The multi- sectoral teams in the policy process addressed the County's child protection needs and aspirations for the Kwale County. I would like to congratulate the Policymaking team and all the county heads of Departments who supported this process for work well done. I am particularly indebted to the efforts of Hon. Francisca Kilonzo, the CECM Social Services and Talent Management for leading the whole process. I also appreciate, Ms. Riziki Mwasoza, the Chief Officer Social Services and Talent Management, Mr. Samson Mangale Nyawa Director of Social Services and Talent Management, Mr. Zaphania Apoko state Directorate of children, for policy direction and technical guidance respectively. We are indebted to ILO CAPSA for mobilizing resources to facilitate the policy formulation.

Finally, yet importantly, we appreciate the role played by the stakeholders in child protection sector, the children who pointed various policy issues for considerations and the consultant Dr. Erick Ater who guided the entire process. This overwhelming enthusiasm and spirit of participation from the people should continue as we start the implementation of this policy.

The Department would like to thank the County Assembly's Gender, Culture, Children, and Social Services Committee for their contributions, efforts, and blessings throughout the process.

We seek to create an environment where every individual, partner, and stakeholder will be given an equal chance to join in the path of success. We shall pursue our vision of building a prosperous society where every person can enjoy a better quality of life while nurturing a predictable future that offers opportunities for future generations.

H.E. FATUMA MOHAMMED ACHANI

Governor Kwale County Government

Foreword

The Kwale County Child Protection Policy is consistent with the government's efforts of Child Protection as reflective of and informed by national legislation, policies, and frameworks related to child rights, child protection, alternative care, and violence against children towards an ultimate realization of the best interests of children. This policy seeks to replace single-issue-focused service delivery systems with strategies that empower children and families in the County, promote resilience, identify and address the underlying causes of vulnerability risk, and acknowledge individual strengths. To achieve sustainable development goals and Vision 2030 in full harnessing of human resources. The Policy serves as the foundation for the County's dedication to advancing and safeguarding each child's rights, development, health, and well-being. It considers children who are at risk or vulnerable, bolstering their families and parenting styles.

It is projected that the population of children under the age of four years, estimated at 130,310 will rise to 140,402 in 2025 and 145,737, by 2027. On the other hand, the age cohort 5-14 often referred to as the basic school education age is projected to be 265,873; and 282,507 in 2025 and 2027 respectively. Similarly, the population of the age cohort of secondary school-going, 15-19 age group was 97,104 in 2019 and is projected to rise to 104,624 and 108,600 by 2025 and 2027 respectively. Child Protection Information Management System (CPIMS) data indicate that in the year 2017–2018, the most rampant forms of child abuse in the County concerned: Neglect (56,688), Custody (18,958), Abandoned Children (4,921), Orphaned Children (3,076) and Child Truancy (2,372).

The Child Protection Policy provides a platform to guide Child protection responsive planning, operations, and practices within the County Government. It outlines methods for incorporating protection viewpoints into the workplace and the difficulties in accomplishing the different goals. Thus, this policy would offer a framework for the development of both boys and girls to increase the effectiveness of resource allocation and utilization for everyone's empowerment. The commitment covers broad areas of protection and education, protection and safe environment, protection and violence, protection and exploitation, protection and care, protection and responsive health services, protection and linkages, protection of marginalized and vulnerable children.

This Policy and its implementation will be subjected to monitoring and review to gauge the satisfaction and acceptability of both the staff and the residents of Kwale County. The Policy should reinforce the legislative framework already in force alongside other legislation the County Assembly seeks to develop, review, and the oversight role in implementation aimed at empowering boys and girls in the County. The policy framework strengthens mechanisms and strategies that enhances accountability, coordination, monitoring, and evaluation for sustainable mainstreaming programs while also enhancing partnerships for a comprehensive response to increasing child protection in the County.

Therefore, it is anticipated that this policy will help service providers and significantly raise the standard of services provided to children. The Department of Social Services and Talent Management is committed to making sure that this policy provides a framework for child protection intervention.

RIZIKI MWASOZA

Chief Officer Department Of Social Services and Talent Management

Acronyms

AU	African Union
ACRWC	African Charter on the Rights and Welfare of the Child
CBO	Community Based Organization
CCAC	County Children Advisory Committees
CCI	Charitable Children's Institution
CCTP	Consolidated Cash Transfer Programme
CCUC	Children's Court User Committees
CEC	County Executive Committee
CECM	County Executive Committee Member
CIDP	County Integrated Development Plan
CO	Chief Officer
CoG	Council of Governors
CPIMS	Child Protection Information Management System
CPWG	Child protection working group
CPV	Child Protection Volunteer
CSO	Civil Society Organization
CUC	Court Users Committee
DCS	Directorate of Children's Services
EAP	Employer Assistance Programme
EARC	Education Assessment Resource Centres
ECDE	Early Childhood Development Education
FGD	Focus group discussion
FGM	Female Genital Mutilation
GBV	Gender-based violence
KPHC	Kenya Population Housing and Census
MCA	Member of County Assembly
MIS	Management Information System
MTF	Medium Term Framework
NACOSTI	National Commission for Science, Technology and Innovation
NCCS	National Council for Children's Services
NCPWD	National Council for People with Disabilities
NPA	National Plan of Action
OCSEA	Online Child Sexual Exploitation and Abuse
SCCO	Sub County Children's Officer
SGBV	Sexual and gender-based violence
SRHR	Sexual and reproductive health and rights
SAU	Social Assistance Unit
SSW	Social Service Workforce
UHC	Universal Health Coverage

Glossary and Definitions of Terms

Alternative care¹. Alternative care applies to a formal or informal arrangement whereby a child is cared for at least overnight away from the parental home. This can be either by the decision of a judicial or administrative authority, or at the initiative of the child, his /her parent or primary caregiver, or spontaneously by a care provider in the absence of biological parent. Alternative care services include the following: kinship care; *Kafaalah*; foster care; temporary shelter; guardianship; adoption; supported independent living; supported child-headed households; institutional care; aftercare; care for children in emergency situations.

Best interests of the child is one of the key guiding principles of the United Nations Convention on the Rights of the Child (UNCRC), Article 3 notes that *"In all actions concerning children, ... the best interests shall be a primary consideration."*² The interests of children are different from adults, and therefore when adults make decisions that affect children they must think carefully about how their decisions will impact children. Additionally, Article 53(2) of the Kenyan Constitution³ and Sec 8 of the Children Act 2022 provide the basics toward best interests of the child realization⁴.

Case management: Case management is a process utilized within social services,⁵ especially those targeting vulnerable children and families. Case management is the process of identifying, assessing, planning, direct service delivery, referring and tracking referrals and monitoring the delivery of services in a timely, context-sensitive, individualized and family-centered manner to achieve a specific goal (e.g. child protection and wellbeing).

Charitable Children's Institution: means a children's home or institution established by any person, either alone or in association with others, or by a civil society organisation and which has been duly registered with the Council for the purpose of managing programmes for the care, protection, rehabilitation and re-integration or control of children;⁶

Child: means an individual who has not attained the age of eighteen years.⁷

Child abuse: involves acts of commission and omission that result in harm to the child. The four types of abuse are physical abuse, sexual abuse, emotional abuse and neglect.⁸

Child participation: A process of child development that provides an opportunity for children to be involved in decision making on matters that affect their lives and to express their views in accordance with their evolving capacities (national child participation guidelines Kenya, 2016).

Child protection: Child protection is the safeguarding of children from violence, exploitation, abuse, and neglect. Article 19 of the UN Convention on the Rights of the Child provides for the protection of children in and out of the home. Child protection is therefore measure/s taken by individuals or institutions to prevent or respond to violence, exploitation, abuse, and neglect against children (persons aged below 18 years)

A child protection system consists of formal and informal structures, functions and capacities to prevent and respond to abuse, violence, neglect and exploitation of children and comprised of human and financial

1 Government of Kenya (October 2014). Guidelines for the alternative family care of children in Kenya

2 United Nations General Assembly, Convention on the Rights of the Child, (20 November 1989, retrieved from

3 The constitution of Kenya 2010

4 Government of Kenya, Children's Act 2022

5 Case management started within the field of social work but has since expanded to be included in the health, education and social protection fields.

6 Government of Kenya, Children's Act 2022

7 Government of Kenya, Children's Act 2022).

8 National Council for Children's Services (2015). National Plan of Action for Children in Kenya, 2015–2022

resources, laws and policies, governance, monitoring and data collection, protection and response services and case management.⁹

Client: a person who uses or receives a service is a client. A client can be a child or an adult.

Confidentiality: is the process through which information is protected against falling into the wrong hands and is accessible only to those authorized to access it.

Continuum of services: Services to vulnerable groups are normally provided according to levels of intervention and along a continuum of services: prevention level, early intervention level; response level including statutory level and residential and alternative care level; and rehabilitation and after care level. This service model also recognizes, that while responding to children’s vulnerabilities is often urgent, prevention is more cost-effective in the long term.¹⁰

Equity: policy provisions for all children does not necessarily produce the same outcomes for all children. To achieve equitable outcomes, strategies need to be targeted and differentiated.

Family Support refers to an integrated network of government, community-based resources and services that promotes and protects the health, well-being, rights, and development of all children and pays special attention to those who are vulnerable or at risk, strengthening their families and parenting practices.

Fiscus: “basket” of money; in an administrative context, the public funds held by a provincial governor;¹¹ treasury of the state.¹²

Harmful practices refer to social norms, practices, traditions that are in violation of natural justice and written Practice law. This refers to all behavior, attitudes and or practices which negatively affect the fundamental rights of children, such as their right to life, health, dignity, education, and physical integrity. These include taboos and practices outlined in the various legal instruments such as UNCRC; CEDAW; ACRWC and, The Children’s Act, 2022.

Protective factors are conditions or attributes (skills, strengths, resources, supports or coping strategies) in individuals, families, communities, etc. that help people deal more effectively with stressful events and mitigate or eliminate risk¹³.

Referral: A referral, in this case, is understood as the process of recognizing a risk or concern about a child or household, deciding what action needs to be taken and providing information about or referring the client to the identified service. Referrals include self-referral (e.g. calling to a helpline) or a referral from a service provider to another service provider (a social worker referring a family to the health clinic for HIV testing, for example).¹⁴

Resilience: the ability to develop social competence despite exposure to severe stress/trauma/adversity. The ability to manage adversity and change without jeopardizing future wellbeing.¹⁵

9 UNICEF, UNHCR, Save the Children and World Vision (2013). “A Better Way to Protect ALL Children: The theory and practice of child protection systems”, conference report, UNICEF, New York.

10 GSSWA/UNICEF (2019). Guidelines to strengthen the social service workforce for child protection. Retrieved from: <https://www.unicef.org/sites/default/files/2019-05/Guidelines-to-strengthen-social-service-for-child-protection-2019.pdf>

11 <https://www.oxfordreference.com/display/10.1093/oi/authority.20110803095820373;jsessionid=328DAB79F74488E3B6B5A3E798FEBF69>

12 <https://definitions.uslegal.com/f/fiscus/>

13 Keeping Children in Healthy and Protective Families (2017). Standard Operating Procedures for Reintegration of Children in Residential Care into Family Care.

14 4Children (2017). Reference guide on referral mechanisms within OVC Programming.

15 USAID presentation. (2016, July).

Risk: has been defined as any influence that increases the probability of onset, digression to a more serious state or maintenance of a problem condition.¹⁶

Service provider: an individual employed or attached to a formal institution that provides professional care or services.

Children's institutions: means institutions established under Part VII of the Children Act, 2022.

Social Service Workforce: The Global Social Service Workforce Alliance (GSSWA)¹⁷ defines the **social service workforce** broadly as a variety of workers, paid and unpaid, professional and paraprofessional, governmental and nongovernmental, that make the social service system function and contribute to promoting the rights and ensuring the care, support and protection of vulnerable groups, especially children.¹⁸ The social service workforce focuses on preventative, responsive and promotive programmes that support families and children in communities by alleviating poverty, reducing discrimination, facilitating access to services, promoting social justice and preventing and responding to violence, abuse, exploitation, neglect and family separation.¹⁹ A **Para Social Worker** is a supervised para professional staff person or volunteer – often community based – who serves the needs of vulnerable individuals including children and families, particularly where social welfare systems are underdeveloped or severely stretched.²⁰

Strengths based approaches: view the wisdom, assets and knowledge of individuals, groups and communities as potential resources. This should be at the core of the competencies being sought for the social service workers, including paraprofessionals.²¹

Supportive Supervision: is a relationship that supports the case workers' technical competence and practice, promotes wellbeing, and enables effective and supportive monitoring of casework.²²

Typology The study of classes with common characteristics; classification, esp. of human products, behaviour, characteristics, etc., according to type; the comparative analysis of structural or other characteristics; a classification or analysis of this kind.²³

Violence against children includes physical or mental violence, injury and abuse, neglect or negligent treatment, maltreatment or exploitation including sexual abuse.²⁴

Vulnerability refers to individual, family, community and societal characteristics that reduce children's ability to withstand adverse impact from violations of and threats to their rights. It is often specific to each person and to each situation as well as to geographic location and timing.²⁵

Vulnerable Children includes children exposed to risk factors that may impact negatively on their development, care and protection, and/or whose access to child-care and protection services is limited. Such children may include, but are not limited to:

16 Taylor, V. & Triegaardt, J (2018). Social Welfare Policy in Africa 2018

17 Global Social Service Workforce Alliance: <http://www.socialserviceworkforce.org/>

18 GSSWA (2017). Para professionals in the social service workforce: guiding principles, functions and competencies.

19 GSSWA Social Service Work- force Strengthening Summit (2010).

20 UNICEF/GSSWA (2019). Guidelines to strengthen the social service workforce for child protection

21 Global Social Service Workforce Alliance (Feb 2017). Para Professionals in the Social Service Workforce: Guiding Principles, Functions and Competencies. 2nd Edition

22 Interagency Child Protection Case Management, Supervision & Coaching Training (2018). The Alliance for Child Protection in Humanitarian Action, USAID

23 Oxford English Dictionary

24 The United Nations Convention on the Rights of the Child, Article 19, 1989

25 The Alliance for Child Protection in Humanitarian Action (2021). Identifying and ranking risks and protective factors: A brief guide. Retrieved from: https://alliancecpha.org/en/system/tdf/library/attachments/identifying_risk_and_protective_factors_a_brief_guide.pdf?file=1&type=node&id=44641

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- Children victims of any form of violence, abuse, exploitation, neglect, harmful practices and child trafficking
 - Children who are at risk of or affected by harmful practices
 - Children who have been maltreated, abused, neglected or exposed to violence within the family, school or community;
 - Children with developmental difficulties or disabilities; or children living with caregiver with disability
 - Children with conduct or behavioural challenges;
 - Children with chronic health conditions; including disability, HIV
 - Orphaned children;
 - Abandoned children;
 - Children separated from, or living without their biological parents;
 - Children in child and youth-headed households;
 - Children living, begging or working on the streets;
 - Children living in marginalised, under-serviced, informal settlements in urban and rural areas;
 - Children whose caregivers abuse substances such as alcohol and drugs;
 - Children living with HIV or affected by HIV
 - Unaccompanied and separated migrant, internally displaced or refugee children;
 - Undocumented and stateless children
 - Children without parental supervision and care
 - Children in forced labour and those used by others to commit crime;
 - Children in conflict with the law;
 - Children living in institutionalised care or living outside of family-based care;
 - Children of certain ethnic or otherwise marginalized minority or group
 - Lesbian, gay, bisexual, transgender and inter-sex children;
 - Children recruited or conscripted into armed conflict, or into violent extremist organizations.
 - Children in disaster prone areas, affected by climate change and humanitarian and emergency situations.

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CHAPTER ONE: INTRODUCTION AND BACKGROUND

1.1 Introduction

Kwale County Child Protection Policy is a reflective of and informed by national legislation, policies and frameworks related to child rights, child protection, alternative care and violence against children towards an ultimate realization of the best interests of children. This policy aims to shift focus from service delivery systems that focus on single issues, to approaches that identify and address root causes of vulnerability and risks, build resilience, recognize individual strengths, empower children and families in the County.

The policy strengthens approach which involves enhancing the capacities of institutions and systems to protect and safeguard the rights of vulnerable population, including children;²⁶ effective understanding of roles and responsibilities within the system, and coordination and communication across sectors and services. The policy underscores the fact that children face complex problems that require systemic multiple approaches thus, it moves away from fragmented, single-issue responses, and instead aspire to more holistic, comprehensive and sustainable interventions that take account of the multiple risks that children confront in different contexts and at different stages of their lives.²⁷

1.2 Purpose of this policy

The purpose of this policy is to provide comprehensive and integrated policy guidance and directives to the county to guide:

- Planning and monitoring of child protection services
- Child protection interventions, programs and services
- Social services for vulnerable children
- The workforce engaged in child protection.
- Resourcing for child protection and social services for vulnerable children.
- Development of county level- legislation.

1.2 Scope and application

The scope of this policy is:

- To guide the County's vision and priorities for children.
- To complement national priorities, policy directives and legislation on children and child protection.
- A platform for developing, reviewing strategies, legislation, programs and interventions for children in the county.
- Guided by the policies and ethics related to child protection and social services.

26 Joint Interagency Statement (2013). Strengthening Child protection systems in sub-Saharan Africa: A call to action. Retrieved from: <https://maestral.org/wp-content/uploads/2014/06/Child-Protection-Interagency-Statement-English.pdf>

27 Joint Interagency Statement (2013). Strengthening Child protection systems in sub-Saharan Africa: A call to action. Retrieved from: <https://maestral.org/wp-content/uploads/2014/06/Child-Protection-Interagency-Statement-English.pdf>

This policy is applicable to County level policy, decision makers and officers responsible for supporting a protective and preventative environment for children and ensuring quality services are provided to all children in Kwale County.

1.4 Vision

- A County where the rights and well-being of all children are respected prioritized promoted and protected.

1.5 Mission

- To ensure the protection of all children through coordinated, collaborative, comprehensive and multi-sectoral approaches.

1.6 Goal

- To prevent and respond to the abuse, neglect and exploitation of children in the county through strengthening prevention measures, child protection and social services systems, and community-based responses in the county.
- To improve the protection and realization of children's rights.

1.7 Policy rationale

The rationale of Kwale County Child Protection Policy is to guide the County government to lead and implement an integrated child protection system in the County, based on a prevention and continuum of services delivery approach.

1.8 Policy objectives

- To prevent, respond to, and protect children from all forms of violence, abuse, neglect and exploitation in Kwale County.
- To strengthen systems for planning, programming and delivery of quality care and protection services for children in Kwale County.

1.9 Principles and Approaches

A set of core principles and approaches guide this policy. These principles must form the foundation for all actions related to children in the county by all stakeholders, service providers and duty bearers; and guide the implementation and monitoring of the policy.

- Do no harm.
- Prioritize the best interests of the child.
- Do not discriminate.
- Provide client-centered and child-centered services.
- Strengthen families to care and protect their children.
- Actively encourage child participation.
- Prioritize prevention and early intervention.

- Ensure comprehensive and integrated service delivery.
- Ensure accountability.
- Practice inclusivity and capitalize on the strengths of diversity of the county.
- Actively support partnerships, collaboration and coordination.
- Use of a Life cycle approach to children's well-being.
- Use a right based, resilience based and strengths-based perspective.

1.10 Approach to Child protection

This policy supports creation of **Child protection system which** consists of both formal and informal structures, functions and capacities to prevent and respond to abuse, violence, neglect and exploitation of children and consists of human and financial resources, laws and policies, governance, monitoring and data collection, protection and response services and case management.

²⁸ In addition, the child protection system also comprises of programs that are preventative in nature and that build the capacity and resilience of vulnerable children and families; and a cohort of appropriately qualified social service workforce, including professionals, para-professionals and volunteers. As the child protection system is multi-sectoral in nature, it must also include coordinating mechanisms where actors from social welfare, education, health, security, justice and others can come together to support prevention and response to protection-related risks and for the improvement of service delivery. The absence of one or more of these components makes the child protection system fragmented and less effective.

The Policy embraces a child welfare concept establishing actions by government and stakeholders to



regulate the provision of social services and benefits to address needs and improve social conditions affecting the well-being of children in the County. Child welfare²⁹ comprises continuum of services designed to ensure that children are safe and that families have the necessary support to care for their children successfully as indicted in figure 1.

This policy points to the developmental social welfare system approach with a focus on prevention services, early intervention services, response, and rehabilitation measures as a continuum of services approach to service delivery. Thus, services provision is along levels of intervention in a continuum of services.

28 UNICEF, UNHCR, Save the Children and World Vision (2013). "A Better Way to Protect ALL Children: The theory and practice of child protection systems", conference report, UNICEF, New York.

29 Child Welfare Information Gateway. (2018). What is child welfare? A guide for educators. Washington, DC: U.S. Department of Health and Human Services, Children's Bureau. Retrieved from: https://www.childwelfare.gov/pubPDFs/cw_educators.pdf

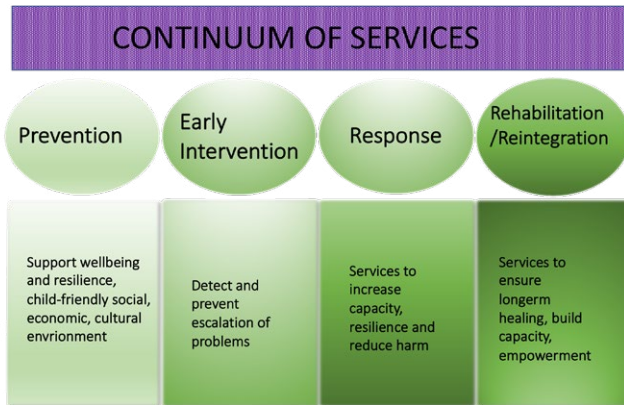


Fig. 1: Embedded continuum of services.

Source: Aspire

The premise underlying the developmental approach based on a continuum of services is that, if the Kwale County government makes the appropriate investment in this policy, only a small percentage of children will require intensive child protective services.

1.12 The Policy Development Process

The process of developing the Kwale County Child Protection Policy started in 2023. The decision to develop the county Child Protection Policy was in pursuant to the need to establish a Child Protection System within the County Governance Structures. With the support from ILO CAPSA project, the County Government of Kwale and the Kwale Directorate of Children Services and stakeholders sought to develop a countywide Child Protection Policy.

The County Child Protection Technical Working Group under the direction of the CEC Member for Department of Social Services and Talent Management and the County Coordinator for Children Services spearheaded the policy development process. The adopted a highly participatory and inclusive approach involving various stakeholders including individual citizens, children, County and National Government stakeholders and non-state actors at the County and Sub County levels in compliance with the constitutional requirement of public participation in public policy making.

The County and sub county stakeholder consultative and validation processes sought to:

- Review and identify key policy issues, challenges and gaps, strengths and opportunities and make proposals for the formulation of the County Child Protection Policy for Kwale County.
- Introduce stakeholders to the purpose of developing the County Child Protection Policy and raise awareness on child protection imperatives.
- Enable stakeholders to review and validate the Draft Kwale County Child Protection Policy.

The information gathering for policy development involved literature review, focus group discussions, key informant interviews, stakeholder workshops, town hall meetings and public forums held across all the four sub counties of Kwale County. The voices of children was incorporated in the process by seeking the opinions of children on policy issues of concern through the process. The Kwale County Children Assembly officials provided insightful policy issues and strategies.

CHAPTER TWO: COUNTY CONTEXT

2.1 Overview of Kwale County

Kwale County is one of the 47 counties created through the devolved system of governance by the Constitution of Kenya 2010. Kwale County borders Taita Taveta County to the North West, Kilifi County to the North and North East, Mombasa County and Indian Ocean to the East and South East and the United Republic of Tanzania to the South West. The County has a total population of 866,820 and land area of 8254 square kilometers. The population density is 105 persons per square kilometer and has 173,176 households with an average household size of 5.0.³⁰ The rural population is 740,389 with a land area of 8191 implying a population density of 90 persons per square kilometre. The rural population which is 85% is engaged in agricultural practice as the main source of livelihood. The county population in terms of gender comprises of 425,121 (49%) males while 441,681 (51%) are females. Persons with disabilities constituted about 4.8% of the total County population with visual and physical disability being prevalent at 1.3%. Further, slightly over a half (51.8%) of persons with disability in the County reported to have had difficulties in engaging in economic activity.³¹

2.2 Administrative and political units

The county is a multi-ethnic and has a predominant settlement of a majority Digo and Duruma tribes. Other ethnic groups living in the county are Kamba, Maasai, Washirazi, Wapemba, Makonde, as well as other Kenyan ethnic groups, Europeans, Asians and non-citizens who are a minority. It has six administrative sub-counties namely Msambweni, Matuga, Kinango, Lungalunga, Samburu and the newly gazetted Shimba Hills. The sub counties are further divided into 20 wards and 77 village units.³² as indicated in table 1.

Sub County	Wards	Villages Units	Area (km2)
Lunga Lunga	4	15	2,765
Msambweni	4	13	4,12
Matuga	5	20	1,033
Kinango	7	29	4,043

Table 1: Kwale County Administrative Units

Sources: CIDP 2023-2027

2.3 Children population and Demographic profile

It is projected that the population of children under the age of four years, which was estimated at 130,310 will rise to 140,402 in 2025 and 145,737, by 2027. On the other hand, the age cohort 5-14 often referred to as the basic school education age is projected to be 265,873; and 282,507 in 2025 and 2027 respectively. Similarly, population of the age cohort of secondary school going, 15-19 age group which was 97,104 in 2019 and is projected to rise to 104,624 and 108,600 by 2025 and 2027 respectively. Together these cohorts will comprise nearly fifty per cent of the total population of the county.

Kwale is among the counties in Kenya with the highest poverty index. The proportion of the population

30 County Government of Kwale. (2023). Kwale County Integrated Development Plan, CIDP 2023-2027

31 County Government of Kwale. (2023). Kwale County Integrated Development Plan, CIDP 2023-2027

32 County Government of Kwale. (2023). Kwale County Integrated Development Plan, CIDP 2023-2027

living below the poverty line (\$1.9 per day) is estimated to be 66.6 %, higher than the national estimate of 45.2% (Kwale County Statistical Abstract, 2015).

The per capita income of the average Kwale residents is approximately Ksh125 a day (about \$1.2 per day). This infers that averagely the Kwale resident is poor. The county government notes that vulnerable groups including children living in poor households, youth and persons with disabilities are more likely to experience poverty. This may in turn result to increase in the child protection risk in the county

2.4 Education and literacy

The 2019 Kenya Population and Housing Census indicates that the County's population of children of cohort of 3-5years that forms the early childhood education was 83,251 and is projected to rise to 111,504 in 2028. The total number of ECDE centers was 1,155 out of which 921 were public ECDE centers and 234 were private centers. The learner enrolment rate at the time of the census was at 85 percent and the teacher to pupil ratio was 1:27 against the recommended 1:25. Average distance to a pre-primary facility in the County was 1kilometre against the recommended standard distance of 300 meters. The report indicated that children in the far remote areas including Mackinnon road and Mwereni wards covered the longest distances of 2.05 and 1.89 kilometers respectively.

The data further reveals that the primary school –going age cohort (6-13 years) had a population of 205,236 in 2019 and is projected to 274,888 in 2028. There was a total of 484 primary schools comprising of 401 and 83 public and private primary schools respectively. The county primary school enrollment rate was at 82% against the desired national enrollment of 100% and indication that a number of children dropped out of schools. The average distance to access primary school facility within the County is 1.33 Km against the recommended maximum distance of 2 Kilometers. However, in MacKinnon Road and Puma wards, students cover an average distance of 3.15 and 2.8 Kilometers respectively to access a primary school.

On the other hand, KPHC indicates that Secondary Education Kwale County has 100 secondary schools out of which 91 are public and 9 private secondary schools. The enrolment rate was about 49 percent in 2019 compared to 44 percent in 2017. This is attributed to the Government's 100 percent transition policy, Government's waiver of secondary school fees in public facilities and the provision of bursaries to students from needy families by the County Government and also through constituency development funds. The County has a total population of 826 secondary school teachers that implies a teacher to student ratio of 1:45 based on the enrolment of 37,528 students in 2019. Currently, only 34% of the population in this age group is enrolled in 54 secondary schools. The low transition rate from primary to secondary school is as a result of a combination of factors including poverty, combined with cultural and religious factors. Therefore, it is prudent for the County government to work with the national government to provide adequate secondary schools with necessary facilities to absorb and provide quality education. While majority of this age group are youth, special provisions have to be made by stakeholders and community in general in ensuring that interest of the youth are catered for. This will include insulating them against social vices such as drug abuse and child marriages.

2.5 Key child protection risks, vulnerabilities, and issues at county level

Kwale County has made tremendous efforts in putting in place an enabling legal and institutional environment for the enhancement and promotion of child protection institutions within the County. The attempts towards collaborative efforts between both the County Government, the National government officials and stakeholders has been a deterrence to child protection risks and vulnerabilities. The Kwale County Integrated Development Plan (2023-2027) indicates that children face a number of child protection risks. The high incidence of HIV among the youth population aged 15 to 24yrs, suggests lack of access to information and safe reproductive and sexual health, and keeping girls in school, which if not addressed is often associated with child protection risks such as coerced and early sexual debut, teenage pregnancies, and child marriage. According to the National Crime Research Centre, *Kwale County Crime Outlook Report*, defilement cases constituted 22.2 % of all crimes reported which is on par with the national average of 31.3%. On the other hand, Child protection Information

Management System data (CPIMS) 2023/2024 data reveals that the 57.3% of reported cases concern child neglect as can be seen in figure 3.

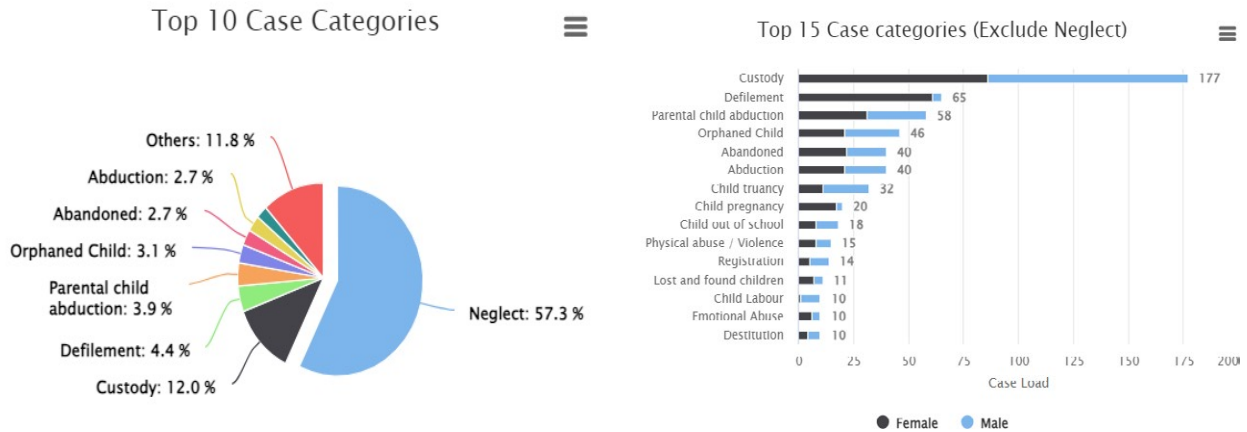


Fig. 2: Caseload by category

Source: Directorate of Children Services 2023/2024 CPIMS data

In Kwale County, between 1st July, 2023 – 30th June, 2024, the total number of child rights violations cases reported were 1480. The data indicates that child custody was recorded at an estimated 12%, with defilement cases reported at 4.4%. There were also significant number of cases of both child abduction and abandonment reported at 2.7% for each of the cases. The data further reveals incidences of family conflict with 3.9% of parental abduction cases reported. Results from sensitization efforts towards child labor, forced labor, and violations of acceptable conditions of work in the County has also led to the CPIMS reporting on cases of child labor and child trafficking among which was also reported to constitute 11.8% of the cases reported in the 2023/2024 financial year.

According to the 2022 KDHS, the County prevalence of teenage pregnancy among of women ages 15–19 indicates that 14.8% have ever been pregnant, 11.5% had a live birth while 2.9% had pregnancy loss. On the other hand, data revealed that 63.4% percentage of young women of 15-24 years had knowledge about HIV prevention compared to 42.8% of young men of the same ages with the same knowledge. This illustrates the vulnerability of children to HIV prevalence and general health conditions of children in the county.

The disability rate in Kwale County is at 1.7% (national rate: 2.2%)³³ and the interviews conducted in the county revealed that children with disabilities, in particular those living in rural areas, are often stigmatized, confined at home, denied opportunities for development or abandoned³⁴. Further, Education Assessment Resource Centers (EARCs) have been established in sub counties to facilitate the identification, assessment, referrals, and placement of children with special needs. However, they are limited in their ability to support local communities from a centralized location because of limited resources and number of staff, lack of outreach support and adequate budget provision to follow up on assessments to ensure that adequate support.³⁵

The child protection risks identified in the above reports were consistent with those identified by key informants interviewed in the process of developing this policy. The most reported child protection issues

33 Development initiatives (2020). Status of Disability in Kenya. Retrieved from: <https://devinit.org/resources/status-disability-kenya-statistics-2019-census/#downloads>

34 KII, Kwale County 2024

35 UNICEF Kenya (2017).

by key informants in the county were child neglect, child abandonment, children living and or working in the streets, and child protection. Others were low school enrolment rates, affecting both girl and boy child; gender inequity in favor of boys especially in relation to access to resources; increasing teenage pregnancy cases, food insecurity, gender-based violence, poor retention in school, lowering age of sexual debut, limited access to information especially related to sexual reproductive health and rights.

2.6 Institutional framework for child protection

Children issues in Kwale County government are handled from the Department Social Services and Talent management. The county lacks a dedicated unit well equipped with well trained staff on child protection and safeguarding. Similarly, the child protection coordination structure, CACs are established at county but due to lack of resourcing, they are not actively functional. This leaves the major child protection work to the Directorate of children services that has inadequate staff and budget constraints for children's services operations. Child protection volunteers (CPVs) and community health promoters at times complement service delivery to children in all wards within the County. Coordination of Child protection services in the county faces a myriad of budget and financial allocation challenges.

A 2015 child budget analysis of six counties with the highest child deprivation level (Kilifi, Kwale, Kakamega, Turkana, Tana River and Garissa) found that with the exception of budgetary allocations to the education sector, children's issues particularly in protection and the health sector, often receive less attention and are given lower priority in the national budget. The report noted that though children in the six focus counties for the budget analysis account for slightly over 55% of the population, the child budget as a share county budgets is below 20%, which suggests overall underfunding of programs and services for children.³⁶ This affects a number of counties including Child protection services in Kwale County.



36 Institute for Economic Affairs/UNICEF (2015). Child budget analysis in Kenya: National government and six county governments. Retrieved from: https://media.africportal.org/documents/CHILD-BUDGET-ANALYSIS-IN-KENYA_2.pdf

CHAPTER THREE: LEGAL FRAMEWORK

3.1 Legal and Policy Context

3.1.1 International Legal Context

Kenya is a signatory to the United Nations Convention on the Rights of the Child (UNCRC) ratified on July 30, 1990, which defines a child as any person under the age of 18 and explains that all children have the right to be protected from harm, abuse and exploitation. The African Charter on the Rights and Welfare of the Child (ACRWC) promotes and protects the rights of children in Africa. The AU adopted it in 1990. Kenya ratified the ACRWC on July 21, 2000, demonstrating its commitment to safeguarding the rights and welfare of children in the African context. Kenya reports to the AU on the extent of implementation of the Charter. The Hague Convention on Intercountry Adoption establishes safeguards and cooperation mechanisms for intercountry adoptions. Kenya became a party to the Hague Convention on February 27, 2014. The Convention aims to ensure realization of children's best and prevent child abuse processes.

3.1.2. National Legal Context

Kenya's Constitution, specifically Article 2(6), incorporates the international conventions mentioned above. Additionally, the Bill of Rights within the Constitution provides for the specific application of children's rights. Article 53 of the Constitution serves to protect children from abuse, exploitation, neglect, and other harmful practices that may compromise their rights and welfare. The State is mandated to enact policies and legislation to ensure the realization of these rights. Through the Constitution, the mandate of the state transcends to the County Governments in service of protecting children from abuse, exploitation, neglect, and other harmful practices by formulating county policies and Acts.

The state has further domesticated the same instruments by enacting the Children Act 2022, and participated in the various sessions reporting the progress made in implementing the said instruments. Section 54, 61, 62 and 63 of the Act specify the roles of the County Government in child protection. Noting that child protection is not expressly a county function, specific functions issued under sections 54, 60, 61, 62 and 63 of the Children's Act 2022 go in tandem with the principles of child protection, and in realizing the rights there in. Section 61 and 62 of the children Act 2022 specifies the role of County government in child protection.

In addition, to the Children's Act 2022, the subsequent legislations guide devolution and outline some of the principles and provisions. For instance, the Transition to Devolved Government Act, 2012 provides a framework for the transition to devolved government pursuant to section 15 of the Sixth Schedule to the Constitution, and for connected purposes. It addresses the phased transfer of functions. The County Government Act 2012 gives effect to Chapter Eleven of the Constitution; to provide for county governments' powers, functions and responsibilities to deliver services and for connected purposes. The Inter-Governmental Relations Act 2012 establishes a framework for consultation and co-operation between the national and county governments and amongst county governments; to establish mechanisms for the resolution of intergovernmental disputes pursuant to Articles 6 and 189 of the Constitution, and for connected purposes. Art 24 of the Act on the transfer of powers, functions and competencies is the legislative basis for entities that could be established by county legislation to facilitate/supplement implementation of the national government's general responsibility for children's issues.

3.1.3. County Legal and Policy Context

It is important to note that in undertaking the functions of the county government, it has an express obligation to protect the children under its jurisdiction from harm, abuse and exploitation. The County in striving to realize this function enacted: Sexual and gender based Violence prevention and protection Act 2023; Childhood development and education and care center Act 2016; County Bursary Fund Act 2014; Youth, women and persons with disability Fund Act 2020; and, Liquor management Act 2020 which in a way promotes some elements of child protection but not expressly. The County government in collaboration with the Directorate of Children Services and stakeholders have had an oversight in implementation of child protection services in the County. However, County children policy for a coordinated and harmonized child protection services delivery has been lacking. This policy expounds on the child protection functions in the county.

3.2. Legal Justification

To analyze further, investigations and intervention in situations of child abuse and neglect require the backing of the law that often has sanctions to prevent perpetration of such acts or omissions. Hence, they are essentially functions of government regardless of the level of government. Both National and County Governments are either individually or jointly responsible for child protection not only via the welfare system but also through the health, education, police, justice and correctional services amongst others.

The nature of child protection is multi-sectoral, thus the need for a fully coordinated approach, internally and multi-sectoral. Both National and County Government must ensure child protection programs are planned for by all responsible government MDAs at different levels of government and thus budget for the function of child protection as echoed in Sections 54, 55, 61 and 62 of the Children Act 2022.

Section 61 (2) Every county government shall, in consultation with the Cabinet Secretary, develop policies and guidelines for the better carrying out of the functions specified in subsection (1).

In line with the foregoing discussion, the County Government is mandated to plan and budget for aspects of child protection in liaison with the Ministry in Charge of Children hence the need to develop the policy to safeguard these resources.

3.3 Other Legislations and Policy Legal Frameworks

In addition to the Constitution and the Children's Act 2022, the listed are other policies and Acts that form part of child protection:

1. Sexual Offences Act 2006 defines sexual offences and make ways for prevention of sexual offences and protection of all persons from illegal sexual acts.
2. The Prohibition of FGM Act, 2011. It clearly defines FGM and criminalizes the performance, procurement, and aiding and abetting of all forms of practice. Both medicalized FGM and cross-border FGM are criminalized and punished under this legislation
3. The Social Assistance Act 2013 gives effect to Article 43(1)(e) of the Constitution; to establish the National Social Assistance Authority; to provide for the rendering of social assistance to persons in need and for connected purposes.
4. National Children policy 2010 serves as a framework and guides the government in achieving its commitment to children through the implementation of the Children Act, 2022.

5. National Care Reform Strategy for Children in Kenya 2022-2032 enhances the living of all children and young people in Kenya safely, happily and sustainably in family and community-based care where their best interests are served.
6. National Social Protection Policy 2022 was developed on the premise that social protection is a fundamental human right for all citizens, and for the achievement of national and international human welfare thresholds.
7. Basic Education Act, 2013: Promotes the right to free and compulsory basic education for children, ensuring protection within educational settings.



CHAPTER FOUR: POLICY MEASURES

In order to achieve the vision and the policy objectives of this policy, the following key policy areas have been identified:

1. Coordinated and Strategic Leadership
2. Planning for Child protection services
3. Resourcing and investing in child protection
4. Social services workforce
5. Continuum of services Prevention and early intervention
6. Multi-sectoral Social Services and Welfare
7. Community structures on child protection
8. Child Protection in Emergency
9. Data Collection on Child Protection.

4.1 Coordinated and Strategic Leadership

This policy provides for a coordinated and strategic leadership for delivery of child protection service in the county. Child protection is multi-sectoral in nature and therefore, calls for a coordinated approach from planning to service delivery. In addition, it is critical that the leadership appreciates measurable collective actions and generate reports aligned to the overall policy vision, goals and objectives. Working in a coordinated manner demands leadership in ensuring a comprehensive, and integrated - intra and cross-sectoral planning, delivery, monitoring, reporting, and assessment of the cumulative and collective progress and impact made towards advancing the goals of this Policy.

The implementation and impact of the Policy need to be coordinated by effective county level intra and inter-sectoral coordination mechanisms. Thus, the need for a structured leadership and direction for action, facilitate collaboration and participation, provide technical support, and hold role-players to account for the planning and delivery of their responsibilities. The government should the coordination structure, owned by all stakeholders with shared goals, responsibility and accountability and sharing of resources.

The **Children Act 2022** established the County Children Advisory Committees (CCACs): through **Sec 54** and **55** which provides for:

Sec 54. (1) The Council may, for the better performance of its functions, establish such County Children Advisory Committees as it may deem necessary for the proper discharge of its functions at the County level in accordance with this Act.

Sec 55. (1) The Council shall establish, in relation to sub-county, sub-county children advisory committees, whose functions shall be to advise the County Children Advisory Committees on, and make recommendations for, the implementation of such child welfare programmes as may be necessary for the promotion and protection of the rights of the child in the respective sub counties.

Adequately resourced structures for leadership and coordination should be able provide the oversight necessary in the context of a functioning, integrated and multi sectoral child protection system.

Policy gap

The county government of Kwale lacks harmonized strategic leadership for child protection services hence duplication of roles and services.

Policy statement

The county government will support and institutionalize strategic leadership and coordination on child protection at all levels.

Policy Strategies

1. Ensure recognition by the County government for the need to institutionalize and implement a decentralized social services and child protection system and requisite functions, and promote the intentional leadership to do so.
2. Build and strengthen the capability of the County Executive Committee (CEC) member (CECM) and committee and the Council of Governors to lead a decentralized social welfare and child protection function effectively.
3. The Chief Officer (CO) to provide oversight and make sure that the CCACs and other relevant child protection committees provide leadership at community level including strengthening their capability to lead decentralized social services and child protection functions.
4. The CECM to ensure the implementation of existing child participation guidelines and ensure a functioning Children's Assembly in the county
5. The County Executive Committee and county department responsible for child protection to develop a coordination and collaboration framework for partnerships at county level
6. Implement the MoU between the County Governor and national level partners (DCS, NCCS, and COG) to align county and national child protection efforts

4.2 Planning for child protection services

The responsibility of county planning and development is vested in county governments. The county executive, facilitated by the county planning unit, generates all county plans and the county assembly approve them. Some of the objectives of county planning include integrating national values in all processes and concepts and providing a platform for unifying planning, budgeting, financing, programme implementation and performance review.³⁷

The strategic plan must reflect the transition towards implementing a developmental approach to social services, reflecting a life cycle and a strengths-based approach to programmes and services in the county. The strategic plan must inform the CIDP and will allow for moving away from projects and single-issue approaches to providing comprehensive child protection and social services programmes. This will ensure resourcing child protection service through clear budget lines and investment in the child protection system.

Policy Gap

There is inadequate and inconsistent data on child protection issues to inform evidence based planning.

³⁷ Institute of Economic Affairs (2014). Handbook on county planning, county budgeting and social accountability. Retrieved from: <https://uraia.or.ke/wp-content/uploads/2016/11/Handbook-on-County-Planning-County-Budgeting-and-Social-Accountability.pdf>

Policy Statement

The county government will provide harmonized platform for timely, accurate and consistent data on child protection issues for planning and budgeting

Policy Strategies

1. Map all current services being delivered by county, DCS and NGOs in order to establish a baseline of child protection services in that county
2. Map and consolidate county wide data base for all services
3. Streamline regular reviews of stakeholders' performance
4. Undertake comparative analysis between typology³⁸ and the mapping to identify gaps
5. The county department responsible for child protection and social services, with support from DCS at county level should develop a time bound costed strategic sectoral plan and implementation plan for child protection and social services in the county, which addresses the gaps and defines roles and responsibilities. These will be reflected in the county annual costed workplans. The sub county will develop annual costed work plans against this sectoral plan
6. The county department responsible for child protection and social services, with support of DCS at county level and the county planning unit should ensure that this is integrated into the five-year CIDP
7. CECM in charge of children issues include the relevant child protection system costs in the CIDP
8. Ensure child protection and social services are included in the annual development plans

4.3 Resourcing and investing in child protection

The department is expected to review its budgetary priorities and needs, taking into consideration the national priorities as set out in the guidelines; on-going activities and projects; and the financial plans of the sectors. The reports are expected to contain costed programmes that are ranked in order of priority on a three-year rolling plan together with a criteria for allocation of resources among competing needs.

Policy Gap

There is inadequate funding on child protection

Policy Statement

The county government of Kwale will lead in Resource mobilization for increased funding of child protection activities in the county

Policy Strategies

1. Increase the capacity of the county department, the Sector Working Group, the Budget and Appropriation Committee and the County Assembly on a) child protection and social services; b) understanding the cost drivers for a child protection program through the use of the child protection costing model, in order to advocate for increased resources for child protection
2. Utilize the child protection costing model developed by the national office to cost the sectoral plan on child protection and social services

³⁸ See glossary for definition; section 1.3.2 for explanation and Strategic Outcome 5 for interventions

3. Include in the annual budgeting process the child protection annual cost priorities
4. Ensure adequate budgetary allocations for child protection issues in the county.
5. Mobilize diverse and innovative financing sources from government departments, development partners and the private sector in support of child protection
6. Increase investments in scaling up promotive and preventative services, as well as in improving the quality of protective services;
7. Improve and strengthen finance planning and accountability mechanisms for streamlining of funding and avoiding wastages, underspending and duplication of services.

4.4 Social services workforce

A key component of an effective and comprehensive child protection and social services system is a competent and skilled workforce consisting of different cadres. The social service workforce for child protection are the drivers of the implementation of child protection policies and programs. This requires skilled, motivated and adequate social service workforce fit for provision of services.



POLICY GAPS AND CHALLENGES

Inadequate, unskilled and not well motivated social services workforce facing challenges arising from dynamics of changing social systems, permanent and continuous changes in legislation, policies and procedures, emerging child protection threats and issues, development of new methods and techniques.

Policy Statement

In implementing this Policy, the County Government will conduct continuous professional development, ensure adequate and motivated social services workforce for child protection services provision.

Policy Strategies

The County Government and partners will adopt the following strategies to implement this Policy;

1. Map the current social services workforce in the county at all levels;
2. Establish the need and increase the number of social service workforce;
3. Build the capacity of the social services workforce to understand the developmental approach with specific emphasis on prevention and implementation of prevention continuum of services approach.
4. Build the capacity of the social services workforce to understand national care reforms and policy directives that have been adopted to ensure that family preservation, and family-based services are the first response to children in need of care and protection rather than institutionalization;
5. Invest in para-social workers and ensure supervision of this cadre;
6. Provide training for allied public sector workforce (i.e. health professionals teachers, police, judicial officers among others.) on child rights, child protection, non-discrimination and stigmatization, best interest of the child principle and determination, confidentiality, gender, communication with children and adolescents among others.
7. Ensure key sectors, i.e. education, health, police and others, have child protection and child safe guarding competence and guidelines in place, and implement an effective referral protocols.
8. Develop a supervision policy and framework specifically for social workers that is aligned to the practice of supervision;

4.5. Continuum of services on prevention and early intervention

In remedying the challenges that may arise from inadequate implementation of preventive approaches of child protection vulnerabilities, it is important that the county reflects the developmental approach to service delivery that ensures a prevention continuum of services approach to service delivery. It is a best practice to utilize the typology of services to gauge the comprehensiveness of the services offered and that are available to children and families.

Policy Gap and Challenges

The current child protection system in the county is residual, provide piecemeal services, rather than a cohesive continuum of services for a combination of interventions – social protection, parental and psychosocial support, and pre-primary services to effectively support the development of all children and enhance the resilience of vulnerable children and their families.

Policy Statement

The County Government in collaboration with partners will establish an Integrated Strategic Plan supporting a continuum of child protection service delivery with agreed upon referral protocol, clear roles and responsibilities across sectors and strong multi sectoral partnership and coordination.

Policy Strategies

To implement this Policy, the County Government in collaboration with DCS and partners will adopt the following strategies:

1. Provision of a diverse range of programs to meet the developmental needs of children, parents and caregivers and families – parental support services including positive parenting programmes, psychosocial support services, access to immediate and basic needs.
2. Support family strengthening interventions to prevent and protect children from violence, abuse, neglect and exploitation
3. Provision of early responsive services that protect children from further harm
4. Strengthen access to and ensure vulnerable children and their families are linked and enrolled in well managed social protection schemes (i.e. orphans and vulnerable children (OVC) cash transfers, school bursaries, that cushion vulnerable children, adolescents and families from further risks. This includes increased Social Health Authority (SHA) coverage towards universal health coverage (UHC) for vulnerable families
5. Support and promote a cash plus approach to social protection schemes, through interventions such as parenting training or linking families to micro finance insurance schemes and social security schemes
6. Support and scale up economic strengthening and livelihood strategies integrated with nutrition programmes (i.e. NICHE - Nutrition improvement through cash and health education), to support family strengthening and stable livelihoods for families affected by poverty loss, emergencies etc. to nurture children and cushion children from further protection risks. These should also specifically target adolescent parents.
7. Implement a comprehensive and integrated case management system as per national framework, in the county, which has an established, effective referral system, with coordination in the county at all levels.
8. Support well-functioning of Child Protection Units (CPU) in police stations.
9. Support community awareness and sensitization forums on violence and other child protection issues.
10. Build capacities of teachers and schools to implement the National Guidelines on school re-entry for early learning and basic education (2020)
11. Scale up implementation of guidelines on the implementation of the special needs education policy and inclusive education; resource and build capacity of the Educational and Assessment Resource Centers (EARCs) EARCs to undertake functional assessment that inform interventions for children with disabilities.
12. Promote the uptake of alternative family care services throughout the county and ensure CCIs only accept children who have gone through the statutory processes.
13. Increase the coordinated action to implement alternative family care services - foster care, guardianship, kinship and adoption
14. Implement diversion and probationary rehabilitative programmes for children in conflict with the law.

4.6. Multi-sectoral integration of Social Services and Welfare.

Pursuant to the Social Assistance Act “social services” has been defined as services having as their objective the lessening, removal or prevention of the causes or effects of poverty, child neglect or dependence on public assistance and, without limiting the generality of the foregoing, include:

- a) rehabilitation services;
- b) counseling services;
- c) alternative family care services;
- d) day care services;
- e) pre-primary services
- f) community development services;
- g) consulting, research and evaluation services with respect to social programmes;
- h) provision of income assistance or indigent relief; and
- i) administrative, secretarial, and clerical services, including staff training, relating to the provision of any of the foregoing services.

The client system for both social protection services and social services is the same and it is therefore important to ensure there is multi-sectoral integration of internal service providers to assist in creating the platform for the provision of cash plus services, thus ensuring that there is a shift towards building resilience.

Policy Gap and Challenges

Multi-sectoral integration of Social Services and Social Welfare is inhibited by a lack of a Coordination framework to guide stakeholder engagement on social services within the County and insufficient resources to facilitate social welfare programmes.

Policy Statement

The County Government in collaboration with partners will establish County Strategic Plan, which must include a stakeholder coordination framework to provide for the mechanisms of engagement, collaboration, cooperation and consultation among stakeholders within the County on Social Services and Social Programmes for purposes of promoting Child Protection.

Policy Strategy

Establishment of a multi-sectoral approach on the integration of social services and welfare programmes to promote child protection within the County.

The County Government and partners will adopt the following strategies to implement this Policy:

1. Build the capacity of internal staff to understand the concept of cash plus service, in order for cooperation and collaboration to be fostered;
2. Develop a referral system that facilitates the seamless referral of individuals applying for financial assistance to relevant social services and vice versa.
3. Establish an information management systems (IMS) to measure the intra – cooperation and ascertain whether cash plus services is shifting the client system (vulnerable children, families communities etc.) towards self-reliance;

4. Develop a compendium of community development programmes that will foster economic strengthening and thus move the client system towards self-reliance and;
5. Develop a directory of services to ensure collaboration with CSO's for referral of the client system.

4.7. Community Structures and child protection

Both formal and informal community structures are a critical component in building a strong and integrated child protection system. Such Community Structures include; Learning Institutions, Police Stations, Community Health Promoters, Paralegal, Child Protection Volunteers, CSO's, Beneficiary Welfare Committees and Families, Kaya elders, religious groups, bodaboda networks, daycare centers, child friendly spaces, sports clubs, *Nyumba kumi* and community policing, child protection networks including children with special needs, orphanage centers, GBV community facility committees.

Policy Gap

Weak and disjointed community structures that lack support for synergy. There are uncoordinated linkages among community structures thereby causing confusion on both case management and reporting. Different offices and social workforce linked to child protection have a misunderstanding of their roles and responsibilities within the structures with regard to child protection.

Policy Statement

In implementation of this policy, the county government in collaboration will seek to strengthen community structure taking into account legislated structures that are currently in place and strengthen community structures to prevent, and respond to child protection issues while availing and mobilizing resources whenever necessary.

Policy Strategies

1. Map existing child protection community structures in the county
2. Empower children, parents, caregivers, families to identify, prevent and respond to child protection issues
3. Affirm the role of parents and caregivers as the first responsible for care and protection of children
4. Strengthen the partnership model with community-based organizations providing child protection services, monitor and coordinate their work through the county unit/ department for child protection
5. Community based organizations, faith-based organizations, public benefit organizations (PBOs), community schools and others providing services to children including both the National and County government Staff should have mandatory prescribed codes of conduct that guarantee protection and safety of children.
6. Review current community structures to ascertain functionality, and develop a term of reference for their operation
7. Build capacity of the leadership and staff of child protection organizations at both county and community level through periodic monitoring, training and knowledge sharing initiatives
8. Capacitate community structures and community leaders on their child protection responsibilities
9. Support community structures to identify, report, respond to child protection issues
10. Support community structures to monitor child abuse and child protection interventions
11. Strengthen the protective environment for different categories of children at community levels
12. Institutionalize the paraprofessional workforce and support and build capacity of the Child Protection Volunteers (CPVs) and Community Health Promoters (CHPs) to effectively contribute to child protection efforts.

13. Establish and utilize child-friendly reporting mechanisms such as “talking boxes”, the toll free line that allow children and community members to report abuse confidentially, safely, and without fear of reprisal.
14. Collaborate with tourism operators to develop and implement codes of conduct that prioritize the safety and protection of children in tourism-related activities and interactions.

4.8. Child Protection in Emergencies

Kwale County faces emergencies from time to time caused by climate change; for instance, floods, clashes, fires, election violence among others. During such emergencies children the most affected.

Policy Gap

Lack of a coordinated emergency preparedness and response plan with a focus on child protection in the county.

Policy Statement

Establish Child protection in emergency preparedness and response plan for safety and wellbeing of children during emergencies.

Policy Strategies

1. Incorporate and mainstream child protection priorities in all aspects of humanitarian assistance in the county.
2. Prioritize investment in actions that reduce the vulnerability of children to climate change and other emergencies and increase their and their families’ resilience, such prevention of family separation and climate responsive social protection systems
3. Planning for emergency interventions need to involve all stakeholders and emergency measures and programmes need to be inclusive.
4. Adapt existing work processes to ensure at-risk-children and families are identified and vulnerable children and their families continue to receive essential services. Make use of existing structures to identify children and families at risk to continue receiving essential services.
5. Identify child protection risks during emergencies (conflict, climate, rapid onset etc.) in the county to inform the design of prevention and early intervention strategies.
6. Develop response plan involving all actors to address basic rights of children during and after an emergency (child friendly evacuation/rescue centres, right to shelter, education, play and leisure, information, participation and protection.
7. Consolidate coordination mechanisms for all child protection activities in an emergency in order to provide a full and efficient response
8. Establish and strengthen networks of psychosocial support during and after emergencies in the county.
9. Adopt an early recovery approach eg offering humanitarian assistance and psychosocial support to child protection in emergencies in the county.

4.9. Data on Child Protection

Data on child protection issues is on high demand more so since the enactment of the Children's Act, 2022. It is essential to develop a wholesome and sound monitoring and evaluation system on child protection. Data is a key ingredient to monitoring and evaluation. Data is also a key component of evidence-based planning as well as the continuing improvement of the quality and relevance of services provided.

Gaps and Challenges

Some child abuse cases remain unreported in the CPIMS. There is need for accurate consolidated county data on child protection working parallel to and in alignment the CPIMS.

Statement

The County Government will develop a sound and coordinated reporting structure on child protection cases thereby ensuring accurate consolidated data on child protection cases

Policy Strategies

1. Develop a monitoring and evaluation framework that will include policy objectives, programmatic strategies, activities, outcomes, outputs and indicators that will guide performance and policy progress reviews in the county
2. Sensitize key stakeholders on existing monitoring and evaluation frameworks – i.e. on violence against children
3. Develop and implement formal reporting structure for the county leadership by the County government
4. Strengthen reporting structures and mechanisms from county to national level to ensure that they are clear and robust and in order influence policy and legislative change
5. Support sustainability of CPIMS and ensure all relevant actors regularly and consistently feed into the national child protection management information system in the county.
6. Support the maintenance of an operational Civil Registration System and Registrar of Marriages providing accurate data on births, deaths, marriages and divorces, and other essential data
7. Ensuring a registration system and monitoring of all children placed in alternative family care placements
8. Ensure routine data quality audit for all relevant child protection actors in the county.
9. Establish and operationalize county M&E working group

CHAPTER FIVE: POLICY IMPLEMENTATION FRAMEWORK

The Kwale County Child Protection Policy will be implemented through various instruments including legislation, regulations, guidelines, standard operating procedures, county investment plans, annual work plans and budgets among others. To determine the success of implementation, the policy and its associated investment plans shall be carefully monitored and evaluated at various policy implementation levels.

5.1 Policy dissemination

The County Directorate for the time being responsible for Children Services will in collaboration with national government, various county departments including county communication and information offices, the county assembly, non-state actors and partners shall spearhead the dissemination of the Kwale County Child Protection Policy throughout the county through multi-media strategies.

5.2 Policy implementation and planning framework

The Policy implementation approach will involve a participatory, multi-sectoral, collaborative, consultative, cooperative and coordinated strategy. A stakeholder engagement and coordination strategy shall be developed and implemented. The County Government will continuously collaborate with the National Government Directorate of Children Services, State Agencies and the Non-State Actors in the development of the County Child Protection Strategy and Planning Framework for purposes of implementing the Policy and its relevant Standards.

5.3 Institutional implementation Framework

The successful implementation of the Kwale County Child Protection Policy will be a collaborative effort involving the National Government, the County Government of Kwale, and Civil Society Organizations. Oversight of the policy's execution will be the responsibility of the Kwale County Department in charge of children services. To enhance effective supervision, facilitation, and coordination, the department will decentralize its services to the ward level.

Ensuring a comprehensive, coordinated, and consultative approach, the policy will be executed through the involvement of various stakeholders at different levels, including county, sub-county, ward and village levels. This approach aims to achieve both vertical and horizontal integration. Key non-state actors, such as Civil Society Organizations (CSOs), Public Benefit Organizations, Faith-Based Organizations (FBOs), and Community-Based Organizations (CBOs), Kaya Elders, along with development partners, will play vital roles in the policy's implementation.

To facilitate effective stakeholder coordination, Kwale County will strengthen the multi-sectorial committees including CCAC to assist in the implementation of child protection programmes. The Committee will comprise representatives of relevant national government departments and agencies, relevant county departments, non-state actors directly involved in any of the key policy focus areas as per the Children Act, 2022. As needed, the Committee may establish technical working groups at its discretion. The roles and responsibilities assigned to different stakeholders in the policy's implementation are outlined in *Table 4*.

The county government in collaboration with National Government has a role of coordinating child protection programmes at the county level. The coordination mechanisms include:

1. County Children Advisory Councils (CCACs)
2. Sub-county children advisory committees
3. Ward children advisory committees
4. Village children advisory committees
5. Other informal coordination committees including child protection networks.

5.3.1. Roles and Responsibilities of various offices

Table 4: Roles and Responsibilities

Stakeholder	Responsible Office	Roles and Responsibilities
Relevant National Government Department and Agencies	Directorate of Children Services (DCS) under the State Department of Social Protection.	<ul style="list-style-type: none"> • Safeguard the rights and best interests of children in the in the county • Protect children from abuse, neglect, violence and exploitation • Provision of leadership and management in implementation of child protection services • Implement child protection laws, policies and guidelines for practice and support operationalization of provision of Children Act, 2022 • Provide the costing model for child protection services for budgeting purposes • Implement the national care reform strategy and ensure Alternative Care (AC) services • Ensure that counties adopt the case management approach to service delivery to children and families • Create linkages between social welfare and social protection programmes • Develop an outline of programs according to the levels of intervention for implementation at county level, inclusive of guidelines, SOPs and tools • Ensure capacity building programmes are in place to upskill county staff in child protection • Provide technical support to civil society organizations and direct service providers • Lead multi sectoral coordination at county and sub-county levels • Advocate for child protection issues in the county and increased investment in county child protection budget • Collect, analyze and maintain updated records and data generated through service provision and share with county executive and national level

Stakeholder	Responsible Office	Roles and Responsibilities
	Directorate of Social Development under the State Department of Social Protection.	<ul style="list-style-type: none"> • Implement family promotion and social welfare programs • Formation of groups e.g. mother to mother support groups • Economically empower caregivers • Ensure access to social protection • In collaboration with NCPWD take care of the interests of children with disabilities • Provide waiver reports in hospitals
	Directorate of Education	<ul style="list-style-type: none"> • Ensure child-friendly and safe school environments for all categories of children including those with special needs and children with disabilities. • Prescribe codes of conduct, child protection and safeguarding policy in place that guarantee protection and safety of children • Capacity building of school personnel to address, prevent and respond child protection issues • Mandatory reporting all identified/suspected incidences of child abuse, violence, neglect, and exploitation to existing formal structures such as the police, children officers • Promote accessibility to social protection support for school bursaries, cash transfers for vulnerable children • Promote access to free and compulsory basic education to all categories of children
	NGAO/Interior and National Administration	<ul style="list-style-type: none"> • Identification and referral of cases to the Department of Children's Services • Create awareness about child abuse through the Barazas • Execute orders and summons to alleged child perpetrators • Support the reintegration of the child to the communities/family. • Create awareness on care reforms. • Support in monitoring implementation of concurrent case plan for parents/caregivers of children enrolled in case management. • Assist in arresting perpetrators of child abuse • Assist in Rescue and tracing • Ensure law enforcement in the community • Look for local intervention where applicable e.g. local CSOs. • Ensure that other state interventions like 'Nyumba Kumi' initiative are mainstreamed with child care and protection • Chair CCACs meetings and monitor all service providers through CCACs

Stakeholder	Responsible Office	Roles and Responsibilities
	National Police Service	<ul style="list-style-type: none"> • Providing swift and efficient response to arrest alleged perpetrators and rescuing children when called upon. • Identify and record witness statement. • Ensuring thorough/detailed investigation in cases involving children to build a case through the justice system. • Referring the child to DCS and other stakeholders to develop a case plan. • Ensuring that the best interests of the child are upheld while under their custody • Make sure the CPUs are established, maintained and managed in all the police stations • Maintaining law and order to ensure a safe and secure environment for the child. • Undertake capacity building of police officers handling child protection cases
	Judiciary	<ul style="list-style-type: none"> • Ensure the best interests of children are given precedence in all court proceedings • Establish children’s courts to handle all cases involving children • Ensure that magistrates are trained in handling children’s cases • The Judiciary should work closely with children officers to ensure that cases of child abuse are dispensed with in a timely and appropriate manner. • Ensure Court Users Committees are established and functioning well, ideally specific CUCs to cover children’s matters • Issue appropriate orders (warrant of witnesses, witness protection orders) to safeguard the welfare of the child. • Ensure provision of legal aid for children in conflict with the law. • Implement a child-friendly judicial system
	Office of the Director of Public Prosecution	<ul style="list-style-type: none"> • Review of police files • Institute and undertake criminal prosecutions against persons who commit crimes against children or for children in conflict with the law • Ensure that best interests of the child are upheld during the proceedings • Prepare victims of child abuse and witnesses during and after trial jointly with the Police in a timely manner • Ensure vulnerable witness and victim protection • Advise and direct Investigative Officers on any gaps arising from the evidences • Ensure timely preparation and filing of victim statement • In collaboration with the National Legal Aid Service; provide legal aid and guidance for any child involved in a court case • Give feedback to children/parent/caregiver and the Department of Children Services on the proceedings of the case. • Notify children/parents/caregivers and the department of children services of pending court appeals from the perpetrators • Diversion of children cases to probation and DCS for alternative interventions

Stakeholder	Responsible Office	Roles and Responsibilities
	Probation	<ul style="list-style-type: none"> • Prepare probation reports instructed by the court • Protection of all children and families in probation and community service orders • Ensure protection of children in after care services • Develop and implement a care plan and treatment plan • Provide and/or refer for counseling services children and their families • Ensure compliance in accordance with the care plan • Reconcile the parties (perpetrator, child, family and community). • Facilitate reparation • Victim support and make necessary recommendations • Rehabilitation of child offenders
	Prisons	<ul style="list-style-type: none"> • Ensure support for expectant and lactating mothers • Provision of care for children aged four years and below accompanying their mothers to prison. • Ensure safety at Borstal institution
	Witness Protection Agency	<ul style="list-style-type: none"> • Ensure the best interests of children are given precedence in all court proceedings • Ensure child appears in camera • Ensure only authorized persons (parents/ caregivers, etc.) attend proceeding in children's cases • Adjudicate on matters involving children expeditiously • Ensure child witness does not interfere with school programme (allocate hearing days for victims on school holidays) • Test competence of child to appear in court • Magistrate should ensure child is interviewed first, only once and ensure short turnaround time to reduce level of interference with their education • The Judiciary should work closely with children officers to ensure that cases of child abuse are held in a timely and appropriate manner. • Issue appropriate orders to safeguard the welfare of the child. • Ensure provision of legal aid for children in conflict with the law. • Training magistrates on child protection and work to secure the best interest of the child throughout the judicial process.
County Government of Kwale	Governor	<ul style="list-style-type: none"> • Promote, coordinate, provide leadership and oversight, and monitor children's services in the county
	CECM	<ul style="list-style-type: none"> • Provide leadership and oversight with regards to institutionalizing a child protection system and child protection services within the county • Institutionalize a child protection system within the County • Promote and facilitate citizens participation in the development of child related policies and plans • Provide the county assembly with full and regular reports on matters relating to the county on child protection, child rights and child welfare • Develop MoU with all external actors in the county working on child protection

Stakeholder	Responsible Office	Roles and Responsibilities
	Chief Officer	<ul style="list-style-type: none"> Allocate resources from County fiscal³⁹ and actively include child protection services as part of county mobilization of funds Ensure reporting mechanisms are developed and institutionalized Hold the county administration accountable for the delivery of quality child protection services Act as a link between the County and the National Government on children related issues
	Director for Social Services	<ul style="list-style-type: none"> Provide oversight for the implementation of the policy Disseminate and orient its staff at different levels on the Policy Plan for and allocate resources for the implementation of strategies outlined in this Policy Facilitate coordination among relevant social service providers (health, education, social protection) to ensure integration of services Implement the MoU between the County Governor and national parties – (CoG and DCS and NCCS) In conjunction with DCS develop a capacity building programme for child protection practitioners and stakeholders at the county level Facilitate provision of services to children in need of care and protection Implement, within the county, national legislation to the extent that the legislation so requires; and develop if and where relevant county policies and legislation Facilitate research and M&E system to inform policy formulation Ensure collaborative approach and partnership between state and non-state actors working for children within the county
	County Assembly	<ul style="list-style-type: none"> Enacts legislation and approves regulations relating to County programming and projects. Oversee the executive branch including all institutions mandated to undertake legal functions or enact secondary legislation Continuous review and assessment of child protection policies, ensuring they are updated in response to emerging threats or challenges to children’s well-being. Ensure sufficient financial resources are allocated in the county budget for child protection programs and services.
	Office of the County Attorney.	<ul style="list-style-type: none"> Advise the Governor on the relevant laws and policies related to children Review the county child protection policies and legislation and forward to the County Assembly for approval Ensure the policy is assented to by the Governor and gazetted

39 See glossary: Fiscus: “basket” of money; in an administrative context, the public funds held by a provincial governor; treasury of the state. At the table chief officer roles be looked into CECM to issue the report to the assembly rather than the chief officer

Stakeholder	Responsible Office	Roles and Responsibilities
	County Department in charge of Education.	<ul style="list-style-type: none"> • Support and engage with community structures at the local level; • Provide prevention and response services • Identify community members to mentor and provide assistance to children and families; • Undertake initial inquiry into a child protection case, draw up an agreed plan of action, and ensure action plan implementation. • Follow-up on child protection cases, monitor prevention, and response service delivery. • Create an inventory of all services and resources available to children and families. • Facilitate ECDE feeding programme • Ensure child friendly environment
	Public Service, County Administration and participatory development	<ul style="list-style-type: none"> • Provide leadership and drive change at all levels of governance to ensure improved wellbeing and developmental outcomes for all children • Coordinate and align child protection and social services in all levels of government according to County child protection sectoral plans and programmes • Ensure coordination structures at all levels of government for child protection are in place and operational, including the sub-County CCACs • Ensure regular reporting, as part of the agreed upon reporting mechanism with county level
	County Department of Health	<ul style="list-style-type: none"> • Health practitioners provide promotive, preventive, curative and palliative services to children and their families. • Screening physical (suspicious injuries or abuse) or psychological signs of abuse and reporting them to medical social worker/ counsellor, the police, children officers or call 116, GBV 1195, Red Cross emergency line 1199 and the police hotline 999. • Determining what examination is needed for the collection of evidence. Preserving forensic evidence and presenting it to police/ courts; for example DNA.P3PRC • Liaise with medical social workers and counsellors to link the child with any other support needed by the child. • Uphold teamwork, ethics, privacy and confidentiality in handling children related cases. • Administering timely and appropriate child-friendly services. • Prevent infectious and contagious diseases in children's institutions

Stakeholder	Responsible Office	Roles and Responsibilities
	Media	<ul style="list-style-type: none"> Acting as a public watchdog, monitors and reports on the accountability of government institutions, Public Benefit Organizations, and stakeholders tasked with child protection. Awareness creation on the Child Protection Policy Provides a platform for awareness, education, and stakeholder engagement/public dialogue on child protection issues.
	Private Sector	<ul style="list-style-type: none"> Engagement in Public-Private Partnerships (PPP) and CSR for Child Protection e.g. infrastructure development or support for prevention programs. Enforce workplace policies to prevent any form of child abuse, exploitation, or neglect, especially in roles that involve child interaction. Provide financial support to child protection PBOs, community programs, and government initiatives focused on safeguarding. Collaborate with PBOs, research institutions, and government agencies to collect data on trends related to child abuse, exploitation, and welfare in the region. Implementation of Child Protection Policy through Codes of Conduct.
	Civil societies	<ul style="list-style-type: none"> Ensure enforcement of child protection laws and proper funding. Participate in County Integrated Development Plans (CIDPs) and annual budget reviews to advocate for child protection priorities. Provide direct services, including counseling, shelters, and referral services, to children facing abuse, neglect, or exploitation. Participation in data collection and analysis, including undertaking research and surveys. Advocating for appropriate policies and legislation for prevention and response to Child Protection. Complimenting government's efforts in awareness creating and disseminating the policy provisions to the grassroots. Resource mobilization for supporting implementation of child protection programs Designing Child-Centered Programs and Interventions Developing Multi-Stakeholder Interventions
	Development partners	<ul style="list-style-type: none"> Funding and Resource Mobilization for supporting Child protection programs. Support data collection and research to improve understanding of child protection needs and assess program impact. Facilitating Multi-Sector Collaboration to create comprehensive child protection networks. Support in the implementation of the Child Protection Policy.

5.3.2. Accountabilities of the key actors

Responsibility is the obligation to act whereas accountability is the obligation to report on the responsibilities.⁴⁰ Public accountability is the obligation to answer publicly and report on the discharge of responsibilities that affect the public in important ways. It is an individual or collective duty to inform the stakeholders or service recipients or the general public in a factual and credible manner about the decisions and actions taken by the persons holding public office while performing their duties and responsibilities.⁴¹

In the context of County Government of Kwale, accountability becomes critical since due to its proximity to the citizens than the central government.⁴² Many services such as social services are delivered at the local level and affect the poor hence stronger accountability. Increased oversight therefore provides a better institutional framework for effective delivery of such public services aiming at reducing poverty and promoting shared growth.⁴³

5.4. Coordination mechanisms and structures

Coordination facilitates effective processes and response to child protection concerns. The following principles will guide collaboration and cooperation among various actors:⁴⁴

1. The coordination structure should be led by government – the county department responsible for child protection/the Department of Children Services and should include all stakeholders with shared goals, and vision. To make this functional, members must treat each other with respect and integrity so as to build a trusting relationship
2. The CCAC meetings should be convened quarterly, while the CPWG should meet monthly. The meeting should have clear agenda prepared in advance, and minutes of the proceedings well documented. To strengthen this, the coordinating partners may rotate the hosting of meetings so as to empower the weaker members in the circle to build their own capacities, voice and the sense of equality
3. The actors should adopt the use of Child Protection Information Management System (CPIMS) for ease of planning, implementation and monitoring of child protection programmes in the County.
4. Representation on the coordination structure should be all inclusive with representation across and representative of all interest groups as well as multi-sectoral in nature involving state actors, non-state actors and the community
5. The actors should embrace a joint approach to work processes such as facilitating joint service delivery; case management; referral mechanisms; mapping of service providers; establishing gaps on specific child protection issues in specific areas; joint assessments; joint training including training gaps analysis; joint advocacy; and, community education.

5.5. Resourcing

It is the responsibility of the county government to secure adequate financial resources for the implementation of this policy. This means mobilizing and allocating funds to:

- Ensure quality and accessible child protection services and programmes, especially in marginalized areas;
- Adequate, equitable, effective and accessible infrastructure to support delivery of quality services in a safe environment;

40 <https://www.uniassignment.com/essay-samples/law/the-meaning-of-public-accountability-law-constitutional-administrative-essay.php>

41 <https://analysisproject.blogspot.com/2021/01/public-accountability-in-public.html>

42 <http://kenyalaw.org/kl/index.php?id=1898>

43 <http://kenyalaw.org/kl/index.php?id=1898>

44 NCCS (2013). County child protection guidelines. Retrieved from: <https://bettercarenetwork.org/sites/default/files/County-Child-Protection-Guidelines-2013.pdf>

- Qualified, skilled and competent personnel to implement the Policy and programmes developed to give effect to it;
- Effective management, accountability, supervision and quality control mechanisms;
- Institutional arrangements, mechanisms and infrastructure necessary to support the implementation of the Policy

5.6. Reporting

The DCS county children coordinator and county department responsible for children will receive and collate timely data on progress made by the different line departments and stakeholders in the provision of child protection services and on the impact that the delivery of such services has made on the achievement of the objectives of this policy.

The DCS county children coordinator and the county department responsible for children will ensure annual reporting on progress towards the realization of the vision of the child protection policy.

Quarterly and Annual reports will be presented to the County Assembly by the CECM.

5.7 Policy Planning

To guide the systematic implementation of the Kwale County Child Protection Policy, the County Government through the Department responsible for Children Services shall develop a costed Kwale County Child Protection Investment Plan within one year of the launch of the Policy. The Investment Plan shall be developed within the County Integrated Development Plan (CIDP) framework, implemented through the annual development plans and budgets. The investment plan will be accompanied by, a clear funding and resource mobilization strategies. These shall be executed through the annual work plans and budgets developed within the county planning and budgeting framework. Local needs, demands and vulnerabilities of the County Child Protection System will serve as a key criterion for devising inclusive plans, interventions and allocation of financial resources.

5.8 Policy monitoring and evaluation framework

The County Government will develop a Performance Management Plan for Child Protection Services in accordance with Section 47 (1) of the County Governments Act, 2012 to evaluate the performance of the county public service and the implementation of this Policy. The plan will provide for, among other things, objective, measurable and time bound performance indicators, expected inputs, outputs and results of the County's Child Protection System in the evaluation of the performance of the County Government in the fulfillment of its mandate in Child Protection.

The Department responsible for Children Services and partners will undertake the monitoring and evaluation of the Kwale County Child Protection Policy. In this regard, the Department in collaboration with partners shall, within one year of coming into effect of the Policy, establish a County Integrated M&E Framework for Child Protection. The M&E framework shall be aligned with the County Child Protection Investment Plan. The framework will specify, among other critical elements, performance targets, budgets and timelines against which the implementation of the Policy will be assessed. The main purpose of the M&E Framework will be to help track, monitor and evaluate the policy implementation and its outcomes. The key performance indicators to monitor performance and measure changes at various levels of policy implementation will be collaboratively developed.

Monitoring and evaluation of the policy implementation will be through the annual multi-stakeholder review forums. The annual reviews will be aligned with the annual county planning and budgeting processes.

5.9 Policy Review

This Kwale County Child Protection Policy will be reviewed from time to time or after a period of five (5) years from the effective date. The review process will involve input from citizens and all stakeholders at various levels. The Department responsible for Children Services shall issue guidelines and procedures for conducting the policy review processes.



ANNEXES

Annex 2: List of relevant national level a) policies; b) legislation; c) guidelines; e) National Plans

Act/Policy	Purpose
The Constitution of Kenya, 2010	The supreme law of the Republic. For the first time in the history of the country, it defines a child as “an individual who has not attained the age of eighteen years” (Article 260). Chapter Four (4) of the Constitution contains the Bill of Rights, which offers protection for individual rights and freedoms for every Kenyan, including children
Penal Code (Cap. 63 Laws of Kenya)	defines the penal system in Kenya, outlining criminal offences and prescribing penalties. The Penal Code protects children by classifying acts and omissions which amount to child abuse as punishable offences.
The Children Act, 2022	An Act of Parliament to give effect to Article 53 of the Constitution; to make provision for children rights, parental responsibility, alternative care of children including guardianship, foster care placement and adoption; to make provision for care and protection of children and children in conflict with the law; to make provision for, and regulate the administration of children services; to establish the National Council for Children’s Services and for connected purposes
Sexual Offences Act (2006)	provides concise and better definitions for sexual offences; proper and concise provisions on sexual offences; Provide for measures for assisting the survivors of sexual violence in terms of medical assistance.
HIV/AIDS Prevention and Control Act, 2006	Provides measures for the prevention, management and control of HIV and AIDS, to provide for the protection and promotion of public health and for the appropriate treatment, counseling, support and care of persons infected or at risk of HIV and AIDS infection (including children) and for connected purposes.
The Refugees Act, 2006	Requires the Commissioner for Refugee Affairs to ensure that specific measures are taken to ensure the safety of refugee women and children. The Commissioner is also required to ensure that a child who is in need of refugee status or who is considered a refugee shall, whether unaccompanied or accompanied by his/her parents or by any other person, receive appropriate protection and assistance. The Commissioner is further required to, as far as is possible, assist refugee children in tracing their parents or other family members. Where the child’s parents or other family members cannot be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his/her family.
The Employment Act, 2007	protects children under the age of sixteen (16) years from performing work that is likely to be harmful to their health or development, and specifically prohibits employment that interferes with a child’s attendance at school or vocational training.
Counter trafficking in Persons Act (2010)	Provides for the prevention, suppression and punishment for trafficking in persons including children.
The Alcoholic Drinks Control Act 2010	Makes it an offence to sell alcohol to minors and prohibits minors from entering establishments where alcohol is sold.
Prohibition of FGM Act (2011)	Bans FGM in Kenya as well as cross border FGM and bars medical practitioners from carrying out the practice; consent cannot be cited as an excuse for conducting FGM

Act/Policy	Purpose
Kenya Citizens and Foreign Nationals Management Service Act 2011	Provides a framework for the right to identity for all.
The Prohibition of Female Genital Mutilation Act 2011	Criminalizes FGM.
The Persons with Disabilities Act 2012	A child with disability shall have the right to be treated with dignity, and to be accorded appropriate medical treatment, special care, education and training free of charge or at a reduced cost whenever possible
Basic Education Act (2013)	Ensure that all children in Kenya are provided with a free and compulsory primary education
Victim Protection Act (2014)	Provides safeguards for protection of victims of crime
The Marriage Act, 2014	Protects children from early marriages by defining marriage in a way that only persons who have attained the age of eighteen years can enter into such a union.
The Protection against Domestic Violence Act 2015	The Act seeks to provide relief and protection to victims of domestic violence. Section 3 of the act defines violence to include abuse that includes child marriage, female genital mutilation, forced marriage, defilement, emotional or psychological abuse; harassment; incest; intimidation, physical abuse; sexual abuse; stalking; verbal abuse; or any other conduct against a person, where such conduct harms or may cause imminent harm to the safety, health, or well-being of the person. The Act seeks to protect those in a domestic relationship; that is, those married, previously married, engaged, living in the same household, relatives and children, among others.
The Legal Aid Act 2016	A key feature of the Act is that it creates a Legal Aid Service, as a state agency with broad functions. Of particular interest is that the Act defines from the outset who is eligible and what constitutes legal aid. It provides that for the purposes of the Act, legal aid includes legal advice, representation, drafting of relevant documents, giving effect to ADR and out-of-court settlements, awareness raising and recommendations for law reform. Children are one of the targets for legal aid as per the Act.
Cybercrimes and Computer Misuse Act (2018)	Identifies and provide cyber offences and related punishment
Matrimonial property Act 2013	Protects management of estates and property on behalf of children
Borstal institutions Act CAP 92 2016	Guides management of child offenders
Civil Registration Act 2012	Guides and regulate civil registration of citizens including children
Kwale County Childhood Development and education and care center Act 2016	Regulates early childhood education and care
Kwale County Bursary Fund Act 2014	Creates a fund for education bursaries
Kwale County Sexual and Gender based violence prevention and Protection Act 2023	Make provisions for prohibition and protection of SGBV
Kwale County Youth, Women, and Persons with disability Fund Act 2020	Creates a fund for youth, persons with disability including children

Act/Policy	Purpose
Kwale County Liquor management Act 2020	Regulates and control liquor management.
CCI regulations, 2005	Provide regulations for CCI operations
National Standards for Best Practices in Charitable Children's Institutions, October 2013	Provide regulations for CCI operations
National Policy on Children, 2010	A framework for addressing all issues relating to children's rights and welfare in a holistic and focused manner, to provide a monitoring and evaluation criterion for the implementation of various legislations, policies and programmes relating to children
National Policy on family promotion and protection 2023	Promotes good family parenting initiatives
The Framework for the National Child Protection system in Kenya, 2011	A reference material to guide different actors on how to carry out comprehensive case management and referral and defines the role of the government, civil society organizations, the communities, the family and the child to complement each other.
Guidelines for Alternative Family Care of Children in Kenya October 2014	Recognize the harm of placement in Children's Charitable Institutions (CCIs). However, there is still widespread support for these institutions. ⁴⁵
<i>Kenya National Guidelines for Psychosocial support for Child Protection 2015</i>	Guides psychosocial support for child protection.
Guidelines for child Protection case management and referral in Kenya, 2019	Intended to support the collaborative processes among the government and non-governmental agencies in service provision. A reference material to guide different actors on how to carry out comprehensive case management and referral and defines the role of the government, civil society organizations, the communities, the family and the child to complement each other.
Good practices in child care manual, 2011	Promotes child care programmes
National Plan of Action for Children 2015 - 2022	Guides the child protection programs and activities
National Prevention and Response Plan on violence against children 2019-2023	Identifies key response activities for violence against children
NPA Against Sexual Exploitation 2018-2022	Guides activities against sexual exploitation
Draft NPA on Online Child Sexual Exploitation and Abuse 2021-2025	Guides implementation of online child sexual exploitation abuse.

45 The Guidelines note that family strengthening should always be the first measure, to prevent unnecessary separation and help families care and protect their children in a safe, stable and caring environment. Family-based alternative options, temporary or long term, include kinship care, foster care and guardianship. Adoption is a permanent care option. National Council for Children's Services (2014). Guidelines for the Alternative Family-based Care of Children in Kenya. Retrieved from: <https://bettercarenetwork.org/sites/default/files/Guidelines%20for%20the%20Alternative%20Family%20Care%20of%20Children%20in%20Kenya.pdf>





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