REPORT ON

THE NAIROBI COUNTY CRIMINAL COURT USERS COMMITTEE OPEN DAY

HELD ON 24TH MARCH 2017 AT KANGEMI PRIMARY SCHOOL, NAIROBI
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INTRODUCTION

The Kangemi Primary School Open Day was organised by Nairobi County Criminal Court Users Committee (CUC) in collaboration with Kenya Women Judges Association (KWJA) and Association of Children Charitable Institutions of Kenya (ACCIK)

The delegation was headed by Hon. Lady Justice J. Lesiit and brought together members of the CUC, KWJA and ACCIK who were hosted by the Kangemi Primary school children, teachers and parents.

Theme

‘Sexual abuse against children’

Tree planting

Upon arrival at 11:00 A.M, representatives from different organisations proceeded to plant trees, donated by Kenya Forest Services, around the school compound.

Welcoming Remarks

Participants were welcomed to the school by the Deputy Head teacher Mr. Chuma.

SPEECHES

1. M/s Mudaki- Head teacher

The head teacher welcomed the participants to the school and gave her address. She informed us that the school had 2 deputies and 2 senior teachers and other staff all of whom she made brief introductions.

The head teacher gave a brief history of the school and informed the participants that the school was started in the year 1927 and that to date they are still using the same buildings that were constructed then.

She emphasized on the need for improvements of the infrastructure of the school to enhance better performance, for improved and better hygienic conditions and improved digitization at the school.
She further informed the participants that the school has a population of approximately 2000 pupils; of which most of the pupils are from the slum areas of Kangemi.

The gathering was informed that the school had registered 250 candidates for KCPE in the current year of 2017.

She further informed us that the school has a special unit from nursery to standard 8

**Challenges**

- A high population causing strain on the available resources
- Inadequate furniture: The pupils at the school use benches in classrooms because they do not have chairs and lockers
- Lack of a photocopier: For use in the preparation of Continuous Assessment Tests (CATS) and exams at the school.
- Insecurity, as the school does not have a perimeter wall.
- Shortage of staff
- Inadequate furniture for staff
- Lack of network connection
- Lack of power back up
- Lack of adequate water storage tanks
- Some pupils do not have school uniforms because the parents cannot afford to buy them the required uniforms.
- The need for a swimming teacher.
- Inadequate supply of water due to the high demand by the school population.

The head teacher made an appeal to the participants for assistance in the following areas:

- To provide lockers for pupils in class 7 and 8.
- A photocopier
- Donation of office furniture for use by the teachers
- Network connection
- Solar panel(s) to provide electricity to the school.
- Repair of the swimming pool which had leakage problems as well.
- Engaging the school in income generating activities.

2. Hon. Lady Justice Lesiit

The Hon. Judge who is the CUC Chair and KWJA Vice-chair thanked participants for turning up in large numbers. She informed them that the KWJA chair, Hon. Lady Justice H. Okwengu had sent her greetings.

The Hon Judge welcomed judges, magistrates, CUC and KWJA members to the open day.

A brief self introduction of CUC and KWJA members was done.

*Hon Lady Justice Lesiit giving her address during the Kangemi primary school open day*
3. M/S Hammud-Activist
M/s Hammud praised the police in the area for doing a good job. She also thanked LRF for supporting the people in Kangemi area.

She informed participants that cases of incest and defilement are rampant in the area and parents do not report for fear of rejection by their husbands. She urged the community to report the cases to the area chief who is very supportive.

Adolescents have become very promiscuous; some girls have been introduced to commercial sex.

The youth are also joining radical groups like ‘Kapedo’

She urged parents to take care of their children,

She recommended that the westlands children officer and police from Kabete area be invited to open days in the school in future as they are key stakeholders.

4. ACCIK Chairman

The Chairman introduced members from his organisation.

He said the meeting was called to address issues that are taken to court and sensitise the community on their role as parents. The community should come up with solutions to problems being faced by their children.

Violence against children is violence against the nation because children are the future leaders. Each stakeholder should be involved in children welfare.

Children rights are sometimes violated between police stations and court, some parents are given money in order to drop charges involving violation of children.

He said that parents should be empowered to take care of children at their homes instead of taking their children to children’s homes.

CHILDREN PRESENTATION

Mr. Gichamba and Ms. Otieno led pupils in a presentation about life in the slum areas. The presentation was about a drunken father who mistreated the wife and children. The mother and her children went to live with their uncle after they were
chased away by their father but life was not easy. The girl was sexually molested by the uncle but the mother could not report the matter since they depended on the uncle for support. The boy ended up in a street where he acquired bad habit.

Both children were then rescued by children’s home where they got support and lived happily.

Kangemi primary school pupils performing a skit about life in the slums

QUESTIONS AND ANSWERS SESSION

Concerns from the parents

- Radicalisation of youth to join gang groups e.g ‘Kapendo’
- Fear of reporting issues to police
- Hunger and poverty
- Fathers running away from their families
- Videos being shown at the shopping centres contribute to decay in morality among children
- Young girls engaging in prostitution
- Alcoholism among men contributing to marriage problems
- Shortage of teachers in the school

**Responses**

- Parents were advised to report incidences of molestation and violation of children rights to police or children officers
- Men who run away from their homes should be reported to police
- Parents should take the responsibility of talking to their children
- The community should take collective responsibility of their children in addressing issues affecting their welfare
- Parents were encouraged to be appearing in courts to testify in cases where their children have been defiled or rights violated
- Parents were encouraged to open up when reporting cases involving their children. If they do not get help from the police, they should report to the OCS or OCPD or DCIO.
- They were encouraged to report issues involving children to children officers as well.
- On issue of alcoholism, they can report the matter to the area chief, if no action is taken, they can report to the police

*A parent asking a question during the Question and answer session*
VOTE OF THANKS

- CUC Chair - for organising the event
- Head teacher - for hosting the event
- ACCIK - for support in organising the event
- Forest Department - for the provision of trees
- DPAC - for media coverage, photography, banners and brochures
- Judges and other staff of the Judiciary - for attending the event
- CUC members - for organising the event
- LRF - for providing tents and chairs
- Probation - for attendance
- ODPP - for attendance
- Police, Prisons – for attendance
- KWJA representative, Hon. Christine Njagi – for organising the event
- Doctors present - for attendance
- CRJ - for financial support
- RHC - for financial support
- Kangemi Primary School Community: parents, teachers and pupils for warm welcome

PRESENTATION OF GIFTS

- Copies of the constitution
- Bail and bond booklets
- F.A.Q. brochures
- Litigants’ charter
- Drinking water for the school community: parents, teachers and pupils
Hon. Lady Justice Lesiit presenting gifts to the Head teacher of Kangemi primary school.

RESOLUTIONS

- The participants from KWJA and Nairobi County CUC adopted Kangemi Primary School for future support.
- Participants from Probation and aftercare services pledged to plant grass in the school compound
- The participants from Forest Department gave 1000 trees to be planted in the school compound and pledged to give more support in tree planting in future.

The meeting officially ended a 2:00 P.M.
REMARKS BY HON. LADY JUSTICE JESSIE LESIIT AT THE NAIROBI COUNTY CRIMINAL COURT USERS COMMITTEE OPEN DAY HELD ON 24TH MARCH 2017 AT KANGEMI PRIMARY SCHOOL, NAIROBI

Honourable Judges, Magistrates, invited guests, ladies and gentlemen, and our most important guests of the day, the children, I greet you all.

I stand here on behalf of the Nairobi County Criminal Court Users Committee and the Kenya Women Judges Association. We are delighted to be part of the partnership with the Association of Charitable Children’s Institutions on this open day dubbed ‘cry for justice’. We thank you for considering us your worthy partners in this cause.

Our gathering today brings together diverse representation of actors in the criminal justice sector under the banner of the Kenya Women Judges Association and the Nairobi County Criminal Court Users Committee. It is in good measure that all of us are represented here, so as to identify our roles in enhancing the protection of children particularly in the justice system. It is equally important that we are all here, so that we can collectively commit to play our part in protecting children. Our being here today is a collaboration of different missions with one spirit. Indeed, our
CUC’s mission of enhancing access to quality justice for all, which joins hands with ACCIK which seeks to build strategic linkages with partners to ultimately provide quality services for children.

Similarly, today’s cause also accords with the KWJA’s mission to promote and enhance human rights with a special focus on gender parity and access to justice for women and children through empowerment, awareness creation and development of jurisprudence of equality. Furthermore, under the KWJA’s current Strategic Plan, we have identified one of our strategic objectives, as creating an enabling environment in the justice system that facilitate access to justice by women and children. Therefore, despite being drawn from diverse representations, we are united in a common cause, that of our children.

Present with us today are judges, magistrates, the office of the Director of Public Prosecutions, the National Police Service, various government agencies including: doctors, government chemist, government pathologist, Department of Children Services, prisons, the State Law Office, Power of Mercy Committee, Probation, and the Ethics and Anti-Corruption Commission (and others I may not have singularly mentioned). Non-government actors such as the Legal Resources Foundation and the Law Society of Kenya have also graciously joined us. This is a rich representation that should motivate us to have spirited engagement on today’s theme.

The theme of today’s activity is apt. a recognition of the grave problem of child sexual abuse in Kenya within the home setting. It is also a call to
reflect on what we need to do, individually and collectively to the address the problem. The sad reality is that sexual abuse against children is perpetrated by those close to them and their homes are no longer the safe havens they ought to be. Thankfully, organisations such as members of the ACCIK have stepped in to fill the gaps and provide alternative care for children.

As long as this problem remains, we must continue to raise the banner high, with a loud call to action to the need to curb violations in the society especially against children. Our call should, however, not stop at that; we must do our part in alleviating the problem.

While our main interventions should focus on preventing sexual abuse of children, these efforts should similarly be coupled with protection measures. Even as we raise awareness on the problem, let us also pay attention to the protection measures that need to be in place to protect children victims of violence. The justice system is one such critical avenue. In this regard, we need to remain alive to the cardinal principle that should guide interventions involving and affecting children: the best interests of the child. Often, this principle escape our minds, and the children’s well-being falls by the wayside. We may also have failed to actively interrogate how this principle should translate into our daily responsibilities.

The law has afforded us various measures. The Convention on the Rights of the Children and the African Charter on the Welfare of the Child have provided aspirations that should guide us. These have been codified in the Constitution, which recognizes children as a vulnerable group deserving of
specialized care and protection. The Children Act remains the main guiding legislation on child protection. Other protection measures are afforded in other statutes such as the Victim Protection Act and the Sexual Offences Act. Clearly, the law has not failed us, the problem majorly lies in its implementation. More importantly, is the need to target the society’s attitudes towards responsibilities to children. Efforts should not therefore focus on the justice interventions alone.

As players in the justice sector, we need to mindfully engage on how we can contribute towards alleviation of child sexual abuse in our society. Abuse of children in the home setting presents unique challenges since it involves abuse of positions of trust. It also poses challenges for children who may not willingly report due to the environment in which the abuse is perpetrated. It is therefore, critical, that we as adults, and care providers, be alert to the tell-tale signs that point to possibilities of abuse of children in order to encourage detection of cases of child sexual abuse.

We are also alive to the need for multi-sectoral interventions in the protection of children. It is critical that, we activate linkages that can provide holistic support for children including, reporting of cases, provision of alternative care, counselling, and support in the justice system. Our intervention should therefore, ensure that children victims of sexual violence are not re-victimized in the course of multiple provision of services. We must synchronize our efforts in order to avoid this. Information sharing in this respect is equally critical. For instance, from the perspective of judges and judicial officers, child protection concerns should be communicated in advance in order to ensure that decision-making is
informed with the child’s interests in mind. Additionally, protection measures under the Children Act and the Victim Protection Act should be actualized as well as legal aid support for children in the justice system. Let us therefore, use today’s chance to identify our functions, and commit to follow realise them for the better protection of children. May we also be ambassadors for children, who often do not have a voice to speak for themselves.

As Nelson Mandela famously said, ‘there can be no keener revelation of a society’s soul than the way it treats its children’. I couldn’t agree more. The challenges facing our children today paint a grim reality of our society today. Let us not propagate the problem by failing to do our part. Indeed, if we continue to be bystanders, we are liable to be equally judged for sins of omission. I invite us all to mark this open day as our spirited commitment to answer our children’s cry for justice.

Ahsanteni, Mungu Awabariki!
NAIROBI COUNTY CUC, KWJA AND ACCIK OPEN DAY AT KANGEMI PRIMARY SCHOOL ON 24TH MARCH, 2017

LIST OF PARTICIPANTS

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<td>Vice Chair-KWJA</td>
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<td>2</td>
<td>Hon. Lady Justice S. Mutuku</td>
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<td>Hon. Lady Justice G. Ngenye</td>
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<td>Hon. Fatuma Rashid</td>
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<td>Hon. Mugure Peter</td>
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<td>Hon. Sharon Mwayuli</td>
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<td>7</td>
<td>Francis Owino</td>
<td>Police</td>
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<td>8</td>
<td>Yvonne Ndamu</td>
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<td>9</td>
<td>Ephantus Kariuki</td>
<td>Kamiti Prisons</td>
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<td>10</td>
<td>Hon. Charity Oluoch</td>
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<td>11</td>
<td>Hon. Christine Njagi</td>
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<td>12</td>
<td>IP Lydia W. Mutinda</td>
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<td>PC Ann Nduta</td>
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<td>Richard Nderitu</td>
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<td>Jerusha Gichohi</td>
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<td>Pamela Alambo</td>
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