

## **Session One: Importance of Coordinating Juvenile Justice Agencies**

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# JUVENILE JUSTICE SYSTEM IN KENYA

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The term juvenile in Kenya is used inter-changeably with the term child.

I believe this is so in other jurisdictions. However, although used inter-changeably, the term juvenile has a hidden inference that implies that a child who in one way or another has found his way into the criminal justice system. The minute one is referred to as juvenile one automatically wants to add the word delinquent. I believe this is the one single reason why, within our statutes, one does not usually find the term juvenile used. The term child is used.

The term child is defined in section 2 of the children and young persons act Cap. 141, Laws of Kenya. In the said Act, child is said to mean a person under the age of fourteen (14) years. A young person in that Act is defined as a person who is of the age of sixteen (16) years or more and is under the age of eighteen (18) years. The same Act also defines a juvenile and it says juvenile means “a person who is of the age of fourteen years or more and is under the age of sixteen years”.

This, you must agree can cause quite a problem. You must know the exact age of the minor before you can refer to him or her as a child, a Juvenile or a Young Person.

In our jurisdictions the children who appear in the Juvenile Justice Systems are those mainly from disadvantaged backgrounds where probably none of the parents knows which year the child was born or worse still there may be no parents at all to even hazard the date of birth. To establish age with such exactitude is therefore not possible.

The Children’s Bill 2000 which is in Parliament awaiting debate overcame this hurdle and gave the term child a very simple definition. It states “child” “means a boy or a girl under the age of eighteen years.”

The Bill, however, makes a differentiation between “a child” and “a child of tender years”. A child of tender years is said to be a child under the age of ten years. Now that we know who a child is and who a juvenile is at present what is the juvenile justice system in Kenya?

The Juvenile Courts form the single most important Juvenile System in Kenya. They are set up or established under s. 3(1) of the Children and Young Persons Act Cap. 141, Laws of Kenya. The short title of this Act or the preamble states that it is an Act of Parliament to make provision for the protection and discipline of Children, juveniles and Young Persons and for matters incidental thereto and connected thereto. Of course, the courts cannot function in isolation. There are those agencies that must bring the children to the court for the courts to deal with them. First and foremost is the police. The police cause the children to appear before the courts.

Where do the police find the children? They are either arrested in the course of committing offences, or loitering on the streets. They appear in the court under two main categories, i.e. those who face criminal charges and those in need of care and protection or those at risk.

Depending on the category other agencies come into the case. These include Probation Officers, Children Officers, charitable organizations and advocates or lawyers who have been hired by the parents of the children to represent them. All these people come together to deal with the child who has now appeared in the Criminal Justice System. The overriding concern of all the players is the child’s best interests. That

is why the Juvenile Courts operate in camera i.e. involving only those individuals who must of necessity be there. I must admit that our Juvenile Courts are not as well developed as those in other jurisdictions where these have moved from Juvenile Courts to what is now referred to as the Family Courts.

Our present Family Court Division launched in December last year is waiting in the wings for the line when it will be a full fledged Family Court where all matters relating to children will be dealt with. It is only then we shall be able to develop jurisprudence that will be in line with the international conventions such as the United Nations Conventions on the Rights of the Child and the African Charter on the Rights of the Child.

This has already been captured in the preamble or short title of the Children's Bill 2001 which states that thence the Bill becomes an Act of Parliament it sets out to make provision for "parental responsibility, fostering adoption, custody, maintenance, guardianship, care and protection of children; to make provision for the administration of Children's Institutions; to give effect to the principles of the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child and for considered purposes"

However, going back to the present position we have the child brought before the court by the police. The Juvenile Court has to make instant orders as to where the children will be housed while the case is pending determination. It is then that the Remand Homes come into play as they provide a home for the period the case is pending in court.

In the Juvenile Court all is not ideal. The ideal situation would be that the child would have a guardian ad litem whose sole duty is to represent the child's interests. We all know that the child's best interests are not necessarily in line with the parent's interests or the States interests. However, for the time being the Probation Officers do a most commendable job in very difficult conditions. But this usually comes at the end of a trial when the court has to decide where to place the child who has committed an offence or who is in need of care and protection.

The Probation Officers who dig into the antecedents of the children come up with reports which recommend to the court the best placing for the individual child considering the prevailing circumstances. They recommend that the child be committed to a fit person, to a remand home to an Approved School or to a Borstal Institution.

We have in Kenya several Remand Homes about seven (7) country wide. We also have Approved Schools also about ten (10). There are also Borstal Institutions. However, these Institutions are too few for the numbers of children who appear in the Criminal Justice System and those in need of care and protection. Consequently, they do not provide ideal conditions that take care of the best interests of the child. With the economic constraints that are prevailing they do provide the best that they can.

The ideal situation would be that there should be more of these institutions so that there isn't overcrowding. The Institutions should have fully trained personnel. Personnel who are trained in child psychology. These would be able to deal with these children who have come from difficult situations to adjust and become well adjusted adults.

Even at the reception stage, i.e. at the Police Station there should be well trained Police Officers to deal with the children. But it has not been possible to do this due, as I have said, to financial and economic constraints.

To recap the above the Juvenile Justice System in Kenya, in comparison to other jurisdictions, is still in its infancy and has yet to grow fully to cater for the growing number of children who are entering the system. We need to urgently find ways and means of improving them so that our future remains bright for

it is from these children that we are set to get our leaders for tomorrow.

I am certain with the experience from Japan which we are all set to hear about we shall learn a lot and borrow a leaf to improve our system.

Thank you Ladies and Gentlemen,

# JUVENILE JUSTICE SYSTEM OF JAPAN

**Mr. Mikinao KITADA**  
**Director, UNAFEI**

## **I. Current Situation of Juvenile Delinquency**

Under Japanese law, a “juvenile” is a person under 20 years of age. The minimum age of criminal responsibility is 14 years. Any juvenile aged 14 to 19 who allegedly committed an offence, or who is under the age of 14 and allegedly violated criminal law comes under Family Court jurisdiction for adjudication. Also under this jurisdiction fall juveniles who are prone to committing offences or violating criminal laws in view of their character or environment, based on (1) habitual disobedience to reasonable parental supervision, (2) repeated flight from home without reasonable ground, (3) association with persons of criminal or dissolute propensity, (4) frequenting places of dubious reputation, or (5) habitual activity harmful to the morals of themselves or others.

The Japanese juvenile justice system is based on the philosophy of *parens patriae* (parent of the country). The Juvenile Law embodies this philosophy by seeking to rehabilitate delinquent juveniles through educative efforts in order to make them responsible citizens.

Under this law, all delinquent juveniles, including juveniles who have committed very serious crimes such as rape, robbery and murder are regarded as deprived individuals with malleable character. For that reason, protective measures relating to the juvenile’s character correction and environmental adjustment are given priority over establishing his guilt and punishing him according to due process.

Since 1966, the largest number of juvenile Penal Code offenders cleared by law enforcement agencies was 317,438, which was recorded in the year of 1983. After 1984, this number decreased. In 1999 the number of juvenile Penal Code offenders cleared was 201,826. A decrease of 19,584 from the previous year. More specifically, the number of juvenile Penal Code offenders cleared, excluding cases of death or bodily injury caused by traffic accident, was 164,224, a decrease of 20,066 from the previous year.

As for the number of juveniles cleared on charges of special laws (excluding violation of traffic control laws) and referred to the public prosecutors office, violation of the Law for the Control of Poisonous and Powerful Agents accounted for 5,279 (63.3%), followed by Stimulant Drug Offenders (996 or 11.9%) in 1993.

## **II. Special Procedure for Juvenile Cases**

### **A. Introduction**

Juveniles who have committed delinquent acts are processed through the Family Courts. The objectives of the Family Court are to maintain the welfare of families and to seek the sound upbringing of juveniles. The Family Court not only decides legal matters, but also is charged with a supervisory role for the protection of the juvenile’s welfare. The mass media is prohibited from publishing articles or photographs that will enable the public to identify a particular person referred to the Family Court for a hearing, or against whom a public action has been instituted for a crime committed in his juvenile years.

## **B. Investigation**

Police and public prosecutors are responsible for the investigation of juvenile cases just as in adult cases. However, it must be conducted in conformity with the statutory policy for juvenile delinquency with particular concern that investigative procedures do not harm the welfare of the juveniles under investigation.

Following an investigation, if the police or the public prosecutor believes that a juvenile committed an offence, the case must be referred to the Family Court. Neither the police nor the public prosecutors possess any discretionary power concerning the referral of such cases.

## **C. Family Court Procedures**

Upon receipt of a juvenile case, the court will examine the evidence and decide whether or not there is probable cause. For this purpose, if necessary, the court can take legal measures to examine the case, such as calling witnesses. When the court believes that there is sufficient evidence to prove probable cause, it orders a Family Court Probation Officer to conduct a social inquiry to collect necessary data to decide the appropriate treatment. This social inquiry and report is the equivalent of a pre-sentence investigation and report regarding the appropriate decision, which Japan does not have for adults.

Family Court Probation Officers have professional backgrounds in psychology, pedagogy, or sociology and are trained as social workers. The inquiry usually covers such matters as the juvenile's character, personal history, upbringing, environment and degree of delinquency. The Family Court Probation Officer reports the investigative findings to the judge, accompanied by recommendations about an appropriate treatment for the juvenile.

A Family Court judge is empowered to authorize the detention of a juvenile when it is necessary for the purpose of either an inquiry and hearing, or a diagnostic examination into his mental and physical condition. Detention occurs at a juvenile classification home where the necessary diagnostic examination is conducted.

Juvenile classification homes submit diagnostic results and classification recommendations to the Family Court to be utilized as background data for the preliminary investigation by the Family Court Probation Officer, Family Court hearings, decision of treatment, and enforcement of educative measures. Detention in a juvenile classification home cannot exceed four weeks.

After the completion of the inquiry and report, the court sets a hearing date. However, when the court thinks that a hearing is not necessary, it can dismiss the case without conducting a hearing. This disposition is taken when the delinquent act is minor and when contact with the Family Court Probation Officer can be considered as guidance.

The procedure of the hearing is within the judge's discretion. Under current law, the judge may allow a public prosecutor to attend the juvenile hearing case for heinous crimes where a victim is killed or the statutory punishment for it is the death penalty, life imprisonment or more than 2 years as a minimum sentence. If the judge finds enough evidence of delinquent acts, he examines the social inquiry report to assess the juvenile's delinquent tendencies and the possibility of rehabilitation, and then hears testimony from witnesses, the juvenile's parents or teachers.

## **D. Adjudication**

The Family Court makes a final decision on the case based upon the evidence submitted by the investigative agency, the social inquiry report and the hearing results. The court can impose educative measures only when the evidence proves the case beyond a reasonable doubt. When there is a reasonable

doubt, the court dismisses the case.

The following categories represent the main types of final decisions rendered by the Family Court:

1. Probationary Supervision  
The juvenile is placed under the guidance and supervision, as well as the support, of probation officers and volunteer probation officers.
2. Commitment to Child Education and Training Home  
The Family Court can send the juvenile to such welfare facilities it deems appropriate.
3. Commitment to Juvenile Training School  
The court may refer a juvenile, as an educative measure, to a juvenile training school where the juvenile will be accommodated for a specified period and given guidance to promote a positive attitude as well as the ability to live a regular life. This is the severest educative measure that the court can order.
4. Sending of Cases to a Public Prosecutor  
When the Family court concludes that criminal punishment is more appropriate for the juvenile, it may transfer cases to a public prosecutors office for criminal prosecution in the same manner as an adult. However, in such cases the juvenile must be at least 14 years of age. In addition, the Family court is required in principle to transfer a case in which a juvenile above 16 years of age at the time of committing an offence kills a victim through an intentional act.

With regard to sentencing, Juvenile Law prescribes for mitigation of the death penalty and life or indeterminate imprisonment. If a juvenile is under 18 years of age at the time of committing an offence punishable by death, the juvenile shall be sentenced to life imprisonment. A life sentence shall be mitigated to “imprisonment with or without forced labour for not less than 10 years nor more than 15 years.” In the case that a juvenile is to be punished with “imprisonment with or without prison work of which the maximum period is more than three years”, he shall receive a sentence which prescribes the maximum and minimum periods within the limit of the said penalty. However, in the case where he is to be punished with a penalty whose minimum period is more than five years, the minimum period shall be reduced to five years. These provisions concerning indeterminate sentences are not applicable when the court suspends the execution of sentence.

### **III. Institutional Treatment of Juvenile Delinquency**

#### **A. Juvenile Classification Homes**

The juvenile classification home is an institution detaining juveniles awaiting Family Court hearings for the purpose of pre-hearing investigations and classification. The Family Court may commit a juvenile to the classification home when necessary. The juvenile classification home is charged with the duty of conducting the classification, while the investigation of social environment is carried out mainly by Family Court probation officers.

The Family Court utilizes the data obtained by the classification home and the Family Court probation officer for the correct assessment of the case and the proper selection of educative measures.

Then the Family Court judge determines final disposition on the basis of the psychological study and recommendations made by the classification home specialists and the findings of the social study prepared by the Family Court probation officers. If a juvenile training school is recommended, the judge also determines the type of training school to which the juvenile should be committed. Upon the judicial determination of commitment, the superintendent of the juvenile classification home makes a factual decision on which specific juvenile training school should accept and treat the juvenile. A primary treatment

plan for the juvenile is also made while he is in the classification home awaiting transfer to the juvenile training school.

The major methods of classification used in juvenile classification homes are interview, analysis of case history and psychological tests to assess intelligence and character. Continuous efforts are made for better diagnosis in terms of clinical psychology and psychiatry. A classification conference at the home considers the results of classification, together with those of medical examinations, behavioral observation, and analysis of personal history and life environment and subsequently formulates a recommendation for the disposition of the case by the Family Court.

## **B. Juvenile Training Schools**

### **1. Types of Schools**

Juvenile training schools are classified into the following four types according to the characteristics of juveniles to be admitted:

- a) Primary Juvenile Training Schools
- b) Middle Juvenile Training Schools
- c) Special Juvenile Training Schools
- d) Medical Juvenile Training Schools

Coordination between institutional corrections and community-based corrections is regarded as an important factor. Specifically, juveniles are to be transferred as smoothly as possible from correctional institutions to after-care service agencies, so that their resocialization process goes most effectively.

Individualized treatment is encouraged, and the term of residence shall be flexible according to individual needs. Durational treatment consists of three types: general short-term, special short term and long term.

### **2. Duration of Treatment for Juveniles**

A primary treatment plan for the juvenile is made while he is in the juvenile classification home awaiting transfer to the juvenile training school. After receiving the juvenile, the juvenile training school formulates a practical and concrete programme of correctional education (individual treatment programme) for him in accordance with the primary treatment plan recommended by the specialists in the juvenile classification home.

Primary and middle juvenile training schools provide two types of treatment programmes in terms of the duration of stay: short-term programme (both general and special) and long-term. The short-term programme is for those juveniles who are assessed as not having advanced delinquent tendencies and who can be rehabilitated through intensive training for a short period of time. The special short-term programme is applied for two to three months to those for whom open treatment is recommended. The general short-term programme gives intensive and disciplined training to other delinquent juveniles during a period of four to five months.

On the other hand, the long-term treatment programme is prepared for those assessed as having relatively advanced delinquent tendencies and who are difficult to resocialize in a shorter period of time. The programme continues, in principle, for no longer than two years.

### **3. Treatment of Juveniles by Classification**

To cope with the wide differences in the character and developmental stage of juveniles as well as in their rehabilitative needs, there are five kinds of differentiated training courses. While these courses are offered to juveniles under the long-term treatment system, the duration of each course is not fixed but varied

in accordance with the needs and problems of individual trainees.

- a. Life Skills Guidance Course: helps juveniles to improve their way of thinking and attitude toward social life through such methods as group activities, counseling, lectures, and psychotherapy.
- b. Vocational Training Course: provides vocational training programmes for those juveniles who are expected to be socialized by learning vocational skills.
- c. Academic Education Course: provides school education at the elementary and junior-high level for those who have not yet completed their compulsory education. Senior-high school or even a higher level of education can also be provided in juvenile training schools for those who wish to take higher education after release. In each correctional region, there is at least one institution specializing in elementary or junior-high level education.
- d. Special Education Course: provides special treatment for those who are mentally retarded or emotionally immature.
- e. Medical Care Course: designed for those juveniles who are physically or mentally diseased or handicapped.

#### **IV. Probation and Parole System for Juveniles**

##### **A. Introduction**

Probation and parole supervision is exercised over juveniles either subjected to a Family Court order of probation or released on parole from a juvenile training school at the discretion of the parole board. Regarding juvenile probation, medical, psychological and psychiatric diagnoses and social inquiry reports serve as important means in reaching the final judgment.

The legally prescribed maximum period of probationary supervision is up to the age of 20 years or two calendar years, whichever is longer. An early discharge from probationary supervision for satisfactory behaviour is extensively administered, especially in recent years.

Juvenile probationers and parolees are required to observe certain general conditions imposed by statute on every person under supervision, as well as special conditions determined specifically for individuals.

The difference between the treatment of juvenile offenders and adult offenders is that the disposition and treatment of juvenile offenders is based on an idea that they should be treated by protective and rehabilitative measures while taking into consideration their special needs as growing and developing individuals. As with adult probationers, juveniles receive active counselling to aid them in becoming law-abiding citizens with special emphasis placed on proper school attendance, disciplined employment and appropriate interaction with peers and associates.

The effectiveness of juvenile probation and parole services in Japan is shown by the fact that, in 1999, 76.4 percent of 23,585 juvenile probationers (excluding short-term traffic probation) and 18.8 percent of 4,571 juvenile parolees whose supervision was terminated that year were discharged before the expiration of their maximum periods of supervision because of good behaviour.

As for the recidivism rate during the supervision term, according to the White Paper on Crime 2000, about 17 percent of juvenile probationers and about 23 percent of juvenile parolees are disposed of or adjudicated by courts for recommitting crimes.

## **B. Development of Effective Treatment Techniques**

### **1. Community Service Activities**

Recently, community service programmes have been promoted. The gratitude and appreciation received from volunteer work help juvenile offenders recognize that they are useful and needed in society. This fosters an expectation in them to become good citizens by the local community. Such feelings are rarely experienced in their neglected lives. Also, these programmes strengthen the will to work.

### **2. Utilization of Rehabilitation Aid Hostels**

There are 74 rehabilitation aid hostels for juvenile offenders throughout Japan. Recently rehabilitation aid hostels have been used not only for juvenile probationers and parolees with no place to live, but also for those who do have a place to live.

Some probation offices conduct special treatment programmes connected with community service activities, utilizing rehabilitation aid hostels in their jurisdictions. For example, a probation office may hold, at a rehabilitation hostel, 2-day meetings and discussion sessions for the purpose of motivating probationers to get jobs through participating in community service activities. The hostel assists by providing room, board and staff members who cooperate with probation officers in conducting discussion sessions and instructing the probationers.

Additionally, a probation office may utilize a rehabilitation aid hostel as a job training facility. The hostel has an attached auto-repair factory to give residents practical job training. The probation office, in collaboration, with the hostel conducts "Work Camps" in order to train and encourage jobless or lazy probationers by providing one week of work at the hostel. The programme consists of job training and practice, volunteer activities, interviews with a probation officer, and reading books.

### **3. Group Treatment Programmes for Offenders in Some Categories**

Group treatment programmes conducted by probation officers for the purpose of supplementing individual treatment are more commonly used with traffic offenders, abusers of organic solvents and similar drug offenders and residents of rehabilitation aid hostels.

## **V. Conclusion**

Juvenile delinquency involves complicated interrelated social, educational, and psychological problems which are difficult to cure. The juvenile justice system alone cannot cope with juvenile delinquency effectively. Families, schools, and local communities should cooperate with concerned agencies to exercise strong influence over malleable juveniles during their formative years.

## **LINKING JUVENILE JUSTICE AGENCIES**

**Mr. Sika OYWA**

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The Office of the Vice President Ministry of Home Affairs, Heritage and Sports houses eleven Departments, three of them handling Criminal Justice/Juvenile Justice matters. These are the Prisons Department, Probation and Aftercare Department and Children's Department. The Department of Children's Services is the Central Government Department specifically charged with the responsibility of Juvenile Justice Administration. The Children and Young Persons Act, Cap.141, Laws of Kenya mainly mandate this responsibility.

However, it is worth noting that the Juvenile Justice System in Kenya like in many other countries brings together several Government Departments and NGOs. Other key Government Departments involved in the Administration of Juvenile Justice include the Police Department, Judiciary and the Attorney General's office. The majority of children in conflict with the law make their first contact with the criminal justice system through the Police.

The manner in which the children are handled during this first contact leaves them with a permanent perception of 'Justice' as administered to them, as well as their worth to the entire society and their view of the adult populace. They should therefore be treated with dignity.

With this perception let us examine the existing procedures in place. From the police stations, children are arraigned in court where charges are preferred. At the court, several options for dealing with the juvenile offenders are provided for by the law (Children's and Young Persons Act), which provides linkages with other players in the Criminal Justice System.

The following specific provisions of the Children and Young Persons Act provide clear linkages within the Criminal Justice System.

- a) Making a Probation order against the offender under the provisions of the Probation of Offenders Act. (Section 17c)
- b) By committing the offender to the care of fit persons whether a relative or an approved society or volunteer institution willing to undertake his care (section 25c, 17d). This particular subsection links the civil society, non governmental organizations and individuals to the Juvenile Justice System.
- c) If the offender is under 16 years of age, then he/she is committed to an Approved School (section 25f, 17e). The Approved Schools and Juvenile Remand Homes are run by the Children's Department thus providing an important link in the Justice System.

The following provisions provide the linkage between the Juvenile Justice System and the Prisons Department;

- (i) When the court orders the offender to be imprisoned subject to confirmation by High Court, (17j);
- (ii) In the case of a child who has attained age of 15 years, by dealing with him in accordance with any Act which provides for the establishment and regulation of borstal institutions, (17k).

The Prisons Department also runs the Youth Corrective Training Centre, which provides rehabilitation

for young persons between the age of 17-21 years.

It may be observed that there are several players in this area where the law has provisions to enable them to play a much more critical role. For example, the local authorities have been given a major responsibility under the Children's and Young Persons Act which has never been adequately exploited. In a nutshell, they have powers to incur expenditure (section 62 CYPA), recruit personnel referred to as Approved Officers for providing supervision to juveniles, receive juveniles in their custody and establish juvenile rehabilitation centres.

The Provincial Administration also has an equally important role in the administration of Juvenile Justice as well as child protection. Their role as provided for under the Children's and Young Persons Act ranges from incurring expenditure for the re-integration of juveniles or for their temporary custody in a place of safety (CYPA Section 62), to the actual service provision to children by chiefs and sub chiefs who are Approved Officers under the provisions of the Children and Young Persons Act. These powers have been especially useful in retrieving children especially young girls who are forcefully withdrawn from school for purposes of early marriage by their parents.

The same law provides for the establishment of an Advisory Council for Children and Young Persons for purposes of advising the Minister on pertinent issues concerning service delivery to children. It also provides for the establishment of panels of visitors to children's remand homes and approved schools to ensure that children's welfare is protected in the corrective facilities and recommend relevant action for improving their welfare and administration of justice.

The purpose of highlighting these different players and legal provisions in the juvenile justice system is to refresh our thinking about the Departments, agencies and authorities that have been empowered to render service to children in administration of justice and welfare services. It is important for us to ask ourselves to what extent do all these players collaborate in service delivery. From this premises, it is easier to perceive how much more could be achieved with the co-operation of each one of them.

Kenya ratified the UN Convention on the Rights of the Child, which encourages international co-operation in fostering effective implementation of the Convention provisions. Member states are encouraged to seek technical and other assistance from specialized UN organizations in the implementation of specific provisions falling under their mandate. The close collaboration with UNAFEI in the improvement of the juvenile justice system is strongly supported by the Government.

The following strategies have been developed by the Children's Department under my Ministry to facilitate linkages between Juvenile Justice agencies.

#### **THE DISTRICT CHILDREN'S ADVISORY COMMITTEES (DCACs)**

The District Children's Advisory Committees were established by a Presidential decree in 1991, calling for the involvement of communities in service delivery to children. They bring together relevant Government departments, NGOs, Civil Society, Religious Organizations, and local leadership in formulating local policies for the administration of juvenile justice and child protection.

Government departments involved include the Provincial Administration who chair the sessions, Children's Department who provide the Secretariat, Probation, Police, Prisons, Social Services, the Ministry of Health, the Judiciary as well as local authorities.

Established in over 50 districts countrywide, the DCACs have over the years acted as important fora for the effective collaboration and networking of juvenile justice agencies. They have however been faced with a number of operational constraints including inadequate funding, lack of a clear legal status,

inconsistency of their meetings or uncommitted chairmanship. It is hoped that the Children's Department will come up with more innovative strategies aimed at strengthening the DCACs. My office will continue providing necessary support to these committees to enable them function effectively. I would like to urge other organizations in the children's sector to give more of their time and resources to the DCAC's since they represent the community as well as Government policy orientation.

The Children's Bill recently published and currently in Parliament for debate is expected to give more powers to the DCACs once enacted.

## **THE STRATEGIC ALLIANCE ON CHILDREN IN CONFLICT WITH THE LAW**

The Strategic Alliance is co-ordinated by the Juvenile Justice section in the Children's Department. It brings together very important players, from Governments, Non-Governmental and Bilateral Organizations who play an important role in the Administration of Juvenile Justice and Child Welfare.

Its main purpose is to forge common strategies in addressing issues of children in conflict with the law. The Alliance was established with the realization that there are many players in the areas of juvenile justice and child protection, with massive resources yet their impact has been minimal in improving the lives of children.

Several specialized committees have been established under the Alliance to address common problems in the Juvenile Justice System. One such Committee is the National Diversion Core Team, which meets more regularly to develop strategies for diverting children in need of welfare interventions from the criminal justice system. Members of this sub-committee include representatives from Judiciary, Police headquarters; Probation, Children's Department and NGOs involved in the diversion exercise. Similar Committees have been established at district level – the District Diversion Core Teams in the pilot areas of the Diversion Program.

My Ministry will give full support to such innovative strategies aimed at strengthening linkages between Juvenile Justice Agencies.

Such linkages and networking between juvenile justice agencies can help solve various problems facing the Justice System such as:

- Congestion in confinement facilities such as juvenile remand homes and other rehabilitation institutions.
- Overstaying of children in corrective institutions and especially juvenile remand homes
- Over-representation of street children and other welfare cases in the Criminal Justice System.
- Conflicting policies by the key players in the Juvenile Justice System and lack of a co-ordinated approach in implementing related policies.
- The lack of separate confinement for young offenders and adult suspects or other non-offenders
- Duplication of services and double funding of children's programs.
- Lack of proper diagnosis of juvenile's problems that should lead to individualized treatment of children according to their individual needs.
- High levels of recidivism among ex-inmates. Children who have gone through the Juvenile

Justice system relapse back to criminal activities for lack of aftercare services.

It is therefore hoped that this historic seminar will map out practical strategies that respond effectively to the above mentioned problems, and mark an important turning point in the Juvenile Justice System in Kenya. We have heard it said that a people's wealth is in its children. If this is the case, then there is need to protect our children and ensure that opportunities available for the children will provide an alternative to crime.