

THE INTERNATIONAL JOURNAL OF HUMANITIES & SOCIAL STUDIES

Community-Based Child Protection Systems: Prevalence of Child Abuse in Mukuru Kwa Njenga Informal Settlement in Nairobi, Kenya

Reuben Mulwa Kivuva

Student, Department of Sociology, Gender and Development Studies,
Kisii University, Kenya

Mildred Lumayo

Lecturer, Department of Sociology, Gender and Development Studies,
Kisii University, Kenya

Pia Okeche

Lecturer, Department of Political Science, History and Peace Studies,
Kisii University, Kenya

Abstract:

Child abuse is a global problem. Globally several policies, strategies, and guidelines have been put in place to deal with the situation. One of the methods proposed to deal with violence against children is the implementation of Community Based Child Protection Systems. The performance of Community Based Child Protection Systems has been riddled with various challenges like poor enforcement of the existing laws, the different subsystems of childcare, justice, law, and order working independently of each other. The study aimed at evaluating the forms and extent of child abuse in Mukuru Kwa Njenga. A mixed methods approach was used. A sample size of 280 participants was selected using both purposive sampling and random sampling techniques. The study found that as high as over 80 per cent had witnessed child mistreatment. The main forms of child maltreatment were child labour, exposure to drugs and liquor, child exploitation, children living in the streets, early marriages, teenage pregnancies as well as FGM/C and giving children away to other people. The study also revealed that new ways had been put in place to avoid different child abuse cases being detected and acted on. The study recommends that the government should strengthen existing policies that advocate for appropriate child protection and enhance community participation to improve the effective implementation of CBCPMs. These findings are important to stakeholders involved with children rights, like policy makers, researchers, and students of devolution theories.

Keywords: *Child maltreatment, Community Based Child Protection, exploitation, child abuse*

1. Background of the Study

According to the Convention on Rights of the Child (CRC) and the African Charter on Rights and Welfare of the Child (ACRWC) (hereafter, the African Charter), a child is considered to be as any person aged below 18 years (Amiri and Tostensen, 2011). However, contextual realities have different considerations. In some communities, age does not determine childhood. This is particularly in Sub-Saharan Africa and the Middle East, where girls aged below 18 years in some traditional African and Arab societies are married off as they are deemed fit to be married as adults as they can perform some household chores (Olowu, 2002).

In Sub Saharan Africa, informal settlements host 62 per cent of the urban population in comparison to 43 per cent in South Asia (Abbott, 2000). There are about 200 informal settlements in Nairobi where the living conditions are thought to be among the worst in Africa due to too high population densities. Due to the high population densities, accessibility of some of the essential services like clean water, sanitation systems, and proper infrastructure is a challenge. Other challenges are social cohesion levels decline, exposure to several risks like family separation, working and living in the roads, sexual abuse and exploitation, HIV/AIDS and violence. It is also complicated to plan and provide for these services (Kimotho, 2015).

The slum dwellers face a myriad of challenges. The list of the challenges is long, and many of these disadvantages reinforce each other in a vicious cycle (Mehta and Dastur, 2008). Due to the haphazard development of houses in the informal settlements, then it becomes difficult to layout service provider networks. The lack of provision of services by the authorities creates a gap that must be filled. This is where 'slum gangs' come in and begin providing the locals lacking services, albeit in a dangerous and risky manner. For example, illegal power connections are made to the nearby power lines and power supplied to the locals as well as the enforcement of the rule of law and other rights by vigilantes in the slums (Kimotho, 2015). In such places, the security of the children is not assured. Besides, given the contextual and

cultural meanings given to child abuse, the safety of children is attached on the understanding of what child abuse is by the gang that is in control at any given time.

One of the ways of addressing this challenge is to use a systems approach to deal with child abuse (UNICEF, 2008). This approach is termed as Child Protection System. According to UNICEF (2008), the system is encompassing, policies, laws, regulations, and activities needed to support the prevention of and responses to Child Protection-related risks. These include health, social welfare, security, education, and justice at the national stage. Given that children live in communities, the approach is expected to be replicated at the lowest level as at the highest level. At the community, the Child Protection System is known as the Community-Based Child Protection Mechanism (CBCPM), which is essentially supposed to strengthen the National Child Protection Systems (NCPS). Their importance arises from the fact that they are easily accessible and are as an alternative to responding to the various violations' children are subjected to. This makes them be the first point of concern/care is to shield children from sex exploitation and abuse, violence, and neglect and thereby promoting the well-being of the children (ibid).

The CBCPMs is composed of all those groups or networks dealing with responding to and preventing child violations to vulnerable children at the grassroots level. Community groups like women's groups, youth groups, peer groups, and family support groups as well as traditional groups are such groups and or networks (GoK, 2009). Included in these networks are groups formed in the community or working in the community like Child Welfare Committees (CWCs) as well as any committee dealing in protecting children started either by the central Government or Non-Governmental Organizations (NGOs), all these form the CBCPMs. Some of these groups, like family support, peer groups, and women groups, are informal support mechanisms since they are not part of the Child Protection Systems led by the governments. At the same time, other support mechanisms like the chiefs and village elders are part of the government-led Child Protection Systems in countries like Kenya. Therefore, CBCPMs are those systems that have been put in place at the community level to deal with child protection problems and are informally constituted or have members who are not part of the government-employed staff (UNICEF, 2013).

However, the implementation of the CBCPMs has been shown to have mixed results- both successes and failures. In countries such as the United Kingdom (UK), in the United States of America (USA), Germany, among other countries in Europe, have had their success stories (Lachman, 2002). The Child Protection Systems' successful implementation has been credited to the systems and structures that have been established in response to the laws against child abuse. They have also availed resources to the implementing agencies. This has resulted in empowered citizens who are able to link cases of child violations from the informal systems like neighbourhood watch with the formal systems. In addition, most of the community members have a shared understanding of child rights (Lachman, 2002).

In Africa, Ghana, for example, the implementation of Community Based Child Protection Systems has not fully embraced as there were cases of non-cooperation by some parents towards some of the procedures as outlined in law according to a report by a Coalition on the Rights of the Child in Ghana (2005). In addition, child safety policy implementation, among other government policies, had been hampered by limitations of resources, trained personnel and inadequate knowledge of the policies (Ofori-Addo, 1994; Kuyini, 1998). Further, the Ghana government has had challenges in implementing some of its social systems without external donor support (Forster and Norton, 2000). Consequently, limited resource allocations to the implementing agencies affect the implementation of child safety rights in Ghana at all levels. Even though the Ghana Government, in her report to the United Nations in 2005 on child safety rights, showed some progress in the implementation of the protection systems across the country, the report failed to report on implementation issues at the district and local levels (UNICEF-Ghana, 2000). In Uganda, adequate protection for vulnerable children remains a challenge due to the varied violations and abuses that the children are subjected to despite the country having progressive laws and policies ensuring their safety. Some significant barriers have prevented the existence of a comprehensive, accessible, functional, and sustainable child protection system. For example, there is the partial and or fragmented implementation of the child protection system by the different subsystems of childcare; justice, law, and order as a result of working independently of each other. Besides, all the stakeholders have not been incorporated as provided by the Justice Law and Order Sector (JLOS) framework (Ugandan Ministry of Gender, labour and social development (MoGlsd) (2013).

In Kenya, the measures put in place to protect children from maltreatment, according to a report by Kenyan Laws on Children (2013), showed partial implementation, and neither were they effective. This is despite them being stressed in the African Charter on (ACRWC) on children, the Act on child protection (2001), and the Molds Kenyan constitution (2010). The constitution also stresses and clarifies children's protection from the harmful effects of some cultural practices like Female Genital Mutilation (FGM), sexual exploitation and abuse of children, Child labour, and neglect, among other forms of Child mistreatments, is the government's responsibility. The continued cases of child violations in the country question the effectiveness of the implementation of the legislation. For this reason, the study sought to assess the types and extent of the abuses that are prevalent in the MukuruKwaNjenga informal settlements where community-based child protection mechanisms have been put in place.

Child safety has remained elusive despite the establishment of the National Child Protection System and its Framework (NCPSF) in 2002 (GoK, 2011). The failure could be as a result of the protection mechanisms not being given the impetus they deserve. According to the International Labour Organization, Kenya was ranked the sixth in the world in the use of child labour which is among the most frequent abuses children are subjected to (ILO, 2003). Despite the enactment of the strict Sexual Offenses Act (SOA) of 2006, most of the children's handlers are lax in implementing the Act. Sections 14 and 15 of the Act are self-explanatory that child sex tourism and child prostitution are criminal offences. Same as in the children's Act of 2006. However, Kostelny, et al. (2013), in a study they carried out in two slums areas in

Mombasa, reported that there was rampant child sexual abuse and exploitation. The report further showed that the abuses were perpetrated primarily by the people respected by children due to the positions they hold in the society such as teachers, village elders as well as parents. While according to ChildLine Kenya, between 2011 and 2016, a total of 19,870 cases of violations against children were reported. Of these, 5,012 were of sexual abuse, 4,863 were physical abuse, 1,760 child labour, 369 child trafficking, 7,159 were child neglect and or abandonment (Childline-Kenya, 2016). These statistics show the risks of child violations are gruesomely high to vulnerable children. Also, about 35% of children living in the slums get sexually violated before 18 years (ChildLine Kenya, 2012).

In Nairobi, particularly in the slums, child violations have increased substantially in the recent past. These abuses, especially sexual abuses, were perpetuated to children aged below 15 years, especially from April 2012 to April 2013, which saw a drastic increase in the slums of Nairobi. Less than 50 per cent of the abuse cases reported to the relevant authorities for most of the violations are committed by people who are known and trusted in the community (Gender Violence Recovery Centre and ChildLine Kenya (2013). According to the WanguKanja Foundation (WKF), which works in the slums of MukuruKwaNjenga, between 2014 and 2018, 422 cases of child abuse were walk-ins at their facility (Frankel et al., 2018). Of these, 140 were cases of defilement, with 100 cases being assault cases.

2. Statement of the Problem

Several policies, strategies, and guidelines have been put in place to deal with the problem. In Kenya, child protection is anchored in the many international and regional frameworks that Kenya has domesticated into the children's Acts (2001) and enshrined it in Article 53 of Kenya's constitution 2010. All these aims to safeguard all children's rights and ensure that the children are protected, respected and their rights are fulfilled (Save the Children 2005). However, with all these legal instruments and institutions in place, the rate of violence against children continues unabated in both the country's rural and urban areas. According to the 2019 census, one in two young adults experienced mistreatment as a child in one form or another (KNBS, 2019). In 2016, nearly 800 children were mistreated in Kenya according to a study conducted by Child Welfare Organisation and Childline Kenya. The report further showed that 75 per cent of the abuses were cases of either sexual exploitation, physical and abandonment that could cause irreparable physiological and mental damage to the children. Ninety per cent of those mistreated cases were girls. It also shows that a third of the offenses committed in the by law enforcement officers including the police. and law enforcement officers commit violence against children in our society. At the same time, 28 per cent of those who mistreated children were parents and caregivers.

In addition, in the slums, where most urban residents live, children are always at risk of being violated. In the slums, cases of people under the influence of alcohol having sex are a common occurrence. There is also increased child trafficking cases reported every week of a child disappearing; children verbally abused by the hour is a sort of a 'way of life.' The continued use of abusive words such as a 'prostitute' by parents towards their children pushes them to live the labelling and start engaging in sex work even before they turn 18 years. The conscription of young people, some as young as nine years, into slum gangs such as the 'Gaza Sect,' which operates in Eastleigh and MukuruKwaNjenga, exposes them to defilement and death. Defilement from the elderly gang members, and if they rebel or refuse, they are killed or gunned down by the police. These, therefore, reveal poor enforcement of the existing laws or the inadequacy of child protection, which Community Based Child Protection Mechanisms seeks to address at the lowest level-the community. It has also been blamed on partial and or fragmented child protection systems by the different childcare, justice, law, and order subsystems. This study, therefore, sought to assess the implementation of CBCPMs in the MukuruKwaNjenga slums.

The main aim of this publication is present the findings of the assessment of the forms and the extent of child abuse in Mukuru Kwa Njenga, Nairobi County.

3. Methodology

A cross-sectional survey design was used for this study. According to Neuman (2011), a cross-sectional survey is a process of gathering evidence at a point in time. This design was chosen as it determines and reports things as they are at a particular time. The major purpose of cross-sectional survey research was to report the extent to which child security has been influenced by the implementation of CBCPMs (Orodho, 2005) which the study sought to find out. The study employed both probability and non-probability techniques. A Random route walk which is a random selection method, was used to select the various households for the study. A random point in the study site was picked to start the random route walk. The interviewers followed the instructions strictly according to Bauer's instructions on a random walk. That is, utilizing the various matrix options whenever the interviewers get to junctions as well as observing the skip patterns of every 5th household as advocated for in the random route walk.

4. Findings and Discussion

A total of 280 respondents were reached. Of these, female 62.5% (189) and male 32.5% (91). More than half (57%) of the respondents were aged above 40 years with those aged between 40 - 49 years being the majority (36.1%) and the other 22.9% being aged above 50 years. The study also found that the majority (68.6%) of the respondents had a secondary and above level of education. Of these, 38.3% (107) had completed secondary school education, while 30.4% (85) had a university education level. Another 4.3% (12) had incomplete primary level of education and an additional 27.1% (76) had some secondary education. The study further found that about 58% (161) were married with the rest 41.1% (116) and 1.1% (3) being single and separated or divorced respectively.

Over two thirds (68%) of the respondents sampled from MukuruKwaNjenga informal settlement were Christians with Muslims (27.5%) and a 3.6% being traditionalists. This implies that most of the respondents believe in one God. In

terms of occupation, more than six tenths (64.7%) were either in small scale businesses or in hawking. Of these (32.9%) were in small scale businesses and (31.8%) were in hawking. Those respondents doing casual jobs were 22.5% with the least being 7.9% of the respondents being in salaried employment.

The study revealed that more than four-fifths, 81% (228), of the respondents had witnessed child maltreatment in MukuruKwaNjenga. The rest 19% (52) reported that they had not witnessed any child mistreatment. These findings could be interpreted in two ways. One is that this study was carried out in the slums a place facing a lot of challenges and hence likely to have many cases of child abuses. This finding may imply that the respondents did not perceive the various child abuses as severe violations of children worth of reporting. This could have been a result of the respondents 'normalizing' these abuses. Secondly, the 81% (228) that reported having witnessed child maltreatment could have been as a result of the concerted efforts of sensitizations on child rights put in place in the MukuruKwaNjenga informal settlement. The 81 per cent is an indication of a high frequency of reporting of child maltreatment cases. This is contrary to Lynne, Gifford, and Evans (2015). According to them, child maltreatment cases are underreported in most countries despite there being policies for mandatory reporting. Most of the main causes for the underreporting were being attributed to unawareness of the written protocols on reporting of child maltreatment, lack of reporting knowledge, and interviewing techniques.

Table 1 presents the nature or types of abuses that are common in the informal settlements of MukuruKwaNjenga. The highest child abuse 80.7% (226) was child labour. This was followed by children exposed to and dealing with drugs or liquor 80.2% (225), 77.1% (216) exploitation of children and living in the streets were the third most type of mistreatments children was subjected to. Other child maltreatment were early marriages, 8.9% (25), lack of basic needs 75.7% (212), abandonment 28.6% (80), FGM/C and initiation 23.2% (65), giving children away to other people 22.9% (64) and teenage pregnancy 13.6% (38).

Nature of Abuse	No. Respondents	Per cent
Child labour	226	80.7
Drugs or liquor	225	80.4
Exploitation of children	216	77.1
Living in the streets	216	77.1
Lack of basic needs	212	75.7
Abandonment	80	28.6
FGM/C and or the initiation	65	23.2
Giving children a way to other people	64	22.9
Teenage pregnancy	38	13.6
Early marriage	25	8.9

Table 1: Nature of Abuses
Source: Survey Data 2019

During a focus group discussion of public members, it was clear that the last two forms of mistreatment were not easy to identify. For example, some of the teenage mothers are well endowed (formed) or have big bodies and therefore, it is not easy to know by looking at them what their ages are. One of the participants had this to say, '...you see some of these girls are well-endowed body wise. However, it is only for the small-bodied girls that I think..... I think it could be underage meaning she is below 18 years, and you see these are rare cases. But I cannot say they are not there they are there the only problem is determining their ages.' A FGD 004 participant

Even though the least mentioned was early marriages (8.9%), it is of concern when checked against early marriages' developmental implications to the children and society. Nature and or type of abuses children are subjected to sometimes go unreported due to the survivors' age and vulnerability and shame they feel in disclosing their experiences. This is supported in part by what UNICEF (2016) calls the legalization of many forms of violence and others being accepted as culturally as they are as a discipline. This is made worse by the scarcity of data and research on child abuses (UNICEF, 2014).

The varied nature and forms of child maltreatment are in agreement with Evans et al., (2013) and Pinhero (2006) who reported that children in all countries and cultures experience violence. The reports also indicated that most of these abuses are such as infanticide, cruelty, child labour, negligence and abandonment, sex exploitation and abuse, among other vices against children. Besides, it is also in agreement with Boudreaux and Lord (2005), who reported that the forms of violence that children experience varied according to their age and stage of development. According to them, children are subjected to various abuses as they are dependent on adult caregivers and have restricted independent social interactions with the outside. The primary caregivers together with other family members are more likely to abuse infants and young children as opposed to teenage children. They are subjected to verbal assaults, physical abuse, sex exploitation and abuse, humiliation, destructive outdated practices like FGM, among other kinds. In addition to these, other violations include omission, failure to protect the children from exposure to avoidable violence from friends, neighbours, or visitors; stigmatization or gross discrimination, or the failure to utilise child health and welfare services support children's well-being.

5. Conclusions and Recommendations

The overall picture emerging from the study is that child maltreatment is still widespread in Kenya, especially in the informal settlements. The finding is important because it is inconsistent with the global trend but consistent with the rest of Sub-Saharan Africa, where the problem has been increasing. The findings will help in putting in place efforts to fight child maltreatment, especially creating awareness of the rights of the children.

Several actors are interested in improving childcare and protection. However, the child protection policy mandates, roles and responsibilities require urgent streamlining. There is a need to have universally agreed on structures that enhance children's protection and reduce risks of such vices as child labour, early marriages, teenage pregnancies, and commercial sexual exploitations, among others. There is a need for child maltreatment issues to be put on the agenda through advocacy initiatives to improve understanding of the effects of child abuses on children. This should be done alongside the needed structures that can target and reduce the incidence of violence, abuse, and exploitation at the family and individual levels. The social services division at the County or Subcounty needs to have linkages with trained staff and volunteers down to the villages to make referrals and follow-ups. This would need to have a community committee that has a budget, a work plan and targets in place.

6. References

- i. Amiri, J., & Tostensen, A. (2011). *Kenya country case study: Child rights*. UTV Working Paper 2011: 4, Stockholm: Swedish International Development Cooperation Agency.
- ii. Olowu, D. (2002). Protecting children's rights in Africa: A critique of the African Charter on the Rights and Welfare of the Child. *International Journal of Children's Rights*, 10(2), 127-136.
- iii. Kimotho, P., G. (2015). *Slum Growth and Space Transformation: The Implication on Service Delivery and Environment* (Master's Thesis-University of Nairobi)
- iv. Mehta, B., & Dastur, A. (2008). *Approaches to urban slums: a multimedia sourcebook on adaptive and proactive strategies (English)*. World Bank Institute (WBI) learning resources series. Washington, DC: World Bank: Retrieved: <http://documents.worldbank.org/curated/en/547701468346439819/Approaches-to-urban-slums-a-multimedia-sourcebook-on-adaptive-and-proactive-strategies>.
- v. UNICEF (2008). What is child protection? Child protection information sheet. Retrieved: http://www.unicef.org/protection/files/What_is_Child_Protection.pdf.
- vi. Republic of Kenya (2009). *Kenya Population Census, 2009. Vol 1A*. Nairobi: Government Printer.
- vii. Lachman, P. (2002). Understanding the current position of research in Africa as the foundation for child protection programs. *Child Abuse & Neglect*, 28:813-815.
- viii. Ghana NGO Coalition on the Rights of the Child (2005). *The Ghana NGO report to the UN Committee on the rights of the child: On implementation of the convention of the rights of the child by the Republic of Ghana*. Retrieved from http://www.crin.org/docs/Ghana_GNCRG_ngo_report.doc
- ix. Kuyini, A.A.B. (1998). *The Ghana Community-Based Rehabilitation Programme: An outsider assessment of programme implementation and functioning in Northern Ghana*. Unpublished M. Phil Thesis, University of Cape Coast, Ghana.
- x. Foster, M. & Norton A. (2000). Poverty in Ghana and the Policy Implications, summary note submitted to NDPC poverty monitoring unit In M. Foster and D. Zormelo (April 2002) *How, When and Why does Poverty get Budget Priority Poverty Reduction Strategy and Public Expenditure in Ghana: Case Study 2*. Working Paper 164, Overseas Development Institute, London, UK.
- xi. UNICEF –Ghana (2000). *A Situation Analysis of Children and Women in Ghana 2000*. Accra, Ghana: UNICEF
- xii. Ministry Of Gender, Labour and Social Development (MoGlsd) (2013). *Status of Child Protection System Mapping Report*. Kampala: MoGlsd
- xiii. Republic of Kenya (2010). *Violence against Children in Kenya: Findings from a 2010 National Survey*. Nairobi. Government Printer.
- xiv. ILO/IPEC (2013). *Marking progress against child labour- Global estimates and trends 2000-2012*. Geneva: ILO, 2013.
- xv. Kostelny, K., Wessells, M., Chabeda-Barthe, J., & Ondoro, K. (2013). *Learning about children in urban slums: A rapid ethnographic study in two urban slums in Mombasa of community-based child protection mechanisms and their linkage with the Kenyan national child protection system*. London: Interagency Learning Initiative on Community-Based Child Protection Mechanisms and Child Protection Systems.
- xvi. Orodho, J.A. (2005). *Techniques of writing research proposals and reports in education and social sciences*. Nairobi: Masola publishers.
- xvii. Lynne, E. G., Gifford, E. J., Evans, K. E., & Rosch, J. B. (2015). Barriers to reporting child maltreatment: do emergency medical services professionals fully understand their role as mandatory reporters?. *North Carolina medical journal*, 76(1), 13-18.
- xviii. Pinheiro, P. S. (2006). UN Secretary-General's study on violence against children.
- xix. Evans, S. E., Steel, A. L., & DiLillo, D. (2013). Child maltreatment severity and adult trauma symptoms: Does perceived social support play a buffering role?. *Child abuse & neglect*, 37(11), 934-943.
- xx. Boudreaux M.C., & Lord W.D. (2005). Combating Child Homicide: Preventive Policing for the New Millennium. *Journal of Interpersonal Violence*, 20(4): 380-387.