



Press Statement

For Immediate Release

Monday, 15th June, 2020

PRIORITIZE THE RIGHTS AND WELFARE OF CHILDREN DURING COVID-19 PANDEMIC

The **Day of the African Child** will be commemorated tomorrow 16th June, 2020. In view of this, the **Kenya National Commission on Human Rights (KNCHR)** and **Joining Forces Alliance for Children (JFA-K)** issue this public statement which also act, as an advisory brief to the various Government agencies citing the overall lack of child protection COVID-19 pandemic guidelines. We have noted with concern lack of key guidelines that relate to the handling of increased cases of child abuse, Sexual and Gender Based Violence (SGBV), child protection measures to safeguard access to justice and assistance for children and lack of prioritization of all children in vulnerable situations in the ongoing COVID-19 social protection humanitarian support. From the onset, we reiterate that children rights must be at the centre of the COVID-19 response mechanisms.

It is on this basis that we the KNCHR and JFA-Kenya have come together to add the voice of the children by calling upon our Government to put in safeguard measures to address the existing gaps that have the potent of retrogressing on Kenya's progress in realising her obligations to all children. We note there has been a profound delay in **enacting the 2019 Children Bill** and this continues to impact retrogressively to Kenya's obligation to promotion and protection of children rights. Further, we note that the Ministry of Labour and Social Protection has not been vocal enough in advocating for child protection measures in the National and County Governments' COVID-19 decisions and directives.

The Kenya National Commission on Human Rights and Joining Forces Alliance for Children (JFA-K) are therefore concerned that there is;

- Lack of information and reports to the various actors and the public on measures put in place to safeguard wellbeing and welfare of all children in Kenya in the wake of COVID-19 pandemic.
- Lack of clear measures to enhance access to justice (both formal and informal systems), for children during this pandemic. This has resulted to a broken child justice chain link in handling of child protection cases for those children who have been caught up in the justice process during the COVID-19, some of whom have not been able to access protection, medico-legal, psychosocial and pro bono services provided by both state and non-state actors.

- Lack of proper guidance and general public awareness of measures put in place to prevent children against COVID-19 spread as well as mitigation programmes. Specifically, there remains a gap in measures put in place to handle COVID-19 child patients during isolation, quarantine mass testing exercise as well as the proposed home based quarantine process.
- Weak co-ordination of child protection service providers at the national, county and community levels, which has resulted to low public sensitization and unclear reporting and follow up mechanisms for child rights violations within the communities.
- Lack of targeted support and involvement of child participation in the ongoing discussions and to deal with the increasing anxiety / stress among children as they continue staying at home.
- Lack of clear indicators on how to target and support the vulnerable children, like children with disability, children living in the streets, victim of trafficking, intersex children and child migrants in the ongoing social protection programmes to cushion them from COVID-19 impact.
- Low access to maternal, child health, nutrition, immunization and vaccination services for children. The Council of Governors reported that proportion of children under one year who are fully immunized reduced by 40% in the month of April compared to March 2020.

In this regard, the Commission and JFA-K make the following recommendations;

1. The attorney General must priorities the **enactment of the 2019 Children' Bill** to give all children a right to enjoy 2010 Constitutional benefits.
2. The voice of the Ministry of Labour and the child protection directorate must be proactive in putting in place mechanisms to support children rights realisation and child protection measures during the COVID-19 pandemic as well as post COVID-19.
3. The National Council for Children Services (NCCS), should urgently share with the key actors and the public a comprehensive status report on current situation of children in Kenya, measures put in place to protect all children, trends of child abuse cases reported, concerns raised for assistance due to Impact of COVID-19 as well as follow up actions for children within the institutions, those at home, the most vulnerable and those recently integrated to the community.
4. The National Council on the Administration of Justice (NCAJ) must prioritize and give directions to all court users on how to manage children cases during COVID-19 period and afterwards.
5. Further, the NCAJ must intentionally develop general child protection and practice guidelines that will boost access to justice for children by strengthening the chain links, referral pathways as well as human rights accountability measures to safeguard children.
6. The Ministry of Labour and Social Protection should expedite the consideration of Intersex Persons in equalisation funds and as part of beneficiaries in the ongoing financial support, food aid and any other support that would help ease suffering, cushion them against the negative impact of COVID-19 while empowering them to

comply with the Government's measures of containing the spread of COVID-19 infections.

7. The Ministry of Health should work closely with the Kenya Prisons Services and the Ministry of Labour and Social Protection to support them design clear messaging for special interest groups to empower them to fight and reduce risk of contracting COVID-19.
8. The National Response Emergency Committee and the Ministry of Labour should enhance their operations guided by the principles of human rights such as the non-discrimination, participation, empowerment, transparency, rule of law and accountability in identifying the special interest groups benefiting from the ongoing COVID 19 financial support, monitoring the release of the monies, follow up on the groups that has been left out and also ensure that when the mapping is being done the information is made public to enable the intended beneficiaries to apply and get assistance.

Signed by;



Dr. Bernard Mogesa, PhD, CPM
Chief Executive Officer/ Secretary to the Commission

The Joining Forces Alliance for Children in Kenya Partners Endorsement

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| Child Fund Kenya | Chege Ngugi Country Director |
| Plan International Kenya | Kate Maina-Vorley Country Director |
| Save the Children Kenya | Wang Le Country Director |
| SOS Children's Villages Kenya | Walter S. Odhiambo National Director |
| Terre des Hommes | Celine Beaudic Country Representative |
| World Vision Kenya | Lilian Dodzo National Director |