

Disrupting Harm

Evidence from 14 countries on the context, threats, and children's perspectives of online child sexual exploitation and abuse.

Detailed Analysis of Access to Justice and Legal Remedies in Kenya
Interviews with Justice Actors

Last Updated 19/03/21

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This report is a summary of preliminary data collected for this research project. The perspectives contained herein represent the individuals interviewed and surveyed. Support from the Fund to End Violence Against Children does not constitute endorsement.

Introduction

Disrupting Harm: evidence to understand online child sexual exploitation and abuse (OCSEA), is a unique and collaborative research partnership between ECPAT International, INTERPOL, and UNICEF Office of Research – Innocenti. Leveraging their specific expertise, each partner sheds light on separate but interconnected areas: context, threats and children’s perspectives on online child sexual exploitation.

- Context by ECPAT International through portraying laws & policies in action;
- Threat by INTERPOL through the collection of crime and other data;
- Children’s voices by UNICEF Office of Research - Innocenti through surveys with children and their caregivers.

The countries of focus in Southern and Eastern Africa region are: Ethiopia, Kenya, Mozambique, Namibia, Rwanda, South Africa, Tanzania, and Uganda. The countries of focus in the Southeast Asian region are: Cambodia, Indonesia, Malaysia, Philippines, Thailand, and Vietnam.

Research took place between 2019 and 2021. Up to nine separate research activities were undertaken in each country by the three project partners. Preliminary analysis for each activity was first conducted before the results across all the nine activities were consolidated into each national country report.

In Kenya, the data was collected through 11 semi-structured interviews involving 12 respondents. Only one interview was conducted in person whereas 10 were conducted remotely via the online platform Zoom. The remote interviews were necessitated by the COVID-19 movement restrictions prevailing at the time that minimised face to face meetings with respondents unless they so requested. The interview sample included one lawyer, one prosecutor, one magistrate, one representative from the Department of Children’s Services, three police officers - two representing the Anti-human Trafficking and Child Protection Unit and one being a former investigator with the Cyber Crime Unit, three counsellors- one from the International Justice Mission, one formerly with Childline Kenya and the other formerly with the CRADLE, and lastly two child rights advocates involved in outreach activities on child online protection - one from Watoto Watch Network and another from Mtoto News. Most (10 out of the 12 respondents) were based in Nairobi and only two were implementing programmes outside of Nairobi, namely Kisumu and Nakuru counties. Respondents with the relevant experience required for the interview were concentrated in Nairobi, however, the mandate of the respondents interviewed from the Department of Children’s Services and the Anti-Human Trafficking and Child Protection Unit spans the entire country. Efforts to interview a representative from the judiciary from outside Nairobi were made but were not successful.

Access to the Justice System

How OCSEA cases come to the attention of criminal justice actors

Respondents (RA4-KY-08-A and RA4-KY-08-B) interviewed from the [Anti Human Trafficking and Child Protection Unit](#) under the [Directorate of Criminal Investigations](#) confirmed that OCSEA cases are reported to them by civil society organisations, children’s officers, the [National Kenya Computer Incident Response Team Coordination Centre](#), Directorate of Criminal Investigations cyber-crime unit, regular police stations, members of the public, the National Center for Missing and Exploited Children as well as INTERPOL National Central Bureau.

Respondents’ from [Child Line Kenya](#), [Watoto Watch Network](#), the [International Justice Mission](#) and [Mtoto News](#) confirmed that they report OCSEA cases to law enforcement agencies. A respondent (RA4-KY-02-A) indicated that civil society organisations working on matters of Child Online Protection have good working relationships with law enforcement agencies - National Kenya Computer Incident Response Team Coordination Centre and Anti-Human Trafficking and Child Protection Unit - which facilitates the flagging of OCSEA cases for both investigation and take down of child sexual abuse material:

“If we come across child sexual abuse material, we do report. We do a screenshot and we send to law enforcement officers. We have a WhatsApp group to help in following up with law enforcement agencies and service providers if they have pulled down a reported post then after that we follow up in terms of what has been done with the case” (Child Rights Advocate and Executive Director, Mtoto News. RA4-KY-02-A Kenya).

The respondent from Watoto Watch Network shared an example of a case that the agency reported that was actually acted upon and the perpetrator was arrested:

“There was a case where a man was having sexual intercourse with a minor and he was recording it. He recorded it and posted it on Facebook so there was public outcry. We got the report and we did our diligence and reported to the Anti-Human Trafficking and Child Protection Unit and it was taken down immediately and that particular man was actually arrested. This is an example of a case we reported, action was taken immediately and we got to know the person was arrested and the case is in court” (Executive Director, Watoto Watch Network, RA4-KY-03-A).

From the interviews, it’s clear that representatives from civil society organisations are able to make OCSEA reports in line with the provisions of the Criminal Procedure Code,¹ which allows for complaints to be made by any person who believes from a reasonable and probable cause that an offence has been committed by another person.

Mtoto News and Watoto Watch Network respondents indicated that they educate and assist children and caregivers in terms of reporting cases of OCSEA:

“We follow up on the child and if they are able to report themselves, we take them through the steps of reporting the post themselves especially if someone has sent them messages directly to their inbox and is asking for pornographic kind of materials(...) we take them through the process but ask them to send us a screenshot. When they send us a screenshot, we report the account as I said and also report to law enforcement officers” (Child Rights Advocate and Executive Director, Mtoto News. RA4-KY-02-A Kenya);

¹ Republic of Kenya. (1930). [The Criminal Procedure Code \(Cap. 75\) \(as amended in 2012\)](#), Section 89(2).

“In terms of awareness, we sensitise children and caregivers on how to report when a case happens”
(Executive Director, Watoto Watch Network, Kenya).

Respondents however pointed out several areas in need of improvement in terms of reporting. The first challenge was noted by at least three respondents who indicated that there is no telephone number available for members of the public who want to reach out to the Anti-Human Trafficking and Child Protection Unit with reports of OCSEA. On this issue, respondents commented:

“I would say there is a challenge on how to reach out to this particular agency (Anti Human Trafficking and Child Protection Unit). We need a number. I cannot just be raising awareness and saying, go walk to the Anti-Human Trafficking and Child Protection Unit. Sometimes it's not so simple if you are in Mandera, you know, you need a way. That's a lapse in terms of reporting” (Executive Director, Watoto Watch Network, RA-4-KY-03-A Kenya);

“If you want to report to the Anti-Human Trafficking and Child Protection Unit, you have to call an individual you know within that unit and tell them there is this case then that person passes it on. It should not be like that” (Principal Children’s Officer - Child Online Protection Unit, Department of Children’s Services- RA1-KY-08-A Kenya).

The Head of the Anti-Human Trafficking and Child Protection Unit indicated reporting has been a challenge which they are working on: *“Reporting is something that we have been working on as it has been a challenge. We have got an email address, and then we use the Directorate of Criminal Investigations as well as 116. But there is no number”* (Officer in Charge, Department of Criminal Investigation Anti-Human Trafficking and Child Protection Unit, RA4-KY-08-B Kenya).

According to the website of the Directorate of Criminal Investigations, guidance is provided that explains how reports to the Anti-Human Trafficking and Child Protection Unit can be made through the local Directorate of Criminal Investigations offices. The Directorate of Criminal Investigations website also provides links to 116 and the police toll free hotline 112. Though this guidance is provided on the Directorate of Criminal Investigations website including the link to 116, one respondent (RA4-KY-01-A) noted that the procedure for reporting the emerging online forms of abuse against children is not as clear as that for reporting ordinary offline child abuse cases. Though the public is aware of the existing reporting channels such as 116, police gender and children’s desks and the children’s office, they are not sure if these channels are still appropriate and relevant in reporting OCSEA:

“Our reporting protocols are not clear when it comes to online abuse in general. The way you know when you are sexually abused you can just call 116, you can report to the children's officer in the sub-county or you are going to report to the police station gender desk, when it comes to matters online, it's really not clear where and how you're going to report. That is a challenge to children and the public” (Former legal officer, ChildLine Kenya- RA4-KY-04-A Kenya).

Another respondent noted that although a large number of citizens know about 116, she did not perceive it as a channel that members of the public use for reporting OCSEA:

“For the first time that we get to interact with the parents and the children in any setting when creating awareness on child online protection, I would say a large percentage, approximately 80%, know 116 as a channel for reporting child abuse, but I'm not sure OCSEA cases would be reported on this particular platform” (Executive Director, Watoto Watch Network, RA4-KY-03-A Kenya).

Based on the above sentiments, there is a need to strengthen reporting mechanisms on OCSEA and widely raise awareness about them so as to support children, caregivers and members of the public in reporting incidents of OCSEA as provided in the law.²

Another challenge mentioned by one respondent (RA4-KY-03-A) in terms of reporting is the lack of clarity on the category of OCSEA cases that should be reported to the Anti-Human Trafficking and Child Protection Unit and those that should be reported to the National Kenya Computer Incident Response Team Coordination Centre: *“I think there needs to be clarity between the two agencies - the Anti-Human Trafficking and Child Protection Unit and the National Kenya Computer Incident Response Team Coordination Centre. They are both government agencies but we need to understand exactly what we need to tell the public during awareness raising sessions about the category of cases to report to which agency. Right now, it's confusing”* (Executive Director, Watoto Watch Network, RA4-KY-03-A Kenya).

Services provided to victims of OCSEA during the criminal justice process

During the interviews, it emerged that there is very close collaboration between the Anti-Human Trafficking and Child Protection Unit and the [Department of Children's Services](#) in ensuring OCSEA victims, whose cases are specifically handled by the unit,³ get the necessary child protection services. The Department of Children's Services has appointed a children's officer to assist the Anti-Human Trafficking and Child Protection Unit in supporting OCSEA victims with protective services in compliance with the provisions of the Victim Protection Act.⁴ The Victim Protection Act provides that it is the duty of a person dealing with a victim to secure the victim from further harm before any other action is taken concerning the victim.⁵ This includes providing urgent medical treatment, immediate psychosocial support and police protection wherever required.⁶

The respondent from the Department of Children's Services and the two from the Anti-Human Trafficking and Child Protection Unit confirmed that whenever a case is reported, the two agencies sit together to plan the intervention in such a way that the support needed by the victim is provided even as the law enforcement officers undertake their investigations:

“The Anti-Human Trafficking and Child Protection Unit is a victim-centred unit, so whenever an OCSEA case is reported, we (the Department of Children's Services and the Anti-Trafficking Unit) sit down together, to know where the location of this case is. If it's somewhere nearby we go there, if it's somewhere outside of Nairobi, then I get in touch with our officers there, then the investigators from the unit travel there for investigations purposes. When we get to our officers on the ground, if it's a case of rescue, we rescue even before the investigators go down there, because the safety of the child is paramount, and we start providing the support that is needed by the child. We also try to get in touch with the family, because it's not just about the investigation, it's the whole spectrum of psychosocial support” (Principal Children's Officer - Child Online Protection Unit, Department of Children's Services - RA1-KY-08-A Kenya).

² Republic of Kenya. (1930). [The Criminal Procedure Code \(Cap. 75\) \(as amended in 2012\)](#), Section 89(2).

³ Not all OCSEA cases are handled by the Anti-Human Trafficking and Child Protection Unit.

⁴ Republic of Kenya. (2014). [Victim Protection Act No. 17 of 2014](#).

⁵ Republic of Kenya. (2014). [Victim Protection Act No. 17 of 2014](#), Section 11(1).

⁶ Republic of Kenya. (2014). [Victim Protection Act No. 17 of 2014](#), Section 11(2).

The services offered to the victims of OCSEA in compliance with the Victim Protection Act were indicated by the Department of Children’s Services as rescue, shelter, referral to medical care⁷ and psychosocial support:⁸

“The Department of Children’s Services does rescue the children which means we must provide shelter and a safe place for them. We also do referral to medical services because sometimes they have been injured. The medical services we don’t offer directly but we refer them to the hospitals and we accompany the children as well. We conduct the social inquiry about the home environment and this is later submitted to court” (Representative, Department of Children’s Services, Kenya. RA4-KY-11-A).

A respondent from the Anti-Human Trafficking and Child Protection Unit confirmed that for OCSEA cases handled by the unit, all victims get counselling services because of its approach of involving the Department of Children’s Services:

“I would say for the cases that the Anti-Human Trafficking and Child Protection Unit handles, because we have that approach where we bring in the Department of Children’s Services and the Office of the Director of Public Prosecutions, most of the OCSEA victims get services, especially the psychosocial support(...) When we get the victim and we bring them here, we introduce the children officers for counselling then we interview and record statements” (Investigator, Anti-Human Trafficking and Child Protection Unit, RA4-KY-08-A Kenya).

The respondent from the Department of Children’s Services indicated that though there is a coordinated approach between the Anti-Human Trafficking and Child Protection Unit and the Department of Children Services, counselling is not readily available in counties outside of Nairobi. She explained that the children’s department partners with child focused organisations who have counsellors that can provide the service for free. For Nairobi, she indicated that counselling is readily available but it’s unfortunately not the case for other counties as this depends on the presence of child focused organisations. She revealed that these organisations have limitations in terms of the geographical coverage of their services:

“In Nairobi there are counsellors, because even in charitable children’s institutions there are counselling services but outside of Nairobi, I am not so sure about the coverage. Sometimes when I refer OCSEA cases to children’s officers in the field, they tell me counselling services are not available as they don’t have partners who can provide these services for free. For the Department of Children’s Services, we work with child focused organisations who have counsellors that can provide counselling for free. Child focused organisations only have presence in certain sub-counties or counties. For example, ChildLine Kenya has counsellors in Mombasa, Kisumu and Nairobi and the Department of Children’s Services works with them in those locations. Childline Kenya still have however telephone counselling, 116, which we recommend to parents to call as its available from anywhere” (Representative, Department of Children’s Services, Kenya. RA4-KY-11-A).

The limitation in geographical coverage of the services provided by child focused organisations in partnership with the Department of Children’s services was confirmed by the respondents representing the International Justice Mission (RA4-KY-05-A), the CRADLE (RA4-KY-04-A) and Childline Kenya (RA4-KY-01-A and RA4-KY-06-A). It was indicated that the geographical coverage of services depends on the secured funding within the agencies. For the International Justice Mission, though they had a programme offering trauma focused counselling to victims of sexual abuse and exploitation including OCSEA, they indicated that this programme came to an end in 2018 and the few cases being supported are the ones that were still

⁷ Republic of Kenya. (2014). [Victim Protection Act No. 17 of 2014](#), Section 11(2).

⁸ Republic of Kenya. (2014). [Victim Protection Act No. 17 of 2014](#), Section 14(2).

ongoing under the project when the project funding ended. The programme had started out with nationwide coverage but scaled down until finally it was phased out. The CRADLE respondent also noted that though they initially supported the Anti-Human Trafficking and Child Protection Unit with counselling of victims, they currently have no funding to offer counselling and legal aid to victims. For Childline Kenya, besides the 116-telephone counselling that can be accessed by any child country wide, on location counselling services are still ongoing but only in three locations - Mombasa, Nairobi and Kisumu. Initially these services were in four counties (including Nakuru) but it was indicated that these were scaled down to three locations in the new phase of the OCSEA focused project.

The respondent from the Anti-Human Trafficking unit confirmed that counselling is not always available on the ground, but the unit mitigates this gap by making arrangements with the Department of Children’s Services for a counsellor to be provided from Nairobi:

“We always make sure that there is counselling for the victims of OCSEA handled by the unit. Outside of Nairobi, we work with the Children’s Officer on the ground and where there are no counsellors, we make arrangements to get a counsellor from Nairobi” (Investigator, Anti-Human Trafficking and Child Protection Unit, RA4-KY-08-A Kenya).

Despite the efforts made by the Anti-Human Trafficking and Child Protection Unit to safeguard child victims of OCSEA by working closely with the Department of Children’s Services, it was noted that there are OCSEA cases handled in regular police stations where similar arrangements do not exist. For such cases, a respondent from the Anti-Human Trafficking and Child Protection Unit (RA4-KY-08-B) indicated that the services provided to the victim depend on the awareness and initiative of the officers in seeking these services. The respondent noted that where the police stations seek support from Children’s Officers, they get this support. However, she indicated that some police stations do not understand that they should seek support for victims:

“Support for victims is not provided if a case goes to a station and they are not aware they are supposed to call someone to counsel them. But if they are aware, they always get. Because you find that in each and every region, there are children’s officers. You however find that there are some stations that don’t even understand they are supposed to call someone to offer the support” (Officer in Charge, Department of Criminal Investigation Anti-Human Trafficking and Child Protection Unit, RA4-KY-08-B Kenya).

The National Council on the Administration of Justice report on the status of children in juvenile justice, revealed that though most⁹ police stations normally have contacts of children’s officers in their location, there is a lack of awareness between stakeholders of each other’s functions within the justice system.¹⁰ This therefore means that for victims of OCSEA handled in police stations, the police may not always secure for them the support needed from the Department of Children’s Services.

In ensuring counselling services are readily available in every county for child victims of OCSEA, the respondent from the Department of Children’s Services noted that reliance on child focused organisations for provision of services to victims is not effective and a fund to support victims to access these services is needed:

⁹ Data made available to the Task Force indicated that almost 94 percent of police stations out of the 95 that responded, had the contacts of children’s officers within their areas of operation (TF Facilities Questionnaire, 2019).

¹⁰ National Council on the Administration of Justice. (2019). [Status Report on Children in the Justice System in Kenya](#). 33.

“It’s not that counsellors are not there. There are professional counsellors all over in this country and you can access them if you are able to pay. So you find victims are not able to afford and for us (Department of Children’s Services), we work with child focused agencies who can provide for free. But you see we cannot depend on that, as there are those areas without those child focused agencies. If there was a fund that could support victims to pay for counselling, it would ease this challenge” (Representative, Department of Children’s Services, Kenya. RA4-KY-11-A).

Though the Victim Protection Act provides for the establishment of the Victim Protection Trust fund that can cover expenses to victims of crime,¹¹ the Department of Children’s Services did not indicate this as having assisted them in securing paid services from professional counsellor’s for victims. As was revealed by another respondent (RA4-KY-05-A), the fund is not yet operationalised and has therefore not been supportive to victims generally: *“We had hoped the Victim Protection Fund was going to (...) but till today it is not operationalised”* (Senior coordinator survivor services, International Justice Mission Kenya field office. RA4-KY-05-A).

It is clear from the interviews that there is a need to ensure that counselling services are readily available to child victims of OCSEA no matter their location. This gap can be mitigated by operationalising the Victim Protection Trust Fund which can cover paid counselling services where there are no pro-bono counselling services, as this fund is meant to assist the victims of crimes.¹² As revealed by the Department of Children’s Services, there is also a need for a fund to support payment to professional counsellors in locations without child focused agencies offering this support. For cases of OCSEA handled at police stations, there is a need to create awareness and strengthen linkages with the Department of Children’s Services in order to ensure there is support provided to victims.

Concerning legal aid, though the law provides that every child should be provided with legal representation at the expense of the state,¹³ and that the service is available for child victims of OCSEA through the National Legal Aid Service,¹⁴ a representative from the National Legal Aid Service indicated that they rarely receive applications to support child victims of crime (generally, not just OCSEA).¹⁵ A follow up with at least two respondents regarding applications to the National Legal Aid Service for legal aid for child victims of crime revealed that there was limited awareness on the availability of this service for child victims of OCSEA (and other crimes)(RA4-KY-11-A) and that there was also a lack of awareness on how to apply and the fact you can apply for both child victims and child offenders. (RA4-KY-01-A). Their comments were as follows:

“The National Legal Aid Service has branches in various parts of the country, but people don’t make use of them because they don’t know about them. There is a need to create awareness and hold legal clinics in communities so people can know that they exist. People do not know what they do” (Representative, Department of Children’s Services, Kenya. RA4-KY-11-A);

“There is also not much awareness on how you can apply for this service. Personally, I was aware that the National Legal Aid Service is available for child offenders but not about the child victims” (Former legal officer, ChildLine Kenya- RA4-KY-04-A).

¹¹ Republic of Kenya. (2014). [Victim Protection Act No. 17 of 2014](#), Section 28(2)(a).

¹² Republic of Kenya. (2014). [Victim Protection Act No. 17 of 2014](#), Section 28(2)(a).

¹³ Republic of Kenya. (2001). [Children Act No. 8 of 2001](#), Section 77.

¹⁴ Republic of Kenya. (2016). [Legal Aid Act No. 6 of 2016](#), Section 36(1).

¹⁵ Information provided by a representative of the National Legal Aid Service via phone on 11th November 2020.

The Anti-Human Trafficking and Child Protection Unit did confirm that there are organisations that offer legal support to victims of OCSEA; however, this support was deemed to be insufficient. The provision of legal aid was mentioned by the Anti-Human Trafficking and Child Protection Unit as an area in which victims of OCSEA need more support: *“At times we find in our cases that an organisation will send a staff for example African Network for the Prevention and Protection against Child Abuse and Neglect Kenya and also FIDA to provide legal support”* (Investigator, Anti-Human Trafficking and Child Protection Unit, RA4-KY-08-A Kenya); *“Victims are sometimes given legal aid, but if there would be more legal aid support, that would be good”* (Officer in Charge, Department of Criminal Investigation Anti-Human Trafficking and Child Protection Unit, RA4-KY-08-B Kenya).

In regard to what percentage of OCSEA victims get this legal support, the Anti-Human Trafficking and Child Protection Unit indicated; *“I think very few get the support. I cannot say in terms of percentage but maybe fewer than 50%”* (Investigator, Anti-Human Trafficking and Child Protection Unit, RA4-KY-08-A Kenya).

One of the respondents (RA4-KY-08-B) from the Anti-Human Trafficking and Child Protection Unit indicated that even though they don’t have legal aid for all their OCSEA cases, they have not perceived legal representation as a gap for Nairobi specifically. The gap is mostly felt in the other counties. The respondent explained that in Nairobi, the Anti-Human Trafficking and Child Protection Unit gets support for OCSEA cases from the prosecutors in the Children’s Division under the Office of the Director of Public Prosecutions:

“For Nairobi, even if we don’t have lawyers watching briefs on behalf of the victim of OCSEA, we have not felt a gap in legal representation. This is because the cases in Nairobi are prosecuted by prosecutors from the Children’s Division under the Office of the Director of Public Prosecutions. They are also lawyers and hence we don’t feel a gap. In the other parts of the country we don’t have these prosecutors so there is more need for legal aid” (Officer in Charge, Department of Criminal Investigation Anti-Human Trafficking and Child Protection Unit, RA4-KY-08-B Kenya).

The other respondent from the Anti-Human Trafficking and Child Protection Unit confirmed that the prosecutors from the Children’s Division are specialised in prosecuting children’s matters and this makes handling children’s matters easier:

“The Office of the Director of Public Prosecutions has a children’s division that is actually meant to handle children specifically. So with that, it’s makes it easy to handle children’s matters” (Investigator, Anti-Human Trafficking and Child Protection Unit, RA4-KY-08-A Kenya).

The Office of the Director of Public Prosecutions confirmed that prosecutors from the Children’s Division only work within Nairobi, and there are some that have been specifically trained to support the Anti-Human Trafficking and Child Protection Unit in prosecuting OCSEA cases:

“Apart from Nairobi, there are no specific prosecutors that will handle OCSEA matters. Last year [2019] or the year before [2018], the Anti-Human Trafficking and Child Protection Unit approached the Office of the Director of Public Prosecutions with a request to second some prosecutors to it. The Office of the Director of Public Prosecutions then got some children’s prosecutors from the children’s courts in Milimani, Kiambu, Kibera and Makadara law courts. These particular prosecutors went through specialised training on OCSEA” (Head- Children Division and Anti FGM Unit- Office of the Director of Public Prosecutions – RA1-KY-07-A Kenya).

In terms of organisations providing legal support to children, it was noted by the Department of Children’s Services to be few. The CRADLE, which is one of the organisations in Kenya that had specialised in providing

legal aid to children was reported to be no longer providing the service (RA4-KY-11-A and RA4-KY-04-A). Other available organisations that provide legal aid for child victims of sexual exploitation include FIDA and African Network for the Prevention and Protection against Child Abuse and Neglect Kenya, but these were noted as limited in the support they can provide to OCSEA victims as FIDA’S programme is not child focused whereas African Network for the Prevention and Protection against Child Abuse and Neglect Kenya has many other cases, hence the limitation in the support they can provide to victims of OCSEA (RA4-KY-11-A).

Based on the interviews, it is clear that Legal Aid support has not been available to victims of OCSEA as is required under the Children Act, which entitles every child to be provided with legal representation at the expense of the state.¹⁶ There are only a few organisations offering legal aid and though the National Legal Aid Service is there, it has not been effectively utilised to support victims of OCSEA due to a lack of awareness among justice actors. There is therefore a need to create more awareness among stakeholders on the availability of this National Legal Aid Service to support victims of OCSEA.

Concerning placing child victims of OCSEA in places of safety, this service appears to be available countrywide. The respondent from the Department of Children’s Services confirmed that there are government institutions where victims of OCSEA are placed and if in any location there is no government agency, the Department of Children’s Services partners with organisations that offer this service. The respondent noted however that though shelters are there, they are few, and in vast counties placement can be difficult or the child has to travel far. She therefore recommended for more shelters in every county:

“At least we should have shelters in every county. I’m not saying the shelters are not there but it could be difficult maybe to get a place of safety for that child. Where we have vast counties, you’ll find children have to travel so many kilometres before you can actually get to a place of safety for them as we move them from the perpetrator” (Representative, Department of Children’s Services, Kenya. RA4-KY-11-A).

Access to medical support was noted as a service that is available to victims all over the country as it can be sought in government facilities for free: *“Mostly when you get cases of abuse including OCSEA, you refer them to public facilities for medical attention where treatment is free”* (Former legal officer, ChildLine Kenya- RA4-KY-04-A Kenya).

However, one respondent noted that though medical service is available, the challenges faced by victims of sexual exploitation and abuse generally is in how they are handled, as some medical personnel who have not received training in handling victims of sexual exploitation in general (not just OCSEA): *“Not all doctors or clinicians know how to address the patients, or persons who have been sexually abused. Some doctors have not undergone training on how to handle such victims of sexual violence”* (Legal Officer, Kenya Law Reform Commission – RA1-KY-09-C Kenya).

From the interviews, it is clear that there is a gap between the services that victims of OCSEA are entitled to under the law and what they receive in reality. Though the law provides for victims to be provided with psychosocial support,¹⁷ this service is not available country wide as children in remote areas are left out due to a lack of child focused organisations to provide the counselling for free. The Victim Protection Trust Fund has also not been operationalised to support victims to access paid counselling. There is also a gap in legal representation even though the law provides that every child should be provided with this service at the expense of the state.¹⁸ Further, the National Legal Aid Scheme is in place but there have not been requests

¹⁶ Republic of Kenya. (2001). [Children Act No. 8 of 2001](#), Section 77.

¹⁷ Republic of Kenya. (2014). [Victim Protection Act No. 17 of 2014](#), Section 11(2).

¹⁸ Republic of Kenya. (2001). [Children Act No. 8 of 2001](#), Section 77.

for support to victims of OCSEA. Medical support, rescue and shelter were noted as the services that are easily available country wide but also not without their challenges. There is therefore room for improvement in terms of making the entitlements provided in the law a reality for victims of OCSEA.

Participation in the Justice Process

Description of how children participate in the criminal justice process

When an OCSEA incident is reported, the first point of contact for victims is with law enforcement officers where he/she is interviewed for the recording of a police statement concerning what happened to them.

At the Anti-Human Trafficking and Child Protection Unit, a respondent (RA4-KY-08-A) indicated that the child victim of OCSEA is provided with counselling before the recording of the statement. This action is in line with the Victim Protection Act which provides for immediate psychosocial support to the victim¹⁹ and provision of services to help them deal with emotional trauma.²⁰ One respondent (RA4-KY-11-A) indicated that the Anti-Human Trafficking and Child Protection Unit in Nairobi is equipped with a room that provides privacy for the victim during counselling and recording of a statement. The investigator from the Anti-Human Trafficking Unit described the process as follows:

“The counselling room is sound proof and has the recording equipment which we use to record the statement if the victim provides consent” (Investigator, Anti-Human Trafficking and Child Protection Unit, RA4-KY-08-A Kenya).

For cases outside of Nairobi, the Anti-Human and Child Trafficking Unit explained that they do not do the recording of statements before the victim has received counselling. He also noted that the units branch in Mombasa also applies the same principles in terms of ensuring privacy and providing counselling first. This is also in line with the provisions of the Victim Protection Act, which provides for psychosocial support²¹ as well as preserving a victim's dignity at all stages, from the pre-trial to post-trial phase.²²

For the interview process, the Anti-Human Trafficking investigator confirmed that they are trained to handle child victims. This is done by partners that support the unit but the same training is not done for the majority of other law enforcement officers:

“For the Anti-Human Trafficking and Child Protection Unit, partners support us with training. Therefore, officers at the unit have received special training on how to work with child victims. You find however that the other law enforcement officers are many but do not normally receive this training” (Investigator, Anti-Human Trafficking and Child Protection Unit, RA4-KY-08-A Kenya).

The Anti-Human Trafficking and Child Protection Unit respondent (RA-KY-08-A) pointed out that as much as they are the specialised unit for handling cases of OCSEA, some OCSEA cases are still reported to ordinary police stations which in some circumstances do not immediately refer the case to the unit:

“You find that police stations try to handle an OCSEA case outside maybe without knowledge on how to seek support or how to do the referral. So then we chip in when they are already handling the matter(...) Sometimes we find they have already done the interrogation of the victim without counselling and dismissed the case because they are not specialised, so we have to get a counsellor and we then do the interview process again with different results” (Investigator, Anti-Human Trafficking and Child Protection Unit, RA4-KY-08-A Kenya).

¹⁹ Republic of Kenya. (2014). [Victim Protection Act No. 17 of 2014](#), Section 11(2) (c) (ii).

²⁰ Republic of Kenya. (2014). [Victim Protection Act No. 17 of 2014](#), Section 14(2).

²¹ Republic of Kenya. (2014). [Victim Protection Act No. 17 of 2014](#), Section 11(2) (c) (ii).

²² Republic of Kenya. (2014). [Victim Protection Act No. 17 of 2014](#), Section 4(2)(c).

At least four respondents (RA4-KY-04-A, RA4-KY-09-A, RA4-KY-08-A and RA1-KY-09-C) indicated a gap in how ordinary police stations handle children. The examples provided by the respondents were on sexual exploitation generally, but these are relevant to OCSEA as they show the non-child friendly practices in police stations, which directly impact victims of OCSEA handled at these police stations:

“You see when children are explaining what happened, they don’t have ‘that’ language. So sometimes the police officer is forcing them to use the words that you would expect from an adult. Even culturally, a child is shy to mention certain words. Or they don’t know how to describe. They only say ‘tabia mbaya’ (bad manners)(...) sometimes the child is recording a statement and the child is crying and someone (the police officer) is losing patience as they want to finish and handle another case” (Counsellor, formerly working with the CRADLE. RA4-KY-04-A).

Another respondent (RA1-KY-09-C) noted that as much as there are safeguards to hold matters on camera in court during hearings, at police stations these safeguards are not in place. She noted that police officers violate victims’ rights to privacy and confidentiality,²³ as once a report of sexual abuse against a child is reported, the word spreads - presumably among the officers:

“In as much as proceedings are in-camera during the court hearing, once you go to police stations, there is no safeguard. The police officers are not trained to handle these matters delicately. Once you report that your small boy or girl has been sexually abused, they look at you funny and the word will spread. We need to train our police officers as this is the first point of call after the abuse has happened” (Legal Officer, Kenya Law Reform Commission. – RA1-KY-09-C Kenya).

Another respondent (RA4-KY-10-A), noted that police officers who are not trained lack the techniques to conduct child friendly interviews:

“Police officers, I can say the complete judicial system or criminal justice system, who are not adequately trained to handle children’s matters, you find the same investigating a matter, trying to record a statement from a child, yet not very friendly” (RA4-KY-10-A, former investigator, Cyber Crime Unit, Kenya).

Though child protection units in police stations are meant to be equipped to handle cases involving children and ensure that the rights of child victims are safeguarded at this stage of the criminal justice process, at least three respondents (RA4-KY-01-A, RA4-KY-04-A, RA1-KY-09-C) noted that child protection units are unfortunately not found in every police station:

“In as much as there are children and gender desks at police stations, some stations don’t have those desks. We need to train our officers to handle matters of sexual abuse delicately” (Legal Officer, Kenya Law Reform Commission. – RA1-KY-09-C Kenya).

The respondent’s sentiments were in line with the finding of a study done by the National Council on the Administration of Justice Special Task Force on Children Matters which revealed that data from police stations showed that child protection units within police stations were insufficient. The report revealed that in 2015, there were only 23 child protection units in the entire country distributed across police stations in 16 counties, meaning that the majority of police stations in the country do not have child protection units and that over two-thirds of the counties do not have even a single one.²⁴

²³ Republic of Kenya. (2014). [Victim Protection Act No. 17 of 2014](#), Section 8(1)(c).

²⁴ National Council on the Administration of Justice. (2019). [Status Report on Children in the Justice System in Kenya](#). 19.

One of the respondents noted that even where the child protection units have been established, these become non-functional when they do not receive support from partners (civil society organizations). She explained that the physical structure might still be there, but the child friendly services might be lacking, especially in situations where the desk is manned by an officer who is not trained:

“The child protection units are not found in every police station but even once established, they may stop being functional where they lack support from partners. The physical structure might still be there but you find the officer at the desk is not trained” (Former legal officer, ChildLine Kenya- RA4-KY-04-A Kenya).

The respondent (RA4-KY-04-A) indicated that the frequent transfer of police officers at the child protection units is a factor that contributes to the lack of ability of the units, as trained officers are moved and the officer that ends up at the desk does not have the experience and knowledge unless they have also received training:

“When you're carrying out a training to police officers, you pick the police officer manning the children and gender desk but as it is in the police service, they keep transferring and rotating, so you could have trained this person, they are so good at their work because they understand OCSEA and the unique things that come along when collecting evidence and recording the statement of such a case. But the police service in its normal course of work decide to transfer the police officer to another unrelated unit so you are left with someone who is not trained” (Former legal officer, ChildLine Kenya- RA4-KY-04-A Kenya).

Due to this frequent transfer of trained officers, one respondent recommended the government minimise the transfer of trained justice professionals working in units with a focus on child protection:

“I recommend that the officers handling children’s cases, the professionals who have been trained on children’s rights and child protection, these people should not be transferred, and if it’s to be transferred, the person brought in their place should be someone handling children’s matters. Bringing in someone who does not understand child protection makes it very difficult” (RA4-KY-06-A, former counsellor, Childline Kenya).

From the interviews, the conditions described in normal police stations in regard to handling children are in stark contrast to the condition’s victims of OCSEA face at police stations where there are Anti-Human Trafficking and Child Protection Unit’s. The interviews point to a lack of specialisation and support in standard police stations in terms of handling victims of OCSEA. It is clear that the rights of OCSEA victims as envisaged in the Victim Protection Act, including the right for a victim to be addressed in a manner appropriate to his or her age and intellectual development,²⁵ rights to privacy and confidentiality²⁶ and the provision of services to help them deal with emotional trauma²⁷ are not always guaranteed at this first stage of recording their statement at police stations. Although the Anti-Human Trafficking Unit has taken measures to safeguard these rights, they are not available to all OCSEA victims, especially those handled by regular police stations. In order to ensure victims of OCSEA are safeguarded during the process of recording statements, there is need to support the police force in establishing more child protection units with trained personnel or to enhance the capacity of the Anti-Human Trafficking and Child Protection Unit to have presence in more counties.

²⁵ Republic of Kenya. (2014). [Victim Protection Act No. 17 of 2014](#), Section 4(2)(d)

²⁶ Republic of Kenya. (2014). [Victim Protection Act No. 17 of 2014](#), Section 8(1)(c)

²⁷ Republic of Kenya. (2014). [Victim Protection Act No. 17 of 2014](#), Section 14(2).

When it comes to the court process, respondents confirmed that children participate in person. Representatives of civil society organisations confirmed that they cover some of the expenses related to child victims attending court and seeking medical care:

“Clients that are supported by the International Justice Mission and other NGOs, they are facilitated to come to court” (Senior coordinator survivor services, International Justice Mission Kenya field office. RA4-KY-05-A). Details on how victims are facilitated in attending court will be discussed later in this report.

During the court process, victim’s participation was described as mainly in testifying against their perpetrators. A respondent from the public prosecutor’s office (RA1-KY-09-A) mentioned that prosecutors do pre-trials with children for the purpose of gauging their readiness to testify and preparing them for their testimony. This she said, was the ideal situation but in some cases, they only get to meet the child on the day of the hearing, thus making it difficult to do this effectively:

“An ideal situation would be first we interview the child, that is after the child has recorded a statement and we ensure that the child gets counselling before they come to testify so that they understand the need to tell the truth and they also understand why they are coming to testify. And to understand their rights, their responsibilities and the entire process. That would be an ideal situation. It doesn't (however) happen in all the cases primarily because, sometimes you get to meet the child on the day of the hearing. But even when we get the child on the day of the hearing, we try to secure at least thirty minutes to be able to talk to the child” (Prosecutor, Office of the Director of Public Prosecutions, RA4-KY-09-A - Kenya).

In some instances, the prosecutor shows the child the court room before the trial:

“In our division (the children’s Division in the Office of the Director of Public Prosecutions) we like to show the child the court room beforehand and explain who will sit where. We find it very comforting when the child knows that “behind me it's a police officer who is here to protect me”, because the accused might be there or the relatives of the accused might be there. I've seen it work in the past that a child tends to relax ‘akijua’ (when they know) “there's somebody who is here for me and to protect me”” (Prosecutor, Office of the Director of Public Prosecutions, RA4-KY-09-A - Kenya).

Since the pre-trial is the key opportunity the victim has in understanding the details of their case and the process, where this is not implemented, this infringes²⁸ on their right to be informed of their case in sufficient details as provided in the Victim Protection Act.

During the court hearing, it was confirmed that the court uses simple language that the child can understand, including Swahili and in some instances the child’s mother tongue: *“The language which was being spoken was not the complex one. When speaking to these children you speak in the language that the child can understand so there was no using difficult terms. It was very simple words and if some children don't know Swahili or English, it's their mother tongue that is used”* (Former counsellor, Childline Kenya, RA4-KY-06-A).

Two areas of improvement were indicated by the respondent from the Office of Public Prosecutions (RA4-KY-09-A) in regard to victims’ participation in the trial were on the issue of victim’s impact statements, which she noted are often not conducted:

“We need to make it a habit of having the victim impact assessment report filed, again we forget in some instances. As prosecutors we do try but at times we forget that we need a victim impact assessment capturing

²⁸ Republic of Kenya. (2014). [Victim Protection Act No. 17 of 2014](#), Section 9(1)(g)

the views of the child to inform the court on the kind of sentence to give this person” (Prosecutor, Office of the Director of Public Prosecutions, RA4-KY-09-A - Kenya).

Though victim impact statements are not mandatory²⁹, they provide an opportunity for the victim to inform the court on the impact of the offence on his/her life and any concerns the victim may have about their safety.³⁰ For OCSEA victims, this is important as a respondent (RA4-KY-05-A) indicated that online abuse is still not appreciated as abuse, especially where no offline abuse has taken place:

“In all the years we (International Justice Mission) worked in that field, we didn't have an outright case of online abuse standing alone. It had to have a component of contact or offline abuse, so that should just tell you about the landscape in Kenya in terms of just appreciating that online abuse even without contact is still abuse” (Senior coordinator survivor services, International Justice Mission Kenya field office. RA4-KY-05-A).

Conducting a victim impact statement for OCSEA cases would help create awareness on the impact of OCSEA and would in the process also assist judges in understanding its serious impact and therefore help victims obtain a better judgement against the perpetrator.

Description of what the criminal justice professionals see as the hardest part for children taking part in criminal cases against their abusers

Despite numerous efforts to counsel and prepare victims of OCSEA for the court process, 9 out of the 11 interviews conducted with criminal justice actors described some systemic issues in the justice system that make it highly traumatic for all child victims. As OCSEA cases take place in the same judicial system, they are not excluded from these systemic challenges.

Though the Victim Protection Act provides that victims should be protected from secondary victimisation in judicial proceedings,³¹ four respondents indicated that victims repetitively recount their traumatic experiences from one justice actor to the next. One respondent (RA4-KY-05-A) indicated that coordination between justice actors is lacking and as a whole, the justice process lacks child sensitivity. Some statements from the respondents were as follows:

“The most difficult thing about our public justice system is the baton passing process where the child starts here and like in a relay, you're passed on from one person to another and you have to keep recounting the story over and over again. Our efforts are not coordinated and so the children are re-victimised because of the harsh process (...) generally, child sensitivity is lacking throughout the whole process” (Senior coordinator survivor services, International Justice Mission Kenya field office. RA4-KY-05-A);

“We have instances where a child starts testifying very well and breaks down and the hearing has to stop (...) Remember they reported to the first person of contact after the incident, they had to tell their parents, they had to tell the police officer, they had to tell the medical officer, they had to tell the counsellor, they've now told the prosecutor and here we've introduced now another party for them to tell again. You see that re-living of the trauma is usually quite difficult for most children” (Prosecutor, Office of the Director of Public Prosecutions, RA4-KY-09-A - Kenya).

²⁹ Republic of Kenya. (1930). [The Criminal Procedure Code \(Cap. 75\)](#), Section 392 (d).

³⁰ Republic of Kenya. (2014). [Victim Protection Act No. 17 of 2014](#), Section 12(4)

³¹ Republic of Kenya. (2014). [Victim Protection Act No. 17 of 2014](#), Section 4(2)(f)

The sentiments of the respondents on the repetitiveness and lack of coordination of the justice actors confirmed the finding of the Special Task Force on Children Matters, which in its report on the status of Children in the Justice System noted:

‘The task force reveals a chain-link that is broken at multiple points, confirming a wide disconnect between the ideal situation and the reality on the ground. The key government institutions assigned the duty of taking care of the children in the justice system and protecting them are simply not talking to or working with each other. Children, regardless of whether they are in conflict with the law or in contact with the law are, as a result, falling through the cracks.’³²

Facing the perpetrator in court was indicated by at least three respondents (RA4-KY-04-A, RA4-KY-05-A, RA4-KY-09-A) as a re-traumatising experience for child victims of sexual exploitation and abuse generally, not just OCSEA. One respondent described the victims experience as follows:

“Meeting the perpetrator, that is the hardest part because then when the child walks in, they see the perpetrator and first thing they do is they freeze. I usually equate it like this. Have you ever as a girl had somebody beat you up or bully you and then you are meeting them after such a long time? What goes through your mind? You want to run away” (Resident Magistrate, Makadara Law Courts, Nairobi- RA4-KY-07-A Kenya).

Though it was indicated by at least five respondents (RA4-KY-01-A, RA4-KY-04-A, RA4-KY-05-A RA4-KY-09-A and RA4-KY-11-A) that courts have witness protection boxes to allow child victim’s to give evidence without seeing the perpetrator in accordance with the law,³³ the respondents noted that these are only found in a few courts. One of the respondents (RA4-KY-09-A) pointed out that courts in sub-counties don’t have witness protection boxes but do sometimes improvise:

“For court stations in rural areas, not all of them have witness protection boxes. Those within the county headquarters are better than those at sub-county levels. Sometimes they have to be creative even if they don’t have a proper witness box (...) There are instances where the perpetrator is made to sit inside the witnesses stand so that the child doesn’t see them” (RA4-KY-09-A, prosecutor, Office of the Director of Public Prosecutions, Kenya).

Another participant also highlighted the lack of witness protection boxes in all courts, commenting: *“In courts there are witness protection boxes to shield the victims so they cannot see the perpetrator and vice versa so as to enable them to give their evidence in private. But these are not in all courts. They are only in a few courts”* (Representative, Department of Children’s Services, Kenya. RA4-KY-11-A).

Another factor that re-traumatizes victims is the delay in finalising cases. Though the Victim Protection Act provides that a victim has a right to have the trial begin and conclude without unreasonable delay,³⁴ at least half of the respondents indicated that delay in finalising cases of children including those of OCSEA is a major challenge faced by child victims within the judicial process.

Specifically for OCSEA cases, delays were indicated by one respondent (RA1-KY-02-A) to start right at the investigation phase: *“When we report a case of OCSEA, we try to follow up to see if the child has been rescued or if the case has progressed to court but you know for some reason online cases take forever. We get to hear*

³² National Council on the Administration of Justice. (2019). [Status Report on Children in the Justice System in Kenya](#). 13.

³³ Republic of Kenya. (2006). [The Sexual Offences Act No. 3 of 2006](#), Section 31(4).

³⁴ Republic of Kenya. (2014). [Victim Protection Act No. 17 of 2014](#), Section 9(1)(b)

maybe six months later something has happened” (Child Rights Advocate and Executive Director, Mtoto News. RA4-KY-02-A Kenya).

The Anti-Human Trafficking and Child Protection Unit indicated that one factor that contributes to the delay at the investigation phase is the slow process of getting requested information from Internet service providers in OCSEA cases:

“Challenges come in when you are involving industry like Internet service providers (...) when we request for IP address data, you find they take time to respond or they don't even respond at all. Because we are relying on that to even reach the victim and the offender, at times, it is a challenge” (Investigator, Anti-Human Trafficking and Child Protection Unit, RA4-KY-08-A Kenya).

Kenyan law does not impose legal duties on Internet service providers to filter and/or block and/or take down child sexual abuse material or report companies and/or individuals disseminating, trading or distributing these materials. This is therefore a contributing factor to the challenges faced by the Anti-Human Trafficking and Child Protection Unit in gathering evidence. There is therefore a need to impose this obligation on Internet service providers in order to support the investigation of OCSEA cases.

The chair of the National Council on the Administration of Justice Special Task Force on Children Matters indicated that matters involving children as victims (not specifically OCSEA but generally) take very long: *“Children's cases delay. Children have come to court for five years and they are victims of crime”* (Judge, Court of Appeal and Chairperson, National Council on the Administration of Justice Special Task Force on Children Matters, RA1-KY-01-A).

The Anti-Human Trafficking and Child Protection Unit shared that OCSEA cases that were filed in March of 2019 are all still in the initial stages within the criminal justice system: *“The very first operation to arrest perpetrators of OCSEA was done in March 2019 and all the cases are still in the initial stages before the court. Before March of 2019, there was another OCSEA case already ongoing in Lamu involving a security guard which is handled by the Department of Criminal Investigation cyber-crime unit³⁵ and I believe it is still in court”* (Investigator, Anti-Human Trafficking and Child Protection Unit, RA4-KY-08-A Kenya).

The above statement points to the fact that OCSEA cases are also affected by delays in the same way as other cases involving children.

Some of the reasons provided by the respondents that lead to delays (in general not just for OCSEA) include: backlog of cases before the courts (RA1-KY-11-A), adjournments mostly by the defence counsels (RA1-KY-01-A, RA1-KY-09-A) and courts going on recess (RA1-KY-11-A).

Reasons provided that are specific only to OCSEA cases as indicated by the Anti-Human Trafficking and Child Protection Unit for delays are: the lack of specialised knowledge and understanding of OCSEA among judicial officers especially outside Nairobi and the delay by Internet service providers in sharing information. In regards to specialised knowledge, the Anti-Human Trafficking respondents indicated:

“We realise that some of the judicial officers don't understand OCSEA, so they take time to comprehend the case before the court” (Investigator, Anti-Human Trafficking and Child Protection Unit, RA4-KY-08-A Kenya);

³⁵ We were not able to interview the Cyber Crime Unit to get more details of the case.

“What I would say is that at county level, the prosecutors do not understand OCSEA cases so sometimes you have to take them through what you are talking about but it’s a process” (Officer in Charge, Department of Criminal Investigation Anti-Human Trafficking and Child Protection Unit, RA4-KY-08-B Kenya).

The comments from the Anti-Human Trafficking and Child Protection Unit point to a need to have specialised trainings on OCSEA targeted to criminal justice actors in all the 47 counties. Only 10 prosecutors have been trained to specifically support OCSEA cases in Nairobi which leaves the other 46 counties with a knowledge gap. A respondent from the judiciary indicated that specialised knowledge on OCSEA was even more limited within the judiciary:

“I think the level of knowledge on OCSEA is nil. Other than knowing that it is a crime to exploit a child (...) I think we don't have knowledge of that (OCSEA). I know there have been some training but very little. Very few judicial officers have been trained” (Judge, Court of Appeal and Chairperson, National Council on the Administration of Justice Special Task Force on Children Matters: RA1-KY-04-A Kenya).

Stigmatisation was also pointed out by one respondent (RA4-KY-09-A) as a major challenge for male child victims of online grooming, especially where it involves a perpetrator of the same sex. The respondent noted that stigma is experienced by both boys and girls, but it is much harder for the boys as it hinders them from freely sharing the full information in support of their case:

“And also, for cases where grooming has taken place or they've been for lack of a better word "dating" (...) It brings a lot of shame to them and attached to that maybe self-esteem issues. And maybe I should mention for the boy child, it comes across a bit differently. There's a lot of stigmatisation that they feel even when evidence points towards a grooming (...) They are very defensive about it, they don't want to admit. It's a mixture of guilt, remorse and shame. So, for girls it comes across a bit differently than for the boys. From what we have seen the boys need more counselling to be able to open up” (Prosecutor, Office of the Director of Public Prosecutions, RA4-KY-09-A - Kenya).

“Unnatural intercourse” has been criminalised by the Penal Code in Kenya,³⁶ and there is therefore additional stigma associated with homosexuality. This may be a factor that contributes to the stigma experienced by boys who are victims of online grooming by male perpetrators.

From the interviews, the reality in terms of protecting children from secondary victimisation in the criminal justice system is far from what is provided in the law.³⁷ Interviews pointed to factors that affect children across the board while there are also factors that are specific to OCSEA. Systemic issues include the repetitiveness of the system in which child victims have to re-tell their traumatic experiences over and over again, the lack of witness boxes in courts to shield victims from facing the perpetrator during testimony and the delays as a result of backlogs of cases in the court system and adjournments. The factors specific to OCSEA in terms of delay include slow responses from Internet service providers in providing evidence and gaps in knowledge for justice actors. To prevent secondary victimisation of OCSEA victims, there is a need to deal with both the systemic challenges as well as OCSEA specific challenges.

³⁶ Republic of Kenya. (1930). [The Penal Code of Kenya \(Cap. 63\) \(Rev. 2012\)](#), Section 162.

³⁷ Republic of Kenya. (2014). [Victim Protection Act No. 17 of 2014](#), Section 4(2)(f)

Description of what is done by different criminal justice professionals (police, judges, prosecutors, lawyers, or other relevant staff) to make the process easier for children

To mitigate against the repetitive process of re-telling the traumatic experience for victims of OCSEA, it was pointed out by the investigators at the Anti-Human Trafficking and Child Protection Unit that while interviewing victims, if they do consent, recording is done and a copy of the interview is shared with the prosecutor and the court: *“From our side, we do record the interview so we don't keep asking the victim the same thing. We do it in triplicate and send one (copy) to the Office of the Director of Public Prosecutions, one for the court file and one for us”* (Investigator, Anti-Human Trafficking and Child Protection Unit, RA4-KY-08-A Kenya).

While the above is an example of good practice, these measures only apply specifically for OCSEA victims handled by the Anti-Human Trafficking and Child Protection Unit. The recording of victims' statements in triplicate for OCSEA cases is not implemented in regular police stations. There is therefore a need to spread out these efforts across the police sector to ensure that all victims of OCSEA benefit from them.

Respondents did mention that child protection units in regular police stations have put in place child friendly measures aimed at making the judicial process easier for child victims, but considering child protection units are only in a few police stations, these measures are unlikely to be applicable to many victims of OCSEA. The measures mentioned include police officers not wearing uniforms or carrying guns within the child protection units.

Respondents shared that prosecutors also dress less formally when handling children (RA4-KY-09-A) and address the child in a language the child understands (e.g. Swahili), which is in line with the provisions of the law (RA4-KY-09-A).³⁸ For older children who can understand more of the court process, a respondent (RA4-KY-09-A) noted that the prosecutor also provides to them necessary information in regard to their case, in line with provisions of the Victims Protection Act³⁹ and in court, the prosecutor sits next to the child.

Four respondents indicated that in an attempt to expedite cases involving children and to avoid unreasonable delay in line with the law,⁴⁰ prosecutors request for priority dates for hearings of all cases involving children. Even though this is done, there is no legal provision that provides guidance on the duration that should be respected in finalising criminal cases involving child victims. The duration of time provided in the Children Act is specific to child offenders⁴¹ but not for child victims. As a result, OCSEA cases and other cases involving child victims still suffer unreasonable delay in contravention of the Victim Protection Act that provides for finalisation of cases of victims without unreasonable delay.⁴² As was earlier indicated, the OCSEA cases filed by the Anti-Human Trafficking and Child Protection Unit in 2019 are still in their initial stages.

It was also confirmed that prosecutors apply for a child to be declared a vulnerable witness in line with the law⁴³ in case they are unable to testify. This provision is enshrined in the law and is hence applicable to OCSEA cases: *“So most of the times when you realise the child is not proceeding or is not in a position to proceed with the matter (...) the prosecutor will say “we declare the child vulnerable, let the mother of the*

³⁸ Republic of Kenya. (2014). [Victim Protection Act No. 17 of 2014](#), Section 4 (2) (d).

³⁹ Republic of Kenya. (2014). [Victim Protection Act No. 17 of 2014](#), Section 19 (1).

⁴⁰ Republic of Kenya. (2014). [Victim Protection Act No. 17 of 2014](#), Section 9 (1) (b).

⁴¹ Republic of Kenya. (2001). [Children Act No. 8 of 2001](#), Fifth Schedule, Child Offender rules, section 12.

⁴² Republic of Kenya. (2014). [Victim Protection Act No. 17 of 2014](#), Section 9 (1) (b).

⁴³ Republic of Kenya. (2006). [The Sexual Offences Act No. 3 of 2006](#), Section 31(1).

child speak on behalf of the child." Then we proceed with the mother explaining what the child is trying to say" (Resident Magistrate, Makadara Law Courts, Nairobi- RA4-KY-07-A Kenya).

For OCSEA cases, it was confirmed by the Anti-Human Trafficking and Child Protection Unit and the judiciary that these are handled in the children's court:

"OCSEA cases will go to a children's court. If it is Nairobi, the OCSEA case will go to the Milimani children's courts" (Judge, Court of Appeal and Chairperson, National Council on the Administration of Justice Special Task Force on Children Matters- RA1-KY-04-A Kenya).

However, it was explained that only a few court stations have designated children's courts with designated children's magistrates.⁴⁴ For court stations without designated children's courts and magistrates, children's matters are handled on specific days of the week in accordance with the provisions of the Children Act:⁴⁵

"There are a few court stations that have designated children's courts, with designated magistrates who deal only with children. Otherwise, court stations without designated children's courts try to put the cases on specific days, e.g. a court station can decide to deal with children on Fridays. We as the task force were trying to ask that there be designated magistrates (meaning magistrates who exclusively handle children's matters) in every station but the judiciary is short of resources. There are not enough magistrates and the other work is a lot" (Judge, Court of Appeal and Chairperson, National Council on the Administration of Justice Special Task Force on Children Matters: RA1-KY-04-A Kenya).

It was however explained that all magistrates are gazetted as children's magistrates and are trained on the special safeguards under the law when handling children's matters: *"In Kenya, all magistrates were gazetted as children magistrates. They are all trained on how to deal with children's matters and they are aware of holding the cases in camera etc"* (Judge, Court of Appeal and Chairperson, National Council on the Administration of Justice Special Task Force on Children Matters: RA1-KY-04-A Kenya).

At least seven respondents noted that child victims of sexual abuse always testify in closed court in accordance with the Children Act⁴⁶ and this was indicated as standard practice and hence applicable to OCSEA victims. There was no respondent who shared a contrary opinion on this:

"When listening to a children's case, the court is empty. That is normal practice" (Former legal officer, ChildLine Kenya- RA4-KY-04-A Kenya);

"We clear the court room so that not many people are there to listen to what the child is saying. This happens every time" (Prosecutor, Office of the Director of Public Prosecutions, RA4-KY-09-A - Kenya).

The fact that there are few court stations with designated children's courts and designated magistrates implies that cases of children take longer as they can only be heard on certain days of the week. It is therefore not a surprise that a backlog of cases was mentioned as a contributing factor in the delays in finalising children's cases generally. OCSEA cases are also handled in children's courts and are thus affected by the back log where there is no designated children's court.

⁴⁴ This means magistrates who exclusively handle children's matters.

⁴⁵ Republic of Kenya. (2001). [Children Act No. 8 of 2001](#), Section 74.

⁴⁶ Republic of Kenya. (2001). [Children Act No. 8 of 2001](#), Section 75.

Description of what is done by different criminal justice professionals (police, judges, prosecutors, lawyers, or other relevant staff) to make the process harder for children

For police, the actions indicated by respondents as making the process harder for victims of OCSEA included the interview techniques in police stations that are not child friendly, as discussed earlier.

For judges, one respondent indicated long hearings make proceedings more difficult for children. She shared an experience where a court took a whole day to take the testimony of the child victim without considering their need for breaks: *“There is a case I was told that it took the whole day, and the next day, and there were no breaks. You find you also exhaust the children when you are not giving them breaks. You find that you put the child on the dock and you are getting their evidence, it is really, really traumatising. That long session”* (Officer in Charge, Department of Criminal Investigation Anti-Human Trafficking and Child Protection Unit, RA4-KY-08-B Kenya).

For defence advocates, unfriendly approaches used by the defence counsel was mentioned by three respondents as part of the lack of child sensitivity. The respondents indicated that while the other parties in the case might have made an effort to be friendly, the defence counsel does not: *“The (perpetrators’) advocates ask questions like to any other person, without minding that this is a child”* (Counsellor, formerly working with the CRADLE. RA4-KY-04-A).

Another respondent highlighted the shaming and blaming of victims of sexual exploitation during cross examination where there is an element of online grooming:

“The process of shaming children who have undergone grooming, sometimes when cross-examination is being done is very accusatory to this child. “But he texted you and you responded, but you also sent a photo of yourself, but you agreed to be his girlfriend? Did you not know that you're not supposed to do that? Is that what a good Christian child does? Is that what the Bible teaches you? Is it what you're taught in Sunday school?” So the guilt tripping doesn't assist this child at the end of the day” (Prosecutor, Office of the Director of Public Prosecutions, RA4-KY-09-A - Kenya).

Adjournments which contribute to delays were indicated by at least three respondents (RA4-KY-01-A, RA4-09-KY-A and RA4-KY-11-A) as making the process harder. All actors- prosecution, defence counsel and the court were indicated to be guilty of this. Some of the reasons for adjournments were indicated as the court going on recess and the defence or prosecutors not being ready. One respondent described: *“Adjournments were the sickest things to have. Like you've prepared the child, the counsellor is there, having spoken to the child, encouraged and affirmed, and confirmed to her that ‘everything is going to be ok, just speak your mind’. Then you go to court (....) the case is adjourned”* (Former legal officer, ChildLine Kenya).

Compensation

Five of the respondents mentioned that the courts reimburse child victims for transport fares and any other expenses incurred for the purpose of attending court as a witness. The covering of expenses (reasonable travelling and out-of-pocket expenses) for witnesses is provided for in the law under the Criminal Procedure (Remuneration of Witnesses and Assessors) Rules, 1948.⁴⁷ Though it was mentioned as a common practice for witnesses including the victim to get reimbursement, it is not received in all cases. One of the respondents (RA4-KY-09-A) noted that from her experience, the court station in Nairobi where she is based reimburses only those who have travelled from outside of Nairobi county:

“Now for transport and subsistence allowance it's always common and done especially for witnesses who have to travel from outside the county. It's assumed that if you live within Nairobi you can easily find your way to Milimani but if you come from a different area what you need to do is provide the bus ticket or the plane ticket that you used to come and the hotel ticket for your subsistence and then the court can issue an order. There are never qualms with that” (Prosecutor, Office of the Director of Public Prosecutions, RA4-KY-09-A - Kenya).

It was also indicated by another respondent that reimbursement is not automatic as the court has to order for this to be paid out to the witness. Hence, for the cases where the prosecutor does not order reimbursement, the witnesses (child victim in this case) do not receive it:

“It's not an easy process, it's not that you would just raise your hand and you're given. It's a process and very few people know about it. So the prosecutor has to ask and if they don't ask, then nobody gets any compensation” (Senior coordinator survivor services, International Justice Mission Kenya field office. RA4-KY-05-A).

Concerning the Victim's Protection Trust Fund, none of the respondents had any knowledge of any victim that had so far been compensated by it. There was awareness among the respondents that the victim protection board was in place but not on how the fund was working. One respondent confirmed that although the board was in place, the fund was not operationalised yet: *“The board was setup and after the board was setup, they were given the money, but when the money is there but you haven't put in the systems to make something operational, the money will just keep coming and going back to treasury(...) So, there's a lot of work that needs to be done”* (Senior coordinator survivor services, International Justice Mission Kenya field office. RA4-KY-05-A).

Concerning seeking compensation from perpetrators after conviction, none of the respondents had an example or were aware of an OCSEA case, or an offline child sexual abuse case where this had been obtained:

“I've never heard a single case where there was compensation. This relates back even to the cases of trafficking where it's explicit that even the proceeds of trafficking should be used to compensate the victims. It's not a precedent that has been set in our jurisdiction so I've not heard of compensation” (Former legal officer, ChildLine Kenya. RA4-KY-01-A).

Barriers to seeking compensation

A respondent from the Office of the Public Prosecution stated that it is not common practice for applications to be made for compensation under criminal cases, stating: *“Maybe prosecutors just don't know that they*

⁴⁷ Criminal Procedure (Remuneration of Witnesses and Assessors) Rules, 1948. Section 2 (b).

could have applied for this because it's not custom. Mostly we are used to the criminal case is over let's now transition to the civil court for damages, so I am unable to tell that they all know they can apply for compensation” (Prosecutor, Office of the Director of Public Prosecutions, Kenya. RA4-KY-09-A).

The representative from the prosecutor’s office also indicated she has never applied for compensation in a sexual violence case because of what she perceives as grey areas. These include the process of arriving at the amount that should be paid out as compensation and also the process of execution of the compensation order once it is ordered by a criminal court and also how to ascertain the money benefits the child and not just the parents:

“Yes, the mechanism and the law is there to allow us to apply for compensation. However, now the challenge comes in where this person refuses to pay - how do we go about execution? And another question is the question of quantum. Does the children’s court know how to assess the damage? It’s still a grey area. Also, while I can apply, I wouldn’t want it to look like these parents are benefiting because their child was defiled” (Prosecutor, Office of the Director of Public Prosecutions, Kenya. RA4-KY-09-A).

Lack of awareness on the right to compensation from both victims as well as justice actors was mentioned by at least two respondents as a barrier:

“In the first place they [the victims] are not aware that they can seek compensation so they never seek it” (Representative, Department of Children’s Services, Kenya. RA4-KY-11-A);

“Most people don’t know there is something called compensation, including me. I don’t know that it exists” (Former counsellor, Childline Kenya. RA4-KY-06-A).

Perpetrators coming from backgrounds of poverty was mentioned by one participant as a barrier, though not in reference to OCSEA: *“We (International Justice Mission) had thought about trying to just test the system as part of our programme. However, most of our perpetrators are equally poor. It beats any logic or sense to pursue somebody who has no resources”* (Senior coordinator survivor services, International Justice Mission Kenya field office. RA4-KY-05-A).

The same respondent also mentioned corruption as a barrier to compensation: *“Now with more elaborate or wealthy perpetrators, sometimes those cases would be lost just because of issues of the usual corruption”* (Senior coordinator survivor services, International Justice Mission Kenya field office. RA4-KY-05-A).

Though there is a provision in law for victims of OCSEA to be compensated by the offender upon conviction,⁴⁸ applying for compensation under criminal law has not become established practice in Kenya yet. Interviews indicate that the right to compensation is not widely known by the public as well as by criminal justice actors. Where the justice actors are aware of it, they still do not apply due to lack of clarity on the processes around it. Regarding the Victims Protection Trust Fund, this fund has not been operationalised yet, hence victims of OCSEA have not received any compensation from it.

⁴⁸ Republic of Kenya. (2018). [The Computer Misuse and Cybercrimes Act No. 5 of 2018, Section 45\(1\)](#).

Successes

Possibility to highlight one or more cases where (some) things were done well and where the child got proper access to justice.

The case highlighted as a success story by two respondents was a case on child sexual abuse material involving a U.K. national, Simon Harris,⁴⁹ and Kenyan children. Though the offence was committed in Kenya, it was tried in the United Kingdom. One respondent indicated this as a success story because of the use of a video link for the Kenyan victims in giving their evidence:

“For the case of Simon Harris, video link was successfully used for the children to give evidence which resulted in a conviction” (Representative, Department of Children’s Services, Kenya. RA4-KY-11-A).

The other respondent indicated this case was a success because there was good international collaboration between the Kenyan Police and U.K. law enforcement agencies:

“For detection and reporting to improve then we must collaborate with international law enforcement like now what we are doing with INTERPOL. For example, how we worked in the Simon Harris case. If it were not for U.K. law enforcement, we would have never achieved convictions for these cases as we didn’t have the pictures, but the pictures were found in the U.K. and we were only able to identify the abuse through that collaboration” (Senior coordinator survivor services, International Justice Mission Kenya field office. RA4-KY-05-A).

None of the respondents had a local success story to share on OCSEA. This indicates that the issue of OCSEA is still relatively new as most OCSEA cases are still currently in court. Though respondents had been involved in OCSEA cases, these were mostly charged as offline cases. Hopefully, as the issue of OCSEA becomes more publicised and as the currently ongoing OCSEA cases are finalised, there will be local success stories to share.

⁴⁹ The Guardian. (2015). [British charity worker Simon Harris jailed for abusing boys in Kenya.](#)

Challenges/Changes Needed

Main challenges described by the criminal justice professionals

At least three respondents indicated difficulties in getting police officers in regular police stations to institute criminal proceedings for OCSEA cases, especially where there is no element of offline contact abuse. Reasons provided by the three respondents were that law enforcement officers still don't see online abuse by itself as abuse and also that law enforcement are not aware of the provisions of the law to use in charging the online crimes:

"In all the years we (International Justice Mission) worked in that field, we didn't have an outright case of online abuse standing alone. It had to have a component of contact or offline abuse, so that should just tell you about the landscape in Kenya in terms of just appreciating that online abuse even without contact is still abuse" (Senior coordinator survivor services, International Justice Mission Kenya field office. RA4-KY-05-A);

"After finding out the case is an OCSEA case, we would sit in a case conference and the office of public prosecution would be represented. In regard to charging the offence, he would advise we continue pursuing it as truancy or defilement or sexual abuse or early marriage but specifically OCSEA, no. The explanation we got from public prosecution is that the case could not be taken to court as OCSEA because there is no policy on it" (Former counsellor, Childline Kenya. RA4-KY-06-A);

"The police officers don't regard child online abuse as abuse (...) so they were asking, 'you madam, charge sheet itakaa namna gani?' (Madam, how will the charge sheet look like?) (...) What is the area of law?" (Former legal officer, ChildLine Kenya. RA4-KY-01-A).

Though there is a law that covers child sexual abuse material, other manifestations of OCSEA such as online grooming of children for sexual purposes, unwanted sexting and sexual extortion committed in the online environment or through the use of Information Communication Technologies are not criminalised. This may explain why police officers have difficulty knowing how to charge and hence prefer to institute cases that have an offline element.

One respondent indicated that the Anti-Human Trafficking and Child Protection Unit works closely with the prosecutor's office on the issue of drafting charge sheets. This ensures the unit is able to charge OCSEA cases correctly using the available law:

"At the Anti-Human Trafficking and Child Protection Unit we have a designated prosecutor, so when an OCSEA case is reported, the police investigators and the prosecutor will sit and discuss the case. It makes it so easy as opposed to when the police come up with whatever charges and we are told this is not how the charge sheet should read. So there is a prosecutor who drafts the charges so that we avoid the back and forth of the court" (Representative, Department of Children's Services, RA4-KY-11-A - Kenya).

As a result of the support provided by the public prosecutor's office, the Anti-Human Trafficking and Child Protection Unit respondent indicated that for online grooming cases, they have been able to institute criminal cases but as different related offences, not online grooming:

"There is no law that penalises online grooming as an offence, we rely on the Computer Misuse Act which penalises exposing a child to sexualised content and the Sexual Offences Act where we use the child pornography section. But we cannot directly charge grooming as an offence" (Investigator, Anti-Human Trafficking and Child Protection Unit, RA4-KY-08-A Kenya).

The model used by the Anti-Human Trafficking and Child Protection Unit can be used by police stations to ensure cases of OCSEA don't fail due to lack of specialised knowledge. This reinforces the need to train prosecutors in court stations outside of Nairobi on OCSEA so they can provide this support to police stations.

Main changes suggested to make it easier/better for children to participate in criminal cases against their abusers

One respondent proposed having guidelines that define what a child friendly justice system is. She explained that currently there is no such guidance provided in Kenya for criminal justice actors on what this looks like: *"The Children Act just says child friendly, so what is child friendly for an autistic child? What's friendly for a child that has suffered trauma? Is it child friendly the environment, is it child friendly the set up? What is this child friendliness? It has been left to us to define"* (Makadara Law Courts, Nairobi- RA4-KY-07-A Kenya).

The need for education of the public and regular trainings for criminal justice actors was emphasised in at least 8 of the 11 interviews as a measure to support victims' access to justice. Education of the public was indicated by one respondent (RA4-KY-05-A) as an important element in the access to justice for victims, as caregivers will not support criminal proceedings if they lack this understanding:

"In one of the cases we were dealing with, the caregivers were feeling like a case involving child sexual abuse material was not serious as it only involved a picture so their attitude was –, 'This child is only on the picture, no one has done anything to her, so why do you want us to pursue a court case?' So you find care givers don't want to pursue justice for the children. So there is just that need for education to understand that these materials, whether there's contact or not, have an impact on children" (Senior coordinator survivor services, International Justice Mission Kenya field office. RA4-KY-05-A).

Another respondent explained that there is a need to educate criminal justice actors on OCSEA and how to handle child victims: *"The people who are in each step of supporting the child with their cases need to be trained on child protection, with regular trainings and refresher trainings. If it's in relation to OCSEA all of them need to get this training"* (Former counsellor, Childline Kenya. RA4-KY-06-A).

At least two respondents (RA4-KY-05-A, RA4-KY-06-A) also mentioned the need for dedicated professionals that focus on children's matters. These dedicated officers would then be equipped on how to handle children and emerging child protection concerns including OCSEA:

"Having dedicated professionals, you see like the way we have the Anti-Human Trafficking and Child Protection Unit, this is something that we would want replicated around the country. Because what it means is that you are well trained, it means that now you're well-resourced because we know that you are there and you're specifically targeting big cases and it means that you are effective and efficient. Since the inception of the unit, it has become easy to make referrals of cases when you see OCSEA materials. So just having dedicated professionals whether within the police force, whether within the judiciary, whether within the children's department, these are the most critical people" (Senior coordinator survivor services, International Justice Mission Kenya field office. RA4-KY-05-A).

Another two respondents (RA4-KY-05-A, RA4-KY-11-A) recommended the need to strengthen after-care services, with one recommending the development of minimum standards of care on what should be given to each survivor of OCSEA: *"There is the issue of holistic survivor care, just having the minimum standards of care for every child victim of OCSEA, in order to know what must be given to every child for us to say that now they are ready for reintegration"* (Senior coordinator survivor services, International Justice Mission Kenya field office. RA4-KY-05-A).

Recommendations

The need to operationalise the Victim Protection Trust Fund for purposes of facilitating victims’ access to justice was highlighted by two respondents (RA4-KY-05-A and RA4-KY-11-A). One respondent indicated that victims from poor families who have no support from civil society organisations are sometimes unable to attend court due to financial constraints and this is one of the gaps the Victim Protection Trust Fund is meant to mitigate:

“We had hoped the Victim Protection Fund was going to do that (facilitating victims to attend court) but still today it is not operationalised” (Senior coordinator survivor services, International Justice Mission Kenya field office. RA4-KY-05-A).

The other respondent indicated that free counselling services are not available everywhere. Professional counsellors are available but, due to cost, victims from poor families are unable to get this support which is their right under the law.⁵⁰ She indicated that if there is a fund to support this, then this gap in services for victims would also be mitigated:

“It’s not that counsellors are not there. There are professional counsellors all over in this country and you can access them if you are able to pay. So you find victims are not able to afford and for us (Department of Children’s Services), we work with child focused agencies who can provide for free. But you see we cannot depend on that, as there are those areas without those child focused agencies. If there was a fund that could support victims to pay for counselling, it would ease this challenge” (Representative, Department of Children’s Services, Kenya. RA4-KY-11-A).

The need for more shelters was also highlighted as a recommendation. Though the representative from the Department of Children’s Services noted that shelters are there, she also indicated that in geographically vast counties, placement is difficult as the child has to be taken to a shelter far away from their original location. For this reason, she recommended for more shelters in every county:

“At least we should have shelters in every county. I’m not saying the shelters are not there, but it could be difficult maybe to get a place of safety for that child. Where we have vast counties, you’ll find children have to travel so many kilometres before you can actually get to a place of safety for them as we move them from the perpetrator” (Representative, Department of Children’s Services, Kenya. RA4-KY-11-A).

One respondent also recommended for the expansion of the existing social protection programmes to include more households as a prevention strategy for OCSEA:

“As a prevention strategy, we should expand the already existing programmes, for example the ‘Inua jamii’⁵¹ which focuses on economic strengthening for households so that they are able to take care of their children. Sometimes these children are abused because the parents are the ones who actually push them into the act but with these kinds of programmes, we have seen the children being safeguarded as opposed to when you don’t have that kind of a programme in place. So economic strengthening of households is key in child

⁵⁰ Republic of Kenya. (2014). [Victim Protection Act No. 17 of 2014](#), Section 14(2).

⁵¹ Inua Jamii is the Government of Kenya’s flagship National Safety Net Programme whose objective is to uplift the lives of poor and vulnerable citizens of Kenya through regular and reliable bi-monthly cash transfers. It includes cash transfers to Orphans and Vulnerable Children, older persons and persons with severe disabilities. See: [Frequently asked questions](#).

protection. It's already in place but it should be expanded to incorporate more households” (Representative, Department of Children’s Services, Kenya. RA4-KY-11-A).