

To Uncover Instances of Abuse of Juveniles in the Juvenile Justice System

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Abstract

This study explores instances of abuse of juveniles in the juvenile justice system. Children in conflict with the law are protected under various legislations both domestically, regionally and internationally which provides for their rights within the administration of justice. However, Kenya's legal framework has not adequately protected juveniles who come into contact with the law as is a requirement. The research has been made on the assumptions that there are gaps in juvenile laws. There are also specific instances of juvenile abuse within the juvenile justice system. The study was based on desktop research method where both primary and secondary sources of information have been utilised. The study revealed that children in conflict with the Law faces a number of human rights abuses and violations at various stages once they come into contact with the law and this is counterproductive to the international requirements, objectives and standards of an efficient. The study recommends that there should be a special police unit, trained on how to deal with children in conflict with the Law to reduce cases of police brutality and violence against juveniles. The study also recommends that further research should be done on the topic.

Key terms: Juvenile abuse, violations, criminal justice system, Juvenile delinquency.

1.0 INTRODUCTION

A child is a person who has not attained majority age, usually eighteen in most states. Juvenile delinquency is a behaviour by a minor which would otherwise result into criminal liability and thus rendering one juvenile delinquent. These behaviours may include drug abuse which will later affect child's mental thinking into making them commit crimes. Over time, justice system for children in Kenya has not received much attention as far as protection of juvenile rights is concerned. Children come into contact with law in different ways ranging from violating laws, being witnesses in courts and those found in streets and arrested et cetera. They however experience variety of abuses ranging from police abuse, abuse while in courts and juvenile institutions all of which are due to juvenile justice system being managed in a similar manner to the criminal justice system. There are set of non-binding international laws which came into effect before the enactment of the CRC. These Rules and Guidelines guided States on how they should develop their respective juvenile justice in the administration of justice. CRC and ACRWC are the two main instruments that provide for protection of children rights. Kenya, being a dualistic state, ratified and domesticated both the CRC and ACRWC by enacting the Children's Act 2001 which has been the most significant law in Kenya on children rights both within and outside the administration of justice. Whereas juvenile justice in Kenya has undergone significant changes since 2001, there are still demands for a more efficient system that ensures that personnel who interact with children offenders protect their well-being (Oketch, 2021).

Despite ratification of international laws and enacting some of the best laws including the Constitution and the children's Act, Kenya's Legal framework have not satisfactorily protected juveniles in contact and conflict with the law. Children rights have only been strengthened and promoted in other areas including healthcare, education but have been neglected when it comes to access to justice. Children face some of most inhumane treatments in police lock ups facilities, courts and at times in correction centres. The responsibility to promote social justice as regards juvenile delinquents is a duty of everyone who interacts with children in different spheres. Juveniles in Kenya face serious concerns as is reflected in her Juvenile Justice system. There's lack of resources to ensure upholding of juvenile offenders rights considering their needs. Children in conflict with the law face physical, mental and sexual abuse, disregard of legal assistance, physical and sexual violence, arbitrary detention, bail denial, intimidation especially during examination by prosecution, police interrogation in the absence of parents or guardian, degrading condition in remand and rehabilitation centres et cetera. There seems to be lacunas in Law in the manner children within juvenile justice system are handled. The challenges are thus twofold; inadequate Laws protecting children in conflict with the Law and the manner in which these Laws are implemented.

In *MWK and Cradle v AG and 4 others*, this was a constitutional petition in which the petitioner a student alleged violation of her constitutional rights not to be subjected to inhuman treatment, violation of her right to privacy, violation of her rights upon arrest. The facts of the petition were that on 5 August 2015, police along Karatina- Nairobi road, acting on news from public of vehicle carrying students who were alleged to be intoxicated. Upon entering the vehicle, police noted used cannabis on the floor and a search on the petition revealed hidden cannabis in her under garments. She was detained, arraigned in court, pleaded guilty and was convicted and sentenced to probation service. What drew attention of public was circulation of her nudes in social media and thus questions; what was the conduct of the police during search, whether search was done in accordance with the law and whether her rights to dignity, not to be subjected to degrading treatment were also infringed on. Court relied on International instruments ratified by Kenya together with local laws in its decision. Court found that the search by the police on the

petitioner was done in a degrading manner and in presence of other respondents and thus made her suffer physiological disorder thus violation of Article 38 and 53 of the Constitution.

2.0 LITERATURE REVIEW

Parens patriae is evaluated as a norm where states authority acts as a parent or guardian of a child to offer protection to them from neglect of their parents. Child savers believed that treating a child and adults the same violated the humanitarian ideals of a society (Siegel & Welsh, 2011). For many years, children were deprived of their due process rights because *parens patriae* doctrine governed their relationship to the juvenile trial. The re Gault decision brought impact in the juvenile justice system as far as due process is concerned. In re Gault, Gerrald Gault, a 15 year old boy was taken into custody as a result of a complaint that he had made lewd telephone calls to a neighbour, Mrs Cook, on June 8th, 1964. Gault and a friend, Ronald Lewis, were arrested and taken to the Children's detention home. Gault was on probation when he was arrested, after being in the company of another boy who had stolen a wallet from a woman's purse. His parents were at work when he was arrested and the arresting officer left no notice for them of the arrest. After search without success, his parents eventually learnt of his arrest from the family of Ronald Lewis. When Mrs Gault arrived at the detention home, she was told that a hearing was scheduled in juvenile court the following day.

The arresting officer filed a petition with the court on the same day of court hearing. The petition was not served on Gault or his parents. In fact, they did not see the petition until more than two months later, on 17 August, 1964, the day of Gerald's habeas corpus hearing. The June 9th hearing was informal. His mother was not present during trial. He was detained for another two or three days before being released. When Gault was released, his parents were notified that another hearing was scheduled for 15 June, 1964. Mrs Cook was again not present for the 15 June hearing despite request that she be there. At the conclusion of the hearing, the judge committed Gault to juvenile detention for six years, until he turned 21. The Gaults next sought relief in the Supreme Court of the United States. The Court agreed to hear the case to determine the procedural due process rights of a juvenile criminal defendant. In their classic work *Beyond the Best Interest of the Child*, Joseph Goldstein, Anna Freud, and Albert Solnit, child placement should be based on the least detrimental alternative available in order to foster the child's development (Goldstein et al., 1973).

The choice of what man wanted and desired was held to be the first formal explanation of delinquency among youths. People had free will to determine and decide the behaviour they wanted to be associated with, and those who violated laws were motivated by personal needs that they thought superseded what society wanted. Jeremy Bentham in his utilitarianism argued that people weigh benefits and future consequences before making a decision on a course of behaviour. Classical criminologists argued that punishments should be only severely enough to deter a particular offence and that punishment should be graded according to the seriousness of a crime.

3.0 RESULTS AND DISCUSSIONS

Violation of Juvenile Rights by the Police and Directorate of Criminal Investigations

In Kenya, the police have a mandate of ensuring that every citizen is protected. The police usually make first contact with lawbreakers and juveniles on the streets and in towns, and they should ensure that all persons who violate laws are brought to book and charged before a court of law. However, there have

been instances of reported police brutality during arrests, use of force and abuse of juvenile rights in detention centres. African Charter on Welfare and Rights contravenes depriving of liberty of children and should a child be arrested, they should not be subjected to inhumane treatment (African Charter on the Rights and Welfare of the Child, 1990). This means that a child should not be put in a set up that restricts their well-being, survival and development.

National Police Service Act 2011 cap 84 provides procedure of arrest by police. The Act provides for police arrest with and without a warrant and this gives a discretion to the police of how and when to arrest. Arrest without a warrant has been exercised by Kenya police to apprehend street children found in public places during dark hours and those whom the police believe have illegal purpose and those in possession of harmful substances which in this case are drugs and narcotic substances. The law however puts a manner in which such arrests should be made in Kenya on any person they believe should be apprehended. How then should police arrest? The study argues that the police should not use force in the form of coercion, intimidation of children into making statements when being arrested, police stations should have a lock-up facilities. The facilities should be clean and juveniles held separate from adults and those serving sentences. The police should also accord arrested juveniles their constitutional rights in Article 49 and 50 of the constitution. Do juveniles also have the same right to be free from unreasonable search as adults?

Arrest and Incarceration in Police Lock-Ups

A child is considered apprehended when a police officer or law enforcement officer takes them into custody for committing of an act which is illegal in Law. In the wake of the corona virus pandemic, Ministry of Health (MOH) laid out measures aimed at mitigating the spread of the virus and one of the measures was dusk to dawn curfew in majority of areas. During this period, children found in streets were arrested by police either individually or in groups. The decision of the police to Arrest street children contravene provisions of law on arrest since some of these vulnerable are homeless, orphans who only survives by being vagrant. When a decision to charge a child is made, children in conflict with the law confined in police cells as they await trials in court.

The law provides that all persons deprived of their liberty should be treated with humanity and their dignity respected. Police lock-ups in which these arrested children are held are often dirty, poorly ventilated, infested with pests rendering them unhygienic for human conditions. These are just tips of ice berg of how worse some are. There are instances where children denied liberty is detained with adults some who have undergone trial and are serving their sentences despite clear standards outlined in international laws. Procedure for arrest is set out in law and where a child is arrested, s/he should be held for minimum period not exceeding twenty four hours after arrest and his/her guardians informed of the charge. Children upon arrest are coerced by police into admission of their acts and some compelled to write incorrect and induced statements of what they are being accused of. It is thus evident that in most scenarios the police have times above number carried out unlawful arrests and custody on children in conflict with the law.

Is there a lacuna in the law or is it the implementation of these laws? In Republic v N.K, M.N and J.N.A, the respondents were charged with murder offence contrary to section 203 as read with 204 of the penal code. Courts attention was brought to the fact that the first and the second accused persons were below age of majority and age evaluation test done revealed the first accused to be fourteen years and the second

accused was seventeen years at the time of commission of the crime. They raised a preliminary objection (PO) and argued that they were detained for longer hours more than the twenty four hours provided for in Law. They further affirmed that at the time of interrogations at the police station, there were no parents or guardian present, and there was no leave of court sought by the police. Courts findings were that from age assessment reports, the respondents were found to be minors. Court also found out that there was contravention of children's Act being that respondents were taken to court after twenty four hours had elapsed and police didn't seek leave of court to detain the accused person further.

Similarly, in *DMO & JB v Republic*, the petitioners were arrested by police officers on night of 12 June 2012 at about midnight and when a search of DMO's handbag was conducted police found rolls of bhang inside. A search of JB's bag revealed two rolls of bhang and both were arrested and charged on 14 June 2012. The accused were according to their guardians below eighteen years of age. Issues for determination were whether there was violation of accused rights as a result of being detained prior to being released on bail and a determination of whether the arrest was lawful. They argued that upon arrest, parents were never informed of the same. They further argued detention for longer period of more than the stipulated twenty four hours. They also argued that they were questioned in the absence of their parents/guardians and detention with adult convicts. Judge Mumbi stated that trials in Nairobi children's court should proceed in accordance with provisions of children's Act relating to child offenders. The study finds that from the analysis and holding in these two cases, Constitution of Kenya and Children's Act safeguards, protects children by partnering with them, empowering them to be persons of good morals in the community.

Violence and Police Abuse on Children in Police Cells

Violence against a child in conflict with the Law by the police can take forms of either physical or sexual violence. Sexual violence of this vulnerable group is mostly experienced by young girls who are held in police lockups. The General principle is that the police should not use force on a juvenile and should make every effort to avoid such use of force against children. A study conducted by UNICEF (2004) in Kenya revealed instances of sexual abuse by police and this is mostly done in police cells. The study argues that physical and sexual abuse of juveniles in Kenya is due to the fact that there is no Children Protection Units (CPU) in police cells.

Decision by the Directorate of Criminal Investigations (DCI) to Keep Criminal Records of Minors

In the wake of demonstrations in schools where pupils and students burnt down dormitories and classrooms, DCI boss George Kinoti issued a statement that child found guilty of any offence; un-peaceful demonstrations, arson, drunkenness will have their records automatically reflected in their police clearance certificates. This has sparked criticisms in that Kenya juvenile justice system has a role of rehabilitating rather than punishing or convicting a minor. The term convicting is prohibited on children cases since they cannot be convicted. ACRWC provides that every child in conflict with the law must be treated in a manner supporting the reformation and rehabilitation. In *PMK v DCI & 2 others*, petitioner sought a declaration that actions of respondents to publish her criminal records in her certificate of Good conduct for minor offence committed contravenes principle of reformation.

Court ruled in favour of the petition in that keeping permanent records of juvenile offender imply that such offenders are incapable of reforming since the decision by DCI does not provide mechanisms through which records can be wiped out.

How will this decision impact on the lives of juvenile offenders?

The study argues that tainting juvenile clearance certificates with their past criminal records will essentially limit their rights as provided for in the constitution and thus;

- i. Right to freedom of movement and residences would be limited as such a person cannot travel to countries with strict laws and regulations thus violation of Article 39.
- ii. A minor, once s/he has attained majority age cannot seek appointive or elective position as it is a common knowledge that Certificate of Good conduct is a necessity and thus infringement on Article 38 on political rights.
- iii. Denial of right to education access through overseas scholarships.
- iv. Right to secure employment and the right to work will surely be affected in that in modern world, almost every employer require a certificate of Good conduct.

Pre-trial, Trial and Sentencing in Courts

Today's juvenile delinquency cases are sometimes handled as part of a criminal trial court (Siegel & Welsh, 2011). When a juvenile enters juvenile justice system, they should be guaranteed fair and efficient trial before the law. In practice, however, juveniles face procedural difficulties that limit their right as provided for in different laws. Juveniles are tried in adult courts together with adults and this is just one of the many instances of abuses in the corridors of justice.

Lack of Access to Justice and Lack of Legal Representation

Constitution of Kenya places a great emphasis by identifying specific aspects of justice, specifically legal representations in courts as provided for in Article 53 of the Constitution. Legal representation is critical for due process and fair trial of a child before a court of law. Children act 2001 provides that when a child is brought before a court, when the subject is not represented, court may give orders that the child be granted legal representation. The rationale behind courts recognizing accused children to have legal representation is based on Lord Denning expression, "if justice is to be done, the accused ought to have the help of someone to speak for him and who better than a lawyer who has been trained for the task?"

In David Njoroge Macharia v Republic, court accentuated that the right to legal representation is fundamental to all and further added that the grant ought to be on the merits of the nature of offence committed. Why then do children in conflict with the law have their right to legal representation violated? The study argues that the fact that this group is not familiar with their rights as spelt out in law limits their understanding that their right is being infringed. Children are also not in a spot to prepare defences because they doesn't understand evidence rules, how to cross examine prosecution witnesses and generally what is expected of them in courts.

In *POO v DPP & SRM Mbita Law Courts*, the petitioner alleged violation of his constitutional rights including failure to accord him services of an advocate at the onset of his trial. Facts of the case are that he was arrested and charged at SRM, Mbita law courts with an offence of defilement contrary to section 8(1) as read with section 8(4) of sexual offences Act. It was found that SRM commenced trial without taking into consideration the fact that POO was not represented even after noting that he was a child. SRM did not assign the children officer to locate the child's adult relatives to assist him and thus violation of his rights.

Breach of Confidentiality in Juvenile Proceedings

Confidentiality when it comes to juvenile proceedings means that certain information concerning a child should be restricted to the public, press, media etc. The issue of confidentiality of juvenile proceedings has sparked concerns in Kenya in the manner in which courts and media have been dealing with juveniles, more so child witnesses. Juvenile confidentiality is concerned with privacy of juvenile records and open or closed hearings. The general rule is that juvenile trials should be held in closed courtrooms away from the public and media and the identity of juvenile offenders hidden. In all proceedings where a child is an offender or a witness, there should be no publication of information relating to the child including names of the child, names of child's parents, child's photos, school where h/she studies or even home as this infringes on privacy and child protection. Children Act supplements this by providing for power to clear court whereby the court may order any person who is not a party to a case involving a child, or where a child has been called as a witness to be excluded from the proceedings (Children's Act, 2001).

In *TNN v The Star publications Ltd*, TNN, a minor, filed a suit against the defendant seeking general damages for violations of his statutory protection as a child due to the defendants' actions to publish an offending article. In 2012, proceedings were instituted at Nakuru Law courts in which TNN, a minor, was involved. He alleged violation of section 76(5) of children's Act when the defendant covered details of his name and photo as a child. Court found from psychological counselling report that the child was affected by the publications.

How does confidentiality breach affect a child in conflict with the Law in court?

The study argues that exposing information of a juvenile offender, witness during court proceedings can cause trauma, inhibit child cooperation with children officers and complicate recuperation. Publishing child information can also expose a juvenile to shame and embarrassment which can affect a child's survival and development. In dealing with a child, persons coming into contact with them should take into account best interest principle in section 4 of Children's Act, Article 3 of CRC and Article 53 of the Constitution.

Lack of Bail/Bond Access by Children in Court

One critical pre-trial issue is whether juveniles can be released on bail pending hearing and determination of the case. In some states in USA, children are denied bail because courts argue that juvenile proceedings are civil, not criminal, and that detention is rehabilitative, not punitive. Moreover, they argue that juveniles do not need bail because statutory provisions allow children to be released to parental custody (Siegel & Welsh, 2011). In Kenya, the right to have an accused person, (including juvenile offender) released on bail is a constitutional right of fair trial before court of Law. The logic for this requirement is that juvenile offenders should just like adults is presumed innocent until a contrary is proved.

In *R. V. Richard David Alden*, Lesiit J (as she then was) succinctly summarized some of the important considerations by the court in an application for bail in the *Bail and Bond Police Guidelines* as follows: "The Bail and Bond Policy Guidelines were formulated specifically to guide the police and judicial officers in the administration of bail and bond. The guidelines set out what the courts should bear in mind when considering an application for bail. They are similar to those set out under Section 123A of the Criminal Procedure Code. These general considerations are: the nature of the offence; strength of prosecution case; character of the accused and antecedents; failure by the accused to observe previous bail and bond; witness interference; protection of the victim; relationship between the accused and the potential witnesses; whether the accused is child offender; whether the accused is flight risk; if the accused is

gainfully employed; public order; peace security; and whether there is need for the protection of accused person.”

Where the accused is a child offender, best interest should be of primary consideration in a Court. Children may be forced to remain in remand homes and the unpleasant police cells for quite longer period during their trials because of bail access. Bail decisions can be unpredictable and courts can decide to deny juvenile bail terms as a form of punishment. Bail amount in Kenya can be as low as one thousand shillings while it is clear that most families, street children live below dollar in Kenya and thus making it difficult to young offenders from these families.

Trial in Adult Courts and Wrongful Conviction of Children

Having juveniles tried in adult courts can be distressing to a juvenile in many ways. This practice conflicts with the best interest requirement in Law. In Kenya, cases involving minors are heard and determined in children’s courts. Magistrates have a mandate to ensure that the juvenile accused of an offence of commission have gone through a fair trial process as provided for in Law while in court. There are however instances when magistrates have delivered rulings and judgments without having regard to the best interest and proportionality principles.

In *JNM v Republic*, the appellant, a minor aged seventeen years was charged with robbery offence contrary to section 296 of the Penal Code and further an offence of handling of stolen property. It was submitted that on 24 November, 2014 within Kiambu County, he together with others robbed one Peter Muigai Wanjiku a mobile phone valued at one thousand shillings learned judge convicted him and sentenced him to suffer death penalty. On appeal, counsel for prosecution conceded and decided not to file submissions being that the minor was wrongfully sentenced to face death. Counsel also contended that the magistrate failed to assess the subjects age. He also pointed out that trial magistrate directed the charge sheet to be amended from assault to robbery with violence knowing so well that that mandate solely belongs to the ODPP to decide whether or not to have a charge sheet amended.

It is from such frivolous rulings and judgments that we see children being sentenced to serve rather than diverse them to the community. These are illustrations of how magistrates have failed to protect juvenile rights being that some of them are untrained on how to deal with minors in conflict with the law and hence they (children) are treated like adult offenders.

Violation of Juvenile Rights in Juvenile Institution

When courts make a decision not to release a child, they are sent to committal institutions to serve rehabilitative term. In Kenya children aged twelve and fifteen years are sent to rehabilitation schools (Children’s Act 2001). Children aged fifteen and eighteen years are sent to borstal institutions. There are nine rehabilitation schools and fourteen remand homes in Kenya.

While juvenile detention centres are used to isolate young offenders as a mechanism to help them reform, more challenges are encountered than the benefits associated with these centres. Detention centres have turned out to be abusive to the survival and development of the reforming offenders in many ways.

Problems that associated with these centres include;

- i. Staff harassment of youth offenders.
- ii. Physical abuse.

- iii. Sexual abuse and victimisation.
- iv. Violence among young offenders themselves.
- v. Drug and gang activities.

According to UNICEF, juvenile remand homes often suffer from run down facilities, inadequate supplies of resources including water, and food, lack of access to education. They also experience inoperative sanitary installation. These juveniles often spend their time locked up in dorms (Blanchard, 2011).

Sexual Abuse and Victimisation

Sexual abuse is an endemic, continuous norm in Kenya mainly experienced by reforming young girls and can take many forms including sexual molestation, touching of private parts, rapes etc. The study argues that, a child, being a person who cannot account for his/her actions cannot consent to sexual affairs with an adult. Most children in conflict are sexually abused based on deception by the perpetrators. Sexual offences Act No 3 of 2006 lays down rape, defilement, sexual harassment as form of sexual offences. A person who penetrates his/her organ into a child commits defilement. In a judgment delivered by Milimani Senior Principal Magistrate Hon Zainab Abdul on 4 August 2022, former director of Utawala children home was sentenced to serve one hundred years behind bars for defiling three minor (Gitonga, 2022). These are some of the instances where children are deceived and sexually abused.

Denial of Education Programs

Access to education is a fundamental right than is enshrined in different legislations. Constitution of Kenya provides that every citizen has a right to education which should be affordable, adequate, accessible and available to a child notwithstanding that they are in conflict with the law. Academic programs play a vital role in rehabilitation process (Behan, 2004). This is however not the case in many rehabilitative centres since it has been argued that confinement period of juveniles in conflict with the law is for a temporary short period. Denying children in conflict with the law access to education is discriminatory being that other children not detained have that right to education and thus contravention of Article 27 of the Constitution. The practice is also against the best interest of the child as provided for in Article 53 of the Constitution.

In *Erick Githua Kiarie v Attorney General & 2 others*, the petitioner filed a petition on behalf of minors remanded at Kapsoya Juvenile Remand Home and those in other detention centres on grounds that the state had violated their legal and constitutional right to basic education. In an affidavit sworn before the court he averred that there were approximately one hundred and twenty school-age going children held at the facility and there are no mechanisms to facilitate access to education for them and thus violation of children Act, Basic Education Act and the Constitution. Respondents argued that the right to education is not absolute and thus can be limited. They further argued that the program to rehabilitate is a temporary one and therefore children in conflict with the law should not be accorded access to education. Court found out that expected stay in remand homes is a long period in respect of the school calendar. Court gave declaratory orders that all children in remand homes and detention facilities have a right to basic education and further directed the respondents to integrate education programs to children held at the facility.

Poor State of Remand Homes

When a child is taken into custody and held in remand homes, borstal institutions, the State as the duty bearer is obligated to meet certain conditions in Law regarding conditions of a place a child is held. State of juvenile institutions is usually counterproductive to international goals, objectives and standards of rehabilitation of children in conflict with the law and is in need of care and protection. UN Rules for the Protection of Juveniles Deprived of their Liberty sets out requirements of a physical environment a child should be confined in. The Law stipulates that children should have the right to facilities and services which meets all the requirements of health and dignity. Every child has a right to the highest attainable standards of healthcare as stipulated in section 16 of the Children Act 2022 and Article 43 of the Constitution. Children held at rehabilitation centres and other centres usually lack basic necessities including adequate food, clothing and beddings and access to proper medical care (Okutoyi, 2015).

4.0 CONCLUSION AND RECOMMENDATION

Conclusion: Enactment of children's laws as required by the international community does not indicate that children's rights are respected, protected, safeguarded and promoted. Rather, the success of these laws is measured in the manner persons responsible for safeguarding children interact with them. The study has revealed a number of juvenile rights abuse in the justice system from abuse brutality to unhealthy and inhumane conditions in juvenile centres, abuse in court corridors while in search for justice, et cetera.

Recommendation: From the above children rights violations upon coming into contact with the law, the study makes several recommendations with vision of coming up with an efficient and effective juvenile justice system in Kenya as follows;

- i. There should be a special police unit trained on how to deal with children in conflict with the Law to reduce cases of police brutality and violence against juveniles.
- ii. The Judicial Service Commission should develop clear guidelines to courts on how minors should be handled.
- iii. The Ministry of Education in collaboration with Ministry of Interior and Coordination of National Government should develop education programs to children held in detention centres.
- iv. The Legislative arm of Government and the Kenya Law Reform Commission should identify specific juvenile laws with lacunas for revision and review.
- v. Courts should take a proactive duty of ensuring that a minor in contact with the law is guaranteed sufficient legal aid before commencement of proceedings.

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