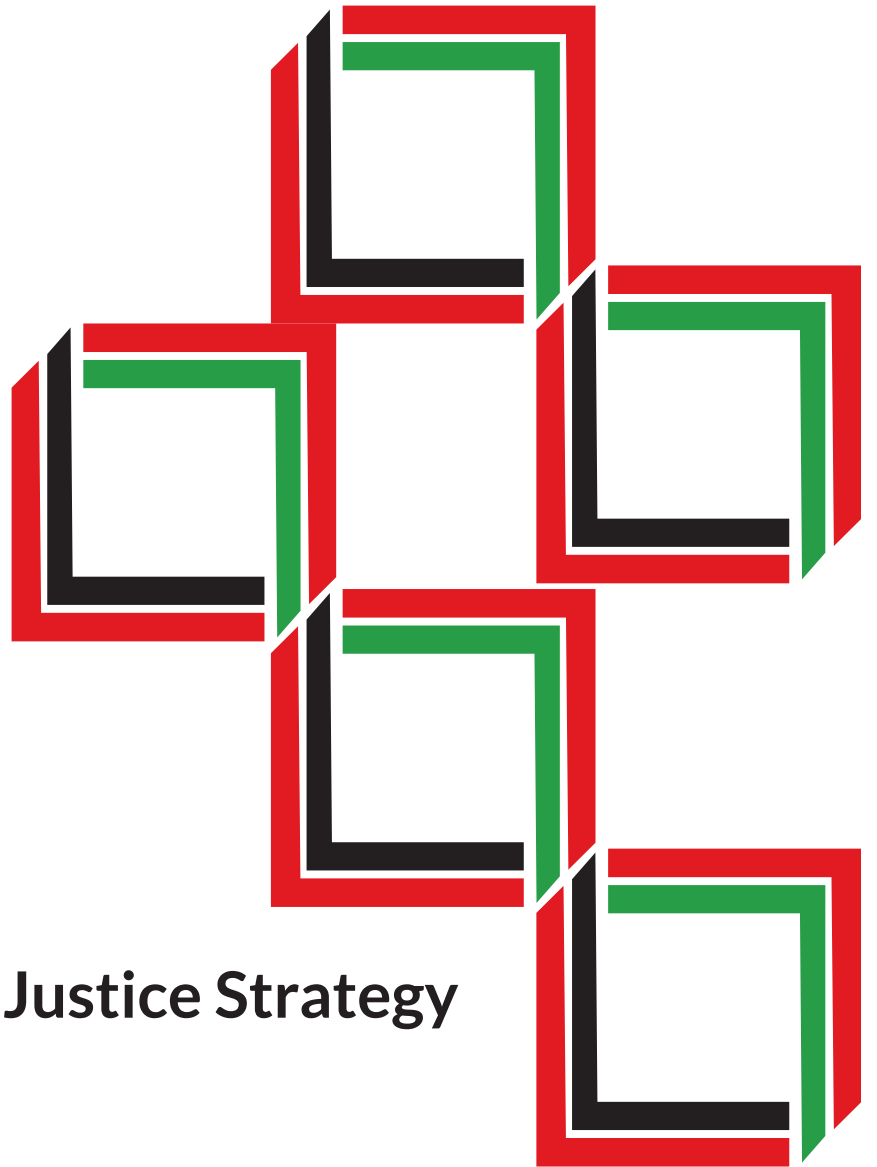




REPUBLIC OF KENYA

**PROBATION AND
AFTER CARE SERVICE**



Child and Youth Justice Strategy

2021 - 2025

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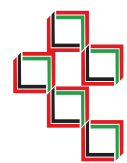
REPUBLIC OF KENYA

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AFTER CARE SERVICE



Child and Youth Justice Strategy

2021 - 2025



Foreword



The Probation and After Care Service within the State Department for Correctional Services is one of the justice sector agencies mandated to manage offenders serving non-custodial measures. Children and youth form a large proportion of the offenders in the justice system and a majority of those receiving correctional services from our institution.

Children and youth offending has morphed in Kenya as it has globally. Not only are the nature of crimes committed by this category of offender changing, but the age bracket of young offenders is also widening. While children and youth offenders were previously associated with mere petty offending, they are increasingly engaging in serious crime.

Factors associated with children and youth criminality include their ability to commit crime undetected, making them vulnerable and easy targets for recruitment into criminal gangs; breakdown of the family unit; absence of nurturing communities; erosion of value systems; poverty; technological advancement, and increased exposure to crime-related activities. This has caused adverse effects on communities, families, individuals and the economy.

The dynamism of children and youth offending requires an equally dynamic as well as responsive justice system. The Probation and After Care Service Child and Youth Justice Strategy articulates our institution's vision towards the effective supervision, rehabilitation and reintegration of child and youth offenders. It sets out our institutional trajectory for the management and treatment of children and youth offenders.

This strategy resonates with the Constitution of Kenya, government policies and justice sector reforms. Through a collaborative framework with stakeholders and partners, it seeks to provide an institutional policy and programmatic standardized, responsive, correctional approaches to holistically address the dynamic issues causing children and youth criminality, as well as preventing reoffending.

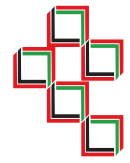
To implement this strategy, the capacity of officers will be developed, infrastructure will be improved, and resources will be harnessed both from the government and development partners to enhance service delivery to the children and youth handled by our Service.

As it is said, *"the civility of any society is in how they treat the vulnerable groups of their members"*. Our institution is committed to provide correctional services for children and youth in Kenya in a safe and humane manner.

Mary W. Mbau (Mrs.), HSC

Secretary

Probation and After Care Service



Acknowledgements

The Probation and After Care Service takes this opportunity to acknowledge the Principal Secretary, State Department for Correctional Services, Safina Kwekwe Tsungu, CBS, and our departmental Secretary, Mary Mbau, for their overall leadership, guidance and support during the development of this strategy.

Gratitude goes to all the Government Ministries, Departments and Agencies (MDAs) for the support accorded during the data collection by the consultant towards development of this strategy which has made it a well-informed document.

In addition, appreciation and acknowledgment goes to our officers who have tirelessly participated in this process from the beginning to ensure the strategy addresses all pertinent issues that affect probation practice. Specifically, we appreciate the team who provided their expertise in various areas of this strategy by ensuring it articulated the professional aspects of probation practice. These include Hannah Maingi, Boniface Muindu, Florence Mueni, Shadrack Kavutai, Stephen Kivuva and Carolyne Atieno. Your invaluable input is acknowledged.

Special gratitude goes to the European Union for their continued financial support through the Programme for Legal Empowerment and Aid Delivery in Kenya (PLEAD) and to the United Nations Office on Drugs and Crime (UNODC) for their technical assistance and coordination. From UNODC we wish to thank Charity Kagwi, Maria Temesvari, Rebecca Nyandiwa and consultant Sarah Kinyanjui. Your consistency, commitment and unwavering professional guidance was instrumental to completing this strategy that will accord appropriate services to children and youth handled by our institution.

Above all, sincere thanks to the Almighty God for His grace, guidance, strength, knowledge, wisdom, provision, and magnificent opportunity for developing this strategy. We look forward to its full implementation.

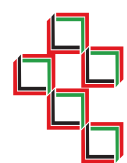
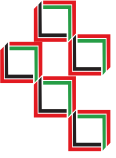


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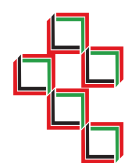


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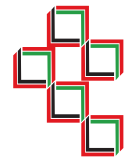
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List of Abbreviations

CCPO	Child Care and Protection Officers Programme
CEFA	European Committee for Training and Agriculture
CPV	Community Probation Volunteer
CSO	Community Service Order
CUC	Court Users' Committee
FGM	Female genital mutilation
CVE	Countering Violent Extremism
ICCPR	International Covenant on Civil and Political Rights
ICT	Information Communication and Technology
KRA	Key Result Area
M&E	Monitoring and Evaluation
MEWA	Muslim Education and Welfare Association
NCAJ	National Council on the Administration of Justice
ODPP	Office of the Director of Public Prosecutions
PACS	Probation and After Care Service
SWOT	Strengths, Weaknesses, Opportunities and Threats
UNICEF	United Nations Children's Fund



Definition of Terms

In this Strategy, the following terms shall have the meanings attached to them below:

Aftercare: refers to all services offered to persons released from correctional institutions or who have served non-custodial terms, for purposes of continued rehabilitation, empowerment, resettlement and reintegration in the community to avoid re-offending.¹

Child: refers to a person under the age of eighteen (18) years.²

Child justice system: refers to the legislation, norms and standards, procedures, mechanisms and provisions specifically applicable to, and institutions and bodies set up to deal with, children in conflict with the law.³ In tandem with global trends to minimise the stigma associated with child offending, the term 'child justice system' is used in place of 'juvenile justice system'.

Halfway house: means a residential facility, located in the community, which provides services to and serves as a transitional accommodation for ex-offenders exiting correctional institutions as a process of reintegration.⁴

Offender: refers to a person who has been tried and found guilty of an offence by a court of law.

Reintegration: means transitioning offenders from institutions to the community and through interventions, programmes and services designed to enable them to resettle with their families and communities and be law-abiding.

Rehabilitation: refers to all actions and processes intended to address criminal behaviour and restoring offenders to being law abiding individuals. It involves interventions such as psychosocial support, skills transfer, economic empowerment, behavioural therapies among others.

Resettlement: refers to the process of coordinated services to an offender leaving a correctional institution and re-entering back to the community.⁵

Victim: means any person who suffers injury, loss or damage as a consequence of an offence.⁶

Youth: refers to the age group above eighteen (18) but below thirty-five (35) as defined in the Constitution of Kenya 2010.⁷ While cognisant of the United Nations definition of youth as the age group between fifteen (15) and twenty-four (24)⁸, this Strategy adopts the constitutional definition in line with the national strategic agenda and planning.

1 PACS Strategic Plan 2018-2022, p.vii.

2 Constitution of Kenya, Art. 260; Children Act, s.2; Convention on the Right of the Child, A.2.

3 Committee on the Rights of the Child General Comment No. 24 (2019), para 8.

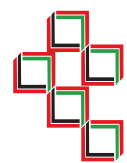
4 PACS Strategic Plan 2018-2022, p.vii.

5 PACS Strategic Plan 2018-2022, p.vii.

6 Victim Protection Act No 17 of 2014, s.2.

7 Article 260.

8 The General Assembly, by its resolution 50/81 in 1995, adopted the World Programme of Action for Youth to the Year 2000 and beyond, and reiterated that the United Nations defined youth as the age cohort of 15-24;



Executive Summary

The Probation and After Care Service (PACS) Child and Youth Justice Strategy articulates the department's vision towards the effective supervision, rehabilitation and reintegration of child and youth offenders in Kenya. It sets out the institutional trajectory for the management and treatment of child and youth offenders for five years. The Strategy resonates with the PACS Strategic Plan (2018-2022) and seeks to enhance compliance with international and domestic law relating to child and youth offenders. Building on the Probation Youth and Juvenile Justice Policy 2013-2017, it reflects the gradual paradigm shift towards restorative justice for child and youth offenders.

Parts one and two, the introduction and situational analysis, respectively, provide the context and background against which the Strategy is developed. The vital contextual issues highlighted include the changing dynamics in child and youth offending hence the need for a Strategy. Further, the increasing PACS workload relating to child and youth offenders is noted. Also highlighted are the realities contributing towards child and youth offending. Current practices relating to the management and treatment are also documented.

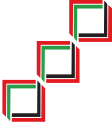
Part three sets out the framework upon which the Strategy is hinged. It outlines the legal and policy framework relating to child and youth offenders. The rationale for developing the Strategy is also articulated in this part. It also sets out the fundamental principles informing the Strategy.

In part four, the strategic direction to be undertaken by PACS for five years with respect to child and youth offenders is presented. Informed by an assessment of the criminal justice system with a focus on child and youth offenders in Kenya carried out by PACS⁹, the legal and policy framework, this part identifies strategic objectives to be met. It also sets out the strategies and strategic activities to be undertaken. The following areas of strategic focus are set out:

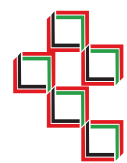
- Supporting expeditious trials for children and youth;
- Effective supervision of non-custodial orders for child and youth offenders;
- Holistic and effective interventions for child and youth offenders;
- Effective reintegration and resettlement of child and youth offenders back to their families and communities;
- Victim participation and support services, and crime prevention;
- Strengthening of the institutional framework;
- Effective management of PACS institutions for child and youth offenders;
- Continuous assessment and evaluation on the implementation of the Child and Youth Justice Strategy;
- Enhancing information management and visibility of PACS with regard to its services for children and youth;
- Inter-agency coordination and cooperation.

Annex 1 concludes with a framework for the implementation of the PACS Child and Youth Justice Strategy.

9 Enhancing Child and Youth Justice: An Assessment of the Criminal Justice System in Kenya (PACS, 2021)



Nairobi Boys Probation Hostel



1. Introduction

1.0 Context

Child and youth offending has morphed in Kenya as it has globally.¹⁰ The nature of crimes committed by this category of offenders is changing, and the age bracket of offenders is also widening. While child and youth offenders were previously associated with petty offending, they are increasingly engaging in serious crime such as murder, robbery with violence, sexual offences, drug trafficking and violent extremism.¹¹ Research reveals that their vulnerability and ability to commit crime undetected, makes them key targets for recruitment into criminal gangs.¹² Other factors such as the increased breakdown of the family unit, absence of nurturing communities, erosion of communities' value systems, poverty, technological advancement and increased exposure to crime related activities have also contributed to the changing trends.¹³ The dynamism of child and youth offending requires an equally dynamic as well as responsive justice system.

The Constitution 2010 embodies the spirit of care and community. It articulates the obligation to foster the

“well-being of individual, the family, communities and the nation”.¹⁴ In line with this obligation, the Constitution reiterates a commitment, in particular, to protect the best interests of children.¹⁵ These constitutional aspirations resonate with efforts towards creating safe, nurturing environment and communities. In essence, the spirit of care and community entrenched in the Constitution demands a paradigm shift in the treatment of child and youth offenders. There is need, therefore, to pay attention to the treatment and management of child and youth offenders within the justice system.

PACS is the principal administrator of community-based sanctions in Kenya under which many children and youth offenders are managed. Notably, within the context of child and youth offenders' management, PACS plays a significant role in the justice system. Children and youth comprise a significant percentage of the overall workload within the department.

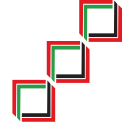
This Strategy seeks to provide PACS policy guidelines and programmatic approaches holistically addressing issues relating to children and youth who are in conflict with the law as well as preventing child and youth offending, through a collaborative framework with stakeholders and partners. The document is guided by relevant international, regional and national legal frameworks. This Child and Youth Justice Strategy, therefore, provides a clear strategic focus for PACS.

1.1 Background of Probation and After Care Service

The development of probation services has gone through many phases since its commencement in 1946 and was influenced by developments during the colonial and post-colonial period in Kenya. Initially, probation services were limited to supervision of women and children who had been placed on probation for

-
- 10 Stella Cheronu, 'Kenyan Security Forces Grapple with Changing Face of Terrorism' Daily Nation (Nairobi, April 11 2018) available at <https://www.nation.co.ke/news/Kenyan-security-forces-grapple-with-changing-face-terrorism/1056-4381204-11dsh40z/index.html> > accessed 1 November 2018; Ayalew Getachew Radicalization of children and youth in Kenya: A new challenge to child protection' Horn of Africa Bulletin available at fe-peace.org/hab/radicalization-of-children-and-youth-in-kenya-a-new-challenge-to-child-protection/ > accessed 2 November 2018; Cradle, The Drug Menace at the Kenyan Coast available at <http://www.thecradle.or.ke/wp-content/uploads/2016/04/DRUG-AND-THE-YOUTH-AT-THE-KENYAN-COAST.pdf> accessed 31 October 2018; National Council on the Administration of Justice, Criminal Justice System in Kenya: An Audit (NCAJ, LRF and RODI 2016) 168
 - 11 Bloom, M., and Horgan, J., The Rise of the Child Terrorist (Foreign Affairs 2015); Hamilton, C. et al, Children and Counter-Terrorism, United Nations Interregional Crime and Justice Research Institute (UNICRI 2016); Penal Reform International, Children and Violent Extremism: International Standards and Responses from Criminal Justice Systems (PRI 2018).
 - 12 Frank Cheryl, Abuse of a Different Kind: Adults Using Children to Commit Crime (Institute of Security Studies, 2006) 16.
 - 13 Supra.

-
- 14 Preamble.
 - 15 Art. 53(2).



The Probation and After Care Service plays a significant role in the justice system in the context of child and youth offenders' management

committing minor offences in the Nairobi region only. However, with time, the functions of PACS increased as the use of non-custodial measures was encouraged.

PACS is currently a department domiciled in the State Department for Correctional Services, Ministry of Interior and Coordination of National Government. It derives its core mandate from the Constitution of Kenya, the Executive Order No. 1 of 2020, Probation of offenders Act 1943¹⁶ and the Community Service Orders 1998.¹⁷ The department is one of the key players in the criminal justice system and is charged with the management of non-custodial offenders to ensure public safety and administration of justice. This is done through the implementation of three core programmes namely; probation orders, community service orders (CSOs) and after care. These services include the generation of social inquiry reports on offenders to courts, penal organs and other government agencies, supervision of non-custodial court orders, rehabilitation, reintegration and resettlement of ex-

offenders. The services provided by PACS facilitate the work of other criminal justice agencies.

The key objectives of the department are to:

- a. Generate information for dispensation of criminal justice;
- b. Supervise court orders, penal sanctions and rehabilitate offenders and ex-offenders;
- c. Reintegrate and resettle offenders;
- d. Participate in crime prevention and public safety; and
- e. Promote, encourage and participate in the protection of victims' rights and welfare.

These objectives are achieved through the implementation of the following main functions:

1. Conducting social inquiries of accused persons, offenders and petitioners for preparation of pre-bail, pre-trial, pre-sentence or pre-release reports;

¹⁶ Cap 64

¹⁷ Cap 93

2. Preparing and presenting reports to courts and other penal organs for decision making and dispensation of justice;
3. Supervising offenders on presidential pardon orders, non-custodial orders and release licences;
4. Developing and implementing correctional programmes for offenders serving various non-custodial measures;
5. Reintegrating and resettling non-custodial offenders and those leaving correctional institutions back to the community;
6. Facilitating alternative dispute resolution mechanisms;
7. Providing services for the protection and promotion of human rights and welfare of victims and offenders;
8. Providing temporary accommodation to needy and deserving offenders in probation hostels and transitional houses; and
9. Promoting crime prevention activities to enhance public safety.

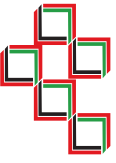
In line with its objectives, children and youth remain a critical target group for PACS.

1.2 Justification for the Child and Youth Justice Strategy

This strategy is informed by an evident need for forging a separate pathway in handling child and youth offenders. It also entrenches internationally recognized principles underpinning child justice. PACS therefore seeks to enhance the administration of justice for children and youths through:

1. Well informed guidance to courts for the determination of the suitable interventions;
2. Effective crime prevention, supervision, rehabilitation, resettlement and reintegration of child and youth offenders;
3. Provision of adequate support for child and youth victims;
4. A holistic system approach with increased and structured involvement of government agencies, non-state actors and communities.

The Child and Youth Justice Strategy is developed towards meeting PACS objectives with a focus on child and youth offenders.



2. Situational Analysis

2.0 Overview

The situational analysis situates the Child and Youth Justice Strategy within the context of the current child and youth offending trends as well as the current interventions responding to criminality. To inform the trajectory of interventions, the factors contributing to child and youth offending are outlined. Further, a strength, weaknesses, opportunities and threats analysis is set out to ground the Strategy within PACS' capabilities with an appreciation of external factors impacting its work. The analysis also outlines current practices in the management of child and youth offenders.

2.1 Current Child and Youth Offending Trends

As noted, the trends and dynamics in child and youth offending are changing. Not only is there an increase in the number of child and youth offenders, but they are increasingly involved in serious crimes as well.

Using data collected during a 2021 assessment on child and youth justice in Kenya carried out by PACS, table 2.1. below illustrates trends in child and youth offending.

Table 2.1: 2018 and 2019 Statistics on Offences Committed by Child and Youth Offenders in Sampled Institutions

Institution	No. of Offenders Charged/Found Guilty of Offences									
	Property Related	Robbery With Violence	Man-slaughter/Murder	Sexual Offences	Drugs & Substance Abuse related	Causing Disturbance	Assault /Grievous Harm	Pregnancy/ Child Related	At-tempted Suicide	Others
Manga Remand Home	66	17	8	125	20	12	30	-	-	49
Shimo la Tewa Borstal	190	10	-	79	33	6	7	-	-	30
Kamae Borstal	16	-	1	-	7	-	2	2	3	4
Nakuru Remand Home	12	-	1	5	1	-	1	-	-	5
Nakuru Probation Hostel	35	-	2	-	8	4	-	8	11	26
Kirigiti Remand	40	3	1	8	11	4	6	-	-	15
Getathuru Reception Centre	41	-	-	9	1	1	1	-	-	9

Key

Property related - Theft, housebreaking, burglary, handling stolen property, stealing by servant, breaking into a building with intent to commit a felony, stock theft

Pregnancy/Child related - Concealing birth, subjecting a child to torture

Others - Being in possession of wildlife trophy, arson, traffic offence

Table 2.2 below reflects national trends in youth offending in Kenya derived from research conducted by the National Crime Research Centre in 2018.

Table 2.2: Crimes Committed by Youth (Aged Between 18 and 35 Years) in Kenya¹⁸

Crimes Committed	Male	Female
Stealing	531	386
Possession of illicit brew	241	194
Assault causing actual bodily harm	211	179
Burglary and housebreaking	189	122
Drug trafficking and smuggling	167	127
Rape	154	105
Stock theft (including cattle rustling)	137	76
Robbery with violence	127	86
Murder	124	111
Being drunk and disorderly	117	88
Defilement	106	69
Loitering for prostitution	37	41
Forgery	33	19
Gambling without a licence	22	17
Carjacking/hijacking	19	8
Malicious damage to property	10	7
Creating disturbance	16	12
Kidnapping and abduction	8	6
Gender-based violence (including domestic violence)	8	2
Attempted suicide	8	4
Terrorism	7	4
Corruption	5	7
Child abuse (including child neglect) other than sexual abuse	5	8
Land fraud (including grabbing)	5	1
Illegal possession of arms and weapons	6	8
Unnatural sexual acts (e.g. homosexuality, incest and bestiality)	4	4
Poaching	3	5
Human (especially child) trafficking	3	2
Traffic offences	2	6
Hate speech	2	3
Destruction of forest produce (logging)	2	3
Cybercrime	2	2
Manslaughter	1	1
Female genital mutilation (FGM)	1	1
Infanticide	1	0
Collusion with criminals	1	0
Being in the country unlawfully (illegal immigrant)	1	0

18 National Crime Research Centre, *Perspectives of Youth Criminality in Kenya (NCRC 2018)* < <http://crimeresearch.go.ke/wp-content/uploads/2019/11/Youth-Perspectives-on-Crime> > accessed 6 November 2021.

2.2 Factors Contributing to Child and Youth Offending

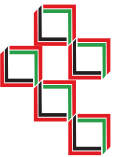
The aforementioned assessment of the criminal justice system with a focus on child and youth offenders carried out by PACS revealed the following push and pull factors that steer children and youth to crime:

Table 2.3 Children and Youth Offending Push and Pull Factors

Push and Pull Factors	Children	Youth
Poverty	✓	✓
Unemployment and		✓
Lack of capital to set up businesses		✓
Lack of entrepreneurial skills		✓
Poor parenting	✓	✓
Breakdown of families/ dysfunctional families	✓	✓
Single parenthood	✓	✓
Vulnerability such as being orphaned	✓	✓
Complexities of family relationships that expose children to traumatic experiences and changing family dynamics such as divorce and remarriage	✓	✓
Negative peer pressure	✓	✓
Exposure to criminality in the home environment (Environmental factors)	✓	✓
Drugs and substance abuse	✓	✓
Exposure to pornography	✓	✓
Unlawful cultural beliefs such as those linked to rites of passage which encourage sexual exploits thus contributing to sexual offences	✓	✓
Harmful religious beliefs	✓	✓
Identity crisis	✓	✓
Technology	✓	✓
Ideologies	✓	✓

2.3 Current Practices in the Management of Child and Youth Offenders

The trends and statistics of child and youth offending have organically shaped the following practices, which seek to enhance the management of child offenders.



2.3.1 Establishment of Child and Youth Dockets in PACS

In response to the workload and gravity matters relating to children and youth, PACS established independent dockets for children and youth headed by senior officers provide due attention to this category of offenders.

2.3.2 Child and Youth Offenders Served by PACS

The PACS assessment on child and youth justice in Kenya revealed that probation orders for child and youth offenders have a high success rate.¹⁹ On the other hand, the assessment revealed recidivism amongst child and youth offenders who served custodial orders. The assessment however identified the need for accurate data on recidivism.

During the 2019/2020 financial year, PACS handled a total of 39,848 cases out of which 22% (8,665) constituted child and youth offenders. This included child and youth offenders who had committed offences ranging from petty to serious offences. In the same period, the total number of children handled by PACS was 1,474. Out of this number, 1,333 were boys and 141 were girls. Throughout the period, 7,191 youth offenders were also handled accounting for 18.05% of the entire PACS workload.

2.3.3 Capacity Building of PACS Staff for Enhanced Service Delivery

PACS endeavours to empower probation officers through relevant training. Probation officers with additional and specialized training such as advanced counselling, drugs and substance abuse, rehabilitation of children methodologies and on throughcare procedures, were better equipped to serve child and youth offenders.

Best Practice: Child Care and Protection Officers Programme (CCPO)

The CCPO was designed and delivered collaboratively by the criminal justice agencies, including PACS, which deal with child offenders. Elaborate training manuals were developed and used to train officers between 2009 and 2014. Probation officers who were trained under this programme are well versed in both substantive and procedural matters relating to child offenders.

2.3.4 Structured and Well-Designed Reintegration

The Throughcare and Aftercare Procedures for Children in Statutory Institutions in Kenya define reintegration as the “process aimed at disengaging children from rehabilitation schools and reuniting them with their families and communities through interventions, programs and services designed to assist them resettle back into their families and communities”.²⁰ Reintegration is not synonymous to repatriation which merely refers to returning the offender back to the community. Instead, it includes processes, while the offender is still in custody, that seek to prepare the home environment and the community to receive the offender as well prepare the offender to return back to the community. It also involves the actual repatriation upon release and initiatives to ensure a well-supported transition of the offender from custody to the community. Such initiatives include family and community conferences as well meetings with significant members in the community to sensitise the community of the rehabilitation process undergone and the support required for the offender.

When reintegration processes are effectively carried out there is less resistance to and more support for the offender hence minimizing chances of reoffending.

2.3.5 Involvement of Parents and Significant Others to Support Offenders

Parents and significant others play a critical role in the rehabilitation and reintegration of child and youth offenders. Deliberate equipping of parents and significant others to effectively play this role complements the efforts of probation officers.

Schools and other learning institution play a significant role in supporting the rehabilitation and reintegration of child and youth offenders. Strategic guidance of teachers and other instructors on how to support offenders would complement the rehabilitation and reintegration efforts.

19 National Council on the Administration of Justice (2021), P.2.

20 National Council on the Administration of Justice (2021), P.2.

Best Practice: Empowering Parents to Play an Active Role in Rehabilitation of Offenders

Probation officers involve parents during the routine supervision sessions. Aware of the gaps in parenting skills, probation officers advise parents on strategies suitable for and compatible with the rehabilitation process

During the PACS Assessment on child and youth justice in Kenya, parents’ focus group discussions provided an opportunity for parents to share experiences. From this engagement, the establishment of parents’ support groups was proposed.

Best Practice: Remote Parenting and Open Days

To enhance parents/guardians’ involvement in the rehabilitation process, probation hostels facilitate telephone communication between children and their parent/guardians. Parents/guardians are also allowed to visit their children and discuss progress reports. Open days are also held where all parents/guardians are invited to spend a day with their child/youth at the probation hostel.

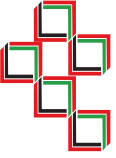
2.3.6 Infusing Restorative Justice Values in PACS Programmes

Restorative justice shifts the overall goal of criminal justice from merely retribution to a focus on addressing the harm arising from the wrongdoing. It requires that the offender takes responsibility of the wrongdoing. This entails taking into account the needs of the victim and addressing them. Typically, this outcome requires the participation of those with a stake in the crime such as the offender, victim and their significant others. It may also involve community members who may contribute towards a constructive outcome. This attribute of restorative justice renders alternative dispute resolution justice mechanisms desirable since they facilitate participation and are largely informal. By recognizing such mechanisms, the Constitution²¹ provides a platform through which restorative justice can be achieved.



Where PACS has forged strong networks, offenders experience minimal community resistance and receive the necessary support, such as apprenticeships and education opportunities

21 Art. 159.



Restorative justice approaches are desirable when dealing with children as they, firstly, typically keep them away from the criminal justice system. Secondly, they provide platforms through which the underlying causes of offending can be addressed. Thirdly, in view of the developmental stages of children, they nurture a sense of responsibility hence steering them from crime.

The PACS assessment on child and youth justice revealed that where restorative justice values are incorporated, there are higher chances of child and youth offenders being rehabilitated. The restorative practices highlighted included nurturing a sense of responsibility in the offenders; pursuing and addressing the root cause of the offending by involving families and communities; and seeking to meet the needs of the victim such as through compensation and reconciliation.

Best Practice: Involvement of Parents in the Rehabilitation Process

PACS County offices sampled in the PACS assessment on child and youth justice in Kenya typically involve parents during the sessions held with child and youth offenders. The study revealed that the involvement of parents was instrumental in the identification of the root causes of offending and the most appropriate interventions.

Often, parents are the victims, in which case probation officers engage the offenders and their parents in mediation sessions. These sessions, as revealed by the study, are in most cases successful, leading to reconciliation.

Best Practice: Restorative Justice Processes During Supervision of Probation Orders

Fadhili (pseudonym), a probationer, undertook to compensate his mother-in-law for her television, which he had stolen. However, during supervision sessions, it emerged that the source of conflict was not the television but failure to pay dowry. With the involvement of the area village elder, mediation was undertaken leading to reconciliation between the parties.

2.3.7 Incorporating Crime Prevention Strategies in Programming

PACS mandate to rehabilitate offenders and its positioning in the community renders it strategic to implement crime prevention initiatives. Where such initiatives are undertaken by PACS, they positively impact the community and enrich the rehabilitation and reintegration programmes. Further, preventing children and youths from committing crime has been proven to be more effective than rehabilitating offenders.

Best Practice: Probation Community Resource and Training Centre - Likoni

The Probation Community Resource and Training Centre offers training services to the community, at a nominal fee, as well as probationers. Courses offered include dressmaking, culinary arts and ICT courses. It also runs life skills programmes such as the 'Dream Girl' in which girls are nurtured in positive values. The Centre also mentors peer counsellors who are best placed to influence their peers.

Being located within the community, the Centre provides platforms for crime prevention. Unlike adhoc programmes, through the Resource Centre, PACS is able to forge relationships with the community which is critical for crime prevention programmes to succeed.

2.3.8 Partnerships in Management of Offenders

Holistic rehabilitation and reintegration require extensive partnership between the justice system and other entities such as donor agencies, government departments offering relevant support, families and communities, schools, religious institutions and the private sector.

Where PACS had forged strong networks, offenders experienced minimal community resistance and received the necessary support such as apprenticeship opportunities, education opportunities and tools for their trade. Similarly, with constructive partnerships, PACS' rehabilitation programmes were run more effectively.

Figure 2.1: Multi-agency, Family and Community Participation in Child and Youth Offenders' Programmes Model



Community: Refers to the locality, people living in the locality as well as supporting institutions, such as educational and religious institutions

Sample Best Practices in Partner Engagement

Partner Support in the Rehabilitation of Child and Youth Offenders from Drugs and Substance Abuse

In Mombasa, Reachout Centre Trust and the Muslim Education and Welfare Association (MEWA) hospital have partnered with PACS office in Mombasa to provide methadone treatment for heroin addicts. Reachout Centre Trust also provides a subsidized rate for offenders to benefit from their drug dependency treatment.

Economic Empowerment of Offenders

The European Committee for Training and Agriculture (CEFA) supports PACS reintegration programme by donating diverse equipment such as tool boxes, salon equipment, and sewing machines. Offenders benefiting from this scheme have been able to enhance their skills or even set up businesses.

Psychosocial Support for Offenders

Through a partnership with PACS, Nakuru and the Nakuru County Level Five Hospital, youth offenders requiring advanced counselling services are referred to the Youth Friendly Recovery Centre which is located at the Hospital. The Centre particularly provides support for offenders involved in drugs and substance abuse.

2.4 SWOT Analysis

STRENGTHS	WEAKNESSES
<ul style="list-style-type: none"> • Positioning of PACS in the State Department of Correctional Services • Recognition within the criminal justice system • Established PACS institutions • Enhanced human resource • Strategic direction • Legal mandates provided in different statutes including the Criminal Procedure Code 1930²², Borstal Institutions Act 1963²³, Probation of Offenders Act 1943²⁴, Community Service Orders Act 1998²⁵, Power of Mercy Act 2011²⁶, Sexual Offences Act 2006 and Children Act 2001 • Presence in all the Counties • Existence of youth and juvenile rehabilitation institutions • Increased demand for departmental services by partners • Experience in generation social inquiry reports • Existence of an after - care programme • Presence of youth/ juvenile justice unit • Established throughcare and aftercare system 	<ul style="list-style-type: none"> • Limited funding/resources • Lack of evidence-based risk assessment tools(s) for child and youth offenders • Inadequate supervision, rehabilitation and reintegration programmes specific to youths and children • Lack of integrated ICT data management and sharing protocol • Uncoordinated implementation of a seamless through-care system • Inadequate linkages with partners. • Diverse organizational objectives across the partners • Lack of an integrated social crime prevention strategy • Lack of an institutional strategy on child and youth offenders • Lack of a specialization framework to guide implementation of children and youth matters
OPPORTUNITIES	THREATS
<ul style="list-style-type: none"> • Constitution of Kenya 2010 • Strong client base • Vibrant/strong partnerships with national stakeholders • Community Probation Volunteer programme • Political goodwill for mainstreaming child and youth agenda in all ministry Departments • Established mechanism and institutions and organs e.g. National Council on the Administration of Justice (NCAJ), Court Users' Committees (CUCs), Prisoners Review Boards, NCRC. • Devolved system of governance • Vibrant media • National Youth policy • Specialisation • Diversion 	<ul style="list-style-type: none"> • Emerging challenges and crime trends among child and youthful offenders • Radicalisation of the youth • Unemployment • Disjointed mandates • Harmful cultural practices that conflict with the law • Complexity and changing crime trends among children and youth • Negative ethnicity • Punitive community attitude towards juvenile youth offenders • Crime prone neighbourhoods • Alcohol and drugs abuse challenges • Dysfunctional families • Harmful cultural practices

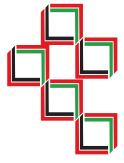
22 Cap 75.

23 Cap 92.

24 Cap 64.

25 Cap 93.

26 Cap 94



3. Strategic Framework



3.0 Overview

The Child and Youth Justice Strategy is grounded in the overall PACS Strategic Plan as well as the legal and policy framework governing PACS. Thus, this section situates the Child and Youth Justice Strategy within the overall PACS' vision and mission and sets out the rationale for and objectives of the Strategy. It also outlines the principles underpinning the Strategy and the legal framework within which the Strategy would be implemented. Adopting the overall PACS Key Result Areas (KRAs) set out in the PACS Strategic Plan, it articulates PACS' strategic objectives with regard to

children and youth as well as the strategic action to achieve the objectives.

3.1 Anchoring Child and Youth Justice in PACS Vision and Mission

The Child and Youth Justice Strategy is developed towards meeting PACS vision and mission with a focus on child and youth offenders. It is therefore hinged upon the overall PACS vision, mission, core values and standards set out below:

3.1.1 PACS Vision and Mission

Vision

A just, safe, secure and crime-free society

Mission

To promote and enhance the administration of justice, community safety and public protection through provision of social inquiry reports, supervision, rehabilitation and reintegration of non-custodial offenders, victim support and crime prevention.

Core Values

- » Fairness
- » Reliability
- » Respect for human dignity
- » Confidentiality
- » Integrity
- » Professionalism

Statement of Commitment

Committed to the administration of justice and public safety.

3.1.2 Rationale for the Child and Youth Justice Strategy

Children and youth present a wide range of dynamic and complex issues that require strategic interventions from PACS. Not only are the nature of crimes committed by this category of offenders changing, but the age bracket of offenders is also widening. While child and youth offenders were previously primarily associated with petty offending, they are increasingly engaging in serious and violent crimes, including violent extremism.

The Child and Youth Justice Strategy was deemed a priority in light of the following factors:

1. The PACS caseload of child and youth offenders had gradually increased.
2. Child and youth offenders present unique needs which require targeted and specialised approaches. Their developmental needs cannot be adequately met through general interventions to criminality.
3. Child and youth offending has morphed with emerging trends with respect to the offences committed as well as the intervening factors. Emerging issues include drugs and substance

abuse, involvement in violent extremism, sex offending and cybercrime which require offence-specific interventions.

4. Without addressing the root cause of offending, the probability of reoffending is high. A holistic approach in designing interventions is therefore necessary.
5. Increased need to address mental health needs of children and youth in the justice system.

3.1.3 Objectives of the Child and Youth Justice Strategy

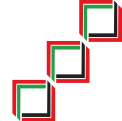
The Strategy seeks to provide clear focus for the management and treatment of child and youth offenders with the aim of effectively rehabilitating and reintegrating them. Overall, it seeks to align the management and treatment of child and youth offenders with PACS' Strategic Plan. In particular, it seeks to:

1. Provide strategies for a holistic approach in report writing, supervision, rehabilitation, reintegration and crime prevention.
2. Develop and use evidence based interventions for child and youth offenders.
3. Promote research as well as innovations in the management and treatment of child and youth offenders.
4. Incorporate crime prevention and victim support in the programming for children and youth.
5. Strengthen monitoring and evaluation of programs on children and youth justice.
6. Develop a framework for resource mobilisation and utilisation.

3.2 Principles Underpinning the PACS Management and Treatment of Child and Youth Offenders

3.2.1 Context

The management and treatment of child and youth offenders by PACS is grounded upon the principles listed in this section. These principles are informed by standards set out in international and domestic legal instruments and on best practices adopted by PACS.



Cognisant of the divergent developmental needs and diverse circumstances of offenders of different ages, attention is paid to the wide age-range adopted in Strategy. Thus, the Strategy is conceptualised around the categorisation below:

- i. Children and youth below the age of twenty-four (24) who are in the developmental stages;
- ii. Youth between the age of twenty-four (24) and thirty-five (35).

3.2.2 The Principles

With the exception of a few principles, which focus on children and are marked as such, the principles below apply to both categories.

- 1. Duty of care:** When dealing with child and youth offenders, PACS owes a duty of care throughout supervision, rehabilitation, reintegration and all other processes.
- 2. Treatment with dignity:** Child and youth offenders must be treated with dignity and with recognition of their agency.²⁷ A sense of dignity is critical as it impacts on the offender's reaction to the rehabilitation programmes.
- 3. Participation:** In fulfilment of the right to participate, child and youth offenders should have their views sought, heard and accorded the opportunity to participate in all levels of decision making.²⁸ They should also be encouraged to take responsibility for their actions.
- 4. Parental/guardian/family involvement:** Parental/guardian/family involvement is a critical component in the supervision, rehabilitation and reintegration of child and youth offenders.²⁹ Parenting that is supportive, proactive, and responsive promotes children's positive development. Similarly, family

support for youth offenders is critical in their rehabilitation and reintegration process.

- 5. Community Support:** The support of the community is vital in the rehabilitation of child and youth offenders, and should always be sought.
- 6. Crime prevention and early intervention:** Strategies and interventions addressing child and youth offending in communities operate in a continuum. Crime prevention and early intervention are critical components in the continuum which bear the most significant potential for reducing child and youth offending.³⁰
- 7. Confinement as a matter of last resort:** In all the stages of the justice system, deprivation of liberty should be considered the last option and for the shortest possible time.³¹
- 8. Expedient disposal of cases:** This right is particularly important for the child and youth offenders whose developmental processes and education are negatively impacted, especially by pre-trial confinement.³²
- 9. Restorative outcomes and rehabilitation:** The goal when dealing with child and youth offenders should be rehabilitation as well as realising restorative outcomes for both the offender and victim.³³ Restorative justice should be promoted to provide a platform for victims' involvement in the justice process, including holding the offender to account.³⁴
- 10. Individualised treatment:** All decisions made and interventions regarding child and youth offenders shall take into account individual rights, risks and needs informed by continuous assessment.
- 11. Accountability, transparency and professionalism:** When dealing with child and youth offenders, officers must keep them

²⁷ Convention on the Rights of the Child, art. 40(1); United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules), r. 36.

²⁸ UN Standards on the Minimum Standards on the Administration of Juvenile Justice (Beijing Rules), r.14.2; African Charter on the Rights and Welfare of the Child, art. 4(1).

²⁹ United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), r. 15.2; Child Offenders Rules, r.4 (2-4), r.8; Sentencing Policy Guidelines 2016, para 20.14.

³⁰ The United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), Para.1.

³¹ United Nations Standard Minimum Rules for the Administration of Juvenile Justice, r.17.1(c); Sentencing Policy Guidelines 2016, para 20.11; Sentencing Policy Guidelines 2016, clause 7.19.

³² Constitution of Kenya 2010, art. 50(2) (e); African Charter on the Rights and Welfare of the Child, art 17(2) (c); Convention on the Rights of the Child, art. 40(2) (b) (iii); International Covenant on Civil and Political Rights, art. 10(2) (b); Children Act 2001, s.186(c).

³³ Constitution of Kenya 2010, art.159; Guidelines for Action on Children in the Criminal Justice System, para 15; African Charter on the Rights of the Welfare of the Child; Art. 17(3).

³⁴ Victim Protection Act, S. 3(b) (iii).

well informed at all stages. Decisions made and interventions to be undertaken must be clearly articulated and documented. Officers must adhere to the principles underpinning the treatment of child and youth offenders.

- 12. Equality and non-discrimination:** The constitutional principles of equality and non-discrimination must be upheld at all times. All child and youth offenders must be served without discrimination on any basis, including race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth.
- 13. Victim participation:** Victims of offences should be involved at all stages of the justice system, and necessary support accorded to them to prevent re-victimisation.
- 14. Inter-agency collaboration and whole-system approach:** To achieve holistic treatment, a multi-sectoral and multi-disciplinary approach must be adopted when handling child and youth offenders.
- 15. Capacity building:** To effectively meet the rehabilitative needs of child and youth offenders, probation officers should receive continuous specialised training.
- 16. Best interests of the child:** The best interests of the child must remain the paramount objective in all undertakings involving child offenders.³⁵
- 17. Protection and care:** Owing to their vulnerability, the safety of children must be guaranteed at all times. Similarly, their welfare needs should be accommodated to promote their growth and development regardless of the crime committed.
- 18. Diversion:** As much as possible, child offenders should be diverted from the criminal justice system.³⁶

35 Constitution of Kenya 2010, Art. 53(2); Convention on the Rights of the Child, Art. 3(1); African Charter on the Rights and the Welfare of the Child, Art. 4; Children Act 2001, s. 4(2).

36 Convention on the Rights of the Child, art. 40(3) (b); United Nations Standard Minimum Rules for the Administration of Juvenile Justice, r.11; Guidelines for Action on Children in the Criminal Justice System, para. 15; United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines), clause 58; ODPP Diversion Policy, clause 2(b).

3.3 Key Legal and Policy Framework

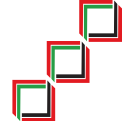
Management and treatment of child and youth offenders are governed by domestic and international law. Article 2(6) of the Constitution 2010 renders international instruments ratified part of the law of Kenya. Notably, while international legal instruments that have not been ratified by Kenya or are 'soft law', such as memorandums documenting standards, may not be binding, they inform best practices that should be pursued. The core statutes and policy documents that are instructive concerning the management and treatment of child and youth offenders in Kenya include but are not limited to the following.

Enabling Statutes

- Constitution of Kenya, 2010
- Children Act, No. 8 of 2001
- Criminal Procedure Code, Cap 75
- Community Service Orders Act. No.10 of 1998
- Borstal Institutions Act, Cap 92
- Education Act No. 14 of 2013
- Persons Deprived of Liberty Act, No. 23 of 2014
- Prevention of Domestic Violence Act No.2 of 2015
- Prevention of Female Genital Mutilation Act No. 32 of 2011
- Prevention of Terrorism Act No. 30 of 2012
- Probation of Offenders Act, Cap 64
- Prisons Act, Cap 90
- Power of Mercy Act, No. 21 of 2011
- Sexual Offences Act No.3 of 2006
- Technical and Vocational Education and Training Act No. 29 of 2013
- Mental Health Act No. 10 of 1989
- Victim Protection Act. No. 17 of 2014
- Computer Misuse and Cybercrime Act No. 5 of 2018

Policy Documents and Guidelines

- Probation and After Care Service Strategic Plan 2018 – 2022
- Bail and Bond Policy Guidelines, 2015
- Children Act (Protection of Fundamental Rights and Freedoms of the Child) Children Court Practice Directions, 2016
- Kenya Youth Development Policy, 2019



- Office of the Director of Public Prosecutions (ODPP) Diversion Policy, 2019
- ODPP Diversion Guidelines and Explanatory Notes, 2019
- ODPP Plea Bargaining Guidelines, 2019
- ODPP Prosecutor's Guide to Children in the Criminal Justice System, 2021
- National Standards and Regulation for Children's Institutions, 2013
- Probation Hostels Safeguarding Policy 2019
- Sentencing Policy Guidelines, 2016
- NCAJ Throughcare and Aftercare Procedures for Children in Statutory Institutions in Kenya, 2021

The international and regional legal instruments relevant to the management and treatment of child and youth offenders include but are not limited to:

- African Charter on the Rights and Welfare of the Child (29 November 1999)
- African Youth Charter (2 July 2006)
- Convention on the Rights of the Child (CRC) A/RES/44/25 (20 November 1989)
- International Covenant on Civil and Political Rights (ICCPR) General Assembly Resolution 2200 A (XXI), annex (16 December 1966)
- United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), General Assembly Resolution A/RES/40/33 (29 November 1985)
- United Nations Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (Body of Principles), General Assembly Resolution A/RES/43/173 (9 December 1988)
- United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), General Assembly Resolution A/RES/45/112 (14 December 1990)
- United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules), General Assembly Resolution A/RES/45/113 (14 December 1990)
- United Nations Standard Minimum Rules for Non-Custodial Measures (the Tokyo Rules), General Assembly Resolution A/RES/ 45/110 (14 December 1990)
- UN Children's Fund (UNICEF), Principles and Guidelines on Children Associated with Armed

Forces or Armed Groups (the Paris Principles) (February 2007)

- United Nations Rules for the Treatment of Female Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules), General Assembly Resolution A/RES/65/229 (21 December 2010)
- United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice, General Assembly Resolution A/RES/69/194 (26 January 2015)
- United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules), General Assembly Resolution A/RES/70/175 (17 December 2015)
- Neuchâtel Memorandum on Good Practices for Juvenile Justice in a Counter-terrorism Context
- UN Declaration of Human Rights.

3.4 Strategic Objectives and Action

In line with PACS' vision of a just, secure and crime-free society, this Strategy provides focus for PACS to effectively supervise, rehabilitate and reintegrate child and youth offenders. It entrenches the provision of responsive, individual-focused and holistic services for child and youth offenders. Informed by the principles underpinning PACS services for child and youth offenders, the situational analysis and the PACS Strategic Plan 2018-2022, the following are identified as the strategic areas of focus:

- Supporting expeditious trials for children and youth;
- Effective supervision of non-custodial orders for child and youth offenders;
- Holistic and effective interventions for child and youth offenders
- Effective reintegration and resettlement of child and youth offenders back to their families and communities;
- Victim participation and support services, and crime prevention;
- Strengthening of the institutional framework;
- Effective management of PACS facilities for child and youth offenders;

- Continuous assessment and evaluation on the implementation of the Child and Youth Justice Strategy;
- Enhancing information management and visibility of PACS regarding its services for children and youth;
- Inter-agency coordination and cooperation

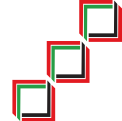
The overriding approach in designing interventions, supervision, reintegration and resettlement of child and youth offenders is paying due regard to the categorisation adopted in this Strategy. That is, children

and youth below the age of twenty-four (24), and youth between the age of twenty-four (24) and thirty-five (35). It is intended that the policies and programmes designed in compliance with this Strategy will be informed by the developmental needs and defining circumstances of each group.

Adopting the overall PACS KRAs set out in the PACS Strategic Plan 2018-2022, Table 4.1 below outlines the strategic focus, strategic objectives, corresponding strategies and the high-level activities that will guide PACS' trajectory regarding children and youth.

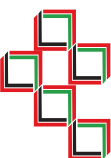
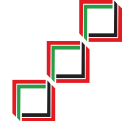
Table 3.1: Key Result Areas, Strategic Focus, Strategic Objectives and Strategies

Key Result Areas (KRA)	Strategic Focus	Strategic Objectives	Strategies/High-level Activities
KRA 1: Social Inquiries and Generation of Reports	Supporting expeditious trials for children and youth	To generate comprehensive social inquiry reports for child and youth offenders timeously to facilitate expeditious trials.	<ul style="list-style-type: none"> • Strengthening the capacity of PACS in conducting social inquiries • Enhance the implementation of assessment instruments to inform child and youth risks and needs classifications • Facilitate officers with resources to carry out social inquiries reports • Recruiting additional officers to rationalise the workload • Upscale the use of community probation volunteers to support investigations and report writing
		To prepare standardised reports to guide the courts in making decisions and sentencing for child and youth offenders	<ul style="list-style-type: none"> • Review/ strengthen and implement probation standardised tools and guidelines for child and youth offenders in report writing • Build the capacity of officers on the usage of assessment instruments and report writing on child and youth offenders
KRA 2: Supervision of Non-Custodial Orders	Effective supervision of non-custodial orders for child and youth offenders	To enhance supervision of child and youth offenders serving non-custodial orders	<ul style="list-style-type: none"> • Expand the use of probation reporting centres • Strengthen and expand the Community Probation Volunteer (CPV) programme to enhance the supervision of child and youth offenders • Upgrade the PACS statistical records to capture the specific information of the child and youth offenders • Introduce, implement and enforce the application of evidence-based practices in child and youth offender supervision • Develop guidelines on the management of child and youth violent extremist offenders • Introduce programmes for Countering Violent Extremism (CVE) supervision targeting the children and youth at risk • Develop supervision guidelines for children and youth serving non-custodial orders • Map out community-based work agencies with the potential to transfer relevant and marketable skills to child and youth offenders



Key Result Areas (KRA)	Strategic Focus	Strategic Objectives	Strategies/High-level Activities
KRA 3: Rehabilitation of offenders serving non-custodial orders	Holistic and effective interventions for child and youth offenders	To strengthen rehabilitation of child and youth offenders	<ul style="list-style-type: none"> • Improved interventions for child and youth offenders • Design screening and assessment tools for child and youth offenders • Develop and implement holistic, responsive child and youth offenders' specific rehabilitation programmes • Design assessments, treatment and rehabilitation programs specific to child and youth offenders • Review probation institutions' training and rehabilitation programs for child and youth offenders • Build capacity of probation officers on assessment, treatment programs and emerging crimes related to child and youth offenders • Design and implement interventions that address the special needs and vulnerable child and youth offenders • Design and implement need-based skills empowerment
		To strengthen restorative justice in the child and youth offenders' rehabilitation processes	<ul style="list-style-type: none"> • Develop child and youth guidelines for restorative justice • Build capacity of probation officers on restorative justice focusing on child and youth offenders • Engage partners in the implementation of sustainable restorative justice process for child and youth offenders
KRA 4 Reintegration and Resettlement of ex-offenders	Effective reintegration and resettlement of child and youth offenders back to their families and communities	To enhance child and youth reintegration and resettlement programs	<ul style="list-style-type: none"> • Revise and implement aftercare programmes for child and youth offenders • Conduct a baseline survey on reintegration and resettlement of Child and youth offenders • Develop a PACS aftercare policy for child and youth offenders • Design and implement individualised effective reintegration and resettlement programs • Sensitize all probation offices on resettlement and reintegration procedures for child and youth offenders. • Redesign programmes to support families to address root causes of criminality • Train officers on and implement the community focus approach for the reintegration of child and youth offenders (such as CARE model) • Strengthen private sector and community partnerships to provide psychosocial support for the reintegration and resettlement of child and youth offenders • Strengthen inter-linkages and collaboration in the criminal justice system for information sharing on child and youth offenders for purposes of reintegration and resettlement • Facilitate offenders' applications for the expunging of criminal records, by providing requisite documentation • Provide documentation for ex-probationers attesting to their rehabilitation • Establish and operationalise Probation and Aftercare gender-based halfway houses • Initiate enactment of After Care Act

Key Result Areas (KRA)	Strategic Focus	Strategic Objectives	Strategies/High-level Activities
KRA 5: Support Services to Victims of Offences and Crime Prevention	Victim participation and support services	To broaden strategies for victims' participation and support services.	<ul style="list-style-type: none"> Finalise and implement the departmental victims' rights and service charter Design restorative justice practices Develop guidelines on the handling of child and youth victims. Sensitise probation officers on victim service charter and the developed guidelines.
	Crime prevention	To broaden strategies on crime prevention for child and youth offenders	<ul style="list-style-type: none"> Develop departmental crime prevention strategy Develop and implement a child and youth crime prevention strategy. Strengthen and expand programmes in Probation Community Resource Centres (PCRC), Probation hostels and field stations
			<ul style="list-style-type: none"> Establish and enhance networks, and partner with National Government Administration Officers, County governments, learning institutions, non-state actors and other relevant stakeholders in crime prevention Sensitise families and the communities on the management of child and youth offenders Establish mechanisms of engaging parents and communities to address issues of children and youth at risk
KRA 6: Administrative Services	Strengthening the Institutional Framework	To strengthen the administrative and support functions for effective management of child and youth offenders.	<ul style="list-style-type: none"> Develop a framework for specialisation within PACS. Continue implementing National government policies on children and youth matters Review the existing legislations and policies to incorporate emerging issues of child and youth offenders, including Child Care and Protection manuals, Throughcare and Aftercare Procedures for Children in Statutory Institutions, Violent Extremist Offenders, among others Review the Probation Hostels Safeguarding Policy to incorporate the supervision of child probationers in the field Strengthen PACS dockets handling children and youth matters Institutionalise an Annual Child and Youth Offenders' PACS event to review lessons learnt to guide improvement in planning for their rehabilitation programmes Optimise Staff Performance through continuous training and induction of newly recruited officers
	Effective management of PACS institutions for child and youth offenders	To standardise the management of probation institutions.	<ul style="list-style-type: none"> Review the Probation Hostel Manual to incorporate standardised management practices and to reflect current and contextual realities Update infrastructural master plans for all institutions to support child and youth programmes Enhance the security in probation institutions Expand/improve the PACS institutional facilities and infrastructure to make them more environmentally friendly to the users Mobilize resources for the implementation of the developed child and youth programmes Leverage on technology to enhance service delivery



Key Result Areas (KRA)	Strategic Focus	Strategic Objectives	Strategies/High-level Activities
KRA 7 Monitoring and Evaluation	Continuous assessment on the implementation of strategy on Child and Youth Offenders	To strengthen M & E for child and youth programs	<ul style="list-style-type: none"> • Establish child and youth offenders' data and information management system • Conduct continuous internal monitoring at the station, regional and headquarters levels • Conduct appraisals, surveys and research on the performance of child and youth offender programs • • Develop and continuously update a compendium of research on child and youth offenders to inform practice • Build a repository of best practices • Facilitate the formation of an ex-child and youth probationers forum/support group
KRA 8 Communication and reporting	Enhance information management and visibility of PACS on its services for child and youth offenders	To promote publicity of PACS child and youth programs	<ul style="list-style-type: none"> • Review the PACS Communication Policy to address children's matters • Develop and implement PACS branding guidelines for child and youth offenders • Participate in community-based activities for children and youth • Develop communication and reporting protocols on child and youth programs to the national and international structures to fulfil international obligations
	Inter-agency collaboration and cooperation	To strengthen and streamline collaboration and partnerships	<ul style="list-style-type: none"> • Set up necessary ICT infrastructure and develop guidelines to facilitate virtual participation • Strengthen partnerships with County governments and other stakeholders

Annex 1: Implementation Matrix

Result Areas												
Strategic Objectives	Strategic Focus	Strategy	Expected Outcome	Expected Output	Output Indicators	Projected Targets					Person (s) Responsible	
						Y.1	Y.2	Y.3	Y.4	Y.5		
KRA 1: Social Enquiries and Generation of Reports												
Strategic Objective 1 To generate social enquiry reports timeously for child and youth offenders to facilitate expeditious trials.	Supporting expeditious trials	Facilitate officers with resources to carry out social inquiries for reports.	All cases expeditious investigated, prosecuted and disposed/ concluded	Officers facilitated on time to carry out investigations	% timely investigations and submission of reports	100	100	100	100	100	100	Court Services section
						100	100	100	100	100		
						100	100	100	100	100		
						100	100	100	100	100		
						100	100	100	100	100		
		Enhance the implementation of assessment instruments to inform child and youth risks and needs classifications		Compliance with risk and needs assessment tools	% compliance with tools	100	100	100	100	100	100	
						100	100	100	100	100		
						100	100	100	100	100		
						100	100	100	100	100		
		Strengthening the capacity of PACS in conducting social inquiries.		Well trained officers on child and youth related aspects in social inquiries	% officers trained	100	100	100	100	100	100	
						100	100	100	100	100		
						100	100	100	100	100		
		Recruiting additional officers to rationalise the workload.		Rationalised workload	No of officers recruited	300	400	-	-	-	-	
						412	412	412	412	412	412	
		Scale the services of Community Probation Volunteers (CPV)		Increased participation of CPVs in social inquiries	No. of CPVs supporting social inquiries	412	412	412	412	412	412	
						412	412	412	412	412	412	



Result Areas											
Strategic Objectives	Strategic Focus	Strategy	Expected Outcome	Expected Output	Output Indicators	Projected Targets					Person (s) Responsible
						Y.1	Y.2	Y.3	Y.4	Y.5	
	Preparation of standardized/ quality reports to guide the courts in making decisions	Review and implement probation standardised tools and guidelines for child and youth offenders report.	Well informed court decisions relating to child and youth offenders	Adequate guidance to probation officers through revised probation reports templates	% Probation reports templates revised to address emerging issues	100	100	100	100	100	HRM/D Section
		Build the capacity of officers on report writing on child and youth offenders.	Professionally generated, comprehensive and well written probation reports	Officers re-trained on report writing	No. of officers trained on report writing on child and youth offenders	300	300	400	500	470	
KRA 2: Supervision of Non-Custodial Orders											
Strategic Objective To enhance supervision of child and youth offenders serving non - custodial orders	Effective supervision of non-custodial orders for child and youth offenders	Expand the use of probation reporting centres	Improved supervision of non - custodial child and youth offenders with lowest level of absconding and re - offending	Reporting centres opened	No of opened reporting centres	132	132	132	132	132	Supervision Section
		Strengthen and expand the CPV programme to enhance the supervision of child and youth offenders		Increased supervision of child and youth offenders	No. of CPVs supporting supervision	412	412	412	412	412	
		Upgrade the PACS statistical records to capture the specific information of the children and youth offenders		Operational upgraded PACS statistical records	% Level of upgrading	100	100	100	100	100	

Result Areas												
Strategic Objectives	Strategic Focus	Strategy	Expected Outcome	Expected Output	Output Indicators	Projected Targets					Person (s) Responsible	
						Y.1	Y.2	Y.3	Y.4	Y.5		
	Introduce and enforce the application of evidence-based practices in child and youth offender supervision	Develop guidelines on management of child and youth violent extremist offenders		Evidence - based supervision practices for child and youth offenders introduced and applied	% of application of introduced practices	100	100	100	100	100	National Coordinator CSO	
						100	100	100	100	100		
	Introduce programmes for CVE supervision targeting the children and youth at risk	Develop supervision guidelines for children and youth serving non-custodial.		Developed management guidelines	% level of development	No of CVE programmes introduced	2	2	3	D3	3	
							100	100	100	100	100	
	Map out community-based work agencies with potential to transfer relevant and marketable skill to child and youth offenders.			Community – based work agencies mapped out for skills transfer to child and youth offenders	No of community based work agencies mapped out	No of community based work agencies mapped out	2,640	2,640	2,640	2,640	2,640	
							100	100	100	100	100	
KRA 3: Rehabilitation of Offenders serving Non-Custodial Sentences												
Strategic Objective 1 To strengthen rehabilitation of child and youth offenders	Interventions for child and youth offenders	Introduce screening and assessment tools for children and youth	Child and Youth offenders serving non - custodial sentences effectively rehabilitated	Screening and assessment tools for child and youth offenders at risk introduced	No of Screening and assessment tools introduced	1	1	1	1	1	Aftercare Section	
						1	1	1	1	1		



Result Areas											
Strategic Objectives	Strategic Focus	Strategy	Expected Outcome	Expected Output	Output Indicators	Projected Targets					Person (s) Responsible
						Y.1	Y.2	Y.3	Y.4	Y.5	
	Develop and implement holistic, responsive child and youth Offenders specific rehabilitation programmes	Child and youth specific rehabilitation programmes designed and implemented	No. of child and youth specific rehabilitation programmes designed	2	2	2	2	2	2	2	2
				2	2	2	2	2	2		
	Design assessments, treatment and rehabilitation programs specific to child and youth offenders	Offence-specific rehabilitation programmes designed and implemented	No. of offence-specific rehabilitation programmes designed	2	2	2	2	2	2	2	2
				2	2	2	2	2	2		
Review probation institutions training and rehabilitation programs for child and youth offenders	Effective rehabilitation programmes for child and youth offenders in probation institutions	No. of reviewed programmes for child and youth offenders in probation institutions	8	8	8	8	8	8	8	8	
			8	8	8	8	8	8			
Build capacity of probation officers on assessment, treatment programs and emerging crimes related to child and youth offenders	Trained probation officers	No. of officers trained	300	300	400	500	500	470	470	HRM/D Section	
			300	300	400	500	500	470			
Design and implement interventions that address the specific needs and vulnerable child and young offenders	Deigned and implemented special needs intervention programmes	% Level of designing and implementation	100	100	100	100	100	100	100	Aftercare Section	
			100	100	100	100	100	100			

Result Areas												
Strategic Objectives	Strategic Focus	Strategy	Expected Outcome	Expected Output	Output Indicators	Projected Targets					Person (s) Responsible	
						Y.1	Y.2	Y.3	Y.4	Y.5		
Strategic Objective 2 To enhance restorative justice in the process of rehabilitation of child and youth offenders	Enhance restorative justice in the process of rehabilitation of child and youth offenders	Develop restorative justice guidelines for child and youth offenders	Enhanced restorative justice for child and youth offenders	Restorative Justice for Child and Youth Offenders Guidelines developed	PACS Restorative Justice for Child and Youth Offenders Guidelines	1	-	-	-	-	-	-
		Build capacity of officers on restorative justice focusing on child and youth offenders		Trained probation officers	No. of officers trained	150	200	250	300	400	HRM/D Section	
		Engage partners in the implementation of sustainable restorative justice process for child and youth offenders		Sustainable/consistent restorative justice processes developed	% strategic engagement with partners for consistent support for restorative justice processes	100	100	100	100	100	Aftercare Section	
KRA 4: Reintegration and Resettlement of Ex-offenders												
Strategic Objective To enhance child and youth reintegration and resettlement programs	Effective reintegration and resettlement of child and youth offenders	Revise and implement after care programmes for child and youth offenders.	Child and Youth offenders from various institutions effectively reintegrated and resettled back to community	Revised after-care programmes	% of revised aftercare programmes	100	100	100	100	100	Aftercare Section	
		Conduct baseline survey on reintegration and resettlement of Child and youth offenders		Baseline survey on reintegration and resettlement of Child and youth offenders	National baseline survey	1	-	-	-	-	-	
		Develop a PACS aftercare policy for child and youth offenders		PACS aftercare for child and youth offenders policy	Aftercare policy	-	1	-	-	-	-	



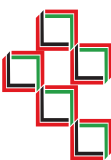
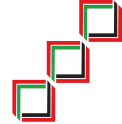
Result Areas											
Strategic Objectives	Strategic Focus	Strategy	Expected Outcome	Expected Output	Output Indicators	Projected Targets					Person (s) Responsible
						Y.1	Y.2	Y.3	Y.4	Y.5	
	Design and implement individualized effective reintegration and resettlement programs for child and youth offenders	Responsive reintegration and resettlement programmes	No. of programmes	1	1	1	1	1	1	1	
				100	100	100	100	100	100		
	Sensitize all probation offices on resettlement and reintegration procedures for child and youth offenders.	Training of officers on resettlement and reintegration of child and youth offenders	% of officers trained	100	100	100	100	100	100	100	
	Redesign programmes to support families to address root causes of criminality.	Family support programmes designed to address root causes of criminality	No. of family support programmes designed and implemented	2	2	2	2	2	2	2	
	Implement the community focus approach for reintegration of child and youth offenders (CAREmodel)	Implemented CARE model	%level of implementation	100	100	100	100	100	100	100	
	Strengthen private sector and community partnerships to provide psychosocial support for the reintegration and resettlement of child and youth offenders	Engagements with private sector and communities	No. of formal engagement with private sector and communities	10	10	10	10	10	10	10	

Result Areas												
Strategic Objectives	Strategic Focus	Strategy	Expected Outcome	Expected Output	Output Indicators	Projected Targets					Person (s) Responsible	
						Y.1	Y.2	Y.3	Y.4	Y.5		
		Establish inter-linkages and collaboration in the criminal justice system for information sharing on child and youth offenders for purposes of reintegration and resettlement		Linkages established	Level of establishment	100	100	100	100	100	100	
		Facilitate offenders to be expunged of criminal records		Offenders past criminal records expunged	Level of facilitation	100	100	100	100	100		
		Establish and operationalise Probation and Aftercare Halfway Houses		Half Way houses established	No of Half Way houses established	-	1	-	1	2		
KRA 5: Support Services to Victims of Offences and Crime Prevention												
Strategic Objective 1 To broaden strategies for victims' participation and support services.	Victim participation and support services	Revise and implement the departmental victims' rights and service charter	Improved provision of Victim services to children and youth by PACS	Standardised and responsive child and youth victims' services	Revised victims' rights and service charter	1	-	-	-	-	-	Crime prevention and Victim Services section
		Strengthen the restorative justice practices		Designing Implementation of restorative justice programmes	No. of restorative justice programmes designed and implemented	2	2	2	2	2		
		Develop guidelines on handling of child and youth victims.		Standardised and responsive handling of child and youth victims	Guidelines on handling of child and youth victims	1	-	-	-	-		
		Sensitise probation officers on victim service charter and the developed guidelines.		Trained officers	% trained officers	100	100	100	100	100		



Result Areas												
Strategic Objectives	Strategic Focus	Strategy	Expected Outcome	Expected Output	Output Indicators	Projected Targets					Person (s) Responsible	
						Y.1	Y.2	Y.3	Y.4	Y.5		
Strategic Objective To broaden strategies on crime prevention for children and youth	Crime Prevention	Develop and implement child and youth crime prevention strategy.	Reduced incidences of crime among children and youth	Children and youths at risk steered off crime	Child and youth crime prevention strategy	-	1	-	-	-	-	
		Strengthen and expand crime prevention programmes in Probation Community Resource Centres (PCRC), Probation hostels and field stations		Leveraging on existing PACS programmes to steer children and youths at risk from crime	No. of child and youth crime prevention programmes incorporated in PACS programmes	3	3	3	3	3		
		Develop departmental crime prevention strategy		Effective and standardised crime prevention programmes	PACS child and youth crime prevention strategy	1	-	-	-	-		
		Establish networks and partner with National Government Administration Officers, learning institutions, non-state actors and other relevant stakeholders in crime prevention		Partnerships with state and non-state actors on crime prevention engagements	No. of formal engagements with state and non state actors on crime prevention	2	2	2	2	2		
		Build the capacity of family and community in child and youth crime prevention and management of children and youth offenders		Sensitisation of families and communities on child and youth crime prevention	No. of sensitisation forums	11	11	11	11	11		
		Establish mechanisms of engaging parents to address issues of children and youth at risk		Structured and consistent engagement with parents on children and youth at risk	No. of programmes targeting parents on children and youth at risk	2	2	2	2	2		

Result Areas											
Strategic Objectives	Strategic Focus	Strategy	Expected Outcome	Expected Output	Output Indicators	Projected Targets					Person (s) Responsible
						Y.1	Y.2	Y.3	Y.4	Y.5	
KRA 6: Administrative Services											
Strategic Objective 1 To strengthen the administrative and support functions for effective management of child and youth offenders.	Strengthening the institutional framework and standardised management of pacs institutions	Develop a frame work for specialisation within PACS.	Improved institutional frame works and standardized management of institutions	Probation officers with requisite expertise dealing with child and youth offenders	Framework for specialisation within PACS	-	1	-	-	-	Director
		Implement national government policies on children and youth matters		Compliance with and leverage on national government policies on children and youth	National government policies mainstreamed in PACS programmes for child and youth offenders	9	9	9	9	9	
		Review existing PACS policies to incorporate emerging issues of children and youth offenders including Child Care and Protection manuals, Throughcare and Aftercare Procedures for Children in Statutory Institutions, Violent Extremism Offenders (VOE)		Policies guiding responsive interventions for child and youth offenders	% of Reviewed PACS policies relating to handling of and interventions for child and youth offenders	100	100	100	100	100	
		Review the Probation Hostels Safeguarding Policy to incorporate child probationers being supervised in the field		Reviewed safeguarding policy	Reviewed Policy	1	-	-	-	-	
		Establish docketts to handle issues of children and youth		Established docketts in place	No of docketts established	10	10	10	10	7	



Result Areas												
Strategic Objectives	Strategic Focus	Strategy	Expected Outcome	Expected Output	Output Indicators	Projected Targets					Person (s) Responsible	
						Y.1	Y.2	Y.3	Y.4	Y.5		
Strategic Objective 2 To standardise the management of PACS institutions	Institutionalise Annual Child and Youth Offenders' events to review lessons learnt and guide improvement in planning rehabilitation programmes.	Institutionalise Annual events for child and youth offenders	Effectively managed PACS hostels	Institutionalise Annual events for child and youth offenders	Level of institutionalization of the annual	100	100	100	100	100	- Director	
						300	300	400	500	470		
	Build capacity of Staff Performance through continuous training and induction of newly recruited officers.	Enhanced staff performance	Effectively managed PACS hostels	Enhanced staff performance	No of officers trained	No of officers trained	300	300	400	500	470	HRM/D Section
							1	-	-	-	-	
	Review the Probation Hostel Manual to incorporate standardized management practices and to reflect current and contextual realities.	Reviewed Probation Hostels managers and staff manual	Effectively managed PACS hostels	Reviewed Probation Hostels managers and staff manual	PACS Hostel Management Manual	PACS Hostel Management Manual	1	-	-	-	-	- Director
							9	-	-	-	-	
	Update infrastructural master plans for all institutions to support child and youth programmes	Updated infrastructural manuals	Effectively managed PACS hostels	Updated infrastructural manuals	No of updated manuals	No of updated manuals	9	-	-	-	-	- Aftercare Section
							-	2	2	2	3	
	Enhance the security in probation institutions through installation of security infrastructure	Enhanced security	Effectively managed PACS hostels	Enhanced security	No of institutions with enhanced security	No of institutions with enhanced security	-	2	2	2	3	Finance & Planning Section
							4	2	1	1	1	
Expand/improve the PACS institutional facilities and infrastructure to make them more environmentally friendly to the users	All institutions infrastructural facilities expanded	Effectively managed PACS hostels	All institutions infrastructural facilities expanded	No of institutions facilities expanded	No of institutions facilities expanded	4	2	1	1	1	- Director	
						1	1	1	1	1		

Result Areas												
Strategic Objectives	Strategic Focus	Strategy	Expected Outcome	Expected Output	Output Indicators	Projected Targets					Person (s) Responsible	
						Y.1	Y.2	Y.3	Y.4	Y.5		
Strategic Objective 3 To strengthen and streamline collaboration and partnerships	Mobilize resource for implementation of the developed child and youth programmes	Leverage on technology to enhance service delivery		Enhance resources	Level of mobilization	100	100	100	100	100	100	
				Enhanced use ICT	Level of technological adoption	100	100	100	100	100	Research & Statistics	
	Set up necessary ICT infrastructure and develop guidelines to facilitate virtual participation	Strengthen partnerships with County Governments	ICT guidelines developed	ICT guidelines	1	-	-	-	-	-	-	
			Strengthened partnerships with County governments	Level of partnership	100	100	100	100	100			
KRA 7: Monitoring and Evaluation												
Strategic Objective To strengthen M & E for child and youth programs	Continuous assessment on implementation of the child and youth justice strategy	Establish child and youth offenders data and information management system	Established child and youth offenders data and information management system	Level of establishment	25	50	75	100	100	-	M & E Section	
		Conduct continuous internal monitoring at station, regional and headquarter levels	Quarterly monitoring activities undertaken	No of monitoring activities undertaken	4	4	4	4	4	4		
		Conduct appraisals, surveys and research on performance of child and youth offender programs	Quarterly appraisals/ surveys/ researches conducted	No of appraisals/ surveys/ researches conducted	4	4	4	4	4	4		



Result Areas												
Strategic Objectives	Strategic Focus	Strategy	Expected Outcome	Expected Output	Output Indicators	Projected Targets					Person (s) Responsible	
						Y.1	Y.2	Y.3	Y.4	Y.5		
		Develop/update a compendium of research studies on child and youth offenders to inform practice		Compendium of research studies on child and youth offenders developed	Level of development	100	-	--	-	-	-	
		Build a repository of best practices		Repository of best practices developed	Level of development	100	-	-	-	-	-	
		Facilitate the formation of an alumni forum for ex-children and youth probationers		Alumni forum formed	Alumni forum	-	-	1	-	-	-	
KRA 8: Communication and reporting												
Strategic Objective To promote publicity of PACS child and youth programs	Information management and visibility of PACS	Review the PACS Communication Policy to address children matters.	Improved PACS publicity and visibility	Reviewed PACS communication policy	Communication policy	1	-	-	-	-	-	M & E Section
		Develop and implement PACS branding guidelines for child and youth offenders		Structured branding of PACS child and youth offender services	Branding Guidelines for Child and Youth Offenders	1	-	-	-	-		
		Participate in community based activities for children and youth.		PACS community presence in children and youth.activities	% of participation in community based activities	100	100	100	100	100	100	
		Develop communication and reporting protocols on child and youth programs to the national and international structures to fulfil international obligations		Protocols developed	Level of development	100	100	100	100	100	100	

Our Vision

A just, secure and crime-free society

Our Mission

To promote and enhance the administration of justice, community safety and public protection through provision of social inquiry reports, supervision, rehabilitation and reintegration of non-custodial offenders, victim support and crime prevention

Our Core Values

Fairness

Reliability

Respect for human dignity

Confidentiality

Integrity

Professionalism

Our Standards

We are committed to the administration of justice, national security and public safety

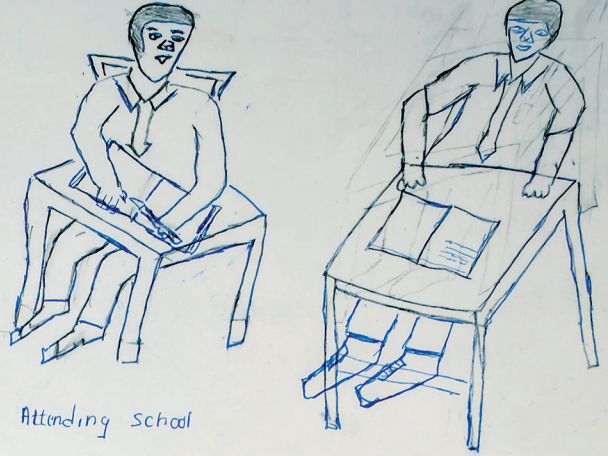
KIBERA PROBATION OFFICE

PAST



Drugs abuse

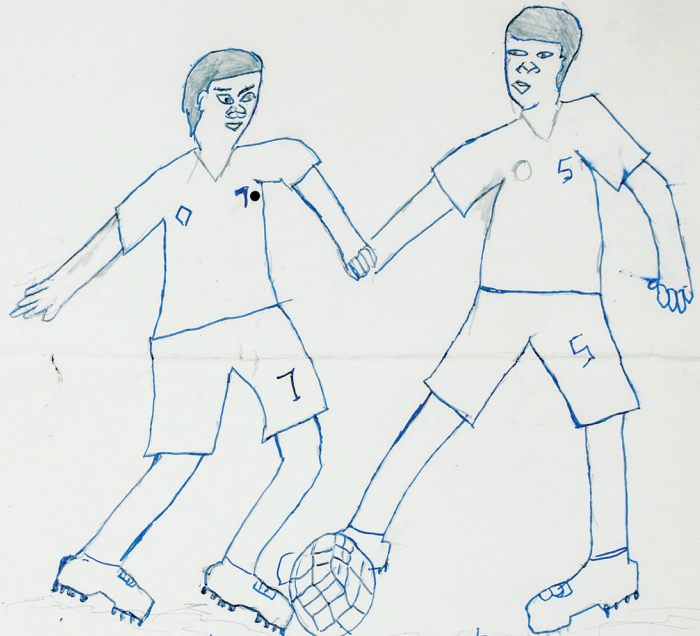
NOWDAYS



Attending school



STEALING



FUTURE

Playing During leisure time



Fighting Each other



Everybody has a dream



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