



George Gĩthĩnji

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Researcher | Writer | Devolution | Public Finance | Blogger | PesaCheck Fellow

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Who Is Responsible For Nairobi's Street Kids?

Is the county justified to claim that the national government bears the most responsibility for their welfare?



The disappearance of 470 street children detained in Nairobi County in May of 2017 has led to some debate over whose custody the homeless children who roam the streets of the city fall under.

The children were reportedly detained by police working with Nairobi County officials in order to take them off the street and either place them in care centres or take them back to their homes.

However, county officials denied being involved in the swoop, even as Nairobi County Police Commander Japhet Koome confirmed that the children and a few adults have been placed in different cells in the city during that time.

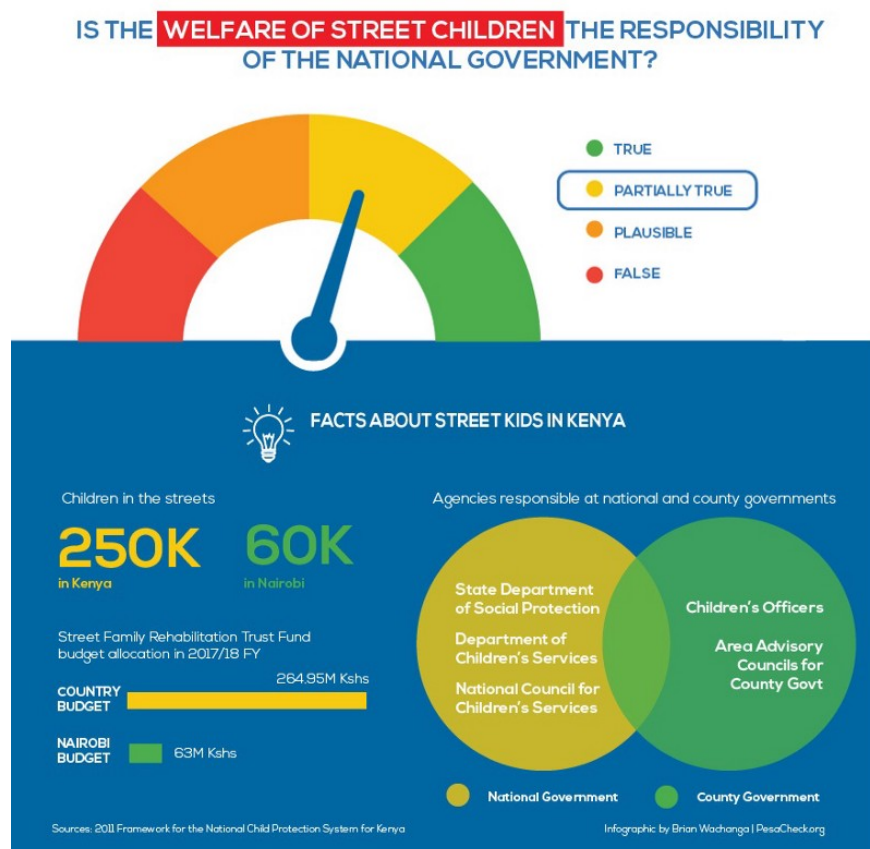
A check by the Nation at three of the four rehabilitation centres run by the Nairobi County government—Shauri Moyo, Joseph Kang'ethe,

Kayole and Bahati—found that there were no children who arrived there around the time of the operation, prompting questions over where the children disappeared to.

The county government maintains that they have no resources to take care of the children, adding that the overall responsibility is on the national government to house and rehabilitate the street children, despite having run rescue and rehabilitation operations in the past.

So the question is, who between the national and the county governments bears most responsibility for the welfare of street children?

How true is the claim by Nairobi County that the responsibility of taking care for street children is mainly on the national government?



PesaCheck has researched the issue, with input from the ***International Budget Partnership in Kenya*** and finds the claim to be ***PARTIALLY TRUE*** based on the following facts:

The issue over how to handle the situation of street children in Nairobi has generated much debate, especially considering the crimes they are often accused of, including mugging and harassment on the streets of Nairobi. Additionally, Nairobi governor Mike Sonko is calling for the children to be employed as cleaners as well as be provided with housing by the county government.

An estimate by the Consortium of Street Children (CSC) puts the number of street children in Kenya at between 250,000 and 300,000, with 60,000 in Nairobi alone.

The disappearance of 470 children may not sound like much given these numbers, but it is only the latest in a number of incidents that have highlighted the general lack of clarity over who is responsible for the welfare of street children. This confusion and inaction on the part of the various agencies tasked with ensuring that the children are taken off the street for rehabilitation is putting more children on the streets at risk, even as officials repeatedly pass the buck over who is actually responsible for them.

In order to understand the argument over who between the county and the national governments is responsible for the welfare of street children, we need to look at the various policy documents that are meant to guide how each level of government responds to this situation.

The national government recognizes that child protection is a multi-sectoral and multi-disciplinary issue that requires everyone to be involved in order to prevent violence and exploitation of children and respond to protection related needs.

The 2011 Framework for the National Child Protection System for Kenya breaks down the roles of the national and the county governments in child protection based on the roles and functions they perform. Additionally, the County Child Protection Systems Guidelines contain a coordinated action plan at county level, and providing direction for both formal and informal actors.

The national government's role in all this is to coordinate the actions of various agencies under the Ministry of Gender, Children, and Social Development. The Ministry is charged with the responsibility of

safeguarding the welfare of children in the country through the State Department of Social Protection and the Department of Children's Services. Additionally, the National Council for Children's Services also formulates policies, coordinates, oversees and advocates for children's rights.

The 2011 framework also shows that the county government's role is to coordinate and align children activities into County Governments' plans and programs. The county governments are tasked with mobilizing resources on behalf of children, facilitating training for Children's Officers and Area Advisory Councils, and implementing the National Data Information System in every sub-county.

The national government set up the Street Family Rehabilitation Trust Fund (SFRTF) in March 2003 to be used for schools and rehabilitation centres for children removed from the streets. The national government has been budgeting annually for the fund and in the current financial year 2017/18, the proposed allocation was KSh264.95 million with a target of 3,000 street families to be reintegrated with their families.

In the financial year 2017/18 budget estimates, the Nairobi County government proposed an allocation of KSh63 million to rescue and rehabilitate 2,000 street children.

Therefore, we can conclude that, while a big chunk of the child protection role, budget and functions fall under the national government, the county governments also have a role to play in the implementation of programmes to rescue and rehabilitate street children, meaning that their welfare is a concurrent function.

This makes the claim by the county that the national government bears most of the responsibility in the caring of street children to be **PARTIALLY TRUE.** The national government is in charge of the national child protection and welfare system, while the County Coordinator of Children's Services is responsible for the programmes and projects at county level to ensure that the system is functioning.

The county's claim that it has no resources for this is also **MISLEADING**, given the various allocations it has made, and the fact that it is currently running four rehabilitation centres—Shauri Moyo,

Joseph Kang'ethe, Kayole and Bahati—and a fifth one, the Ruai Rehabilitation Center, is currently under construction.

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*This report was written by PesaCheck Fellow **George Githinji**, a researcher and writer with interest in devolution and public finance. The infographics are by PesaCheck Fellow **Brian Wachanga**, who is a Kenyan civic technologist interested in data visualisation. The report was edited by PesaCheck Managing Editor **Eric Mugendi**, with fact-checking support from the **International Budget Partnership (Kenya)***

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