

Social Factors Affecting Implementation of Children's Rights Policies in Nakuru County, Kenya

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Abstract: Kenya has many children policies in place, the study sought to explain social factors working against the implementation of children policies. This study, therefore, sought to find out the underlying tensions within the existing policy. The study is guided by the fact that there are still significant violations of children rights despite the existence of sufficient legal instruments in place. The purpose of this study was to: establish social factors affecting implementation of children rights policies in Nakuru County, Kenya. The theories guiding the study were; human life protection and dignity theory, and human well-being theory. The study used a case study research design. The population of the study was all the 112 members working with the children allied organizations in Nakuru County. Total population sampling was used to select all the members working with the children allied organizations in Nakuru County. To ensure validity of the instruments, the research instruments were given to the experts from the Faculty of Education and Community Studies for content validation. Piloting of the questionnaires was done in one children allied organization in Kericho County. Cronbach's alpha was used to test reliability of the questionnaires to be used in the study and a correlation coefficient of 0.782 was established and considered acceptable. Quantitative data was analyzed using descriptive statistics such as frequencies, percentages, mean scores and multinomial regression analysis by the use of SPSS software. The study findings will be beneficial to the government and children policy practitioners as they may be used to formulate and implement better policies for the children.

Keywords: *Social factors, Children rights, implementation, policies, rights implementation.*

I. INTRODUCTION

The UN General Assembly adopted unanimously the United Nations Declaration on the Rights of the Child (1959). It envisioned ten principles for the protection of children rights and freedoms, including the universality of, the right to special protection, from discrimination, among other rights. Interpretations of children rights range from allowing children to have capacity for independent action to the enforcement of children being physically, mentally and emotionally free from any form of abuse, though what constitutes abuse is a matter of debate (UNICEF Report, 2009).

The United Nations'1989 Convention on Children rights, CRC, is the first international legally binding instrument to embrace the full range of human rights including civil, cultural, socio economic, and political rights. Its ultimate implementation is monitored by the UN Committee of Child rights. Governments that ratify this statute commit themselves wholesomely to protecting maximally and ensuring children rights, and expressly agree to hold themselves fully accountable for this commitment before the international community. (UNICEF, 2008) Notably, the CRC is one of the most widely ratified human rights treaties with 195 ratifications. South Sudan and the United States are the only two countries which have not yet fully ratified the CRC. The CRC is based on four core principles, these are; the principles of non discrimination, best interests of the child, right to life, survival and basic development, and considering the views of the child in decisions which affect them fully(according to their age and maturity). The CRC, together with International criminal accountability institutions such as the International Criminal Court (ICC), International Criminal Tribunal for Rwanda (ICTR) and International Criminal Tribunal for Yugoslavia (ICTY), which are said to have significantly boosted and increased the profile of children rights worldwide (Morrow, 2006).

The condition of Africa's children is appalling and it's an indictment on the world that matters have been allowed to degenerate to the current levels. The gains of previous decades are being rolled back by deepening impoverishment, continuing armed conflict and above all by the HIV/AIDS pandemic. Africa is not only faced by a moral imperative to put up correct policy measures but also correct legal obligations to ensure children rights are safeguarded. Today, the CRC, and the African Charter on the Rights and Welfare of the Child, are in force and moving decisively towards a new era: the era of the rights of the child. By ratifying these international conventions, governments have assumed legal obligations that mark the fundamental shift in the way children issues are handled (Alston & Tobin, 2005).

Among the rights enshrined in the CRC are the rights to life and education. African countries are poor and their governments have weak capacities and financial muscle power. Their prospects have been further undermined by an adverse economic order, structural adjustment programmes, war and HIV/AIDS. But resource constraint does not absolve parties to the CRC from undertaking efforts to realise the rights of the child. Article 4 of the CRC underlines that 'State Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international cooperation' the nature of this obligation is clarified by the Limburg Principles, adopted by the UN Economic and Social Council,(1986). These principles apply with equal force to the CRC.

Regionally, countries like Uganda, Child rights are protected by several laws designed to ensure full protection of children and provide for their welfare, this includes an ordinance that specifically addresses for regional positions as child delegates to ensure full safeguard of the rights and interests entitled to children. However, as with most legal protocols, this is the official position, based on laws that have only a status on paper. There are no express provisions for the execution of these laws, and as any visit to most medium towns in Uganda will show, there are scores upon scores of children in the street who live on the verge of starvation and who are mostly ill treated (Hilven, 2007).

The situation presently available for the children of Kenya is of important stature, because they make up an unusually large portion of the total populace. Forty percent of Kenya's total population is aged under 14 years, while most of the Western and first world countries have less than 20% of their population in this age group. The percentages are actually skewed somewhat by the low life expectancy in Kenya (due largely to the spread of HIV and AIDS and malaria infections), which leaves the country with a very small population of the older generations. This also translates to the fact that many of Kenya's children are orphans. (Save the Children International, 2013).

Legal documents and statutes to protect children rights have proliferated in most states and nations in the world. In Kenya the full granting and proliferation of children rights are safeguarded in the following legal documents; The Penal Code (Cap.63 Laws of Kenya), The Evidence Act (Cap 80, Laws of Kenya), Matrimonial Causes Act (Cap 152, Laws of Kenya), Subordinate Courts (Separation and Maintenance) Act, Employment Act (Cap 226, Laws of Kenya), The Children Act (Cap. 586, Laws of Kenya), and The Constitution of Kenya (2010). Since the advent of the ACRWC Charter, many Kenyans have gone to validly claim that particular benefits they desired as a matter of human and people's rights are provided for including liberal and progressive clauses guarantying children rights. Guarantying

While malaria continues to be the biggest killer of children in Kenya, there was a forty four per cent in under-five deaths from malaria in the malaria endemic areas. This was achieved through effective treatment following a change in the drug policy to combination therapy, the distribution of over twelve million insecticide-treated bed nets, and the use of preventive malaria treatment during pregnancy. Between 2002 and 2006 the percentage of children under five sleeping under a treated net increased from just four to fifty two, while access to prompt and effective treatment rose from four per cent to sixteen per cent (Save the Children International, 2013).

The status of children and their rights have not changed significantly despite the existence of many legislative policies in Kenya that include; the Children Act, The Sexual Offences Act, and the 2010 Constitution of Kenya. Children in Nakuru County like their counterparts in other parts of the country continue to suffer from child rights violations such as rape, child labour, early marriages, Female Genital Mutilation and low enrollment in schools. Specific social and economic factors that affect implementation of children rights policy in Nakuru County have not been comprehensively unearthed especially from the implementers' perspectives. It is upon this premise that this study intended to fill this gap.

Purpose of the Study

The purpose of this study was to determine the social factors affecting implementation of children rights policies in Nakuru County.

Objective

To establish social factors affecting the implementation of children rights policies in Nakuru County

II. METHODOLOGY

This study used case study design where the researcher purposefully selected a typical case (Nakuru is a typical representation of the status of implementation of children's rights policies in Kenya). The study used a semi structured questionnaire to find out the social and economic factors. The population of the study was 112 which is the number of members working with the 12 Children Allied Organizations in Nakuru County. The study adopted a total population sampling and purposive sampling. Total population sampling was used to select all the members working with the 12 children allied organizations in Nakuru County who are 112 in number for the questionnaires. The researcher used semi structured questionnaires to collect data. The questionnaires were researcher administered. The questionnaire was semi structured so as to determine the socio-economic factors

influencing implementation of children rights policies in Nakuru County. Reliability of the questionnaires was tested by pilot testing and internal consistency gauged. To test the internal consistency of the items listed on the questionnaires, the researcher used the Cronbach's Alpha Coefficient. Cronbach's Alpha is a statistical coefficient that is used to rate the reliability of an instrument. The questionnaires were pilot tested at one children allied organization in Kericho County. Ten (10) questionnaires were given to the members working with the organization. A correlation coefficient of 0.782 was obtained and this was considered acceptable (Maxwell, 2013).

III.RESULTS

Table 1: General Analysis of how Social Factors Affect Implementation of Children Rights Using Multinomial Logistic Regression (NOMREG)

Factors/outcome	Effects	N	Marginal %
Implementation of children' rights	Not at all	6	6.2%
	To a small extent	9	9.3%
	Not sure	20	20.6%
	To a big extent	39	40.2%
	To a very big extent	23	23.7%
How culture affect implementation of children' rights	Not at all	5	5.2%
	To a small extent	4	4.1%
	Not sure	11	11.3%
	To a big extent	44	45.4%
	To a very big extent	33	34.0%
How social class affect implementation of children' rights	Not at all	3	3.1%
	To a small extent	3	3.1%
	Not sure	9	9.3%
	To a big extent	57	58.8%
	To a very big extent	25	25.8%
How organizational politics affect implementation of children rights	Not at all	4	4.1%
	To a small extent	12	12.4%
	Not sure	50	51.5%
	To a big extent	29	29.9%
	To a very big extent	2	2.1%
How gender disparity affect implementation of children' rights	Not at all	1	1.0%
	To a small extent	7	7.2%
	Not sure	34	35.1%
	To a big extent	38	39.2%
	To a very big extent	17	17.5%
How ethnicity affect implementation of children' rights	Not at all	15	15.5%
	To a small extent	40	41.2%
	Not sure	26	26.8%
	To a big extent	11	11.3%
	To a very big extent	5	5.2%
How religious affiliations affect implementation of children' rights	Not at all	4	4.1%
	To a small extent	8	8.2%
	Not sure	43	44.3%
	To a big extent	33	34.0%
	To a very big extent	9	9.3%
Totals		97	100.0%

The case processing summary shows the extents to which social factors affect implementation of children rights policies. It can be observed that 6.2% said that social factors do not affect implementation of children policies.9.3% to a small extent, 20.6% were not sure, 40.2% to a big extent, while 23.7% to a very big extent. It can be deducted that an overwhelming majority of 73.2% said that social factors affect implementation of children rights in Nakuru County. The participants responded to how they thought different aspects of social factors affected implementation of children rights in Nakuru County. Culture: 34% said that culture of the cases they had handled affected implementation of children rights to a very big extent. 45% said that culture affected implementation of children rights to a big extent, while 11% said they were not sure whether culture affected implementation of children rights. 4% of the respondents said culture affected implementation of rights to a

small extent while 5% of the respondents said culture did not affect implementation of children rights. Social class: 25.8% said that social class of the cases they had handled affected implementation of children rights to a very big extent. 58.8% said that social class affected implementation of children rights to a big extent, while 9.3% said they were not sure whether social class affected implementation of children rights. 3.1% of the respondents said social class affected implementation of rights to a small extent while 3.1% of the respondents said social did not affect implementation of children rights.

Organizational politics: 29.9% said that organizational politics affected implementation of children rights to a very big extent. 51.5% said that organizational politics affected implementation of children rights to a big extent, while 12.4% said they were not sure whether organizational politics affected implementation of children rights. 4.1% of the respondents said organizational politics affected implementation of rights to a small extent. Gender disparity: 17.5% said that gender disparity of the cases they had handled affected implementation of children rights to a very big extent. 39.2% said that gender disparity affected implementation of children rights to a big extent, while 35.1% said they were not sure whether gender affected implementation of children rights. 7.2% of the respondents said gender disparity affected implementation of rights to a small extent while 1% of the respondents said gender disparity did not affect implementation of children rights.

Ethnicity: 5.2% said that ethnicity of the cases they had handled affected implementation of children rights to a very big extent. 11.3% said that ethnicity affected implementation of children rights to a big extent, while 26.8% said they were not sure whether ethnicity affected implementation of children rights. 41.2% of the respondents said ethnicity affected implementation of rights to a small extent while 15.5% of the respondents said ethnicity did not affect implementation of children rights.

Religious affiliations: 9.3% said that religious affiliations of the cases they had handled affected implementation of children rights to a very big extent. 34% said that religious affiliations affected implementation of children rights to a big extent, while 44.3% said they were not sure whether religious affiliations affected implementation of children rights. 8.2% of the respondents said religious affiliations affected implementation of rights to a small extent while 4.1% of the respondents said religious affiliations did not affect implementation of children rights.

Table 2: Combined Analysis of how Social Factors Affect Implementation of Children Rights Using Simple Linear Regression Model Summary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	1.007 ^a	.731	.71	1.66239

a. Predictors: (Constant), How religious affiliations affect implementation of children' rights, How social class affect implementation of children' rights, How gender disparity affect implementation of children' rights, How organizational politics affect implementation of children rights, How ethnicity affect implementation of children' rights, How culture affect implementation of children' rights The combined analysis of how social factors affect implementation of children rights shows that 73% of the respondents opined that indeed the listed social factors affect implementation. This means that there are other factors accounting for 27% which were not captured by this study.

Table 3: Effect of Individual Social factors on Implementation of children rights

Factor	Impact on Implementation (%)
Culture	10.16
Social class	10.67
Organizational politics	10.40
Gender disparity	7.77
Ethnicity	7.02
Religious affiliations	6.27
Total	52.29

Table 3 shows how individual social factors affect implementation of children rights policies in Nakuru County. This means that if culture was to be removed from the social factors, implementation of children rights will be affected by 10.16%, social class by 10.67%, organizational politics by 10.40%, gender disparity by 7.77%, ethnicity by 7.02%, Religious affiliations by 6.27%. This totals to 52.29%.

This is captured by the Jones and Young, (2007) formula:

$$\begin{aligned} & \frac{\text{Percentage of individual factor}}{\text{Total percentage of all factors}} \times \text{Actual effect percentage} \\ & = \frac{\text{Culture (83.5)}}{600} \times 73 \\ & = 10.16\% \end{aligned}$$

From the total percentage of 73.2%, the above six factors account for 52.29%, this means that there are a 20.91% of other social factors affecting implementation of children rights policies in Nakuru County but are not captured in this study.

IV. DISCUSSION

These study findings are in agreement with various other study findings that have been conducted before to determine the implementation of children rights policies. According to, Jones & Villar, (2008) children rights implementation system should be considered flawless if it can protect its clients from exploitation and harm. This has changed over time, because it has failed to fully guarantee clients' contentment. Jones, 2005 further found that, this provision has overlooked the rights of its clients and at the same time equally ignored implementers plight in terms of pay packages and remunerations. This has equally been replicated in this study in that the implementers' have largely been ignored by upcoming policies. This study found that implementers have no good remuneration packages and financial packages thus affecting their work morale and general implementation of these rights.

Mcdonald, (2008) found that cultural factors affect and present challenges in the child welfare system in Malaysia. Both implementers and clients are faced with an enormous challenge of bridging the gap from their cultural practices and implementation according to the law of the country. This is affected by the kind of background upbringing in the country which has a roughly equal number of Shia and Sunni Muslim populations. The same has also been established in this study where cultural factors were found to play a significant role in implementation of children rights. The implementers' cultural biases affected implementation of these rights to a significant extent.

V. CONCLUSION

From this study, it was concluded that Social factors affect implementation of children rights policies. These include; culture, ethnicity, organizational politics, gender and religious affiliations.

VI. RECOMMENDATIONS

Based on the results of this study, the following recommendations are therefore proposed;

1. Develop, implement and monitor appropriate and comprehensive policies, strategies and laws, with a strong focus on the particular needs of the most vulnerable and marginalized children, thereby providing a supportive and protective political and regulatory environment for addressing child survival and development.
2. Allocate adequate resources and ensure that budgets are child centered.
3. Empower parents and families with knowledge, skills and adequate resources to care for their young, including the development of mechanisms for ensuring meaningful and well-informed community participation at all levels in decision-making processes and design of health services, ensuring that the voices of the most vulnerable are being heard and their needs taken into account.
4. The national and county governments to undertake all necessary measures to ensure that all children are registered at birth, inter alia, by using mobile registration units and make birth registration free of charge. The study also reminds State parties of the importance of facilitating free late registration of birth and to ensure that children, despite being not yet registered, have equal access to health care, education and other social services.

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