CRIMINAL JUSTICE PROCESS: THE ENFORCEMENT OF RIGHTS OF THE CHILDREN IN KENYA

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This research addresses the implementation of the rights of the children in Kenya with a predisposition towards the criminal arena. The study addresses the criminal judicial process through the courts and other executive structures correlated with the Judicial System. The study further interrogates the rights of children in the criminal justice system as provided for both in statute and international instruments.

The research has demonstrated that there are massive challenges in implementation of these rights and this is seen in instances where children are brought to court without legal representation, where there are delays in hearing and in other instances where they are held in custody without being released on bail terms or being mixed with adults when they have been arrested.

The research addresses the right to fair and speedy trial as provided for in Rule 12 of the children Offenders Rules, a right to legal representation as envisaged in section 77 of the children Act, the right to access Justice as provided for in Article 48 of the Constitution 2010 and further gives an overview of the rights of the children in Kenya as provided for by statute i.e. the Children Act, Constitution and International instruments.

The research examines existing literature on the subject of the rights of the children in the criminal process; the challenges faced in accessing justice for these children and assess theories that surround the topic. At the tail end it arrives at various conclusions makes various recommendations to fill the identified gaps.