

**REPORT ON TECHNICAL  
MEETING TO DISCUSS  
RECOMMENDATIONS  
ON THE RIGHTS  
OF ORPHANS AND  
VULNERABLE CHILDREN**

*HELD IN NAIROBI, KENYA ON 14TH JULY 2010*

*PREPARED FOR ACTIONAID INTERNATIONAL,  
KENYA*





*The technical committee deliberates over the human rights issues concerning orphans*

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## **ABBREVIATIONS**

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AAIK . . . . .	Action Aid International, Kenya
A.G. . . . .	Attorney General
AIDS . . . . .	Acquired Immune Deficiency Syndrome
CBOs . . . . .	Community Based Organizations
CLAN. . . . .	Children’s Legal Action Network
COGRI . . . . .	Children of God Relief Institute - Nyumbani
CRADLE . . . . .	The children’s foundation
HIV . . . . .	Human Immuno-deficiency Virus
KELIN . . . . .	Kenya Ethical Legal Issues Network on HIV and AIDS
KNCHR. . . . .	Kenya National Commission on Human Rights
NGO . . . . .	Non-governmental Organization
OSIEA . . . . .	Open Society Initiative for East Africa
OVC . . . . .	Orphans and Vulnerable Children
PMTCT . . . . .	Prevention of mother to child transmission
TSC . . . . .	Teachers Service Commission
UNAIDS. . . . .	United Nations Joint Programme on HIV
UNICEF. . . . .	United Nations Children’s Fund
WOFAK . . . . .	Women Fighting AIDS in Kenya

## 1.0 EXECUTIVE SUMMARY

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KELIN was given the mandate to organize a technical meeting to discuss recommendations on the Rights of OVCs. This was a follow-up meeting to the consultative breakfast meeting held on 18th June 2010 to deliberate on the rights of OVC's to family property, knowing government policies and procedures on administration of estates and of acquisition of registration of birth & identification documents. The meeting was held on 14th July 2010 at the Silver Springs Hotel in Nairobi from 8.00am to 1.00pm.

The objective of the meeting was to come up with comprehensive notes solidifying the key way forward towards enhancing the realization of rights of OVCs and to set out some immediate activities and interventions in relation to the same. The proposals developed at this meeting would be forwarded to the Attorney General's office for his consideration and action.

The meeting was facilitated by KELIN with logistical support from AAIK. After a brief introduction of all the participants Ms. Melba Katsivo, the Advocacy and Training Officer of KELIN, briefed the participants of the recommendations and next steps that had been agreed upon at the previous meeting. It was encouraging to receive feedback that the cases presented at the previous meeting<sup>1</sup> highlighting the difficulty faced by OVCs in obtaining birth certificates and national identification cards had been followed up. Sister Mary Owens of COGRI – Nyumbani reported that a lot of assistance has been afforded to her by Ms. Jane Kariuki of the Department of Civil Registration resulting in 12 birth certificates being obtained and several others still being processed.

The participants agreed that interactions and deliberations in smaller discussion groups would enable a more in-depth analysis and detailed inputs on the recommendations put forward at the previous meeting<sup>2</sup>. The detailed outcomes of the meeting are discussed below.

## 2.0 TASK FORCE

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The participants stressed on the need for the formation of a task force to look into issues surrounding OVCs and possible amendments of the Laws with a view of facilitating the realization of their rights. The participants felt that the Government should spear head the operations of the taskforce but identified members who could potentially form membership of this task force:

### GOVERNMENT PARTNERS

- State Law – Office of the Public Trustee
- Ministry of Gender and Children and Social Development
- Department of Children's Welfare
- Ministry of State for immigration and Registration of Persons
- Department of National Registration Bureau
- Department of Civil Registration
- Judiciary

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<sup>1</sup> *Half-day consultative breakfast meeting held at Sarova Panafric Hotel, Nairobi on 18th June 2010 to deliberate on the rights of OVC's to family property, knowing government policies and procedures on administration of estates and of acquisition of registration of birth & identification documents*

<sup>2</sup> *SUPRA*

## **OTHER PARTNERS**

- KELIN
- WOFAK
- Cradle
- COGRI - Nyumbani
- Little Angels
- Other CBOs

## **DONOR PARTNERS**

- UNICEF
- Action Aid International , Kenya
- OSIEA

The number of members and the operations of the Task Force were to be decided at a later date upon further consultations.

## **3.0 RECOMMENDATION**

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### **I/ NEED FOR ADVOCACY**

The areas of advocacy were identified with focus on the special needs of OVCs:

- a) Lack of Basic necessities and neglect
  - Utilizing vernacular radio stations to create awareness on the rights of OVCs and the consequences of Neglect
  - Identify specific cases of neglect within the communities by using organizations already on the ground (Key Actors KELIN, The Cradle, WOFAK)
  - Developing a system for reporting of cases relating to OVCs
  - Mobilize Children's department officers to follow up on this cases
  - Develop strategies for reintegration into society at majority age after leaving children institutions e.g. community dialogues to emphasize the roles and obligations of the community in this process
  - Lobby the Government to provide employment opportunities and social protection for OVCs being integrated back to society
  - Establish criteria for social protection
  - Ensure that the statistics relating to OVCs are accurate and up to date.



*Representatives from KELIN, Action Aid International, Kenya and OSIEA*

b) Lack of Psychosocial support

- Train key institutions e.g. children’s department, local authority, police, judiciary, etc. in order to sensitize them on OVCs (identify and begin with a few pilot projects) (Key actors KELIN)
- Lobby the children’s department to partner with CBOs and CSOs which provide counseling to assist in providing psychosocial support to OVCs
- Advocacy around requirements & procedures acknowledging the difficulties facing orphaned (esp. non-Kenyans)
- Policy briefs by the Government on corruption

c) Identity documents

- Provincial departments & others to provide Policy circulars on requirements and timelines for procedures acknowledging special considerations for OVCs as a result of their vulnerability
- Advertisements on requirements and timelines for procedures
- The public should be informed of the simplified procedures in obtaining identification documents
- Community dialogues & mobilization using key community leaders in chiefdoms, churches and burial services to disseminate information on registration

**II/ ACCESS TO PROPERTY AND INHERITANCE**

- Community awareness on Trustees Office and customary law
- The office of the AG should bring its services closer to the people, e.g. by making use of the Chiefs offices and the traditional structures to act as middlemen between the communities and the AG

**III/ DEALING WITH STIGMA AND DISCRIMINATION**

- Media involvement on vulnerabilities of orphans and information on rights and options for reintegration
- Statement by government through radio and newspapers about the rights of orphans and vulnerability to create awareness

- Protection of OVCs against systematic discrimination

#### **IV/ GOVERNMENT COLLABORATION**

The participants appreciated the need for partnership between the government and the Civil Society in facilitating the realization of the rights of OVCs. Important government departments were identified for possible collaboration with other partners and activities for collaboration recognizing. The need to merge, improve and streamline government services to OVCs was emphasized.



*Deliberations between Sr. Owens of COGRI-Nyumbani and Ms. Jane Kariuki and Mr. Daniel Muga of the Civil Registration Department.*

- a) **Department of Civil Registration & National Registration Bureau including public administration & city councils**
  - Mainstream all the information relating to obtaining identity documentation with simplified explanation of requirements, procedures & timelines
- b) **Ministry of Health**
  - Create up to date data collection of birth registration
  - Ensure availability of community health workers for home births and they can be used to notify unregistered births
  - Educate hospital staff on the registration process of unregistered births
- c) **Ministry of Immigration**
  - Streamlining of registration procedures with other departments to eliminate duplication of processes within different departments
- d) **Department of Children's services & National Council for Children**
  - Further infiltration of field registration to ensure rural areas are covered
  - Clarify adoption processes including provisions acknowledging customary forms of adoption
  - Strengthen Children's Councils & support to Children's officers
- e) **Attorney General Office**
  - Produce & publicize ONE document that outlines requirements & waivers for registration & advertise

- Coordinate the re-engineering of procedures of registration for easier coordinated, harmonized administration
  - Work with Judiciary to make processes more people-friendly
- f) Judiciary & State Law Office**
- Education to judges/lawyers/legal officers on rights of OVCs
  - Simplify succession procedures
  - Education around customary law & rights of orphans
- g) Law Reform Commission**
- Look into and possibly introduce beneficial amendments to the existing Laws dealing with rights of OVCs
  - Drafting of specific legislation dealing exclusively with OVCs outlining rights, procedure & process
- h) Ministry of Education**
- Information to departments/headmasters/teachers on requirements for ID registration of children
  - Enhance provision of bursaries & other aids to vulnerable children
- i) Ministry of Internal Security (Department of Police)**
- Training the police on the rights and sensitize them on how to handle OVCs
- j) Ministry of Land & Land Boards**
- Develop an easier form to be utilized in land cases involving OVCs and simplified procedures for them to access land
  - Produce & publicize requirements & timeframes for all registration forms
  - Particular protections for orphans who may be dispossessed of land recognizing vulnerability

## **4.0 IMMEDIATE INTERVENTIONS**

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- It was proposed that whilst the report shall be forwarded to the AG for his action, a request should also be made to set up a meeting with a small delegation of representatives to be able to interactively discuss with him the outcome of the meeting. A copy of the report should also be sent to the Children's Department.
- The AG's office should provide guidance in the implementation of the Recommendations.
- In order to start on implementation without delay, it was proposed that the recommendation to reduce the level of ignorance within communities on the rights of OVCs should begin as soon as possible. Donor organizations are to look into providing support to key actors towards activities that are in line with this.

## 5.0 LIST OF PARTICIPANTS

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