



REPUBLIC OF KENYA

THE JUDICIARY



PROTOCOL ON SERVICE WEEK FOR CHILDREN MATTERS



“WORKING TOGETHER TO ERADICATE DELAY AND BACKLOG OF CASES INVOLVING CHILDREN IN THE JUSTICE SYSTEM”.

Pursuant to the provisions of Article 53 of the Constitution and bearing in mind the principle of the Best Interest of a child as provided under the children act; matters affecting children should be shall be concluded expeditiously. To this end, the Honorable Chief Justice has directed all magistrate court stations to:

1. Designate a magistrate(s) a specific court(s) to handle children matters (section 74 & 75 of the Children Act)
2. To hold a service week to clear backlog of cases involving children

The Service Week is aimed at achieving the following objectives:

1. To ensure that ALL cases of children pending for 6 months and above are concluded.
2. To ensure that ALL child victims have testified.
3. To collect data and statistics of child offenders and child victims in the justice system.
4. To utilize court annexed mediation to clear backlog of civil matters concerning children.

In preparation for and during the service week:

- 1) All courts shall be required to conduct an audit of pending cases as per the case information form enclosed.
- 2) All Courts shall be required to conduct screening of matters to be referred for mediation.
- 3) The Court Users Committee (CUCs) in court stations shall form a special Children Committee tasked with collecting data on children’s cases (using the enclosed data collection tools), identifying child rights champions within the community and planning for the service week Launch.
- 4) Each of the participating court stations shall prepare a Cause List early enough and circulate it to:
 - a. Prosecution counsel
 - b. Police
 - c. Prison
 - d. Remand homes

- e. Advocates (probono)
 - f. Children officers
 - g. Probation officers
 - h. Other relevant stakeholders
- 5) Each participating court shall require that all the children cases are represented by a pro-bono advocate.
 - 6) Each participating court shall launch the Service Week by holding a simple ceremony to inform parties and stakeholders about the Service Week as well as discuss child rights issues that are key to the particular community.
 - 7) Each participating court shall conduct a call-over on the first day of the service week of all cases listed in the Cause List. This will enable the court to give directions on hearings and finalize cases for dismissal/discharge as well as those subject to a plea bargaining agreement. The judicial officer shall allocate appropriate times and dates for cases proceeding with witnesses.
 - 8) Each participating court shall be required to refer to and act in accordance with the Children Court Practice Directions enclosed.
 - 9) During the trial the court and the prosecutors shall work closely to utilize the plea bargaining model to clear cases of children.
 - 10) Each participating court shall also be required to utilize court annexed mediation model to clear civil cases involving children.
 - 11) Each participating court is expected to collect data on the progress of the Service Week i.e. data on the number of cases pending as well as the number of cases concluded during the service week using the two data collection forms enclosed. The Individual Case Data Intake form shall be fully completed for every case listed in the cause list. The data of each case shall also be fully completed in the National Service Week Data Sheet.
 - 12) At the end of the Service Week the court shall forward copies of the two forms to the Secretariat of the NCAJ Taskforce on Children's Matters (ncajsecretariat@gmail.com). The completed National Service Week Data Sheet must be sent to the office of the NCAJ- Taskforce on Children Matters (stfcsecretariat@gmail.com) within 30 days of the last day of the Service Week.
 - 13) Matters which have been partly heard or not heard at all during the Service Week shall be given a priority date in the court's calendar.

