

**HOW THE KENYAN MEDIA COVERS THE
CHILDREN'S RIGHTS ISSUES: A CONTENT
ANALYSIS**

And

**AN ASSESSMENT ON THE IMPLEMENTATION OF
THE CRC PROVISIONS IN KENYA SINCE THE
COUNTRY RATIFIED IT**

Including

THE CHILDREN'S ACT 2001

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INTRODUCTION

After the First World War, the passage of the Universal Declaration of Human Rights of 1948 was the first document that recognised the rights of the child. They were however not specific, but did recognise the child's rights as a human being. Earlier, the world had witnessed the installation of other instruments such as the Minimum Age (Industry) Convention in 1919 that defined 14 years as the minimum age for children to work in the industry. This was followed by the 1930 International Labour Organisation (ILO) Convention No 29 that called on the suppression of use of forced or compulsory labour.

Since then, there have been other legislative landmarks, which addressed the rights of children either specifically or in general. These include the 1966 International Convention on Civil and Political Rights; The International Covenant on Economic, Social and Cultural Rights; and the ILO Minimum Age Convention No 138 passed in 1973.

The most substantive legislative landmark and which remains a milestone for the world's children was in November 1989 with the adoption of the Convention on the Rights of the Child (CRC) by the United Nations' member states. The convention is also unique as it is the first human rights instrument to specifically address children's issues. It defines certain principles to guide political decision-making affecting the child. The convention stipulates that any such decisions should take into consideration the best interest of the child.

The convention became an international instrument on September 2, 1990, and since then, 191 countries have ratified it. This is with the exception of the United States and Somalia. Kenya ratified the convention in 1990 and there has been concerted effort to ensure that it is domesticated. The government directed the law reform commission, which was formed in 1984, to look into children's issues and ways of implementing the convention.

The commission formed a Task force, which began work in 1991. In 1994, the Task force recommended the enactment of the Children's Bill. The Bill was presented in parliament for debate in 1995, but was rejected. The main criticisms were that it had failed to consolidate all the laws relating to children, had not incorporated all the major provisions of the CRC and generally lacked effective enforcement mechanisms (Situation Analysis of Children and Women in Kenya, 1998).

Nevertheless, after deliberations involving all the stakeholders the task force drafted a new Children Bill, which in early 2002 was enacted into law and became an Act of parliament. It is cited as the Children Act 2001. With it, there is now a children's court, which is a subordinate court to the high court of Kenya, and has a presiding magistrate. In addition, the Chief Justice has gazetted 73 magistrates to handle children cases throughout the country.

Meanwhile, Kenya has witnessed increased establishment of child rights clubs in schools throughout the country. Through these clubs, information about CRC is disseminated to children in an attempt to sensitise them on the convention's provisions.

In year 2000, the government presented its first country report on the implementation of the CRC in line with article 44 (1) of the convention. The submission was a belated one, casting serious questions on the government's willingness to provide for and protect children's rights. The report should have been submitted in 1997, in line with the period allowed by Article 44 (1), from the date of ratification. The Article states: "*State parties undertake to the Committee, through the Secretary-General of the United Nations, report on the measures they have adopted which give effect to the rights recognised herein and on the progress made on the enjoyment of these rights.*"

Each state is required to take the CRC very seriously, as its provisions are unique in their own right - the CRC extends child rights beyond the traditional basic concepts of survival, protection and development. Its new provisions cover the civil, economic, social, cultural and political well being of the child, who under the convention is defined as a person below 18 years of age. There are also principle rights that each child should be entitled to. These include: right to development, right to education; right to freedom of thought, conscience and religion; right to protection from sexual abuse, among others. However, the achievement of these rights needs a concentrated approach and effort. State parties are expected to work with media, the communities, non-governmental organisations and parents, for a holistic and effective implementation of these rights.

According to Wenje and Bwire (2000), all said and done, it is foolhardy to imagine that the mere existence of child protection laws is the most decisive in preventing the exploitation of children in Kenya. What is important is the diffusion of positive social values, which will give the child and its welfare paramount importance. The realisation of this diffusion of positive values, and other children's rights, depends on the commitment of the society towards children's issues.

Indeed, the *African Women and Child Feature Service (AWCFS)* (Rights of the Child, 2000) observance that the pledge of the world leaders and senior state officials to pursue an agenda that would secure the well being of children as a commitment to children, is extremely important. The publication further observes that these leaders agreed to be guided by the principle of "first call for children," which gives priority to the needs of children in the allocation of resources irrespective of other national priorities.

This diffusion also depends on another important strata of the society, which is the media. As a change agent of behaviour and attitudes, the media is becoming increasingly important in influencing policies that lead to the realisation of the child rights. But, many scholars and organisations are disappointed that no tangible commitment has been made by media houses on how to highlight children's issues. Children's rights activists argue that most children's issues are pushed to the periphery when it comes to the media.

Mshindi (1993) notes that discussions on child survival and development have not drawn the necessary attention that they deserve. This was perhaps captured eloquently in November 2000, during the 11th Anniversary of the adoption of the CRC in Nairobi, Kenya. Yvonne Maingi, a presenter of Kenya Television Network (KTN) Klub Kiboko (quoted in the Daily Nation of 24 November, 2000) observed: “ *Each time a dignitary comes here to address us, the next day it is his face that fills the screen. We feel sidelined and neglected.*”

Goonasekera (1998) agrees that most mass media programmes are not produced with children’s interest in mind. Like other commercial commodities, these are produced for profit in the market place. According to AWCFS, making the commitment towards children’s rights need to be prioritised by the media,. In the news sense, children and youth issues tend to be lost because of either the passive or reactive manner in which reporters handle stories on children. Besides, the reportage of children often ignores the impact policies and decisions to children’s lives, yet they are made in their name.

For instance, the first draft of the Children’s Bill was rejected, as it did not have the voices of the children. But all along, the media did not raise this anomaly, and even after it the public debated this, there was no enthusiasm to cover the issue as compared to the space and interest given to political issues. Nevertheless, in recent times, the media has performed commendably in the coverage of children’s issues. The Daily Nation of the Nation Media Group, for instance, runs a magazine known as the *Young Nation* in its Sunday publication; *The Sunday Nation*.

Statement of the problem

Children are an important group in any society because it is in them, that the continuity and prosperity of society is ensured. Complete development and full enjoyment of their rights is, therefore, a prerequisite for that prosperity and continuity. Yet children are a sub-group of the society whose rights are grossly violated either by omission or commission. They bear the brunt of wars and civil strife and their consequences: deprivation of basic needs, rape, loss of parents, among other ills. In acknowledgment of such violations, the CRC was adopted. In Africa, the Organisation of African Unity (OAU) formulated and adopted the African Charter on the rights and welfare of the African child during its 1990 Summit.

The Charter’s objective is to recognise children’s rights from the Africa perspective, taking cognisance of the cultural background of the African child. Hence, the two instruments function to ensure the provisions and protection of the rights of the child. As a reminder of what has been done towards ensuring these rights, the Organisation of African Unity (OAU) mooted June 16th as the Day of the African Child, to pay tribute to African children.

The day is in honour of the 700 African children killed on June 16th, 1976 during the Soweto uprising. These children were protesting the imposition of Afrikaans as the official language in schools by the Apartheid regime of the day (Wenje and Bwire, 2000).

Both the African Charter and the CRC calls on concerted efforts of nations, families, NGO's and all other institutions in the society, the Mass Media included, to ensure the provision and the protection of children's rights. But the protection of children's rights has been wanting in all sectors of the society.

Stories touching children's issues continue to get cold reception from the media because they are not considered as saleable commodities. Yet it is only through highlighting children's issues can pressure be put on policy makers and the public to uphold and respect children's rights.

In this respect and in the context of the media, many questions arise. Are the media pro-active, reactive or passive in covering children's rights? How adequate are Kenyans sensitised about the child rights? To what extend has the media engaged itself in enlightening the public on child rights? If children's issues are covered, what is the orientation? On the basis of these questions, the importance of finding out how children's issues have been covered by the Kenya press cannot be underestimated.

Justification:

Adolescents and youth in-and-out-of-school constitute more than 50 percent of the population in Kenya which stands at 31.2 million. In essence, then, children form a critical sub-set of the entire Kenyan population. Children are also one of the groups whose rights have been marginalized, either violated or abused. As elsewhere in the world, children in Kenya bear the brunt of wars, poverty, ethnic clashes, sexual abuse, denial for education, hunger as well as domestic violence and more recently, the impact of HIV and AIDS.

Unfortunately, most of the violations of children are rarely captured in the media. Where they are captured, it is in an ad hoc and reactive manner, rather than in a deliberate, focused and pro-active way. Children's issues have not yet drawn the attention they deserve from the media, although social interactions are increasingly becoming mass media mediated. As agenda setters and agents of social change, as well as their power to influence policy, failure by the media to capture children's issues is indeed a grave shortcoming.

What also does not augur well is that children's issues covered by the media tend not to speak for them. Adults speak on behalf of children. Officials from children's rights organisations, dignitaries or UN agencies, are some of the examples that speak for children. The media, as a powerful tool in the diffusion of information to the masses, are thus appropriately placed to change the way children are perceived and handled in the society; and in so doing, influencing the provision and protection of children's rights.

The rationale of this study arises from the fact that little research on the coverage of children's rights issues in the Kenyan media in respect to CRC and other laws has carried

out. Most of the researches assessed during this study were mainly quantitative, looking at the number of articles and their placing.

Only a handful of these assessed issues of how the media failed to sensitise the public on existing legislations as they pertain to protection of children's rights. Hence, it would be erroneous to say that there is adequate research on children's issues in Kenya.

This study therefore, aims to sensitise the media and the society on the extent of attention given to children's rights by the media. It also proposes to close gaps, which other studies have not accomplished; and to add literature to a data bank that focuses on analysing how the Kenyan media covers children's rights.

As Wenje and Bwire (2000) argue, placing children as the focus of collecting data and information is part of the effort of putting children in the focus of social policy. The media coverage of children's rights issues was analysed by a content analysis approach. It focused on three newspapers: The Daily Nation, the East African Standard and the Kenya Times.

Daily Nation was chosen, as it has the widest and highest circulation, and therefore a possible agenda setter on many issues. While the East African Standard was chosen as, it has the second highest circulation. The Kenya times, which is the establishment's publication, was chosen to assess how the government, which is a signatory to many conventions and declarations on child rights, makes effort to sensitise the public on such laws in such a publication.

The newspapers' coverage on children's issues were analysed for the period from 16 June 2000, to 16 June 2001, excluding the Sunday publications. The reason for this is that the Sunday newspapers have special columns specifically for children, and, may not represent the true scenario of what is happening if included in the study sample.

Including them may be misleading and might suggest that the media covers children's issues adequately. The Daily Nation, for instance, runs a magazine known as the *Young Nation* every Sunday. Through this magazine, children have an opportunity to express their opinion on and discuss various issues that affect their lives or that of interest to them. In addition, since the content is absolutely on children's issues, their concerns and debates are published.

However concerns have been raised that majority of the children who get the opportunity to air their views or get their activities covered are from privileged families. For those from the less privileged families and who have limited or no access to such instruments, their voices are muted or their issues are not brought to the fore.

The other two newspapers also have at least two stories either focusing on children's issues or whose contents target the children. Speaking to some of the media managers on why they carry the children stories on Sundays, they state it is a deliberate move or

policy. They argue that parents are likely to buy a newspaper on Sunday than any other day and their children will benefit because of such stories.

The date of 16th June was chosen, as it is the day on which the *Day of the African Child* is commemorated. The period attempts to capture how the media covered children's issues, from that day and after, up to the next commemoration. Also, during the same period, there was a major famine, which beset many parts of the country, particularly the northern frontier and sections of Rift valley region. Many children died, and others dropped out of school, due to the famine and its consequent banditry.

At the same time, the government had committed itself in the Women and Children Situational Analysis Report to realise the rights of these vulnerable groups by the year 2000. It was thus appropriate to recognise this in the study to establish what has been done and how the media has captured it.

Study Objectives

A broad objective of this study is to establish how the media covers children's issues, with a view of knowing whether it helps to expand or constrain the space and understanding of children's rights.

Specific objectives are:

1. To establish and compare how the Daily Nation, The East African Standard and the Kenya Times newspapers cover children's rights issues between, June 16, 2000 to June 16, 2001.
2. To produce a report that will enrich information on how children are covered by the Kenyan media.
3. To sensitise the media on the extent and consequence of neglecting children's rights issues in their coverage.
4. To use the findings to influence attitude change on the coverage of children's issues within media houses.

Hypotheses: Coverage of Children's rights in Relation to the CRC

1. The coverage of children's issues in the media is scanty.
2. The coverage of children's issues in the media is passive rather than pro-active and is only done when children are victims of certain violent acts.
3. The media suppresses children's voices when covering children's rights issues.

4. The media has played a minimal role in publicising and sensitising people about the CRC.
5. The media do not allocate enough space when covering children's rights issues.

Scope of the Study

The study will consider a period of one year, starting from 16 June 2000 to 16 June 2001. All the issues of the three newspapers: The Daily Nation, the East African Standard, and the Kenya Times will be considered, except their sister Sunday editions.

Any issues touching on the children's rights published during this period will be captured.

Literature Review

Past studies indicate that coverage of children's issues has not been encouraging. In most cases, they are either shunned or inadequately covered. Mshindi (1993) observes that discussions on child survival and development have not drawn the necessary attention they deserve. With pressures to keep circulation figures up, most media houses tend to concentrate on those issues that will generate some debate and hold the readers' interest. Issues on children have failed to generate such interest. Hence, the media with its profit making objectives finds such stories as unlikely favourites to increase their sales. They usually cover them when the child has been abused - beaten, sexually abused or assaulted. Such stories are sensational, but they rarely get to the pages because the victims or their relatives do not report most of the child abuses.

Mshindi notes that a review of the daily presses in particular will reveal that rarely is any issue on the child's survival and development a main focus or regarded as an important feature. Children's issues have not drawn attention because most of them are not sensational.

Chamwada (1998) in his study concludes that although some media outlets have made some positive steps towards achieving the recommendations of the African charter on the rights and welfare of the child and other conventions, the imbalance in regional coverage inhibits clear depiction of the real situation of the African child and promotion of his or her welfare through communication.

Since children's issues are not really news worthy and since rights rarely "make news", they are going to occupy the inside pages for many years to come (Bwire and Wenje). They further argue that, the overriding reason behind such mediocre performance of giving child rights violation lukewarm attention might be explained by reasons such as:

- Keenness of most print media to cover political and entertainment news to boost circulation.

- Lack of research or in-depth study on the part of reporters covering child rights issues.

Ng'ang'a (1999) accuses the media of doing too little to explain to the society what child rights issues are. She says the media focuses more attention to violation of children's rights and child protection than to the amplification and promotion of the same.

According to Ng'ang'a, since Kenya is a member of international community and has signed international conventions and declarations dealing with child rights, its tool, The Kenya Times newspaper, should be challenge to do more in promoting child rights and child protection. The privately owned media, she continues, needs to be encouraged to go a step further and educate children and adults about what child rights and child protection entails. Her conclusion is perhaps reinforced with a study done by African Network for the Prevention and Protection against Child Abuse (ANPPCAN) in February 2000.

The study found out that 96 per cent of adults and 80 per cent of children were aware of violations of child's rights. Nevertheless, among the respondents, the print media did not feature as a source of information about child rights. In her 1998 publication, the *Save the Children* organisation, an NGO dealing with Child Welfare issues, concluded that the value of media for children and by the children lie in letting children speak for themselves, treating them as equals, and seeking their opinion about issues covered in the media.

The foregoing arguments indicate that the media is a powerful instrument, which can be used to influence good tidings for the children. The media is valuable as a change agent of attitudes and behaviour of individuals and as means of giving the children a better tomorrow. Through its process of agenda setting, the media has power to change perceptions of people towards certain issues.

Severin and Tankard (1997) define this agenda setting process as the media's capability, through repeated news coverage, of raising the importance of an issue in the public's mind. It is a casual hypothesis suggesting that media content has an influence on the public perception of the importance of issues. They argue that the media can be used to influence polices and the way people think. Moreover, since the treatment of the children's rights by individuals hinges heavily on their attitudes and behaviour, the media through the agenda setting process, can immensely change them into positive attributes towards the children's rights.

Arguing in the same vein, Nyamnjoh (1995), states that to change an individuals attitudes and ways, and translate theories into practice so as to transform the society, an individual needs vast amounts of information and persuasion which can only be got through the media, the source through which information multiplies.

Daniel Lerner, in his book, *The passing of the traditional society*, argues that the mass media results in widening the horizons of individuals, and if a change has to occur in an individual so as to be innovative and change things, the media plays a crucial role in achieving this. He explains that the media serves as an educator, trainer, and a change agent of socio-cultural values.

Therefore, as the world increasingly becomes mass media mediated, the role of the media in enhancing and influencing the realisation of the children's rights through its coverage is paramount.

Research Methodology

This study utilized both the qualitative and quantitative techniques of research. Content analysis was used to examine how the media covers and portrays children's issues and how this contributes to the sensitisation of the public on the convention on the rights of the child. Content analysis was applied to all articles that were captured in the Daily Nation, the East African Standard, and the Kenya Times. The number of editions in the chosen one-year (June 2000-June2002) period totalled 840. Being a huge number, random and systematic sampling were used to select the desired sample.

It was purposively decided that 50 percent (half of the number) or 420 of the 840 editions would form the sample. Sampling techniques were then used to select the 420 editions from the 840 ones. The sampling frame of the articles was of the three editions from June 16th 2000 to June 16th 2001.

The 840 editions were sampled to get the 420 editions. Random sampling was used to choose the first edition, followed by systematic sampling. The desired dates of the editions were recorded, and systematic sampling applied. This method of sampling the dailies yielded the 420 editions.

In the study design, the unit of analysis was the article, which included features, news items, analyses and commentaries, letters to the editor, and the editorial. The content of these articles were examined in terms of frequency, origin of the news, space allocated, reference to CRC, pro-active and re-active, and placement of the article.

Operational Definition

The research defines a child as any person below 18 years of age, in line with the UN Convention of the Rights of the Child.

The CRC emphasises the taking of the best interest of the child in any decision on any matter touching on them, if their rights are to be realised. It seeks to protect the children's rights issues. The latter are taken to refer to as a child's right to:

- Education.
- Protection from Child labour

- Protection from Violence and Abuse
- Health and Protection from HIV and AIDS
- Freedom of expression
- Legal rights
- Protection from War and Conflict.

The negation of these rights constitutes abuse of child rights. These categories of child rights will also form the themes to be explored in the study.

Data Collection

The research looks at all the three newspapers' issues excluding their Sunday editions, from June 16, 2000 to June 16, 2001. All articles with information on the child rights issue are included. Although the dailies may not focus strictly on the child rights issues, any article referring to such was considered.

The data is presented in table form and in per centages, reflecting the various categories chosen.

The stories will thus be coded on the basis of:

1. Frequency
2. Origin of the news
3. Space allocated
4. Reference to CRC
5. Pro-active and re-active
6. Placing

Categories

1. Features
2. News items
3. Analysis and commentaries
4. Letters to the editor
5. Editorial

Data Presentation and Analysis.

In the chosen period of one year, from 16th June 2000 to 16th June 2001, 993 issues of the three newspapers, The Daily Nation, the East African Standard and the Kenya Times, were analysed. The presentation starts with a critique of how a story achieved or failed to

educate the readers on CRC, followed by data presented table form, in figures and their percentages.

A Critique of how one story achieved or failed to educate the readers on CRC and other legislations

The story Title: *Through the eyes of the African Child.*

This story was published in the Daily Nation of 16 June 2000. It attempts to capture the different facets of life of an African child – tribulations, challenges and happy moments. It is a feature story published in commemoration of the *African Child Day*, marked annually on 16th June. The theme of the story is the abuse and neglect of the African child. Presented as a dream, the writer takes us through the various sufferings and moments of happiness of one child who is the main character in the story. Through this child, we see various injustices meted against him: Child abuses in the family and the police; lack of access to food and health and neglect by both parents and the state.

The story is given ample space. It has been allocated a full page as a special feature. Although the article is written and published on a very significant day when many people in Africa and far a field are focusing their attention to this day, it fails to mention the rights of the child as documented in Convention on the Rights of the Child (CRC). It also fails to touch or comment on existing laws in the Kenyan penal code that are intended to protect the child.

Even when alluding to various abuses, the writer does not show the correlation of how the rights of a child require him or her to be protected from such happenings. It is a classic example of how a writer squanders an opportunity on such an occasion to educate the masses on CRC and other existing legislations that address children's issues. If this were done, the story would have enlightened the readers about children's rights as well as make them appreciate that is illegal to violate them.

The story missed many such opportunities when tackling different issues. For instance in paragraph three the writer fails to educate the masses that maltreating the child violates the CRC articles 12, 13 and 14 on the rights of the child to freedom of opinion, expression, thought and conscience. In the paragraph, the child says, "When I ask them to leave the brewing business, father beats me up badly". He asks, "where do you think we get the money to buy your school uniform and pay your sisters fees? Keep quiet."

The story itself violates the right of the child to express him or herself. The children's voices are muted as the writer steps into their shoes, and try to explain how they feel about situations. It would have been advisable to get the voices of the children themselves in the story by letting them speak through direct quotes.

In paragraph seven, the child is beaten and denied food, but told to wash the utensils (paragraph eight). Here the writer again fails to remind the public that the child has a right to life, survival and development as captured in article six of the CRC.

Similarly, the writer should have in paragraph 20 of the story highlighted article five of the CRC on parental guidance and responsibility. The article calls on parents and the extended family to provide guidance for the child, which is appropriate to her or his evolving capacities.

In paragraph 20, the child says: “ It is mum and dad, they just lavish me with luxuries, but never care what happens to my life. They don’t spend time with me.” Through such neglect, the writer shows us that the child acquired deviant behaviour like smoking.

We also read in paragraph 28 about the child now on the street and rummaging in the garbage for food. Here again the writer fails to remind the public that by being on the street, various rights of the child as elaborated in the CRC are being violated. These are: right to education (article 28), right to health (article 24), right to of the child to live with his or her parents (article nine), and right to protection from neglect, maltreatment or exploitation (article 39).

Generally, what the story should have emphasised, and what cuts-across all the cases is article three of CRC, which requires whatever is done, should be in the best interest of the child. In conclusions, one can say that although the story achieved in highlighting the difficulties and happy moments of the child, it failed completely to educate the masses that these are rights enshrined in the CRC, and it is illegal to violate them.

Perhaps one could also conclude that even the journalist who wrote the story has not been sensitised on the CRC. Therefore, it would be important to sensitise journalists on the same in order to empower them to relay the message to the public. The data is presented in table form, in figures and their percentages.

Table 1: Frequency of Child Right Issues among Different Forms of the Three Dailies

Form	Newspaper			TOTAL
	Nation (No of Articles)	East African Standard (No of Articles)	Kenya Times (No of Articles)	
News Items	53	146	55	254
Features	51	38	48	137

Commentary	12	3	0	15
Editorial	1	2	1	4
Letters to the Editor	1	3	1	4
Supplements	3	2	0	5
TOTAL	121	194	105	419

In table 1, the East African Standard had the highest numbers of news item followed by the Kenya times and then the Daily Nation. But the Daily Nation had more features on child rights than the other two newspapers. This could be partly explained by the extensive space given to Political news by the Daily Nation compared to other news.

The Kenya Times, although a government publication, did not strongly reflect the government's policy of putting children's welfare first. It had few articles, 105. Yet being a signatory to the convention, it violates article three of the convention by not highlighting children's issues. The article requires states parties to take into consideration the best interest of the child in decisions made in all decisions. Overall, the East African Standard performed better, with 194 articles on children's rights; possibly, because of its recent policy and strategy to orientate towards children's issues.

Generally, the three papers gave lukewarm service when it comes to coverage of children's issues by the media. This proves the first hypothesis, which stated that the coverage of children's issues in the media is scanty.

Table 2: Frequency Distribution of Child Right Issues by Themes in the Three Dailies

Theme	Newspaper			TOTAL
	Nation (No of Articles)	East African Standard (No of Articles)	Kenya Times (No of Articles)	
Child Violence and Abuse	29	93	35	157
Deprivation of Education	17	16	17	50
Deprivation of Health	6	31	8	45
Child Labour	4	2	4	10
Need of Protection	25	20	23	68
Deprivation of Development	9	8	2	19
Children and HIV/AIDS	5	14	4	23
Discrimination	1	1	2	4
Deprivation of all Rights	25	9	10	44
TOTAL	121	194	105	420

Note:

1. Child Violence and Abuse entails: Forced early marriage, Female Genital Mutilation, use of children in war and Use of children plight to win donor funding among others.

2. Children In need of Protection are: Street children, other neglected children, Children in schools exposed to kidnappers and others.

Violence and abuse against children accounts for the highest number of child rights violations (table 2). It indicates that children suffer more violence and abuse as compared to violation of other rights. The East African Standard led with 93 articles on violence against children, the Daily Nation reported 29 cases and the Kenya Times 35 cases.

This phenomenon indicates that the media are more readily available to cover children's issues when they are in hardship, but does not take a pro-active step to report the dangers of such happenings before they take place. This type of news could sell as compared to non-sensational child rights issues. This proves the other hypothesis, which states that the coverage of children's issues in the media is passive rather than pro-active. And is only done when children are victims of certain violent acts.

From table 2, we can conclude that Daily Nation and Kenya Times reported the same number of child labour cases, while the Daily Nation and the Standard had similar number of cases on discrimination issue. The tragedy of the coverage was that the papers rarely highlighted the CRC provisions or other legislations in over 80 per cent of the stories. Articles 34,35, 36, 38 and 39 of the CRC and which talks about protection of the child from various types of abuses were never cited in the stories. Generally, the coverage of violation of children's rights by the media was also scanty in this aspect

Table 3: Frequency of Sources of Information on Child Right Issues

Source	Newspaper			TOTAL
	Nation (No of Articles)	East African Standard (No of Articles)	Kenya Times (No of Articles)	
Children voices or interviewed	11	3	7	21
Adult voices or interviewed	110	191	98	399
TOTAL	121	194	105	420

Percentage of Children voices or interviewed	9.1	1.5	6.7	17.3
Percentage of Adult voices or interviewed	90.1	98.5	93.7	282.3
Total Percentage	100	100	100	299.6

From table 3, we see that children voices in the media are muted. This violates the right of the child to freedom of expression, thought and conscience as advocated in articles 13 and 14 of the CRC. The articles recognise the child’s right to hold her or his own opinion and freedom of expression.

In the Daily Nation, children’s voices or as a source of information was only reflected in 11 or 9.1% out of the 121 articles reported on child rights. Adults as a source of information accounted for 90.9% of the child rights cases reported.

Although the East African Standard had the highest number of articles on child rights issues, it was the one that least interviewed or gave children’s voices a chance in their reports. Children’s voices were reflected in only three articles, out of the 194 carried. This means children were given only 1.5% opportunity as compared to adult who spoke on their behalf, 98.5%. Kenya Times, although expected to propagate the policy of allowing the children to speak for themselves, also muted their voices. Children’s voices were reflected in only seven out of the 105 articles carried by the newspaper. This translated to only 6.7%, compared to the 93.7% adults who were used as source of information to speak on behalf of the children.

Generally, the outcome proves the hypothesis that media suppresses children’s voices when covering children’s rights issues.

Table 4: Frequency of Reference to CRC in Child Rights articles

Topic	Newspaper			TOTAL
	Nation (No of Articles)	East African Standard (No of Articles)	Kenya Times (No of Articles)	
The African Child Day (ACD)	6	1	0	7
Special Session for Children (SSC)	5	0	1	6
Debate on the Children's Bill (DCB)	9	1	1	11
Any Other	8	0	1	9
TOTAL	28	2	3	33
Percentage on ACD	5	0.5	0	5.5
Percentage on SSC	4.1	0	1	5.1
Percentage on DCB	7.4	0.5	1	8.9
Percentage on any other	6.6	0	1	7.6

Table 4 indicates that all the newspapers rarely make cross-reference to CRC provisions when reporting children's rights issues. Out of 420 articles on children's rights issues captured by the 3 newspapers, only 33 or 7.9 % made any cross-reference to the CRC provisions in their articles.

However, the Daily Nation made more cross-references to the CRC provision as compared to the other two newspapers. It referred to the CRC in 28 of its articles, which was still far below compared to the 121 articles it covered. In addition, most of the articles, about 90 per cent cited, were on child abuse: child labour (article 32), armed conflict (article 38) and sexual abuse (articles 34, 35 and 36). This was because the issues they raised were sensational and hence the media went for them. Kenya Times cross-referenced in only three articles and the East African Standard in only two. One of the reasons for this is because of the articles on children's rights issues were news items, which did not allow the reporter the space to expound on his or her story.

The newspapers also cross-referenced to the CRC provision only during special times, for instance during the African Child celebration or the debate on the Children's Bill. Daily Nation made cross-reference in 20 of its articles out of the 28, during such times. Similarly to the Standard and the Kenya Times, which each had two articles referring to CRC also during such occasions.

From this, it is apparent that media has not played its role of educating the public about the CRC and its provisions. The Kenya Times, in particular, being a government outfit and not necessarily driven by profit like the other newspapers, has failed in this aspect. In addition, although the three dailies referred to articles in the CRC, this was confined to only four or five articles touching mainly on child abuse. They forget to comment on other articles, which have to be implemented with those on abuse for significant success to be recorded.

These include: Children's right to be protected from any form of discrimination, either based on religion, status, activities, or expressed opinion is provided for in Article 2. The Article further prohibits discrimination against the child based on the parents' or guardians' race, colour, sex, language or disability.

Article three provides that all actions concerning the child should take into account his or her best interest. This Article requires anybody concerned with actions affecting the child to respect the child's views as well as executing matters that will, in all aspects, be in the best interest of the child. The rights and responsibilities of parents and the extended family in providing guidance for the child, which is appropriate to his or her involving capacities, have to be respected (Article five). The child's right to life, and maximum survival and development is affirmed in Article 6.

Article 7 affirms the child's right to a name and nationality as his or her identity, and this identity (Article 8), should be protected and preserved. where the identity has been illegally deprived, the state parties should speedily re-establish it.

Table 5: Fraction of Space Allocated to Child Rights Issues on any Given Page of the Three Newspapers.

Fraction of Space	Newspapers			TOTAL
	Nation (No of Articles)	East African Standard (No of Articles)	Kenya Times (No of Articles)	
1/8	20	96	20	136
$\frac{1}{4}$	26	42	18	86
$\frac{1}{2}$	38	31	36	105
$\frac{3}{4}$	25	5	22	52
1 (full page)	12	20	9	41
TOTAL	121	194	105	420

The media gives children’s issues little space as compared to other issues covered. Of all the articles published a total of 136 out of 420 or 32.4 got an eighth of the whole page in the three newspapers. Only 93 or 22% of the articles out of the 420 published were given a space of three quarters and above.

More space given of half a page and above could be attributed to the features. But the latter account for a very small percentage of these newspapers. This proves the hypothesis that the media do not allocate enough space when covering children’s rights issues

Conclusions

Children’s rights issues receive lukewarm reception in the media as compared to other news. Children’s issues are not in most cases as sensational as compared to other political issues, making them to be shunned by the media. Hence, the media tends to report children’s issues only when they are sensational.

For instance, out of the 420 articles on various child rights, 157 were on Child Violence and Abuse. Even when they do this, there is little effort to emphasise and re-emphasize the rights of the child.

The poor reportage of children's issues, as manifested in the few cross-referencing to the CRC indicates the media's failure to educate the public on children's rights and influence policies affecting negatively on children.

One of the reasons why the media fail to educate their readers on CRC and other legislations could be that the writers are not themselves sensitised. There is need therefore for deliberate efforts to find ways of educating the reporters on these provisions and why they should be highlighted in children stories. This is so because if the media is not able or ready to educate and inform the readers on child rights issues, then child abuses and deprivation of their other rights will continue.

Also, the findings indicate that children's right to speak for themselves is suppressed by the very instrument expected to give them space. It amounts to double tragedy for them. Media houses should develop with editorial policies that emphasise the need for story to have children voices.

Recommendations.

- There is need for the newspapers to establish special columns addressing children's issues from the children's perspective.
- There is also need to train reporters to be more pro-active than reactive as well as targeting children voices when reporting what affects them.
- Poor reporting on children's issues need to be changed through allowing specialisation of those reporting on children's issues. Above all, there is need to change the attitude of the media towards children, if the above recommendations are to be implemented fully.
- Newspapers can set aside even an eighth of a page everyday to run at least one article of the CRC or other legislations as captured in the Children Act. These would enlighten the public, which do not have access to such information. Media houses in collaboration with child rights organisations need to sensitize reporter on existing child rights legislations and declarations, and how to report them.

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APPENDICES

APPENDIX 1

AN ASSESSMENT ON IMPLEMENTATION OF THE CRC PROVISIONS IN KENYA SINCE THE COUNTRY RATIFIED IT.

When the government ratified the CRC in 1990, it undertook to implement the convention's provisions on the rights of the child. Although the constitution of Kenya is silent on the process of transforming international law into municipal law (Situational Analysis of Children and Women in Kenya, 1998), the Children Act has been created.

Before this domestication, the government used other mechanisms to try to implement the CRC provisions.

It is therefore instructive to evaluate how the convention's Articles have been implemented through other mechanisms since Kenya ratified it.

In this discourse, the convention's Articles are examined to establish whether or not they have been implemented.

Article 1: Definition of a child

Although the Children Act defines a child as one less than 18 years of age, in the Penal Code there still numerous definition of who is a child that need to be harmonised.

Kenyan statutory provisions offer various definitions of the child depending on the purpose for which the law is protecting the child (Situational Analysis of Children and Women in Kenya, 1998).

The Age of Majority Act CAP 33 laws of Kenya defines a child has one aged 18 years and below. The children and Young Persons Act CAP 141 defines a child as one under the age of 14 years.

While a juvenile is defined as one aged 14 years, but below 16 years of age. This lack of uniformity in the definition of a child has created many problems for the child.

In this respect, for instance, a person aged below 14 years cannot consent to sexual intercourse, but above that she is presumed to be an adult and can consent. Consequently, child abusers use the provision to evade justice, if the child is above 14 years but below 18 years.

Article 2: Non-Discrimination.

Under this article, a child should not suffer any form of discrimination. Although Section 82 of the constitution prohibits discrimination, children still suffer discrimination. Children born out of wedlock are not fully accepted in the mothers home, while children with disability face discrimination from within and out the family. But, the constitution also still does not recognise disability as on of the grounds on which discrimination is prohibited.

The HIV/Aids scourge has brought new phenomena of discrimination of children who have been infected or orphaned by the disease.

Although task forces have been established to review the law relating to women, and another one to review laws, policies, customs and practices relating to people with disability, their recommendations are yet to be implemented (First Kenya Country report on the Implementation of the CRC, 1998).

Article 3: The best interest of the child

The convention requires the best interest of the child to be taken into consideration in decisions made in all situations.

First Kenya Country report on the Implementation of the CRC (1998), argues that development plans and policy papers do not meet the best interest of the child, but merely express the ideal that children should be provided with education, medical care and nutrition. And is becoming difficult for the government to meet these in the best interest of the child.

Article 5 and 18: Parental Guidance and parental responsibility.

Every child has a right to parental guidance. In this respect, the parent has to exercise certain responsibilities for the child such as duties, rights, powers and authority.

In the traditional family settings, this was possible. But with modernisation, migration and urbanisation, the scenario is gravitating towards one where parents in one single headed or nuclear family are finding it difficult to meet parental responsibilities.

Although the government as created the District Children Advisory Committees to try and solve the problem of failing parental responsibilities, the committees have not achieved much.

Article 6: Right to life, survival and development

The article call on state parties to recognise every child's inherent right to life and to ensure to the maximum extend possible the survival and development of the child.

The constitution of Kenya guarantees right to life of all Kenyans. Although the government has instituted a programme under the National Programme of Action for Children (NPAC), to address child mortality and morbidity rates; child mortality continues to rise.

Pregnant mothers and their children in rural areas die due to lack of access to anti-malarial medicines such as the Sulphur based drugs (Daily Nation, Horizon, April 19, 2001).

Increasing poverty, with more than half of the Kenyan population living below the poverty line, parents are unable to ensure maximum survival and development of their children. The government has tried to put in place an ambitious Poverty Reduction Strategy Paper, to try and lessen the poverty. But many children will have suffered greatly before the strategy makes any impact.

Article 7: Name and Nationality

Every child has a right to have name and nationality from birth. This requirement is reflected in Sections 87 to 97 of the constitution of Kenya. The Kenyan Citizenship Act CAP 170, laws of Kenya provide that a person can become a Kenyan citizen through birth (if the father is a Kenya citizen), descent, registration or naturalisation. The right to citizenship by birth discriminates against women and, therefore, in some instances this will be an indirect discrimination against a child whose father is not Kenyan but whose mother is.

Many children are born in the rural areas, where they might not be registered. The government is yet to come up with definitive measures of how to capture these births.

With this realisation, the First Kenya Country report on the Implementation of the CRC (1998), says there are plans to identify traditional birth attendants and other suitable community workers to register home births.

Article 8: Preservation of Identity

The laws of Kenya require every child to be given a name for identity, and this name in the register of births cannot be changed as way of preserving the child's identity. The law requires the parent or guardian of the child to countersign if the name is changed. The only problem is that registration of all names especially of children born in rural areas and out of hospitals is yet to be achieved.

Article 16: protection of privacy

Children's right to privacy is not still guaranteed, as children in schools tend to lose it. Teachers tend to open and read correspondence of children. Also, children in poor families do not have privacy, as they share one room with their parents, several other siblings and relatives.

Kenya Demographic and Health Survey Report (KDHS 1998), estimated that 47 per cent of families in rural area and 29 per cent of the urban poor, share one room with their children.

The government is yet to implement housing policies to ensure cheaper and spacious houses as well as coming up with a deliberate policy to ensure cheaper building materials.

Article 23: Disabled children

The constitution of Kenya is silent on discrimination on the basis of disability. Some people have interpreted this to mean that it is lawful to discriminate against people with disability (First Kenya Country report on the Implementation of the CRC, 1998).

The educational systems also discriminate against persons with disabilities. School planners do not factor in the children with special needs in their planning. They do so with able-bodied children in mind, enhancing the suffering of those with disability (Daily Nation, November 13, 1998). No laws or policies have been put in place to rectify this.

Article 24: Health and Health services

National Development Plan (1997-2001) observes that, although children comprise over 52 per cent of the population, there is no codified child welfare policy.

Children access to health is still a tall order, especially with the increasing poverty, and declining income levels. With more than half of the Kenyan population living below the poverty line, access to health facilities has become a nightmare for children. The situation has been compounded by the governments cost-sharing policy in the health sector.

Poverty is also making it difficult for parents to ensure maximum survival and development of the children. Although the government has come with the Poverty Reduction Strategy paper, its effects are far from being realised.

Article 28: Right to Education

School enrolment rate in both primary and secondary has been falling steadily. In 1995, 95 per cent were enrolled in primary schools, in 1999, this number went down to 76 per cent (Social Watch report, 1999) . Currently, the enrolment rate is less than 70 per cent.

Cuts in government spending on education and health have increased the number of children who do not enrol at all as well as those who drop out of school prematurely (Ibid).

Media reports also indicate that the high poverty levels have pushed children to abandon school, especially in the famine stricken semi-arid areas of Kenya. Cost sharing in schools has also pushed many children out of class.

Still, the government has not made primary education free, nor made the secondary level as readily accessible as possible.

Although the government made commitments in Copenhagen to make available resources to poverty elimination and provision of basic social services, it has not made good this pledge (Social Watch report, 1999).

Indeed, the First Kenya Country report on the Implementation of the CRC (1998), notes that the right to education is severely affected by the government's budgetary allocations to the sector. Past distribution of financing have not been proportionate with the enrolment levels.

Article 32: Child Labour.

The government ratified the International Labour Organisation (ILO) convention 138 on Minimum Age for Admission to Employment in 1979. Children are protected under the Employment of Women, Young Persons and Children's Act Cap 227, laws of Kenya.

There also exists a National Steering Committee on Child labour. But definitive methods have not been put in place to specifically address child labour.

The current Children Act would be the first legislation to comprehensively address Child labour.

Article 33: Drug abuse

The Children and Young Persons ACT Cap 141, laws of Kenya, protects children from using any harmful drugs.

Drug abuse in schools as reported in the media is increasing rapidly, and blamed for increased unrest in schools. Street children sniff hard drugs without any protection.

Article 34: Sexual Exploitation and Sexual Abuse of Children

Laws relating to sexual abuse and exploitation of children have not been harmonised. Children and Young persons ACT and the Penal Code Cap 63, protects the child rights in this aspect. They make it an offence to rape, defile girls under 13 years and boys under 16 years.

The shortcoming of this Act is that it defines a female child has one below the age of 14 years, and not the recommended age of 18 years. Hence, a person who defiles a child over 14 years but below 18 years can rightly claim to have offended an adult who has the ability to consent. Although the Children Act that gives a uniform definition of 18 years, these other laws need to be harmonised.

Children's ACT 2001

The Act tackles all the areas of child rights in the spirit of CRC. These are: the rights of the child to: Best interest of the child, Non-discrimination, Right to parental care, Right to education, Right to religious education, Right to health care, and Protection from child labour and armed conflict.

Others are right to a Name and nationality, Protection from Abuse, Protection from harmful cultural rights, Protection from sexual abuse and exploitation, Protection from drugs, Leisure and recreation, as well as Torture and deprivation of liberty, Penalties, Enforcement of rights and rights of the Disabled child.

Other highlights of the Act are:

Part 3 defines parental responsibilities. This is cited as providing education and guidance to the child; providing immunization, adequate diet, clothing shelter and medical attention.

Part 4 establishes the National Council of Children Services, and defines its administration. Part Six establishes the children courts, providing of how they will be ran.

Section 79 (1)(a) and (j) emphasise that the wishes and the best interest of the child shall be taken into consideration when determining the child's custody. It also gives a comprehensive decision making process before a child is handed for custody, and their after the maintenance framework.

Appendix 2

International Conventions and Declarations on the Welfare of Children.

This appendix provide a list of international Conventions and Declarations that affect the welfare of children either specifically tailed to them or indirectly in the context as they apply to them as a larger part of the human rights.

Conventions:

- ◆ **The 1919 Minimum Age (Industry) Convention No. 5:** It was adopted at the first session of the International Labour Organisation (ILO) and ratified by 72 countries. The convention established 14 years as the minimum age for children to be employed in industry. It was the first international effort to regulate children's participation in the workplace.
- ◆ **The 1930 ILO Forced Labour Convention No. 29:** It calls for suppression of the use of forced or compulsory labour in all its forms. The term 'forced or compulsory work' is considered to mean all work or service exacted from any people under a threat of penalty. By mid-1996, 138 States had ratified this convention.
- ◆ **International Convention on Civil and Political Rights:** Adopted by the UN General Assembly in 1966 and came into force in 1976. It reaffirmed the Universal Declaration of Human Rights of 1948 with regard to civil and political rights and commits States parties to take action to realise this. Article eight states that no one should be kept in slavery or servitude or be required to perform forced or compulsory labour. More than 135 States have ratified it.
- ◆ **International Covenant on Economic, Social and Cultural Rights adopted in 1966:** The convention reaffirms the principles of Universal Declaration of Human Rights of 1948 with regard to economic, social and cultural rights. Article 10 of the convention wants States Parties to protect young people from exploitation and from employment in work harmful to their health and morals among other things. 135 States had ratified it by 1996.
- ◆ **ILO Minimum Age Convention No 138 of 1973:** The convention obliges member states to pursue a national policy designed to ensure the effectiveness of abolition of child labour. It therefore establishes that no child can be employed in any economic sector below the age designated for the completion of compulsory schooling.

- ◆ **Convention on the Rights of the Child of 1989:** A substantive legislation emphasising the indivisibility and independence of the full range of civil, political, economic, social and cultural rights as a prerequisite to all children survival, development, protection and participation in the lives of their societies.

The convention is divided into three parts, made up of 54 articles. Part one, with 41 articles, describes in depth what children's rights are. Part two describes the functions and the composition of the United Nations Committee on the Rights of the Child.

While part three details procedures to be taken by State parties to ratify as well as what should be done for the Convention to become international law.

Declarations:

- ◆ **Universals Declaration of Human Rights of 1948:** made immediately after the second world war to protect the abuse of human rights exemplified during such times. The rights of children are captured as part of the human rights.
- ◆ **World Declaration on the survival, protection and development of children:** The declaration was made during the 1990 World Summit for Children by 71 presidents and prime ministers. A Plan of Action on how to ensure the attainment of child rights was agreed upon by 159 nations to be implemented in the 90s. The communication media, worlds of religion, education, business, and NGOs were to help in this implementation.

This year, 2002, the United Nations General Assembly Special Session reviewed the 10-year Plan of Action of its member states on how they implemented the children's rights they committed themselves to in 1990 during the World Summit for Children.

Charter

The African Charter on the Rights and Welfare of the Child: This is an instrument of the former Organisation of African Unity now transformed into the African Union. The OAU members adopted it in 1990. The charter defines the right for the child, but it goes further to contextualise them to the African situation. The argument is that the African child lives in special circumstances some of them far different from other children. Hence his or her rights need to be defined in such a context. The rights in this charter however do not differ significantly from the ones in the CRC.