





Multisectoral Responses and Capacities Assessment (MRC) for the Development of an Intersectoral Response for the Prevention, Search and Location of Missing Children – Kenya.

FINAL ASSESSMENT

May 2023



Multisectoral Responses and Capacities Assessment (MRC) for the Development of an Inter-sectoral Response for the prevention, search, and location of missing children – Kenya.

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National Capacity Building Program

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ACRONYMS:

DCI_AHTCPU – Directorate of Criminal Investigations

- Anti-Human Trafficking and Child Protection Unit

CCI - Charitable Children's Institution

COK - Constitution of Kenya

CPIMS - Child Protection Information Management System

CS - Cabinet Secretary

DCI - Directorate of Criminal Investigations

DCS - Directorate of Children Services

DNA - Deoxyribonucleic Acid

ICMEC - International Centre for Missing and Exploited Children

ICSE - International Child Sexual Exploitation

ID - Identity Document

KAA - Kenya Airports Authority

MCK - Media Council of Kenya

MCK - Missing Child Kenya

MMCF - Model Missing Child Framework

MOU - Memorandum of Understanding

MRC - Multisectoral Responses and Capacities Assessment

NCB - National Central Bureau

NCCS - National Council for Children Services

NCMEC - National Centre for Missing and Exploited Children

NGOs - Non-Governmental Organizations

OB - Occurrence Book

UNOPSC - United Nations Optional Protocol on the Sale of Children, Child Prostitution

PS - Permanent Secretary

SOPs - Standard Operating Procedures

TWG - Technical Working Group

UNCRC - United Nations Convention on the Rights of the Child

UNTOC - United Nations Convention against Transnational Organized Crime

WHO - World Health Organization





INTRODUCTION

Every day all around the world, there are individuals who, due to various reasons, are designated as "missing children", a term that refers to a person under 18 years of age whose whereabouts are unknown. They may have run away from home, been victims of abduction by family or non-family members, been abandoned or unaccompanied, or they may have simply gotten lost or disappeared due to reasons that could be justified, among others. Whatever the reason, children going missing is indicative of underlying problems in their lives, often traumatic events which undermine their fundamental human rights.

Experience and data regarding this problem indicate that the majority of children who are reported missing through a formal report return or are found within a short period of time. At the same time, it shows that the longer a child is missing, the more vulnerable they become and the greater their risk of becoming a victim of violent or criminal activities, including sexual exploitation, trafficking, illegal/insecure work, participation in criminal activities as victims or offenders, deterioration of physical and emotional health, risk of physical and sexual abuse, and in certain circumstances, death.

The issue of missing children is worrisome. Despite the progress made in recent years on addressing the problem to ensure a comprehensive response, there are still major challenges in the conceptual, legal and institutional frameworks.

In the absence of:

- 1) a coordinated international strategy that quides how to address the problem,
- 2) specific qualitative and quantitative information on the scope and dimension of the problem, and 3) the government's obligation to ensure the protection of children, the International Centre for Missing and Exploited Children (ICMEC) developed the Model Missing Child Framework which focuses on the best interests of the child and the protection of their rights as set forth in the Convention on the Rights of the Child and its Optional Protocols. The aim is to contribute to a more effective approach and, at

the same time, aid countries to build solid national responses, while facilitating the investigations, management, and resolution of missing children's cases to be more efficient.

The model drives the global community's ability to protect children from violence, including sexual exploitation and trafficking, crimes which are linked to cases of missing children. It also contributes to the achievement of the UN Sustainable Development Goals, specifically Goal 16.2 of the United Nations to end abuse, exploitation, trafficking and all forms of violence and torture of children, through the strengthening of institutions.

For Kenya, the development of the Multisectoral Study of Responses and Capacities (MRC) for the prevention, search and location of missing children represents an opportunity to improve how to approach the issue through a technical tool that presents an analysis of the framework of missing children's problem, in a joint effort based on the inputs from government institutions and civil society organizations which bind them in accordance with their respective powers and responsibilities.

The results presented in this report reflect the government's efforts to address the problem of missing children, as well as the gaps identified for which a series of conclusions and recommendations are presented. The MRC aims to be an input for the strengthening of the country's capacities and efforts, so that no Kenyan child, at any time in their life, should find themselves missing, and even less, that this situation jeopardizes their rights, especially their safety, dignity, or life.

About ICMEC



The International Centre for Missing and Exploited Children (ICMEC) is a non-governmental organization that fights against the disappearance, abuse and sexual exploitation of children and adolescents around the world. The organization headquarters are in Alexandria, Virginia (USA), with regional representation in Australia, Brazil, Colombia, El Salvador, Guatemala, Honduras, India, Kenya, Portugal, The Philippines and Singapore.

Since its creation in 1999, ICMEC has worked hand in hand with governments, law enforcement, industry and civil society organizations to build institutional, legislative and public policy frameworks to protect children and adolescents from going missing, from abuse and sexual exploitation. ICMEC's work in more than 120 countries have led to the strengthening of capacities to prevent and respond more adequately to the disappearance, abuse and sexual exploitation of children.

ICMEC's mission is to protect children around the world from going missing or being abducted by providing resources for governments, law enforcement, non-governmental organizations (NGOs) and families on prevention, as well as the appropriate actions to take in the event that a child goes missing.

For ICMEC, even a single missing, abused or exploited child is one child too many. For this reason, ICMEC offers countries its experience and capabilities so that they may counteract through different approaches the tragedy that children, families, communities and society in general can experience as a result of this scourge that can end in criminal actions.





APPROACHING THE PROBLEM

Global Context

There is no specific convention on missing children. The Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction (1980 Hague Convention) is limited to issues relating to parental kidnapping. There is also no global consensus on how to define "missing child" or how to investigate cases of missing or abducted children. Although there is awareness that the problem affects thousands of children and families, there is a lack of data and accuracy on the problem at a global level.

This, however, should not detract from the important advances and efforts made at the international, regional, and individual levels in many countries. One such advancement is the widespread approval and dissemination of emergency alerts to search for missing children, which are implemented by the collaboration of government institutions and communities. This has allowed for the strengthening and hastening of search, location, and investigation efforts, among other strategic actions that are allowing a more effective approach to the problem.

In 2021, the National Centre for Missing and Exploited Children (NCMEC)¹, assisted authorities and families in 27,733 cases of missing children, most of whom had run away from home and were vulnerable to becoming victims of sexual exploitation, trafficking, gangs and other dangers. Many cases are dismissed because the children are located unharmed in all regards except for the shock and anguish of the moment. Unfortunately, there is a significant percentage of located children that have been harmed or abused, either emotionally or sexually. Others are found lifeless, or there are even children who never appear. All these uproots the life of the child, the family and society.

A study from the United States indicates that out of 735 cases of homicides of missing children, 76.2% were murdered within the first three hours of their disappearance², which indicates the seriousness of the problem and that, when it comes to missing children, every minute counts.

National Overview

Kenya is no exception to the global situation, missing children are reported daily and unfortunately, some cases end in tragedy. This urgent situation calls for the strengthening of capacities and for an institutional. inter-institutional, sectoral and intersectoral response. It is key to have adequate legislation and specific institutional and social measures for the prevention, reporting, search, location and timely investigation of cases of missing children, through the commitment and concrete actions of all stakeholders with competencies in the matter.

The country ratified the Convention on the Rights of the Child, an instrument that brings together the essential principles to guarantee children access to their general welfare. Along with this, Kenya adopted the World Health Organization definition of a child as anyone under the age of eighteen³. It is estimated that 50% of Kenya's population comprises of children⁴. Of these, more than half or 12.3 million children are multidimensionally poor - meaning they are deprived of various needs, services, and rights⁵. These numbers reflect high levels precariousness for this age group, which can lead to situations of vulnerability and great risks, caused by their economic and social situation. This issue is extremely sensitive. The causes and

problems related to the disappearance of a child

range from conflicts with or between parents or

¹ https://www.missingkids.org/

² Washington State Attorney General's Office, Case Management for Missing Children Homicide Investigation 7, 13, May 2006, at http://www.atg.wa.gov/child-abduction-murder-research.

³ https://www.health.go.ke/wp-content/uploads/2022/07/The-National-Reproductive-Health-Policy-2022-2032.pdf 4https://www.unicef.org/kenya/reports/situation-children-2022

guardians, running away from home, being abducted by a guardian, getting lost, being an unaccompanied migrant child, to issues linked of organized crime through actions such as kidnapping, abduction, sexual exploitation and trafficking.

In Kenya, often, there are press publications that report on missing children, including some that become emblematic, but there is no exact data that indicates the magnitude of the problem, since the sources are varied and of different nature.

The integral protection of children is an obligation of the Government of Kenya, as established in the constitution of the Republic through the Convention on the Rights of the Child. This should be done through a series of measures aimed to protect individual children and their rights which are the result of the relationships they maintain with each other and with adults. It is the responsibility of the government to create the necessary organisms and procedures to ensure such protection.

In this context, there is an imminent need to demonstrate the political will to address the problem of missing children by means of decisions and actions that strengthen the capacity to respond in terms of prevention, reporting, location, investigation and protection in cases of missing and localized children.





ABOUT ICMEC'S MODEL MISSING CHILD FRAMEWORK

This model focuses on the best interests of the child, and the protection of their rights. It is designed to guide the strategic actions that a country should implement to prevent and address cases of missing children, while recognizing the strengths and weaknesses of the current responses in terms of prevention, search, location and post-location support of missing children. The way to achieve this is by reviewing the actions taken, both individually and in a coordinated manner, by the main responsible and co-responsible actors in charge of comprehensive response.

The framework outlines the need for involved parties to collaborate in guaranteeing the availability of all resources when a child goes missing.

The elements that comprise the framework must be reviewed periodically to ensure that they continue to be effective and have the desired impact. Similarly, in order to conform to new trends and changes in research, additional elements may be added. As the protection of children never stops, it is expected that the framework for the protection of missing children will be part of the national child protection strategy of each country.

The ICMEC's Model Missing Child Framework guides actions in seven core areas or elements, each of which includes key capabilities to ensure that the problem is comprehensively addressed, as reflected in the following diagram:



AREA	CAPACITY
1.Definition	1. National Legislation
2.Reporting mechanism	2. Leadership 3.Hotline for Report and Support
Q 3.Investigation	 4. Immediate response 5. Response and research procedures 6. Family support 7. Formal agreements between investigation and protection organizations
4.Registration	8. Missing and unidentified children database 9. Internal case management system
5.Entry and Exit requirements	10. Cross-border travel regulations
6.Public Notice	11. Photo distribution system 12. Rapid Emergency Alert System
7.Prevention and Awareness	13. Awareness 14. Training for Key Professionals 15. Educational Campaigns 16. Education Programs for Parents

General Objectives of the Multisectoral Response and Capacity (MRC) Assessment

To have a reference framework for the creation of a strategic and guided plan, based on the review, evaluation and analysis of the current response of Kenya in terms of prevention of disappearances of children, management and response regarding the search and location of children reported as missing and the follow-up after location.

It is expected that actors in Kenya, based on the findings and recommendations presented in this MRC, will prepare a multi sectoral plan of action that leads to the development of a National Response Model.

Specific Objectives of the Multisectoral Response and Capacity (MRC) Assessment

- 1.Identify the country's efforts in terms of prevention, investigation, and assistance in cases of missing children.
- 2.Determine the gaps in prevention, investigation, and assistance to missing children within the national response.
- 3. Pinpoint top-priority actions that will lessen the impact of the identified gaps.
- 4.Develop a strategic work plan to guide the development of a National Response based on ICMEC's Model Missing Child Framework.

Methodology

Taking into account the areas defined in the Model Missing Child Framework, the methodology used in the development of the study included:

- -Creation of a directory of institutions and organizations focused on addressing the problem of missing children and its different areas: prevention, reporting, denouncement, search, location, research and post-location follow-up.
- -Design of surveys according to institutional competencies.
- -Interviews, face-to-face and online meetings with key actors.
- -Follow-up through calls, emails or messages upon delivery of information.
- -Feedback on the information provided.
- -Verification of the submitted information.
- -Review of institutional and legislative frameworks.
- -Search for open sources of information.
- -Analysis of the inputs provided or remitted following the Model Missing Child Framework and identifying strengths, weaknesses and gaps.
- -Drafting of the document.
- -Drawing conclusions and recommendations aimed at strengthening capacities in accordance with the Model Missing Child Framework



RESULTS

In this section we present the results from the analysis of the information gathered regarding each of the seven areas and the capacities established in the Model Missing Child Framework.

The key tenets and guidelines contained in each area are presented briefly at the beginning as a frame of reference. Additionally, the relevant factors that contributed to the achievement of the capabilities are described, as well as the gaps that were identified. On this basis, the following conclusions and recommendations aim to strengthen the national response in terms of prevention, search, location, investigation and post-tracing assistance for missing children.



Reference framework

To have a clear and legally binding legislation that facilitates the internal processes of reporting and investigating cases of missing children.

This includes having a legal definition for "missing child" and in turn, specifying and categorizing different instances of missing children, including but not limited to escaped or runaway child, family abduction or kidnapping, non-family abduction or kidnapping, missing child, abandoned child, unaccompanied child; the list may vary according to local needs and context.

This area also includes having clearly defined legislation on crimes that may be linked to the disappearance of a child, such as abuse, sexual exploitation and trafficking, among others.

Capacity 1: National Legislation

This includes having an effective and comprehensive regulatory framework that accurately addresses the problem, taking into account its particularities, facilitating the protection of children and adolescents and the investigation of cases from the different categories in which it occurs.categories in which it occurs.

Relevant Aspects

International Binding regulations ratified by Kenya

» Kenya ratified the United Nations Convention on the Rights of the Child (UNCRC) in 1990 committing to making the human rights of children a reality so that they can develop their full potential and be protected from any form of violence, abuse, exploitation, and harm.

- » Kenya has also ratified the United Nations Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography which entered into force in 2002. The convention asserts nations' commitment in preventing the sale of children, prostitution, and child pornography.
- » The Protocol to Prevent, Suppress and Punish trafficking in Persons Especially Women and Children was ratified by Kenya in 2005. The Protocol is a protocol to the United Nations Convention Against Transnational Organized Crime.
- » Kenya has also ratified the United Nations Optional Protocol on the Involvement of Children in Armed Conflict which condemns among other crimes, cross-border movement of children for recruitment and training into armed conflict.
- » The country acceded to the Geneva Convention Relative to The Protection of Civilian Persons in Time of War of 12 August 1949 in 1978 which provides for Children orphaned or separated by conflict, that they

should be protected and/or placed in a neutral country.

» Kenya is a signatory to the United Nations Convention for the Protection of All Persons from Enforced Disappearance but is yet to ratify the convention. Article 25 provides for State parties to provide for the offense of enforced disappearance among children and to identify and search for their families.

Local Regulations

The country has a series of general regulations which, while not specific to missing children, contain rights and guarantees applicable to the issue.

- » The Constitution of Kenya (COK) 2010, which is the supreme law of the land provides for the responsibility of the state to uphold the rights and address the needs of vulnerable groups within the society, among whom are children. The state also has the responsibility to enact and implement legislation to fulfill its international obligations to human rights⁶.
- » Article 53 of the COK provides for the rights of the child.
 - 53(1) Every Child has the right-
 - (d) to be protected from abuse, neglect, harmful cultural practices, all forms of violence, inhuman treatment and punishment, and hazardous or exploitative labor.
 - (e) parental care and protection, which includes equal responsibility of the mother and father to provide for the child, whether they are married to each other or not.
- » The Children's Act 2022 defines a child as any individual who has not attained the age of 18 years⁷. The National Reproductive Health Policy of 2022-2032 adopts and recognizes the World Health Organization (WHO) Definition of an Adolescent as anyone aged between 10 to 19 years, whereby an adolescent under the age of 18 falls under the children category while those who are 18 and 19 are young adults⁸.
- » The Children's Act section 144 (d) provides for a child who is lost and found and whose parents or guardian cannot be found and categorizes them as a child in need of care and protection. Section 145 through 147 comprehensively provides for the steps to be taken to

ensure the safety of children in need of care and protection.

- » Section 386 of the Criminal Procedure Code Cap 75° Laws of Kenya provides that the police have a responsibility to investigate instances where an individual has been missing and is presumed dead. Further, section 118A of the Evidence Act Cap 80¹0 Laws of Kenya provides that: "where it is proved that a person has not been heard of for seven years by those who might be expected to have heard of him if he were alive, there shall be a rebuttable presumption that he is dead."
- » National Legislation also provides for the following categories that fall under missing children:

Abandoned: (Section 2, Children Act) in relation to a child, means a child—

(a)who has been deserted by the parent, guardian, or caregiver; or

(b) whose parent, guardian or care giver has willfully failed to make contact with the child for a period of more than six months.

Escapee: A child who runs away from a fit person, charitable children's institution or appointed local authority to whose care the child has been entrusted under the Children Act, or from any person or institution with whom he/she has been placed by a charitable children's institution or appointed local authority under any regulations made under the Children Act 2022.

Abduction: The Counter Trafficking in Persons Act Cap 61¹¹ Laws of Kenya provides for crime of trafficking through abduction. However, the Act does not define what abduction is. However, the Penal Code Cap 63¹² Laws of Kenya section 256 defines abduction as:

Any person who by force compels, or by any deceitful means induces, any person to go from any place is said to abduct that person.

Child Stealing: Section 174 of the Penal Code provides for the crime of child stealing:

(1)Any person who, with intent to deprive any parent, guardian or other person who has the lawful care or charge of a child under the age of fourteen years of the possession of the child—

a)forcibly or fraudulently takes or entices away or detains the child: or

b)receives or harbors the child, knowing it to

⁸ https://www.health.go.ke/wp-content/uploads/2022/07/The-National-Reproductive-Health-Policy-2022-2032.pdf

⁹ http://www.kenyalaw.org:8181/exist/rest//db/kenyalex/Kenya/Legislation/English/Acts%20and%20Regulations/C/Criminal%20Procedure%20Code%20Cap.%2075%20-%20No.%2011%20of%201930/subsidiary%20legislation/docs/CriminalProcedureCode_subsidiary.pdf 10 http://kenyalaw.org:8181/exist/kenyalex/actview.xql?actid=CAP.%2080

¹¹ https://www.socialprotection.go.ke/wp-content/uploads/2019/07/Counter-Trafficking-in-Persons-Act8-2010.pdf

¹² chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/28595/115477/F-857725769/KEN28595.pdf

have been so taken or enticed away or detained

is guilty of a felony and is liable to imprisonment for seven years.

(2) It is a defense to a charge of any of the offences defined in this section to prove that the accused person claimed in good faith a right to the possession of the child, or, in the case of an illegitimate child, is its mother or claimed to be its father.

Kidnapping: The Penal code defines kidnapping in two parts.

Section 254 provides for the general definition as: Any person who conveys any person beyond the limits of Kenya without the consent of that person, or of some person legally authorized to consent on behalf of that person, is said to kidnap that person from Kenya.

Section 255 defines kidnapping from lawful guardianship as:

Any person who takes or entices any minor under fourteen years of age if a male, or under sixteen years of age if a female, or any person of unsound mind, out of the keeping of a lawful guardian of the minor or person of unsound mind, without the consent of the guardian, is said to kidnap the minor or person from lawful guardianship.

Gaps

- •Despite the existence of a broad national normative binding framework on missing children in terms of children's rights, there is no national norm which contains a specific definition for "Missing Child", or for "Missing Person", which constitutes a legal void in address the problem in a clear and concise manner, while also considering the particularities of each case.
- •There is a conceptual void regarding the following concepts: family abduction, non-family abduction, lost child, and unaccompanied child, among others, which are considered relevant to the problem, and because of the lack of a holistic definition, the attention and follow-up of cases becomes more complex.







Reference framework

A mechanism that would allow for the public to report or denounce immediately and easily provide clues about the disappearance of a child at no cost, available 24/7, easily accessible and staffed by trained personnel. The mechanism should allow children to call when they need help, while at the same time making materials and information available to the public.

The mechanism could be a toll-free hotline, a website, managed by law enforcement, a non-governmental or governmental entity, with a standardized registration form.

This mechanism should be governed by principles of confidentiality, with the Greatest Interests of the Child at all times, including immediate coordination with the responsible investigative agency.

This mechanism can become a platform for prevention campaigns that highlight the importance of public support in the search for missing children.

Capacity 2: Leadership

Relevant Aspects

- »The Directorate of Children Services (DCS) has a child protection department that coordinates all matters relating to missing and found children in Kenya. The Directorate is under the State Department of Social Protection and Senior Citizens Affairs.
- »The Children's Act 2022, (section 39, 41 & 42) provides for the formation and function of Office of the Secretary for Children's Services and the National Council for Children Services (NCCS)¹³. The provisions of the Act go hand in hand with the provisions of the Constitution of Kenya 2010 Article 54 which provides for the rights of a child including the right to: parental responsibility, alternative of children care including quardianship, foster care placement and adoption; to make provision for care and protection of children.
- »The permanent secretary and the cabinet secretary who head the government dockets go through a rigorous process of vetting and interviews before final selection by the president. The interview process undertaken before appointment ensures they are capable of carrying out their mandated tasks in their dockets.
- Missing Child Kenya (MCK)¹⁴ is the only local NGO in the country addressing and working with the government to directly affect issues of Missing and Found Children in Kenya.
- »The government is cognizant of the challenges being faced in addressing the issues of missing and found children, however they are yet to conduct research on missing and found children. As of now, the DCS is in the process of developing the Missing Children database. This is meant to help in data coordination and analysis to agitate for policy creation on issues of Missing and Found Children in Kenya¹⁵. The databases will be hosted in the Child Protection Information Management System (CPIMS)¹⁶.

¹³ http://kenyalaw.org:8181/exist/kenyalex/actview.xql?actid=No.%2029%20of%202022

¹⁴ https://missingchild.co.ke/home

¹⁵ https://data.childprotection.go.ke/missing-children/

¹⁶ https://www.socialprotection.go.ke/children-protection-information-management-system-cpims/

The public cannot access the actual case management process as eventually only specific individuals will be able to update it.

Gaps

•There is need for collaborative effort to carry out research on the issues affecting missing children in Kenya, and publish it for broad access.

Capacity 3: Hotline for Report and Support

This includes having an efficient mechanism for the filing of reports on cases of missing children, administered by professionals with the capacity to gather information that facilitates the investigation of the case, the protection of the child. And, at the same time, that can provide attention and support to the children and family members who come to them.

Relevant Aspects

- » The Directorate of Children's Services in partnership with Child line operates a toll-free helpline 116, that receives and deals with all children cases and including missing children's cases. The helpline operates 24/7 and has trained staff who refer cases to carious child officers depending on the need and nature of the report being made. When a case of missing children is made to the helpline, the details regarding the missing child are recorded and the person making the report is advised to go to the nearest police station and make a report.
- » The information collected by the 116 helpline is usually referred to children officers depending on needs. The preservation of the information once shared is not very clear. However, there is a legal requirement for the safe preservation of data of children by all who handle it. This is per the Data Protection Act of 2019 under section 33¹⁷.

- » The National Police operates the national hotline numbers 999, 911 and 112. These hotlines are for reporting any form of emergency and can also be used to report cases of missing children. The hotlines are free to call and operate 24/7 and anyone with information can call to make a report.
- » Walk-in reports are one of the ways in which people can report, whereby an individual goes physically to a police station or a sub-county DCS office to make a report of a missing child.
- » In the instance a report is made via call or walk in, there is necessary information that is collected, this is shown in the form below:



MISSING CHILDREN REPORTING FORM [LS1]

NB: This form is to be filled whenever there is a case of a Missing Child by the sub-county children officer.

SECTION A- REPORTING DETAILS

*CPMIS CASE ID	*Date of Reporting:	*Date Missing:
*Last place seen	Last person with	Last time seen
*Police Station:	*OB Number:	Reporting Agency:
*Reported by:	Relationship with the child	*Contact
*Case category Missing	*Case Subcategory: □ Lost □ En Abduction □ Abduction □Escap institution of care (tick appropriat	ee 🗆 Stolen 🗆 missing from
Additional Comments		

SECTION B- DETAILS OF THE CHILD

* First name	Surname	Other Names	Alias				
*Sex:	Date of Birth	Age	*Race Nationality Ethnicity				
*Home particulars Country	County	*Sub County	*Ward	Location Drop	Village		
Child in School ☐ Yes ☐ No		Grade/ Class/Form	*School name	Teacher's Name	Teacher's Contact cell phone no		
Languages spoken	Weight (kg)	Height (cm)	1 -	hristian, Isla , Rastafaria	m, Asian, n, specify option		
Hair color/Style Hair texture	Complexion light medium dark	Hobbies	Distinguish	ning body mo	arks		
*What was the Child v	wearing when last s	een? (Type of clothing and	l color, label	, specs, shoe	es)		
*Special needs □ Yes	☐ No *Type of spec	ial need: specify					
Reporter to briefly des	cribe the missing ch	ild's medical history.					
Dental description (Ga	ips, braces, tinted)						

SECTION C-*DETAILS OF THE PARENTS/GUARDIANS/CAREGIVER

Name	e Sex Relationship ID No. Residence Telephone Occu									
□ Mother □F Who has lega □ Mother □F	Father □ I custody ather □ E	stody of the child: Both Parents □Other of the child? Both Parents □Other	(Specify)							
Missing in Co Suspect: Name: Parents: Siblings:	ompany o	f: 	or Seri	Missing From: Home School CCI SCI Foster family Medical facility Other Specify Missing From: Home School CCI SCI Foster family Medical facility Other Specify						
Status of case New case Active	☐ Found Inactive			Whereabout of the child: □Location Unknown □Location Known □Case under review						
Case Summo	ury/ Addit	ional Information								
Follow Up No	otes on A	ny New Leads and U _l								
Date:										
Additional N	otes									



- » Missing Child Kenya has a toll-free line 0800 22 33 44. MCK has partnerships with The National Child Helpline 116, the Directorate of Children's Services (DCS), Anti-Human Trafficking & Child Protection Unit (AHTCPU) and all other child protection stakeholders to jointly process and document cases of missing/lost and found children. On a case-to-case basis the reporters contact MCK who will then work with them to document the case and distribute the alert. On a periodic basis they have created virtual working groups including branded SMS where they send and receive alerts and information.
- » Missing Child Kenya at the NGO level has a procedure for handling such reports and they include collection of:
 - a) Clear and recent photo of the child. (Maximum 2 photos)
 - b) Full names as they appear on the birth certificate. (Include nick names if any).
 - c) Gender of the child (Male/Female).
 - d) Age of the child.
 - e) Where child lives
 - f) County of occurrence (This is where the disappearance has happened)
 - g) Where the child goes to school.
 - h) Date and time child was last seen.
 - i) Where the child was last seen.
 - j) What child was last seen wearing.
 - k) Any unique features / birthmarks.
 - I) Description of child's medical condition / disability (if any).
 - m) Police Report (Name of Police Station + OB Number¹⁸) (this is mandatory, report and request for an OB number for urgent children's matter)
 - n) Contact Persons (Give 3 phone numbers which must include those of parents/guardians).
 - o) Any other helpful information not listed above but important to the case.

They use some of the above information to create an alert poster. The information collected by MCK is used to create alert posters and is usually stored in an excel spreadsheet that's accessed only by authorized persons.

- »The Missing Children Kenya Hotline 0800 22 33 44 is supported by various donors and partners.
- »Missing children's issues is relatively new in the country hence there is no clear procedure or curriculum for training the officers operating the lines. MCK has officers handling the toll-free line who are trained counsellors/ social workers.

»There is no training for hotlines or helplines in general. The MCK has done training depending on social or technical needs to address the psychosocial needs of the clients.

Gaps

- •Noting that the country has a child helpline and several toll-free hotlines for reporting various cases, the country does not have a national hotline for receiving the cases of missing children. This creates a gap in specialized and tailored response as the professionals handling these lines may not have the knowledge and skills to handle cases of missing children.
- •Due to the novelty of dealing with missing children in the county there is no standard operating procedure for making, receiving, and handling reported cases of missing children which leads to different agencies handling cases differently. Data taken at different points of reporting on missing children is collected and recorded in varying formats as there is no set standard procedure for the collection of data for reports of missing children.
- •No awareness campaigns have been developed or implemented in order to encourage the reporting of cases and the promotion of cooperation through the existing hotlines and channels.







Reference framework

Immediate response. Time is critical when reporting a missing child. The investigation must begin immediately. The response must be coordinated and swift, so that every hour is used efficiently, given the fact that the risk of damage or injury to the child increases as time passes. A child whose whereabouts are unknown is a highly vulnerable person. Whatever the reason for their absence, they could be the target of crimes, and their life could be at risk.

Response and Research Procedures. There must be policies and procedures for the investigation process, including at least: setting up immediate actions once the case is registered; interviewing suspects, family members, friends, and witnesses; conducting a risk assessment immediately after receiving the report, which will provide an understanding of the seriousness and urgency of the case; defining a strategy for the investigation; defining which resources are needed to search for the child; determining who to notify and coordinate with internally and externally; the gathering and management of forensic evidence; the establishment of special procedures in the case of missing children outside of the country; determining how and when to activate the public appeal, previously carrying out a risk assessment to see if it is pertinent; the management of media engagement; interviews with the children after their recovery to determine what happened.

The personnel of the instances with competences must be duly trained regarding the indicated responses and procedures. No matter the age, gender, race, or circumstances of a child's disappearance, it should always be assumed that the child is in danger unless otherwise confirmed.

Family and child support. The priority in a case of a missing child is the child, but this does not mean the child is the only person affected. Therefore, a support system must be created for the sake of the family during and after the investigation. The family member who reports or who participates in the investigation may need guidance, information about the process, and emotional support due to the situation they are going through. It is necessary to have professionals trained for this purpose as a point of contact, or if appropriate, as family liaison officers, which can significantly help in the investigation, since they can obtain detailed information about the family dynamics and the possible reasons on why the child is missing.

Once the child appears, it is important to investigate and understand what happened while the child was missing, to provide support, follow-up, and make decisions based on what happened. Any interview with the child should take place in a neutral environment, without judgment or prejudice. This will allow the investigative and support teams to gain their trust and make them more willing to share information about what happened while they were missing.

Formal agreements between agencies involved in the investigations of missing children, and the protection of children in general. A coordinated, articulated and complementary approach is required between justice operators and child protection agencies, in order to guarantee a comprehensive and effective response. Establishing formal agreements is a good practice that achieves optimal results, when taking into account the best interests of the child and the guarantee of their rights.

Capacity 4: Immediate Response

This includes defining the legal provisions and resources needed to immediately attend to cases of missing children, establishing the necessary coordination so that, from the outset, an intervention plan is designed and implemented.

Relevant Aspects

- »In Kenya, there is no standard time given for reporting a child as missing. Some agencies may record the report immediately while others may tell the parents to come after 48 hours. Some police stations also give an Occurrence Book (OB) Number immediately and record the case while others do not record and ask the parents to wait a little longer in the belief that the child will just turn up.
- »There is no given procedure for filing a missing child report, the different agencies such as the police, chiefs and children officers collect information in their own custom ways.
- »The country currently has no protocols for interviewing family, friends and potential witnesses in the case of a missing child. As a result, the police who carry out these interviews use internal investigative protocols that may vary from station to station.
- »Anyone who has custody or supervision of a child can report a child as missing.
- »The central repository for data on missing children in Kenya is still under development. Different organizations hold the information they receive at their discretion. Different police stations store the information received on a missing child for different durations. The Directorate of Children Services (DCS) holds information until a child reaches the age of 18 years, after which the information may no longer be available.
- »Currently, there is an informal working relationship between the Directorate of Children Services and Missing Child Kenya. Children officers refer missing children's cases to Missing Child Kenya. MCK uses the information received from the DCS officers to create and distribute alert posters on its platforms.
- »The law enforcement in Kenya has the investigative mandate for all cases reported to them. There is no specific legislation obliging them to investigate cases

- of missing children, however, as earlier noted, the Criminal Procedure Code under Section 386 empowers the police to investigate and report on cases regarding missing persons who are presumed dead. The lack of guidelines and instructions to law enforcement means that there are no set timelines for investigation or systemic procedures that need to be followed in the process. As a result, each police station may use its own custom standards to set timelines and investigative procedures.
- »There is no law or guideline directing the need for immediate investigations of reports of reported missing children. However, the officers who have knowledge of the need for immediate action carry out investigations immediately.
- »Initially, the courts and the DCS would work together to hold quarterly media press day, where they would use the platform to inform the media of ongoing cases and strides being made in the child protection space. During these sessions, they would also inform the media of missing children for publication. The press day is no longer being held; however, the agencies are working to revive it and more frequently. Therefore, most mainstream media publications are as a result of individual effort of the missing child's family and well-wishers.
- »In Kenya, there are no official guidelines, protocols, standard operating procedures (SOPs) or law for the investigation of cases of missing children. At the time of conducting this assessment, the country is in the process of Developing the Draft Guidelines on Missing and found Children that seeks to address some of these gaps.
- »Mobile tracking is a resource used in the search for a missing child in Kenya. However, it is only effective if the child who is missing had a mobile device on themselves, or if the suspect has a known mobile device. In other instances, communities come together and put together search parties which comb through the geographical area/ radius in which a child has gone missing. The search parties in most instances find the children alive; however, in rare cases, the community may find the child in the forests, or drowned in local rivers or dams.

Gaps

•The general assumption in the country is that one needs to wait for 48 hours before making a case of a missing person whether child or adult, however there is no specific guideline

- on period for reporting a missing child. As a result, the cases are given urgency depending on the agency the report has been made to.
- •The assessed level of urgency can vary from case to case. Because it depends on the assessment made at the time the report is received, it is likely that there are cases that are placed on hold and not attended to immediately.
- •The country currently has no protocols for interviewing family, friends and potential witnesses in the case of a missing child. As a result, some necessary information may be overlooked that may have otherwise aided the tracing of a missing child.
- •For search and investigation of cases of missing children, there are no specialized resources such as canine units, mobile tracking, roadblocks. Budgetary, human, technical and logistical resources are very limited.

Capacity 5: Response and Investigative Procedures

This includes having policies, procedures, and the capacity to carry out the investigation process, following the actions needed to gather the facts, information and evidence that allow the resolution of the case in a positive manner. This capacity is oriented to employ techniques, resources and coordination to ensure the location and recovery of children, while ensuring the best interests of the child. It includes having specialized units and professionals fully trained in the responses, procedures and coordination required for each case.

Relevant Aspects

- »The Directorate of Criminal Investigations-Anti-Human Trafficking and Child Protection Unit (DCI_AHTCPU) is responsible for investigating all types of children cases in Kenya including but not limited to missing children. However, there is no specialized unit for dealing specifically with missing person cases.
- »The local police mostly lead the search for missing children, but again as mentioned earlier, it is dependent on a case-by-case basis.
- »There is no policy that provides guidance on information that can be shared during an ongoing investigation on a missing child.

- »Kenya has no child risk assessment format for missing children, hence no categorization as to the immediacy of risk or level of response needed. The determination of whether a case warrants evaluation or not is wholly dependent on the officer or personnel receiving the information on the missing child.
- »The interviews conducted in missing children's cases could be termed as random at best as there is no guideline on who needs to be interviewed or what questions need to be asked during the interview process.
- »Media involvement in the missing children's cases is unregulated and there is no guideline stipulating the procedure the media should follow. As a result, investigators do not have much control over media involvement.
- »Community risk assessment to determine their engagement in a case of a missing child is usually not possible. However, in gated and controlled communities which are very few in the country, it is possible to engage the community within the given area.
- »It is unclear whether it is possible to have community hotlines, or if they exist. However, in gated estates and communities, it is easy to report to the security desk.
- »In instances where a child is not found, the cases remain pending. The investigations may stall or discontinue unless new evidence is introduced, otherwise, the cases are rarely reactivated. The lack of a centralized repository makes it difficult to co-relate the missing of a child with the commission of a crime.
- »The DCS store data on unsolved missing children's cases whereas the police carry out the investigative process and follow-on new leads if any are introduced.
- »In instances when new information on long-term missing cases emerges, the affected families go back to the police station they had made the earlier report. However, there is no protocol on response or post recovery for such cases in Kenya.
- »There is inter institutional coordination between Directorate of Childrens Services, The National Police Service, and the Judiciary on cases of child protection, and this also naturally applies to missing children. However, there is no legal clause defining this for missing children.

Gaps

- •The law enforcement has no special unit dedicated to missing children's cases, which creates a gap as the police officers to whom a case is referred to may not have the skillset to handle such cases.
- •The Child Protection Information Management System (CPIMS) which is the central repository for data on children is yet to be uploaded with a database on missing children which would address the fragmentation of data collected and stored. The database is still in the process of being created and updated.
- •There is no specific protocol containing official guidelines for the investigation of missing children's cases or a risk assessment format for missing children, hence no categorization as to the immediacy of risk or level of response needed.
- •The fragmentation of data collection has made it impossible to create correlations between missing children and crimes.
- •There are no specific guidelines for police officers on what information they can share during an ongoing investigation, which can lead to confusion about what can and cannot be shared with other agencies involved in the case

Capacity 6: Family and Child Support

This includes having designated professionals or liaison with the capacity to provide support, information, guidance, containment and encourage the cooperation of family members affected by the child's disappearance while the investigation process is underway and, when the child is found, having the capacity to inquire about what happened in order to provide the appropriate follow-up.

Relevant Aspects

»In Kenya, very few cases if any of missing and found children have prosecutions lined up (from the interviews, no one had any record of an ongoing

- case). The reason for this is the lack of guidelines on information and evidence collection on missing and found children processes.
- »When a child has left their home or is lost, the report made at the police station is meant to be referred to DCS officers within the given area. The police involvement ends when the child is found and reunited with their family.
- »However, in most cases, after a parent or care giver receives an OB number from the police station, they may continue searching for their missing child by themselves after a given period due to the lack of resources and capacity by the police officers to sustain prolonged investigations. The parents or caregivers would go back to the station to check if the police have received any further information on their case, the police would also call in the case that they receive any new information on the case.
- »Prior interview in cases of found children is dependent on how and where the child is recovered. If the child is in the care of a children's home, then a prior interview is done before family reunification. If the child is recovered remotely without assistance of any agency, there would most likely be no prior interview before family reunification.
- »There is no standard time set between location, care, return interview and access to reunification services. In most cases there is the challenge of data collection, information sharing and capacity of agencies, therefore, sometimes missing children may be found and placed in institutions and no follow up process.
- »Multiphase interviews only occur in cases where a child found was in a Charitable Children's Institution (CCI) and after following a court process as provided for in section 71 (6) of the Children's Act 2022; "A person shall not remove or transfer a child from a Charitable Children's Institution to another institution without leave of the Court." Thereafter, a child can be handed over back to their family.
- »Return interviews are done mostly by case workers or child welfare officers from the Directorate of Children Services (DCS), and in some circumstances, the police officer can do the interview. There has not been any specific training for these people in interviews and handover of missing and found children.
- »Occasionally, depending on the case, a child may be referred for free services such as counselling at the government hospitals. However, most parents avoid going to such services as they do not see the need for

it. In instances a family may feel the need to seek alternative services, these services are expensive hence they may opt not to go for them.

- »Psychosocial assessment for families is not mandatorily carried out and there is no training for such assessment for missing children. A CCI may do a general assessment (not specific to the issue of a missing child) but only when they have resources for it.
- »Availability of resources determines whether there are any follow-up examinations after family reintegration. The Guidelines for Case Management Child Protection and referral provide for the need for follow up and psychosocial support for the child and the family, however this is also dependent on availability of resources.
- »If the family is not in a condition to be reunified with their child, such as in instances of runaways due to abuse or poverty, the child remains at a government approved Charitable Children's Institute (CCI).
- »The procedure followed after the recovery of a missing child varies as the Guidelines for Child Protection, Case Management and Referral makes a general provision for all child-related cases and there are no specific directives for missing children. Sometimes a child undergoes medical examination, and assessment before reunification with their parents, other times, the child is simply handed over to the parent. In most cases, the parents or caregivers determine whether they will undergo post-recovery

Gaps

- •Fragmentation of data that is yet to be input inthe database for missing children in the CPIMS makes it hard to have perpetrators causing children to go missing to be prosecuted.
- •The country does not have any standard operating procedure or guideline that sets a standard time between location, care, return interview and access to reunification services for victims and their families. As a result of this, it is hard to track steps that have been undertaken in the recovery process.
- Despite the existence of the knowledge of the need for prior and return interviews, there is no mandatory requirement for this to take place before a child is reunified with their families mostly due to lack of resources to conduct such interviews.

- •There is no set guideline, procedure or training for how interviews for missing children should be carried out on families or children who have been recovered.
- •Even though psychosocial support is suggested upon reunification, it is not a mandatory requirement for the child or the family to undergo the process,
- •Despite the case management system providing for the need for follow-up for all children related cases, lack of resources and data on missing children hinders follow-up.
- •Currently there are no means available for the resocialization of those responsible for the disappearance of children.

Capacity 7: Formal Agreements Between Agencies Involved in Missing Child Investigations

This includes the capacity to establish synergies and coordination amongst research, protection, NGO, and private sector partners to guarantee the rights and the comprehensive care of children.

Relevant Aspects

- »The Directorate of Children Services is currently spearheading a Technical Working Group (TWG) that is meant to develop strategies and coordinate actions of different stakeholders while dealing with issues of missing and found children. The TWG is currently working on a model framework for SOPs as well as a database for missing and found children in Kenya.
- »The TWG is made up of both governmental and non-governmental actors who are seeking to address the issues of missing children.
- »During the investigative process, the DCS officers are usually in communication with the family. Missing Children Kenya offer psychosocial support to the parents through their toll-free line through calling and giving updates on their specific cases. Some families opt to seek counselling and guidance during the process while others resist and only insist on the finding of their missing child



Gaps

•The Technical Working Group for missing children is doing much to bring together expertise from different organizations, however, there is still no procedure that guides information sharing and coordination to ensure all challenges of missing and found children are adequately addressed.





Reference framework

Comprehensive database of missing and unidentified children. With increased mobility and interconnectivity around the world, registries are extremely useful in investigations, especially in situations of a child traveling within or across national borders. There may be cases of children who are found, but whose name or personal information is unknown. In these cases, it is important to register them in the system that the authority deems appropriate, until they have access to the information that properly identifies them.

A centralized national database or registry of all missing children that is accessible to all law enforcement agencies is a valuable resource for cross-searching for missing children.

Case Management System. This is a valuable mechanism for organizing, recording, and tracking key information. It also allows for cases to be attended to in an integrated, coordinated and continuous manner, emphasizing shared responsibility in coordinating actions, resources, access to information, thus facilitating the identification of gaps or new lines of investigation, and aids in avoiding confusion through the duplication of reports, cases or efforts.

Ideally, this system should include: categorization of missing children; updated information on circumstances of disappearance, the searches carried out, possible people who may be with the child, possible addresses where the child may be; custody status information; information about unidentified children in child care facilities or morgues; a constant reviewing and updating of the information and of the status of the investigation; biometric information, including DNA, fingerprints, and dental records of missing children and their families for cross-referencing when visual identification is not possible; media activity; and details of other interested parties who are involved in the case.

The proper training of personnel who have access to the case management system is essential to ensure the information is properly handled.

Capacity 8: Comprehensive Missing and Unidentified Children Database

This includes having access to tools that facilitate collecting and organizing information related to the cases of missing children, through the registering and storing of interconnected data, and that can be made available to interested parties.

Relevant Aspects

- »The Directorate of Children services is in the process of developing the database on missing and found children in Kenya.
- »The Child Welfare Society of Kenya (CSWK) has a missing children's database which is publicly accessible and shows metadata of children who are missing²⁰

- »The Kenya Red Cross has a database for missing persons including children. The Kenya Red Cross-National Tracing Service was officially initiated in June 1991, and it assists in restoring family links by attempting reunite family members who have been separated due to various reasons²¹.
- »Missing Child Kenya (MCK) has a database; however, this is only limited to the cases handled by MCK) and accessed by its authorized employees.
- »The national database has does not at the moment provide for children who are missing and may have left the country, it currently provides for lost, abandoned and unaccompanied among others as subcategories of missing.
- »At the government level, currently, general information is collected as provided for in the Guidelines for Child Protection Case Management and Referral in Kenya²² as seen below:



MINISTRY OF LABOUR AND SOCIAL PROTECTION STATE DEPARTMENT FOR SOCIAL PROTECTION DEPARTMENT OF CHILDREN'S SERVICES

CASE RECORD SHEET - A

This form to be filled whenever a child protection issue is brought before a child protection office, institution or facility

County.....Sub-county.....

Case Serial No:	Date of Reporting:	Contact Address/ email	
Case Reported by (Name):	Relationship to Child:	Telephone:	

PERSONAL DETAILS OF THE CHILD

Name of Child:	First Name				Middle Name		Last Name		Date of Birth:	dd	mm	уууу	Sex:	Male [1]	Female [2]	
Child in School:	Yes	No	Name of School:						Class:				Category of the school	Formal [1]	Informal [2]	
Tribe/ Ethnicity:					Name(s) of the child ¹	closest friends of			Religion:	Protesta	ant [1]	Muslim	[2]	Catholic [3]	Other [4]	
Mental Condition	Normal [1]		Challenged [2]		Physical Condition	Normal [1]		Challenged [2]	Other Med	lical Con	dition	Normal	[1]	Chronic [2]		
Hobbies:	Sports [1]	Movies [2]	Music [3]	Dancing [4]	Reading [5]				Child has birth certificate	Yes [1]		NO [2]		Refer to CRD		

²⁰ https://www.cwsk.go.ke/missing-children-database/missing-children-database/

²¹ https://www.redcross.or.ke/tracing

²²_hrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://laboursp.go.ke/wp-content/uploads/2021/03/GUIDELINES-FOR-CHILD-PROTECTION-CA SE-MANAGEMENT-AND-REFERRAL-IN-KENYA.pdf

SIBLINGS

No.	Name	D.O.B.	Sex	Name of School	Class	Remarks
1		(dd/mm/yyyy)	(F or M)			
2		(dd/mm/yyyy)	(F or M)			
3		(dd/mm/yyyy)	(F or M)			
4		(dd/mm/yyyy)	(F or M)			
		·				·
5		(dd/mm/yyyy)	(F or M)			

HOME PARTICULARS OF THE CHILD

	E.g. Kisii					Gucha			Sameta	
County:		Sub-County:				Village/Esta	ate:			
Ward:			Nearest La	learest Landmark						
Family Status		Parents living together [1]		Parent living togeth		Household Economic Status		Low income	Middle Income [2]	High Income [3]
''''', ''''										

PARENTS' PARTICULARS

Relationship		ID No.		Date of Birth] dd/mm/yy		Telephone	Village/ Estate	Occupation	Education ¹	Alive select as appropriate	te
Father										Yes/No	
Mother										Yes/No	
CAREGIVER'S F	PARTICULARS										
Relationship:	Name	ID No.	Sex M/F	Date of Birth dd/mm/yy	Next of Kin	Telephone	Village/ Estate	Occupation	Education ¹		
Foster Parent							·				

Source of Information relatives/teachers

1) Indicate highest level of education attained

»The database system still under development has provisions to include biometric data, current photographs, areas last seen, actions of investigation and who oversees the investigation.

Gaps

•The database under development does not provide for cases of missing through cross border travel, a means by which children especially in the conflict zones of the country go missing.



Capacity 9: Internal Case Management System for the Organization and Recording of information

This includes having a system that allows to organize, record, and track key information, which facilitates coordination, identifies gaps, avoids confusion and duplication of efforts, and is constantly accessible to all the parties involved. The training of personnel who have access to the case management system is essential for the proper handling of information.

Relevant Aspects

- »The Directorate of Children Services has a case management tool (CPIMS) for children in general which also captures missing children's cases. Only specific government and non-governmental employees and sub county children's officers have access to the CPIMS.
- »Data on a missing child needs only be entered once into the CPIMS, any recurrent missing incidences are just updated into the existing child's record.
- »A case is declared closed when a child is found, found deceased, has attained the age of 18 or the case has gone cold which in the Kenya context is after 7 years.
- »Kenya is an INTERPOL member, and in the case for need for collaboration for children who are missing and possibly outside the national territory, the Directorate of Criminal Investigations, Anti-Human Trafficking and Child Protection Unit (DCI_AHTCPU) coordinates the investigation with INTERPOL.
- »INTERPOL has an internal case management system through the yellow notice, which is intended to locate missing persons. It is an international search mechanism that works by distributing information to all 195 countries that are part of this body. The relatives need to authorize its publication on the INTERPOL website www.interpol.com, or privately, which means that only INTERPOL officials have access to the information.
- »In cases of missing children outside the national territory, a report is made to the local police, to INTERPOL or the National Central Bureau (NCB) which is the local INTERPOL office.

»There is no DNA evidence base for relatives of missing children, however once a child is found or their corpse, a DNA test is done of the person claiming to be a relative before the child is released to them.

Gaps

•Although the CPIMS system exists, a specific system that allows having a registry of missing children is still This would needed. facilitate communication and speed up the exchange of information with other agencies responsible for enforcing the Law, similar to the INTERPOL yellow notices. Currently the coordination and exchange of information on cases of missing children is done through calls, notes, messages, with each agency having its own records.



Reference framework

Cross-border Cases. Identify and implement clear and comprehensive regulations regarding cross-border child travel to prevent international abduction. Entry and departure procedures can prevent and deter potential abductions.

The legal guardian can determine whether a court decision is necessary to restrict the travel of a child to avoid the possibility of abduction by the non-legal custodial parent.

The entry/departure database, ideally interlinked with missing children's databases, is a valuable tool for law enforcement.

Capacity 10: Regulations regarding cross-border travel with children

Have specific legal measures to control the entry and exit of children at land, air and sea borders.

Relevant Aspects

- »There is no specific law regulating and supervising the cross-border travel of children, however, airlines have internal policies that require them to ensure a child is travelling with the supervision of a legal parent or guardian. These guidelines originate from the Kenyan Airports Authority (KAA). ²³
- Similarly, in the case that a child is over five years, the responsible caregiver should have signed a waiver form and also guarantee that an equally responsible caregiver will be waiting for the child at the arrival airport.
- »For a child to travel alone, they need to have a letter of Consent and Authorization, assigned temporary guardianship with the airline and handover to identified person at the destination that has been listed in the letter of consent.
- »For one to obtain a passport for a minor, they have to show proof of parental responsibility such as the birth certificate of the child and national identification documents for the parent. In the case it is a single parent, they should have a letter of consent from the other parent or a document showing the parent has the legal responsibility of the child.

- »The border professionals are trained to check and request for Evidence of relation to minor through provision of National IDs, Passports and Birth Certificates of both parents and letters of consent.
- »The department of immigration under the ministry of interior and coordination of national government is responsible for passport regulations. The law enforcement in the country is under this ministry and works closely with the passport control officers at the airport desks in case of any issues.
- »There is no specific procedure set for a child travelling alone without due authorization.
- »It is unclear whether there are specific records kept of entries and exits of children and adolescents through different routes.

Gaps

- •There is no specific regulation or national regulatory provision that supervises cross-border travel of children.
- •The lack of regulation also affects the procedures that need to be taken in the case where a child is travelling across the border without due authorization from a parent or quardian.
- •There are no known records kept of children entering and exiting the country by land, air, or sea.





Reference framework

The involvement of the community is a crucial step in the process.

Photo distribution system. Every entity working on missing children's cases should have some means for distributing the photo and description of a missing child to those involved in the search, in some cases this distribution may only involve law enforcement, while in others, the public may be called upon for support. Not all missing-child cases are disseminated, however, it is advisable to have all necessary forms and procedures in place to ensure a rapid response when photo distribution is needed.

The photo distribution system should include vital information for distribution through websites, social networks and apps, screensavers, RSS feeds and java banners, registered email distribution lists and corporate partners that display information on TV screens, bulletin boards, other information displays, service vehicles, etc.

A well-established distribution system will provide widespread coverage, offer indispensable leads, and help keep information regarding missing children in the minds of the public until they are recovered.

Important data that may be included in flyers along with pictures of the child are: date of birth, gender, weight, height, current age, eye color, hair color, date of disappearance, last known location, circumstance of disappearance, if there is any information on who they may be with or had been seen, type of case, contact information.

Rapid Emergency Alert System. Establishes means of transmitting and disseminating information about the most serious missing children's cases. Their goal is to immediately reach an entire community in order to assist in the search and safe recovery by providing detailed information about the child and the alleged abductor, the vehicle in which the child was taken, etc. Each warning system has its own approach, but it must at least take into account the following: If the child is under 18 years of age; if information indicates that the child is in imminent danger of serious harm or death; if sufficient information is available to allow the public to assist in locating the child.

Neither the distribution of missing children notices, nor the rapid emergency alert are sufficient on their own. It is necessary to establish a comprehensive and coordinated response, with mechanisms to notify the public synergizing with the overall response to the case.

Capacity 11: Photo distribution

This mechanism is intended to facilitate the widespread dissemination of the image and key data about the missing child to the public through a notice or poster to request and promote public collaboration in efforts to locate the child.

Relevant Aspects

- »The Media Council of Kenya (MCK) Act of 2013²⁴ under the second schedule section 19 provides for ethical methods on the publication of news related to crimes against children. It stipulates that:
- »Children shall not be identified in cases concerning sexual offenses, whether as victims, witnesses, or defendants,

- »Journalists shall not normally interview or photograph children on subjects involving their welfare in the absence or without the consent of a parent or other adult who is responsible for the child.
 - •Even then, their faces are blurred as a protection measure.
 - •Their names are also withheld.
- »Section 20 of the Kenya Information and Communication (Broadcasting) Regulation 2009²⁵, provides for the protection of children and requires broadcasting licensees to:
 - •ensure that due care is exercised in order to avoid content that may disturb or be harmful to children, which has offensive language, explicit sexual or violent material, music with sexually explicit lyrics or lyrics which depict violence.
 - •not broadcast programmes with the content specified in paragraph (a) during the watershed period²⁶;
 - •request for permission to conduct an interview with a minor from the minor's parents or guardian before conducting an interview with a minor.
- »Section 4.3 of the Communication Authority's Programming Code²⁷ is a set of guidelines that details rules on coverage involving children and requires broadcasters to adhere to the following:
 - •Section 4.3. I: Particular care should be taken to avoid causing any distress or alarm to children involved in programmes. Under no circumstances may children be put at physical or moral risk, for example, in factual programmes concerning criminal activity.
 - •Section 4.3.2. I: The right to privacy of the children must be respected. Since undue publicity or wrong labeling can cause harm to them, children who are victims of abuse or conflict with the law shall not be identified, directly or indirectly. Any information that might cause them to be identified shall not be aired.
 - •Section 4.3.2.2: Surprise and unplanned ("ambush") interviews of children are not allowed.
 - •Section 4.3.2.3: Child victims, child suspects, child accused of a crime, child arrested or detained on suspicion of wrong-doing, and a child undergoing trial shall be protected from further suffering emotional distress or trauma; they shall be interviewed only upon consent of their parent or legal guardian, unless the parent or the quardian is the accused.

- •Section 4.3.2.4: Children should not be required, coerced, or bribed to recall and narrate traumatic experiences, demonstrate horrific acts, or describe them in graphic details. Programmes and materials involving children must comply with all pertinent laws, rules and regulations of this country.
- »The Media in Kenya is bound by the laws of the land including the Constitution of Kenya 2010 which provides for the rights of children and the Children's Act 2022; hence the media is expected to respect and protect the dignity of children in accordance with their inherent human rights.
- »There is no policy in the country for coverage of missing children and cases that are no longer under investigation.
- »There is also no procedure that reinforces photo removal for the media.
- »In cases where the MCK was involved in the recovery of a child, they offer advice to the media to prevent revictimization, however there is no policy in place to this effect.
- »Unless the media is involved in the creation and circulation of details of a missing child, they are not informed when a child is recovered. MCK issues alert posters on social media once a child they had posted as missing is recovered.
- »The privacy of a child is preserved during awareness creation of their missing status by not providing full name of the child, parent's phone number, home address and any other information not necessary for their recovery.
- »When a child is recovered photos distributed can be removed from social media, and posters of missing are replaced with one stating that the child has been found. The circumstances under which the child was found or their whereabouts when they were missing are not shared to prevent revictimization.
- »The country has no specific procedures for deletion of distributed images.
- »There are no face age progression capabilities within the law enforcement.
- »The law enforcement does not have the technological capacity and knowledge to maintain the age

²⁵ https://www.ca.go.ke/wp-content/uploads/2018/02/Broadcasting-Regulations-2009-1.pdf

²⁶ Watershed period refers to the time between 5am and 10pm, in which broadcasters are not meant to air programs with adult rated content. (Kenya Information and Communications Act (KICA) 2013)

²⁷ https://ca.go.ke/wp-content/uploads/2019/03/Programming-Code-for-broadcasting-Services-in-Kenya-March-2019.pdf

progression tool if it was made available to them without training.

- »MCK has partnered with Italian Missing Childrens institute for assistance with Forensic Image Progression.
- »Social media is the main channel used to alert the public of missing children, in other occasions, families that are well off can pay mainstream media to have the notice of their missing child distributed for a time.

Gaps

- •Despite the provisions that dictate to the media to always put the best interest of the child first, there is no media guideline or policy for handling cases of missing children, the information that needs to be shared or how it should be shared.
- •There is also no procedure for takedown or photo removal after a child has been found alive or dead.
- •The government has no photo distribution system or a rapid Alert system for missing children.
- •The law enforcement does not have a face progression system for children who have been missing for a long period of time.
- •Should the face progression system be made available, the law enforcement would need to undergo training to build their capacity to manage the system effectively.

Capacity 12: Rapid Emergency Alert System

This includes having a mechanism in place to immediately alert the population about serious cases of missing children by providing basic information to citizens to enable them to participate in the search and recovery.

Relevant Aspects

»Kenya does not have a Rapid Emergency Alert System.

Gaps

- •The country does not have a Rapid Emergency Alert System that alerts the population of serious and urgent cases of missing children.
- •There is no Memorandum of Understanding (MOU) with local telecommunications company to disseminate alerts on missing children.
- •There is no non-public notification system to alert law enforcement agencies and other authorities of cases of missing children.





Reference framework

Prevention Framework. The population should be educated about the problem of missing children and the effects that this experience has on their lives and on the lives of adults.

This area includes a variety of core components such as campaigns to **promote greater awareness** and inform the community about the available services, resources, educational and awareness campaigns conducted for students and educators, about the training of border agents and other law enforcement on possible indicators of abduction, sexual exploitation, and trafficking (including profiles of victims and perpetrators,) judicial mechanisms/tools such as custody orders, protection orders, and neutral party passport custody. These tools can help prevent and deter child kidnapping.

Awareness campaigns should inform children and adults about the risks and perils associated with this issue. They should also highlight collaboration efforts and work towards building a unified voice with coherent and consistent messages from government, law enforcement, private enterprise, and NGOs. These materials should offer advice to parents and children on how to stay safe and avoid harm, including basic safety practices such as not opening the door or accepting gifts from strangers without an adult's permission, not giving out personal information over the phone or internet, as well as having the child memorize an emergency phone number.

Parents should be encouraged to keep their children's information and identification up to date, including medical and dental records (whenever possible), government-issued documents, photographs, etc. If available, fingerprint records and biological samples can also be stored through a child identity kit. Additional tips can be tailored to address specific areas of concern, such as children who run away from home, online grooming, trafficking, parental kidnapping, among other issues.

Capacity 13: Awareness

This capacity is oriented to the development of actions to raise awareness of the problem of missing children, as well as to inform the population about how to prevent it through the use of mechanisms tailored for the identification and minimization of potential risks.

Relevant Aspects

»The 25th of May for the last 3 years has been as the marked International Missing Childrens Day (IMCD). During this day, a lot of online campaigns with posters, videos and information on our platforms about missing children is done.

- »Information and material on missing children are accessible on the websites; https://imcd.childprotection.go.ke/ and https://missingchild.co.ke/
- »In 2022, the draft guidelines for missing children were reviewed by children and they got to give their suggestions and opinions on various topics captured in the guideline. This was a key step in the realization of child participation when it comes to matters of missing children in the country.
- »Community members who participate in the marking of the IMCD are educated on the issues of missing children.

»In 2019, during a football game dubbed mashemeji derby, footballers raised placard of missing children just before the start of their game which led to finding two of the missing children. ²⁸

Gaps

- Despite Kenya having commemorated the International Missing Children's Day for 3 years now, there is still little public knowledge and engagement on issues of missing children.
- •Some scattered efforts have been made to prevent and raise awareness of the problem of missing children. However, no specific actions have been implemented to sensitize the population or to directly address the problem on a regular basis.
- •There is no clear understanding of what the disappearance of a child means and the effects it has on the child's life. In many cases, due to lack of knowledge, the public tends to make generalizations and minimize the problem or attribute responsibility for the child's own disappearance to the child.

Capacity 14: Training for Key Professionals

This capacity aims to ensure that all the professionals in institutions responsible for the issue have the knowledge, tools, skills and attitudes to provide comprehensive, effective and efficient responses to the problem of missing children, in accordance with their competencies.

Relevant Aspects

- »The Technical Working Group on Missing and Found Children underwent a training by the International Centre for Missing and Exploited Children (ICMEC) earlier in 2023 to build their capacity on issues of missing and found children.
- »In 2018, some key child stakeholders including members of governmental and non-governmental organizations received training from ICMEC on the

challenges of missing and found children.

»Interpol in 2022 through project Soteria²⁹ trained the law enforcement in Kenya along with other child stakeholder organizations on nuances of missing and trafficking of children for the purpose of sexual exploitation.

Gaps

•Training that has been offered to the key professionals has been random, and not on a regular basis. As a result, there is still much need for more capacity building on skills and knowledge to handle missing children issues.

Capacity 15: Educational Campaigns

This includes the ability to disseminate specific messages on the problem of missing children aimed at a particular sector of the population or the general population, through various strategies of information and communication.

Relevant Aspects

»The IMCD has been used as a platform for disseminating messages on missing and found children.

Gaps

•There is no evidence of any specific targeted or massive communication campaign regarding disappeared children which is directed at the general population or at particular groups to persuade them and generate changes in attitude regarding the issue.

Capacity 16: Education Programs for Parents

An ability aimed at encouraging parents or guardians to care for their children in the face of the risk of disappearance or kidnapping and keeping their children's information and identification documents updated.

Relevant Aspects

»The Kenya Red Cross works in communities which are more susceptible to migration and with family members directly affected by the disappearance of a family member. Preventive actions are carried out so that the population becomes aware of the risk of disappearance during the migratory journey. Information is prepared to serve as a guide for relatives of disappeared migrants, which proves to be a highly supportive document for this population.

Gaps

- •There are no systematic efforts aimed at guiding parents in obtaining the information that allows them to change their ideas, practices or behaviors about the safety of their children
- •Children do not have an ID with a photo.
- •The Kenyan population does not generally keep files with the personal information of each child. In general, and in the best of cases, the documents are usually limited to their birth certificate and vaccination card.
- •Parents are not aware of the threat technology can cause in terms of online grooming of children which may result in them going missing



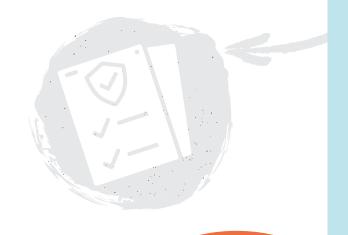


CONCLUSIONS

When a child disappears, they are at risk of their rights being infringed, and that should represent for everyone a situation that requires urgent attention, until the facts indicate otherwise. In addition to the irreparable damage that this might cause the child, the family is directly affected by the uncertainty, pain, and anguish they experience as a result of the event. Both the child and their family become victims. Therefore, they both support, accompaniment, psychological, social and legal assistance. The problem requires comprehensive attention within the institutional framework investigation, and protection, while taking an approach to help families recover from the damage suffered.

In the last three years, Kenya has made attempts to start addressing the issues of missing children and make it a national conversation. This has been done by acknowledging and commemorating the International Missina Children's Day on the 25th of May, creation of the Department of Missing children under the Directorate of Children Services, the creation of the draft quidelines on Missing Children Management and partnering with local and international organizations such as Missing Child Kenya (MCK) and the International Centre for Missing and Exploited Children (ICMEC) for knowledge sharing.

Acknowledging the above efforts, the country still has a long way to go to fully and effectively address the issues of missing children in the country. It is imperative to take the corresponding measures to: have legislation that includes the definition of missing child and further categorizes the problem; overcome the leaal aaps: strengthen investigation mechanisms and protocols; improve data collection through a harmonized database; strengthen the case management mechanism, establish agreements, alliances, institutional, and inter-institutional coordination and with civil society: strengthen the mechanisms to notify of cases and population collaboration; create a Rapid Alert System; have 100% of the reported cases be investigated until they are closed; improve protection, prevention and training mechanisms in order to ensure an effective and comprehensive response to the problem.





RECOMMENDATIONS



Area 1: Definition

- 1.Creating a local legislation that specifically addresses missing children, this includes specific definition for:
 - -Missing child
 - -Escaped or runaway child
 - -Family abduction of a child
 - -Abducted child
 - -Kidnapped child
 - -Lost child
 - -Unaccompanied child
 - -Any other aspect deemed relevant to address the problem
- 2.Coming up with training to ensure competency-based leadership for individuals heading government agencies and projects dealing with missing children to ensure effective governance.
- 3.Collaboration for completion of the case management system for missing children for effective data collection and storage.
- 4.The DCS to engage more stakeholders in addressing the issues of missing children in the country for a wider reach and effective implementation of different targets that will improve the structure of missing and found children in Kenya.



Area 2: Reporting Mechanism

- 1.Come up with a national toll- free number for receiving reports on missing children in Kenya that is allows for reference to the county and subcounty levels at no cost.
- 2.Create more awareness on the child helpline 116 for public to be aware of the services available touching on children matters including missing children.

- 3.Provide specialized training to the agencies that have at their disposal a phone line, or other mechanisms to receive reports of infringements of rights, including reports of missing children. The training should include information on:
 - -Data to be collected during a report,
 - -how to receive and refer reports,
 - -care, support and assistance for children and family members who file reports or seek support/guidance, and
 - -case follow-up,
 - -crimes committed in connection with the disappearance of a child.

Training the people in charge will allow them to provide support in any situation that may arise, ensuring that the calls are met with a quick and effective response, adapting it to children, families, or individuals, depending on each case.

4.It is important to specify the roles and responsibilities of each entity involved in dealing with cases of missing children in order to guarantee a comprehensive response to the problem and avoid duplication of efforts. Area 3: Investigation



Area 3: Investigation

- 1.Provide for legislation and maintain the guideline that there should be no waiting period to initiate the investigation because any delay can make the difference between locating the child safely or finding them hurt, or dead.
- 2.Establish basic guidelines detailing the actions and type of intervention required from the moment a missing child report is received and the investigation is initiated, including emergency assessment criteria through risk assessment and plan of action.
- 3.Develop a protocol containing guidelines for the investigation of missing children's cases, including essential elements such as risk assessment, search mechanisms, interviews, strategy to follow, resources required, notifications, institutional and inter-institutional coordination, management of forensic evidence, handling cases on national territory and abroad, media involvement, coordination, and post-recovery assistance.

- 4.Create a curriculum or a specialized training program for the agents involved in response, search, and location of missing children.
- 5.Conduct risk assessments throughout the investigation. If this is not possible, conduct risk assessments at least: upon receiving the report of a missing child -to assess risk the child faces, and to determine if a public appeal is appropriate and could assist in the child's recovery and to what extent the public media should be involved in the process.
- 6.Provide for a mandatory requirement provide the family with updated information on the progress, difficulties and process of the case their missing child to reduce distress due to lack of information, and communication with them.



Area 4: Registration

- 1.Create a database with the registry of missing children, establishing guidelines for its content, updating with the latest information and security measures in order to ensure the proper use of the data, as well as its safekeeping.
- 2.Ensure that there is a system that allows for cross-referencing when visual identification of the child is not possible (DNA). Also, include other forms of identification for unidentified children who lack documents, are in foster care, day care centers, morgues or others.





Area 5: Entry and Exit Requirements

- 1. Come up with a legislation that provides for children entering and exiting the country, documentation and or authorization that they should have and means of verifying the accuracy of the information provided at the exit and entry points whether air, land, or sea.
- 2.Provide for instances where a child may be attempting to exit or enter the country without proper documentation and steps to be taken to preserve the integrity of the child and protect their best interest.
- 3.Strengthen international collaboration especially on border points that are termed as blind spots for which children are brought into the country or taken out for criminal purposes and or trafficking.



Area 6: Public Notification

- 1.Legislate and provide for the creation of the Rapid Alert System and provide for establishing specific protocols or guidelines regarding public notification, including base guidelines for cases where immediate dissemination of information on missing children cases may be counterproductive.
- 2.Approve a basic design for a poster for disseminating information, ensuring the principles and approaches are within the framework of the law and in the Best Interest of the Child.
- 3.Come up with a procedure for photo removal and takedown for both social media and mainstream media to protect the dignity and privacy of the child whether they have been found dead or alive.
- 4.Come up with a media regulation policy that is specific for dissemination of missing children's information.



Area 7: Prevention and Awareness

1.The international Missing Children's Day which is commemorated only at the national level to be celebrated at county and subcounty levels for community sensitization.

2.Create a framework for community involvement for prevention that includes, awareness creation, trainings, specialized training, educational campaigns and training programs for parents and teachers.

3. Within the awareness efforts among parents, it is important to emphasize the importance of taking care of and keeping their children's information updated and in order, informing them of the relevance of documents such as photographs, medical and dental records, and government-issued documents in the event of a missing child, and if the event occurs, the importance of reporting it immediately.

4.Create friendly educational campaigns targeting different audiences, through creative strategies and actions in order to disseminate key information on the topic. Public-private partnerships can be established for this purpose.

5.Educate the public about the variety of problems that can arise as a cause or effect of a missing-child situation, and that their involvement is key to the successful location of these children. Provide guidance to raise awareness about the importance of reporting cases of missing children as quickly as possible and not assuming the children will return home on their own, even if they have done so in the past.

6.Include guidelines for care and safety on the Internet in prevention efforts. Today, cyberspace is also a means by which children are seized and deceived and may end up missing because of it. The risks in real life are the same as in the online world.







FINAL ASSESSMENT May 2023

Multisectoral Responses and Capacities Assessment (MRC) for the Development of an Intersectoral Response for the Prevention, Search and Location of Missing Children – Kenya..