

Foreword

16 June is a special day set aside for celebrating the child in Africa and, by extension, understanding and enforcing the rights of the child in Kenya. On this day, we remember our brothers and sisters who were killed and injured in Soweto, South Africa, in 1976 as they fought for some of the rights we freely enjoy today. I would like to thank the Kabarak University and Save the Children International for making a great stride in reinforcing the rights of the child with this initiative to celebrate the Day of the African Child 2023.

This year's theme of the Day of the African Child was 'The rights of the child in the digital environment'. On this day, Kabarak University and Save the Children hosted the First Model African Committee of Experts on the Rights and Welfare of the Child Moot Competition. The importance of the moot court competition cannot be gainsaid as it brought together state and non-state justice sector actors, practitioners, academicians and persons of interest at all levels to promote the rights of the child.

This year's celebration granted us an opportunity to engage in conversations on how to enhance the rights of the child. We shared unique experiences and best practices, reflecting on challenges impeding the realisation of children's fundamental rights, and collaboratively generating workable solutions towards the reform and generation of practical strategies and approaches aimed at addressing the identified challenges. With a cause as serious as the safety and well-being of our children, we cannot afford to close ourselves off from new ideas. I am optimistic that we will continue to use such fora to learn from each other.

It is no secret that we are firmly in the digital age, with increased internet access and usage globally within the last decade. With the rise of what has been termed as the 'digital age' have risen new threats to human rights and especially children's rights. The vulnerability of children exposes them to abuse by online predators, which usually takes the following forms: child trafficking, cyberbullying, infringement of data privacy and online child pornography.

The African Child has been included, as children are more adept at internet usage than the older generations, meaning they are more exposed to the virtual environment. The exposure, in effect, has fundamentally changed the manner in which children exercise their rights and has indeed brought to the fore the need to enforce additional measures to ensure their rights are well protected. For that reason, we celebrate this edition of the *Kabarak Journal of Law and Ethics* (Volume 7, 2023), with its special focus on child rights.

The liberalisation of telecommunication markets in Africa has heralded increased availability of wireless technologies and broadband capacity. Internet penetration and ICT access on the continent has grown remarkably over the last few years. In Kenya, it was projected that the country had 23.35 million internet users as of January 2023, with the penetration rate standing at 42.0%. The *Disrupting harm in Kenya report* (2021) found that 67% of Kenyan children are internet users; 7% have been offered money or gifts in return for sexual images or their own videos; 3% have been threatened or blackmailed online to engage in sexual activities; 7% have had their sexual images shared to third parties without permission.

To address this, Kenya has put in place laws such as the Computer Misuse and Cybercrimes Act, the Penal Code, and the Children Act to address online child abuse. The Kenya Communications Authority has also drafted the Industry Guidelines for Child Online Protection and Safety in Kenya, 2022. The enactment of the Children Act of 2022 (the Act) sought to address the new challenges in the realisation of the rights of the child, among which are those brought about by the increased internet penetration within the country and across the globe. The Act

has included explicit provisions on protecting children from online abuse, harassment or exploitation.

More specifically, the Act seeks to protect children by criminalising and imposing stiff penalties on perpetrators of cyberbullying, child trafficking, prostitution, child pornography, early-age exposure to alcohol advertising, and identity theft. The National Council on the Administration of Justice and Department of Children Services have also both developed guidelines and manuals to combat Online Child Sexual Exploitation and Abuse (OCSEA). The development of these important documents was out of the realisation that we cannot run away from technology, but we can only seek avenues of protecting our children in this digital age. These legislative developments, amongst others, set the stage for internet service providers to implement appropriate child online protection and safety policies and strategies before making their services accessible to children.

I am very optimistic that with the efforts put in so far and those being constantly made by the various government agencies and partners in the child justice system, we shall be able to achieve the desired results. The moot competition acted as a reminder of our common interests and concerns in protecting the rights of the child. We therefore must become each other's keepers, given that failure by one of us affects nearly all of us. A constant dialogue between all stakeholders in this direction would be required to fill in the gaps and update our understanding of the issues that impede the children's best interests. This calls for:

1. The strengthened protection of children from online abuse, violent extremism, trafficking and other emerging risks by all actors.
2. Support for moot courts across universities, and initiatives in universities, high schools and primary schools, such as the Wakili wa Watoto Initiative and Mtoto na Sheria by students.
3. Supporting and promoting awareness on the rights of children in the digital age by highlighting the importance of

the curriculum on children and the law in universities so as to shape the future of human rights and children's advocates.

I am optimistic that your dedication will serve the child in Kenya well. In this regard, the authors in this Special Edition of the *Kabarak Journal of Law and Ethics* are the champions of implementing the best practices towards ensuring that the child in Kenya is protected. The policy suggestions herein should guide all child rights advocates in Kenya in significantly shaping the future of the child-friendly justice system agenda.

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Standing Committee on the Administration of Justice for Children
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