

Implementation of Child-Related Policies in Schooling: Policy Vs Practice in Primary Schools in Nyeri County, Kenya

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Abstract

Early childhood programmes are guided by policies. Policies are designed to help maximize the benefits for children during early childhood development. They are guidelines on how children should or should not be treated so as to safeguard and promote child rights and ensure provision for their needs. Appropriate policies in early childhood development potentially provide the children with a head-start and good foundation for social and educational progress. However, it has been observed that not all policies in early childhood are implemented as stipulated in the guidelines. This endangers not only the child but a whole future society. In Kenya there are a variety of policies related to services to children – educational policies, language policies, adoption policies, transport policies and policy on punishment, among others. This study sought to evaluate the status of implementation of selected child-related policies in schooling. The study was carried out among pre-primary and lower primary schools in Nyeri County, Kenya. A 14% sample which comprised 67 schools out of 480 was selected. Both stratified and random sampling methods were employed. Data was collected through observations, questionnaires and interviews. Cross-validation was done through triangulation process. CAQDAS was employed in qualitative data analysis to produce themes and trends. The findings show that majority of schools were aware and had the requisite resources and capacity to implement the policies governing early childhood programmes. However they were not strictly adhering to policies on child care and protection. It can be observed that less than 50% (250) of schools were adhering to specific legal requirements. There was a significant variation in policy implementation across private and public schools. Each category of schools was culpable in violating specific policies. Violation of policies posed a threat to children's welfare. It is recommended that policy enforcement be strengthened to curb malpractices by some of the schools.

Key Words:

Early childhood development, policies vs practice, implementation, networking, child protection

Introduction/Background

Policies are important guidelines in early childhood development and education. The various policies are intended to help safeguard child rights, protection and provision of children needs and child welfare promotion. There have been efforts across the world to protect the children (UNICEF Report, 2020). Conferences, conventions, seminars and workshops have been convened locally, regionally and globally to discuss issues related to child needs, rights and protection. Basic needs in children include food, shelter, clothing, health, education and safety. As far back as 1924 nations of the world came up with the 'The Declaration on the Rights of a Child (Geneva, 1924)'. This being a declaration did not have any legal binding to the League of Nations. All in all, it was an eye opener that children must be provided with means and necessities for development. In 1959, the League of Nations once again came up together to deliberate on children and came up with 'The Declaration on the Rights of a Child (Geneva, 1959)'. A major declaration during this convention is that in all human undertaking, 'The Best Interest of the Child' must come first. Considering the 1924 declaration, the 1959 one declared that, children must be protected without discrimination in terms of tribe, religion, culture, creed and nationality.

In 1989 the United Nations held a convention dubbed 'United Nations Convention on the Rights of the Child (UNCRC)'. This pioneer legal document stipulated the rights of the child. It had four key principles namely non-discrimination, survival and development, best interests of the child, and respect for the views of the child. Although the African countries ratified this international covenant they felt it lacked important aspects of African culture. The UNCRC did not focus on the responsibilities of the child which is enshrined in the African culture. The Organisation of African Unity (OAU) adopted **African Charter on the Rights and Welfare of the Child (ACRWC)**, put into force in 1999. This covenant is the most customary and culturally sensitive international convention. However, in case ACRWC is in conflict with principles of UNCRC, the principles of UNCRC take precedence.

Other conventions focusing on rights and needs of children have been held across the world. The Salamanca Conference (1994) was a world conference on special needs education held in Spain. This conference emphasized on the need to address specific needs of specific children particularly those challenged with limitations in growth and development. The Dakar Conference (2000) was a World Education Forum held in Dakar, Senegal. The participants reaffirmed the vision of the world Declaration on Education for All (EFA) adopted ten years earlier at Jomtien, Thailand, 1990. Countries were called upon to ensure that education was available and accessible to all without any charges. This required the signatory states to formulate policies and develop programmes that will cushion the needy to access basic education freely.

The UNCRC and ACRWC together with other conventions have led many countries across the world and Africa in particular to come up with specific laws relating to child protection. In Kenya two legal provisions safeguards the rights and protection of children needs. These are 'The Children Act No.8 of 2001' and 'The Constitution of Kenya, 2010'. Before the enactment of children act in Kenya, a number of other laws addressed different aspects of child rights and protection. One of the laws is 'Employment Act (Cap 226, Laws of Kenya)'. This law states that a person below 16 years is a child thus should not be employed. It goes further and specifies where and what kind of work the child shouldn't do. However, this law is silent on children working in Agricultural sector or in the streets. Another law is that of 'The Law of Domicile Act (Cap 37)' stipulated the citizenship and/or residency of a child. Where a child is legitimate such a child takes the domicile of the father while in the case of an illegitimate child, the child takes the domicile of the mother.

Sections 143 to 150 and 165 of the Penal Code (Chapter 63 of the Laws of Kenya) safeguard children from sexual abuse and stipulate punishment for crimes while Sections 158 to 160 and 210, 211, 216, 227-228 aim at protecting children's life. These sections of law are clear on what is regarded as crime and purpose of protecting a child's life. Marriage Act and The African-Christian marriage and Divorce Act set the marriage age. This is set at 18 years. However, some legal provisions and judicial intervention in some countries such as Afghanistan, Andorra, Cambodia, among others allow girls to get married as early as at 16 years while that of boys remains at 18 years (Pew Research Center, 2016).

'The Basic Education Act 2013' is a major law in terms of conduct of education and handling of children. The law safeguards the rights of the child to education without any discrimination. It stipulates the process of disciplining the child. It further outlaws holiday tuition, school fees, forced repetition and school entry examinations. Any form of cruel treatment of children is prohibited. This law makes it clear on the nature of charges that faces culprits who break 'The Basic Education Act'.

According to the School Regulations (2017), which bore the Traffic Amendment Act (2017) the law specifies that school transport vehicles will not operate outside the hours 05hrs-22hrs i.e. from 5am to 10pm. The school vehicles must also be painted yellow and be fitted with appropriate signage to identify their operation. In addition they must be fitted with speed governor at 80kph and fixed safety belts for the standard of children. The school vehicle must always be manned by a competent driver and a teacher to take of children boarding and alighting.

In Kenya, the Ministry of Education has further given directives and/or released manuals to guide on protection of children while in school. One such directive was issued by the then Cabinet Secretary in charge of Education, Fred Matiangi directing that school vehicles would only be allowed to operate on the road from 6am to 6pm (Kajilwa, 2018). A manual 'Safety Standards Manual for Schools in Kenya' was released in 2008 (MoE, 2008). Among other safety measures, it underscored the need for safe infrastructure in schools, protecting children at tender age from bullying, child abuse and sexual harassment. It specifies what should be put in place to ensure every child's safety in school.

Schools in Kenya put on recess in March 2019 following the outbreak of Covid 19 across the world. In readiness for reopening after a year of suspension of learning, the Ministry of Education issued guidelines to schools to minimize the likelihood of infection (MoE, 2020). The schools were prohibited from hosting any activities involving non-school members. This meant inter-school competitions in co-curricular activities were suspended. The schools had to ensure adequate supply of water for hand washing, keep social distance and enforce wearing of face masks among its members among many other protocols. All these were meant to ensure healthy and safety of children in school.

Corporal punishment was outlawed in Kenyan schools following the enactment of Children Act 2001. The laws that preceded the Children Act such as Kenya Education Act of 1968 and the 1972 Education (School Discipline) Regulations permitted corporal punishment for specific indiscipline cases. With coming to force the Children Act, other methods were to be employed to enforce discipline. This was left open to school management and administrators with consultation with other stakeholders on the best way to ensure children remained disciplined. Schools are required to establish a department of guidance and counseling. Further in May 2021 the Ministry of Education

launched the ‘National Career Guidance and Counseling Policy’ (MoE). The aim of this policy is to make guidance and counseling programme more robust and effective in schools.

All the measures put in place by governments across the world are intended to promote the welfare of children. Despite of all that there lacked a detailed analysis of the extent to which the policies are adhered to especially in Kenya. Nyeri County in particular lacked essential data on what policies documents were available in school and whether they are adhered to or not.

Research Methodology

The study was carried out in Nyeri County, Kenya. The region was selected because there have been reports in media about malpractices related to handling social conflicts. In recent reports (Njoroge, 2016, KTN News 2015, KTN News 2013), couples have turned against each other using violent means, children have been excessively punished because of certain offences (Ruirie, 2018) and in general there has been an outcry about social relations within this County (Karanja, 2019). While majority of reported issues of concern happened in families, it was necessary to find out how children are being handled in schools. Of great concern was whether policies emanating from the Basic Education Act were being adhered to. In an earlier study by Wanjohi (2014), it was observed that the policy on language of instruction was not implemented as stipulated. In addition, although according to Uwezo (2016) report, learning in lower primary was on track, earlier reports showed that performance in national examinations at primary school level in this area had deteriorated (Ministry of Education, 2014).

The target population was 616 schools 388 public and 328 private primary schools (see Table 1). The two categories were targeted so as to assess how public and private primary schools compare in policy implementation. The focus was lower primary schools. Children at this level are within early childhood development of 0-8 years. Furthermore, this is the most delicate age and requires extra care and protection if they are to succeed in academic and social life. If anything goes wrong at this level, the child’s future will be negatively impacted.

Table 1: Distribution of Schools in Nyeri County by Sub-Counties

Sub-County	Lower Primary		Total
	Public	Private	
Mathira East	41	20	61
Mathira West	35	10	45
Mukurwe-ini	64	26	90
Tetu	47	24	71
Nyeri Central	43	50	93
Kieni East	52	36	88
Kieni West	53	29	82
Nyeri South	53	33	86
Total	388	228	616

Source: Nyeri County Education Office Records (2021)

A multistage cluster sampling technique (Mugenda, 2008) was applied to select the sample size. This entailed purposely selecting Nyeri County from among the five counties in the central region of Kenya. Then Nyeri Central Sub-County was randomly selected among the 8 sub-counties of

Nyeri. The sub-county is divided into two zones. These zones formed the clusters that were studied. All the lower primary schools both public and private were selected (see Table 2). A teacher and a head-teacher and/or administrator from each of the selected 93 schools were interviewed. This was a total of 93 teachers, 93 Administrators and 93 schools studied and assorted records reviewed. The sample which was composed of Nyeri Central Sub-County was 15% of 616 schools in Nyeri County.

Table 2: Distribution of Sample of Study in Nyeri Central Sub-County by Zones

Categories	Schools		Respondents	
	Municipality North	Municipality South	Teachers	Administrators
Public	20	23	43	43
Private	23	27	50	50
Total	43	50	93	93

Variables

This study variable of investigation was the Ministry of Education policy documents. The focus was to explore the knowledge of teachers and administrators about these documents. In additionally was to find out their availability in school. Likewise, to what extent they were being implemented and circumstance prevailing in school.

Data gathering

The data was gathered using observation, record analysis and interview schedules. These instruments were considered most appropriate in situational analysis and collecting of in-depth data in this qualitative research (Mugenda, 2008; Orodho, 2004). The instruments were pre-tested in two schools of the neighbouring Sub-County of Tetu. Piloting allowed necessary adjustments and corrections on items that lacked clarity. Validity and reliability were established through triangulation. Triangulation is a technique whereby several sources are cross-checked to ensure validity and reliability (Carter, 2014).

The researcher pre-visited every school and took time to ensure that participants were familiar with him. The purpose was to remove any anxiety and develop trustworthiness (Malmqvist, 2019). During the actual data collection, the researcher started with record analysis, observations followed and then interviewed the teachers and administrators. This helped remove possible biases that could arise from pre-empting the purpose of the study. This is because if interviews were carried out first the participants would get to know what the researcher was looking for leading to halo effect (Brinkmann & Kvale, 2015). If they were interviewed earlier, that would make them come up with acting strategies to avoid imagined mistakes and act accordingly. All the necessary ethical and logical considerations were followed. Permissions from relevant authorities were granted and informed consent given.

Data Analysis

Data from the field was cleaned to remove errors in recording. Interviews were transcribed and information categorized by respondents and/or responses. The data was qualitatively analyzed (Tenny, S. et. al., (2021) with some aspects of the data being analyzed quantitatively. A computer software package for analyzing qualitative data was employed. This is popularly referred to as CAQDAS - Computer Assisted Qualitative Data Analysis Software. The CAQDAS programme allowed for categorization of the findings into common themes, trends and patterns that are the bases of the discussion of the findings. Quantitative analysis generated frequencies and percentages. Data collected through each of the three methods used was analyzed separately and then cross-checked. This helped to develop clear and thoughtful understanding of each set of data gathered to

bring out the nature of language of instruction and factors at play in the choice of language of instruction at lower primary school. Common themes and trends in line with the study objectives were categorized together. This allowed for further in-depth analysis through comparison of themes and trends. The results are presented using tabulation of the frequency observations, verbatim quotations and detailed descriptions. An adapted Kitwood's Qualitative Technique for Data Analysis was also utilized. This technique is useful in the analysis of qualitative data. It has been adapted and used in other studies (Wanjohi, 2014; Wambiri, 2007 & Koech, 2005). It entails analyzing the data through various methods. However, in this study the researcher adopted only the following methods: Total pattern of choice by popularity of items, similarities and differences within the total sample of accounts according to certain characteristics of the participants, grouping items together by reasons given by the respondents relating to a common theme, cross-checking to identify the recurring themes and trends and exploration of anticipated occurrence to discover the underlying reasons for likely omission of a certain phenomenon.

Results and Discussion

The findings of the study are presented here. The objective of the study was to establish whether schools adhere to policy stipulations by the Kenya Ministry of Education. The total numbers of schools studied were 93 which is 15% of the Nyeri County Schools (see Table 1 & 2). Seven (7) categories of documents were studied from the said schools (see Table 3). These documents were randomly selected among the ones recommended by the Ministry of Education (MoE, 2021). The purpose was to find out whether the teachers/administrators were aware of these policies, whether they were available and to what extent the schools adhered to them.

Policy Documents Required in Pre-Primary and Primary Schools

Basic Education Act (2013) explains what education should be offered, who should offer and how it should be offered. One most clear aspect is that education is a basic right. Furthermore it should be free, accessible and mandatory for all children who are of age. Children Act (2001) underscores the importance non-discriminatory access to education by all children. Manual for Child Friendly Schools (2018) guides the kind of environment it should be offered while Manual for Safety directs on how schools can ensure safety for all learners. Policies as well as standards to be maintained in early childhood education are stipulated in Early Childhood Development Policy Framework and Service Standard Guidelines respectfully. Road Transport Act has guides on how school children should be transported from one point to the other.

Availability Policy Documents Studied

A number of schools that had the legal documents. It was observed that over 50% of the 93 schools had these documents. Notably, the Basic Education Act and Safety Standards Manual for Schools in Kenya seemed to have been the most available document at over 70% as compared ECD Policy Framework and Service Standard Guidelines at below 50%. Child Friendly Schools Manual was second most popular at 65%.

Number of Schools Adhering to Legal Requirements

Adherence to legal documents is essential in a learning institution (Manual for Safety Standards, 2008). Children learn better in a favourable learning environment (Rose, 2019). This will also give the caregivers peace of mind not to keep worrying about the safety of their children. Table 4

presents how schools in Nyeri County Adhered to selected policy documents. The sample is composed of 43 public schools and 50 private schools.

Table 4: Adherence to Legal Requirements by Type of School

SN	ADHERENCE TO LEGAL REQUIREMENTS	PUBLIC		PRIVATE		TOTAL	
		f	%	f	%	f	%
1	Basic Education Act	22	50	18	36	40	43
2	Children Act	20	46	13	25	33	36
3	Manual – Child Friendly Schools	15	34	19	38	34	37
4	Manual – Safety Standards	17	40	25	50	32	34
5	ECD Policy Framework	16	37	18	36	34	37
6	ECD Service Standards Guidelines	12	27	15	30	27	29
7	Road Transport Act	7	17	25	50	32	34

From Table 4, it can be observed that over 50% of the schools were not adhering to legal requirements. This contradicts the information on Table 3 that shows that majority of these schools had legal documents. This is true of the Choice Theory by William Glasser (1998) that human beings choose what befits them at spur of the moment. Secondly, human beings cannot be controlled. Despite the government directives that all schools should have copies of legal documents quite a number of schools did not have (Basic Education Act, 2013). To make matters worse, those who had chose not to adhere to the stipulations. Incidences of omission to protect were observed on the following areas as school fence, gate, play ground, toilets, furniture, play

SN	LEGAL DOCUMENTS	PUBLIC		PRIVATE		TOTAL	
		f	%	f	%	f	%
1	Basic Education Act	36	83	35	75	71	76
2	Children Act	20	46	30	60	50	54
3	Manual – Child Friendly Schools	37	87	28	55	65	70
4	Manual – Safety Standards	39	90	33	65	72	77
5	ECD Policy Framework	22	50	25	50	47	51
6	ECD Service Standards Guidelines	25	57	20	40	45	48
7	Road Transport Act	14	33	40	80	54	58

equipment, and transport among others.

Safety Facilities in Schools

According to Ministry of Education (2008), all schools should work towards being safe zones for children. Safety facilities in both the 43 public and 50 private primary schools are very important for safeguarding children in school, for play, comfort and wellbeing as they go about their day to day activities in school (Manual for Child Friendly Schools, 2018). Insecurity in schools has the ability to bring learning activities to a stop. In this study, 93 teachers and 93 administrators were asked about the existence of the following safety facilities in their schools: school fence, gate, play-ground, toilets, furniture, play equipment, school transport and classrooms. Table 5 presents the study findings on safety facilities in schools.

Table 5: Availability of Safe Facilities

SN	Availability of Safe(ty) Facilities	PUBLIC		PRIVATE		TOTAL	
		f	%	f	%	f	%
1	School fence	23	53	43	85	66	71
2	Gate	17	40	38	75	55	59
3	Play ground	14	33	33	65	47	51
4	Toilets	11	26	35	70	46	49

5	Furniture	18	43	43	85	61	66
6	Play equipment	13	30	33	65	46	49
7	School transport	7	16	33	65	39	42
8	Classrooms	33	76	45	90	78	84
Mean score		17	40	38	76	55	59

From Table 5, it can be observed that private schools surpass public schools in provision of safety facilities at a mean score of 76% to public 40%. On average provision of safety facilities at Nyeri County is at 59%. This means that the County is average in provision of safe facilities. Of Great concern is school transport. Public schools are at 16% compared to private schools at 65%. It should be noted that most children from public schools walked to school which is in line with a study by Obala (2018). It was observed that most children crossed a road thus facing the risk of being knocked down by speeding vehicles. There were no speed limit signs and vehicles were moving at high speed. This contravenes the Transport Amendment Act (2017) which stipulates that speed limit near schools will be at 30k/ph. In urban centers some children from public schools used public transport vehicles. Some of these vehicles did not observe traffic rules. This put children at great risk thus being denied the safest mode of transport (Traffic (Amendment) Act, 2017) which is the school bus.

Common Culpability by School Category

These are the acts of commission or omission against the law. Children Act (200), Basic Education Act (2013), Traffic (Amendment) Act (2017), School Transport Guidelines (2017) among other guidelines prohibits schools or people dealing with children from various activities. Failure leads to offences punishable by the law. Observations as well as interviews showed that schools were culpable for a number of commissions or omissions of school and children safety guidelines.

Table 6: Common culpability by school category

SN	CULPABLE ACTIONS	PUBLIC		PRIVATE		TOTAL	
		f	%	f	%	f	%
1	Caning – use a stick or flexible rubber tube	30	70	28	55	58	62
2	No hand-wash points	33	77	23	45	56	60
3	Unhygienic toilets – dirty, doors not closing, stench, etc)	31	73	18	35	49	53
4	Unhygienic kitchen – dusty, dirty dishes, no shelves for utensils	27	63	20	40	47	51
5	Over speeding (school vehicles/hired public vehicles carrying children)	22	50	25	50	47	51
6	No child-appropriate seat belts on school vehicles	22	50	38	75	60	65
7	Pinching/Pulling ears	37	86	40	80	77	83
8	Punishment by being given physical activities	34	80	45	90	79	85
Mean score		30	70	30	60	60	65

From Table 6, it can be observed that both public and private schools were culpable of one offence or the other. On school transport, all private schools studied had a school transport in form of a bus or a van. Fifty percent (50%) of 50 private schools studied violated speed limit while 75% had no seat belts. Caning was a common mode of punishment of indiscipline cases 70% in public schools

and 55% in private schools. Some forms of caning was organized and done in the office while the rest was spontaneous administered by the teacher on duty or subject teachers. This observation was in line with a finding by a study by Mweru (2010). Other forms of punishment given were pinching (pulling the ears) at 86% at public schools and 80% in private schools; and physical activities 80% in public schools and 90% at private schools. Physical activities included but not limited to kneeling, standing, running, walking around the school, collecting rubbish, performing press-ups and writing an apology such as *'I am sorry, I will not repeat'* by a Grade One Child in Private School D. public schools had the most unhygienic toilets and kitchen at 73% and 63% respectively.

When teachers were asked their preferred mode of enforcing discipline, one of them responded, *"Pinching because the cane is prohibited."* One of the head-teachers in public school 12 affirmed this by arguing, *"If children are not punished, no learning will go on and school management will be very difficult."*

Conclusion

The paper has presented a situational analysis of policy versus practice in schools at Nyeri County. It can be concluded that policies are just theoretical and on paper. Majority of schools do not adhere to the policies given by the Ministry of Education as well as other government ministries and agencies. The reason could be the lenience found on the quality assurance as well as runaway corruption which is a characteristic of most government institutions.

Recommendations

There is need to be vigilante on policy implementation in education to safeguard the rights of our children and provide a safe and conducive learning environment. That way their education and social progress will be enhanced.

This study focused on selected policies in education. A study can be carried focusing on all the policies in education at all levels of learning other than just early childhood education. A large scale research should be carried out across the country to find out the status in other counties.

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