A STUDY ON CHILDREN’S RIGHTS AWARENESS AMONG
TEACHERS AND STUDENTS IN SECONDARY SCHOOLS IN
NAIROBI PROVINCE

BY

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DECLARATION

This research project is my original work and has not been presented for a degree in any other University

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DEDICATION

This work is dedicated to my fiancée Judie for her unrelenting support and to my parents James and Margaret in appreciation for their encouragement and sacrifices for my education.
ACKNOWLEDGEMENTS

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My sincere gratitude also goes to the entire Non-Formal Education Division staff, Kenya Institute of Education for their professional advice, guidance and support throughout the study. My gratitude also goes to my fellow M.Ed. 1999 students for their moral support during the course.
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ABSTRACT

The general quality of education has been a major concern in our society. Since independence, Kenya’s education system has been undergoing changes to suit the needs and aspirations of the Kenyan society. This is in line with Education for All (EFA) goals.


The purpose of the study was to analyze the rights of children and the awareness of these rights amongst teachers and students in Secondary schools in Nairobi Province. The study also identified children’s rights that are commonly violated in Secondary schools. The central significance of the study was viewed as that of providing feedback to the Ministry of Education, Science and Technology. It was also aimed at identifying the possible causes and remedies of rising cases of students’ unrest in Secondary schools. Likewise, it was hoped that a conducive learning environment in schools would prevail to enable students realize their academic ideals.

The literature reviewed has indicated that organizations involved in children's rights awareness have identified various children's rights violations in Secondary schools. It has also revealed that teachers and students themselves orchestrate these violations.

The methodology used consisted of questionnaires, which were administered by the researcher to get accurate information from the respondents sampled. The sample was selected through a purposive sampling method. The sample consisted of 32 Secondary school teachers and 320 students proportionately selected from the population.

The study established that children's rights continue to be violated in Secondary schools by both teachers and students themselves. The study revealed that, rising cases of students' unrest in Secondary schools stem out from students' rights violations. It was established that intra-student rivalry, which has resulted to a lot of suffering and sometimes death, is associated with those violations.
Lack of avenues for dialogue in most Secondary schools was found to be another factor that leads to students' unrest.

From the research findings, it was recommended that resources should be mobilized to sensitize teachers and students on children's rights. The study also recommended that regular and appropriate forum for dialogue should be instituted in all learning institutions. This would enable teachers and students to discuss pressing issues and consequently prescribe appropriate remedies.

It was also recommended that self-discipline should be emphasized in Secondary schools in order to counteract social disorder. In addition, a broad study needs to be conducted to find out why these problems have persisted in Secondary schools even after commissions of inquiry are constituted to investigate the same.
CHAPTER ONE
INTRODUCTION

1.1 Background to the Problem

In recent years, various organizations have championed the ideal of children's right's awareness. These organizations have pointed out that just like adults, children have their rights in the society.

Kenya is one of the countries that unanimously adopted the world declaration on Education for All (EFA) and the framework to meet basic education for all its children, and adults at Jomtien, Thailand in March 1990. It is this realization and concern for quality education that has made the Jomtien World Conference on Education for All to be of immediate concern. This declaration was echoed again by Dakar Conference on Education for All in April 2000. It is therefore imperative to make a critical analysis of the necessary resources and the most effective strategy for resources mobilization to bring about realization of Education for All.

Contemporary educational literature acknowledges the fact that for a child to grow up in a suitable social environment, the society has a clear responsibility to protect the child (Chauhan, 1978). Faure, Herrera, Raaz, Lopes, Petrovsky, Rahrema and Ward (1972) investigated democracy in learning and found that critics have accused schools of being hives of
injustice, authoritarianism and discrimination. The universal right to education is often refused by a complete reversal of justice, to the most underprivileged. The results revealed that there should be a resolute social policy to correct this vice. They felt that an individual who fails at a given level in the course of his/her educational career would have other opportunities. He/she will no longer be relegated for life to the ghetto of his/her own failure. This is an issue that teachers have failed to address and ideally constitutes children's rights.

Article 26 of the Universal Declaration of Human Rights Section 2, states that education shall be directed to the full development of human personality and to the strengthening of respect for human rights and fundamental freedom. Unless relations between teachers and children evolve accordingly, there can be no authentic democracy in education (Feure et al. 1972). Children should therefore be guaranteed their right to participate in the management of their educational establishments and in the definition of their policies.

Frence (1977), observed that if education in population is to help people to decide 'freely', it must be objective and certainly not used as a means of indoctrination. If individuals are to decide consciously, education must be concerned with helping them to learn not to accept information passively.
Individuals should therefore arrive at their own conclusions on the basis of the facts presented with full understanding of the consequences of their act.

Piaget (1954) observed that child development is the interaction between the child and the environment. He contends that little is said about the social cultural context in which education and human development take place. Bennars (1993) observed that children are educated so that they may grow up into responsible adults. They are formed to be self-reliant and responsible citizens. Their destiny is to eventually live as responsible adults in the society. In order for this objective to be realized, children’s rights awareness therefore becomes an area that needs further exploration.

Palardy (1971) observed that education is turning off an increasing number of able and intellectual children. Many children feel that school is a meaningless scramble for grades and graduation instead of the authentic education experience they seek. What often needs to be done is to make over the school rather than the pupil. Some teachers still rigidly follow the school curriculum as though it was sacred and in the process violate fundamental children’s rights.
In Kenya, a term hardly ends without media reporting cases of students' unrest in Secondary schools. The worst hit was term two year 2001. Children are not only victims of violence but may be perpetrators themselves (Beers et al, 2001). In 1998, at least 43 separate incidents were reported of children rioting and unleashing mayhem on villagers, other students, and teachers. Incidents included 10 cases where students burned their schools and three attempts to petrol bomb their schools.

In 1999, 173 strikes were reported in Kenyan Secondary schools (East African Standard, 12th September 2000). In May 1999, four prefects in Nyeri High School were burnt alive by their schoolmates. School violence culminated in the burning of 67 students in Kyanguli Secondary School in March 2001 (Daily Nation 28th March 2001 P. 1)

This clearly indicates that that these learning institutions are under threat and a corrective measure should be instituted. It also contradicts the spirit of the report of the Presidential Working Party on Education and Manpower Training (Kamunge Report, 1988) which stresses that students should be trained to be responsible members of the society. The underlying questions that strike educationalists are:
• Why have cases of students' unrest in Secondary schools increased at an alarming rate in recent years?

• Are there students' rights that are contravened by the school administration, teachers or students themselves?

The study tried to address these questions in order to arrive at a workable solution to the problems.

Ezewu (1983), observed that people are expected by their religions to conform to some set standards. The fear of ex-communication makes the faithful not to deviate at will. In the Secondary school situation, the mounting fear and suppression by teachers lead to undesirable behaviour. If students are forced to conform to these standards set without their participation, they resort to violence as they struggle to challenge these standards.

Quite often, the students who deviate from these set standards are considered as not conforming to the social order and the school responds by using punitive measures. This strategy is considered inappropriate by the study because in most cases, the teachers who resort to indiscriminate punishment do not give an audience to the students.
Lack of children's rights awareness in Secondary schools has therefore caused loss of lives, destruction of property and wastage of time due to school closures. It has also resulted to wastage of potential manpower due to expulsion and lack of confidence in the future decision-makers.

The study was therefore undertaken to investigate children’s rights awareness by examining the efforts these institutions are making to stave off the calamity. The study was also undertaken to investigate the Secondary school children’s rights that are violated and characterize the underlying causal factors for possible intervention.

1.2 Statement of the Problem

Given that education is a human right and globally all nations are moving towards the attainment of Education for All, children’s rights awareness in the attainment of quality education needs to be given prime consideration within the education priorities of any nation. It was therefore paramount to find out whether there is children’s rights awareness in Secondary schools. Majority of learners in Secondary schools are under the age of 18. They are commonly referred to as ‘students’. Under article 1 of the United Nations Convention on the Rights of the Child, a child is defined as every person under the age of 18. All laws, policies and practices relating to children must therefore apply to this age.
Little research has been carried out on the awareness of children's rights in Secondary schools where the learners are only regarded as students. In order to restore confidence in the school as an agent of socialization and character building in the society, this study was carried out to unveil factors related to children's rights awareness and violations in Secondary schools.

1.3 Research Questions

The study was guided by the following research questions:

1. Do children have rights?
2. Are teachers and students aware of these rights?
3. Are there children's rights that are violated by teachers and students themselves in Secondary schools?
4. Does the violation of children's rights have any effect on teaching and learning?
5. Is there any relationship between violation of children's rights and (a) performance (b) indiscipline and students' unrest?
1.4 Purpose of the Study

The purpose of this study was to:

1. Analyze the rights of children and the awareness of these rights among teachers and students in Secondary schools.

2. Identify the children’s rights that are violated in Secondary schools.

3. Identify types of indiscipline cases in Secondary schools.

4. Determine whether students are involved in the formulation of rules and regulations that govern their schools.

5. Identify common disciplinary measures used by teachers in Secondary schools.

6. Determine whether students are accorded a chance to defend themselves before a disciplinary action is taken against them.


8. Determine the relationship between violation of children’s rights and (a) performance (b) indiscipline and students’ unrest.

1.5 Significance of the Study

It is hoped that the findings of this study will enable teachers and students to understand the concept of children’s rights and what is contained in
these rights. Children’s rights awareness will also help to create a conducive learning environment in Secondary schools. Teachers and students will be sensitized on the importance of understanding and respecting children’s rights. This will in essence lead to smooth curriculum implementation and therefore enhance academic performance. It is also hoped that the study will help to minimize incidents of students’ unrest in Secondary schools and act as a sign of relief to parents who are forced by circumstances to pay hefty fines for damages.

Lack of children’s rights awareness is probably one of the causes of students’ unrest that have swept across Secondary schools in Kenya in the recent past. It is therefore imperative to understand the concept of children’s rights so that teachers, administrators and policy makers can address the problem, in their efforts to improve the quality of education by creating a conducive environment for teaching and learning.

The African Charter on the Rights and Welfare of the Child (1990), Article A, Clause one (1) asserts as a matter of fact that: the best interest of the child, shall constitute the primary considerations in all actions undertaken by any person or authority to abuse the right of the child. Thus the child’s welfare is considered first. It is also hoped that the study will help the
schools to re-examine their disciplinary actions and how best to actively involve students in matters pertaining to their general welfare in schools.

1.6 Limitations of the Study

Cultural and social economic attitudes may have limited the respondents' willingness to give honest answers to the items in the instruments especially for teachers. This is because of the attitudes that teachers have already developed towards students and especially errant students.

The study explored pertinent issues that affect schools and therefore the teachers may have been suspicious as to what the information given would be used for. This may have led to some respondents giving false information that would affect the findings of the study.

The study was limited to Secondary schools in Nairobi Province only and therefore the findings may not be generalized to all schools in Kenya.

1.7 Delimitations of the Study

The study covered Secondary schools in Nairobi Province only. The study was basically concerned with children's rights awareness among teachers and students in Secondary schools. The study was also limited to Form Three students only in the sampled Secondary schools in Nairobi Province.
1.8 Basic Assumptions of the Study

When carrying out the study, the researcher had in mind the following assumptions:

1. That the respondents would give honest answers and responses to the questionnaires.
2. That the students are aware of their rights.
3. That a child means every human being below the age of 18 years. (Article 1 UN General Assembly 1989)
4. That majority of secondary school students attain the age of 18 in their fourth year.
5. That the teachers were conversant with children’s rights which are paramount for effective curriculum implementation.

1.9 Abbreviations

ANPPCAN: African Network for the Prevention and Protection against Child Abuse and Neglect
CCF: Christian Children's Fund
CRC: Convention on the Rights of the Child
CWSK: Child Welfare Society of Kenya
EFA: Education for All
GCE: General Certificate of Education
1.10 Definition of Terms

Child: Refers to every person under the age of eighteen (18) years (Convention on the Rights of the Child, Article 1)

Children's Rights: Refers to correlatives of duties and entitlements that are generally thought that every child should have.
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<td>Charter</td>
<td>Refers to written statements of the main functions and principles of an organization or institution.</td>
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<tr>
<td>Convention</td>
<td>Refers to a statement of intent that member states sign and later ratify when they have brought their own legislative into line.</td>
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<tr>
<td>Human Rights</td>
<td>Refers to values that reflect respect for human life and human dignity.</td>
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<td>Violation</td>
<td>Refers to disturbance or interference of personal freedom.</td>
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<td>Public Schools</td>
<td>Refers to schools that are developed, equipped and provided with staff from public funds by the government, parents and communities.</td>
</tr>
<tr>
<td>Private Schools</td>
<td>Refers to schools developed, equipped and provided with staff from private funds from individuals, religious organizations, etc. They may be profit or non-profit making.</td>
</tr>
<tr>
<td>Enrolment</td>
<td>Refers to the formal registration of students/learners in public and private schools.</td>
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CHAPTER TWO
LITERATURE REVIEW

2.1 Introduction

The literature review focuses on children’s rights awareness in Secondary schools. The study aimed at identifying the factors that have led to lack of this awareness in Secondary schools. This is clearly evidenced by rising cases of students’ unrest in Secondary schools. The problem is a drawback to smooth curriculum implementation and academic performance in Secondary schools. Hence for the purpose of this chapter, the following areas have been covered: (i) The concept of children's rights, (ii) Studies on children's rights in general, (iii) Convention on the Rights of the Child (CRC), (iv) Studies on children’s rights in Kenya, (v) Children’s rights awareness and its effects on teaching and learning.

2.2 Concept of Children’s Rights

The notion that children should be treated less harshly and dealt with in a less authoritarian manner has long been an important theme in educational writing, and dates back to Rosseau and beyond (Wringe, 1981).
In the light of the way children have actually been treated in this concerned and caring world over the past decades, Ennew and Milne (1989) observed that unfortunately for many children, life is indeed a living hell.

Wringe (1981) in a philosophical study on children’s rights observed that not only are children held to have rights, but also certain established practices are held to infringe those rights. The study contends that students have a moral right to the same considerations as anyone else and the same amount of respect from their teachers as clients of any other professional body.

Faure, Herera, Razz, Petrovsky, Rahrema and Ward (1972) in a study on democracy of learning found that critics have accused schools of being hives of injustice, authoritarianism and discrimination. The study revealed that the universal right to education is often refused by a complete reversal of justice, to the most underprivileged. The study found that individuals who fail at a given level in the course of their educational career would have other opportunities. The individuals will no longer be relegated for life to the ghetto of their own failure.
Wringe (1981) in a philosophical study on children's rights noted that:

It is true that in advocating for a more child-centred pedagogy some writers have not failed to appeal to the humane sentiments of their readers on children's behalf (P.1).

The observation by Wringe indicated that the main burden of such writing, however has been that to follow the natural development and interest of the child, to provide agreeable conditions in which to learn, to encourage rather than to coerce is the most effective way of achieving certain educational aims. This is not only because that is more effective educationally, or more worthy of human and rational, but because children are entitled to be so treated, as of right.

Article 26 of the Universal Declaration of Human Rights, section two states that education shall be directed to the full development of human personality and to strengthening of respect for human rights and fundamental freedoms. Unless relations between teachers and learners evolve accordingly, there can be no authentic democracy in education (Faure et al., 1972). The students should be guaranteed their right to participate in the management of their educational establishments and in the definition of its policies.
Faure *et al.,* (1972) emphasized that educational structure should be remodelled to extend widely the field of choice and to enable people to follow life-long education pattern. Their study revealed that subject matter must be individualized; students must be aware of their status; their rights and their own wishes; authoritarian forms of teaching must give way to relationships marked by independence, mutual responsibility and dialogue.

Lehrer (1970) observed that the responsibility to promote and maintain an atmosphere of academic freedom in the classroom mainly lies with the teacher, but students ever must be vigilant that freedom is secure. The study revealed that unless the student is permitted to think for him/herself, to question, to discuss and differ, his/her learning experience would lag. Organization of African Unity (1990) also observed that children are born with fundamental freedoms and inherent rights of all human beings. According to OAU (1990) children’s rights therefore are human rights.

A study by Boyden and Hudson (1986) revealed that children suffer from a double disadvantage precisely because of the acts of adults over which they have no control and for which they have no responsibility. According to Freeman and Veerman (1992), in a study on the ideologies of children’s rights, the study observed that the rights of the child as laid down in the
Convention on the Rights of the Child are human rights. The Convention, which is comprehensive, universal, unconditional and holistic, established new ethical principles and international norms of behaviour towards children.

Kuper (1997) observed that the Convention on the Rights of the Child reaffirms that children must be allowed as active participants in all decisions affecting them and be free to express their opinions. Children have a right to have their views heard and be taken seriously.

The African Charter on the rights and welfare of the child (1990) defines a child as anyone under the age of eighteen. (Kuper, 1990). The Charter reaffirms the unique and privileged position children occupy in African society but also recognizes the current problems facing children in Africa. According to Kuper (1997), article 4 of the Charter on freedom of expression states that every child who is capable of communicating shall be assured the right to free expression.

Gray, Miller and Noakes (1996), in a study on challenging behaviour in schools, found that to treat the student merely as a parcel, to be passed from one person or agency to another in the vain hope that someone, somewhere, will come up with a better answer, is belittling. It also
trivializes the issues, which that student presents for his/her school, family and community.

2.3 Studies on Children's Rights.

Rodham (1973) observed that legal definitions of 'children' are hard to find. Those under eighteen or twenty one are described either as infants or minors, terms which completely ignore well-documented age changes and needs. In America, early American courts regarded children as chattels of the family or wards of the state with few legal rights (Rodham, 1973). However in recent years, the Supreme Court has more frequently ruled that society must recognize particular rights of children, among which are the right to procedural protection in juvenile courts and the rights of freedom of expression (Rodham, 1973).

Kempe and Kempe (1978) observed that harmful physical actions directed against the child result to profound injuries. The study pointed out that emotional abuse is a violation of children's rights. This may be difficult to prove but nevertheless may cause psychological trauma.

United Nations Educational, Scientific and Cultural organization report (1981), observed that history of mankind is in dissociable from the struggle of people and individuals against injustice, exploitation and disdain. The
recognition of human rights and fundamental freedom is one of the most remarkable manifestations of this struggle (UNESCO, 1981).

According to Traverse (1982) in a study on Child Development, the society really influences child development. The study revealed that a Supreme Court in America had refused to overturn a state court ruling that teachers may strike their pupils. Traverse therefore observed that we remain totally ignorant about conditions that can cause psychological disturbance to children. The study underscored the gradual recognition of childhood as a unique phase of development, helped considerably by developmental research that has focused attention on the rights of children. The study revealed that decisions affording legal protection to children as individuals, the courts have extended adults' rights to children. The courts have also created legally enforceable recognition of children's special needs and interests.

A study by Strarr (1979) revealed that child abuse has always been with us and the problem still remains an elusive subject that defies precise definition. Freeman and Veerman (1992) pointed out that the most basic rights of children are still massively violated in families and in schools, in jobs or on the street.
Skinner (1968) in a study on reinforcement observed that punishment is not an effective method of controlling behaviour. The study revealed that negative reinforcement strengthens behaviour by its removal. Skinner therefore observed that punished behaviour is merely temporarily suppressed and is likely to recur once the punishment or fear of punishment is removed.

A study by Tomasevski (1993) revealed that children are patronized or demeaned by teachers, reduced to uncomfortable silence and made to feel too ignorant to even know what to ask. The study revealed that vast majority of children's rights violations are children who are not empowered. Empowerment therefore according to the study has become a key word in children's rights.

A report on the world's children by United Nations Children Fund (1997) indicated that children are vulnerable psychologically. The report revealed that children suffer devastating psychological damage for being in an environment in which they are demeaned or oppressed. Their self-esteem is important as is it is for adults. The UNICEF report indicated that when children are demeaned or mistreated by teachers, the effect is poor academic performance and others results to strikes in retaliation.
2.4 Convention on the Rights of the Child

The Declaration on the Rights of the Child in 1959 was the first international instrument that focussed on children as direct possessors of rights (Kuper, 1997). The declaration provided both the conceptual framework and the context for further development and refinement of children's rights. According to Kuper (1997), the declaration paved way for the negotiations of 1989 Convention on the Rights of the Child. The convention was adopted in 1989 by the United Nations General Assembly. On its first adoption, the then UN secretary general Perez de Cuellar commented that:

*The convention addresses the needs of those who are humanity’s most vulnerable as well as the most cherished resource. It is axiomatic that they should be afforded special protection (Kuper, 1997, P.45)*

The convention spells out basic human rights to which children are entitled: the right to survival; the right to develop their full physical and mental potential; the right to protection from influences that are harmful to their development and the right to participation in family and social life (Freeman and Veerman, 1992).

According to Kuper (1997) the Convention on the Rights of the Child entered into force in 1990 and at March 1996, 187 states had become party to this convention Kenya included. The study indicated that the
convention protects the rights the child by setting minimum standards that governments must meet in providing health care, education, legal and social services to children in their countries.

Governments are expected to make reports on the situation of children's rights in their country within two years of ratification and every five years thereafter. Kenya submitted to the UN committee its first country report in January 2000, ten years after it ratified the convention (Daily Nation 29th September 2001). The report was a blatant admission of the governments shortcoming in implementing the children's rights outlined in the convention. The report admitted that children have not been guaranteed their full rights.

The report acknowledged that the main constraint in the implementation of rights is the silence of the constitution and other laws on the process of transforming treaties into municipal law. The Children's Bill, which seeks to domesticate the international convention, was passed by Parliament and received Presidential assent on the eve of 2002. (Daily Nation 1st January 2002). The bill, which became an Act with effect from 1st March 2002, outlaws all forms of violence meted out on children. That conforms to the global trends, where assent is on protecting the rights of children. A highlight of the Children's Act is the adoption of international standards on

Many important improvements in lives of children have occurred. However Kenya has fallen short of the goals of the world summit for children. This is not because the goals were too ambitious or technically beyond reach, but largely because of insufficient investment (Daily Nation 29th September, 2001).

According to the Daily Nation of 29th September 2001, in the words of global campaign Say Yes for Children, Kenyans were asked to show the world that they care about children and are willing to action to protect, defend and secure their rights. The United Nations special session of the General Assembly in New York 2001 formed a global coalition committed to fully meet the goals of 1990 world summit for children.

2.5 Studies on Children’s Rights in Kenya
The philosophy of education in Kenya is rooted in Sessional Paper No. 10 of 1965 on “African Socialism and Its Application to Planning in Kenya” (GoK/ UNICEF, 1998). The aim of this policy was the eradication of poverty, ignorance, and diseases. Based on this philosophy, national
educational objectives were formed with the aim of fostering Kenya's development. Kenya remains committed to fulfilling these objectives.

GoK/UNICEF (1998) on the situation analysis of women and children in Kenya revealed that present government policy on education includes four years of secondary education as a sub-sector of basic education. The new definition according to the situation analysis therefore comprises eight years of primary and four years of secondary – a total of 12 years of schooling by the age of 18 years. The new policy brings the government's commitment to the provision of basic education for all children in line with the Convention on the Rights of the Child.

Various organizations in Kenya have championed for the rights and welfare of children. These organizations include: United Nations Children Fund (UNICEF), Kenya Alliance on the Advancement of Children's Rights (KAACR), Children's Department, African Network for the Prevention and Protection Against Child Abuse and Neglect (ANPPCAN), Christian Children Fund (CCF), Child Welfare Society of Kenya (CWCK), Kenya Human Rights Commission (KHRC) and the Standing Committee on Human Rights (K).
A study by Beers, Anam, Njuguna and Mwangi (2000) on children’s rights in the printed media revealed that organizations involved in children’s rights have unearthed various types of children’s rights violations in Kenya such as physical sexual and emotional. The study asserted that a child should be safeguarded from all forms of abuse and harassment. The study underscored the need to coordinate and harness the efforts of these organizations and other agencies involved in children’s rights.

A report by ANPPCAN (1999), indicated that the teachers should make the school environment child friendly and let children enjoy their learning. The report revealed that for effective teaching and learning, the teacher should ensure that a good teacher parent relationship exists.

Downey and Kelly (1986), observed that schools like all other rule-governed societies, must have rules that are framed for the protection of all members from each other’s excesses and provided that these rules do not go beyond what that considerations seem to justify. The study pointed out that the justification of the exercise of authority by teachers in the area of curriculum, however, is a much more difficult problem than that in the sphere of behaviour. The study held the fact that unless there is freedom of opinion and people are free to disagree, human knowledge will not develop.
Beers et al. (2000) on the study of children’s rights in the printed media noted that:

For most Kenyan children, violence is a regular part of the school experience. Teachers use caning, slapping and whipping to maintain classroom discipline and to punish children for poor academic performance. The infliction of corporal punishment is routine arbitrary, and often brutal. Bruises and cuts are regular by-products of school punishment, and more severe injuries (broken bones, knocked-out teeth, internal bleeding) are not infrequent. At times, beatings by teachers leave children permanently disfigured, disabled or dead (P. 52)

The observation by Beers et al indicates the magnitude of children’s rights violations. Maasai (1988) observed that the implementation measures, which have been undertaken to protect the child against abuse and neglect, are wanting. The study recommended case studies on child abuse in schools and policy analysis focussing on the rights of the girl-child.

The universal right of the child as reflected in the human rights charter states that each child has a right to education and protection (Freeman et al. 1992). Mutie and Ndambuki (1999), observed that the protection of the lives and the rights of individuals is a fundamental principle of any civilized society. According to the study, the rights of individuals in Kenya are controlled by natural laws and customs. These laws are supposed to
protect members of the society but unfortunately a number of these laws are biased especially against women and children.

Ministry of Education (1999) report on Non-Formal education in parts of Samburu, Turkana, Marsabit and Moyale districts indicated that factors leading to low enrolment and drop-out in schools are lack of sensitization on teachers and education officers on gender issues, children’s rights and creating a child friendly environment. The report revealed that teachers who are not sensitized have infringed children’s rights.

The Universal Declaration of Human Rights to which Kenya is a signatory, recognizes education as one of the basic rights. This commitment was reiterated during the two world conferences on Education For All 1990 in Jomtien and 2000 in Darkar. Adopting the Darkar framework for action, the international community reaffirmed the commitment made in Jomtien in 1990 and in particular the right-based approach to education (Daily Nation 4th June 2001).

According to Ministry of Education (1998) report, while a small proportion of Secondary schools continue to offer satisfactory well-rounded education programmes, the greater majority of schools fall short of providing for the learning needs of their students. Poor academic achievement in key
subjects in the curriculum and increased indiscipline often manifested in students’ unrest bear witness to this. According to Ministry of Education (1998), transition rates to secondary schools still remain low at only 45% of children who finish primary education proceed to secondary school. The report attributes this to various factors ranging from lack of school fees to expulsions due to students unrest.

Completion rate in Secondary schools has also declined as the table below indicates.

**Table 2.1: Secondary School Completion Rate by Sex, 1990-1998**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>86.7</td>
<td>78.5</td>
<td>82.3</td>
<td>70.7</td>
<td>82.3</td>
<td>76.2</td>
<td>95.8</td>
<td>88.6</td>
<td>85.8</td>
</tr>
<tr>
<td>Female</td>
<td>86.0</td>
<td>77.9</td>
<td>85.0</td>
<td>66.6</td>
<td>81.9</td>
<td>78.2</td>
<td>94.9</td>
<td>87.9</td>
<td>83.1</td>
</tr>
<tr>
<td>TOTAL</td>
<td>86.4</td>
<td>78.2</td>
<td>83.4</td>
<td>68.9</td>
<td>82.1</td>
<td>77.1</td>
<td>95.4</td>
<td>88.3</td>
<td>84.5</td>
</tr>
</tbody>
</table>

Source: Ministry of Education Science and Technology.

The table above shows that completion rate at Secondary school level has been fluctuating since 1990 and registered a marginal decline from 86.4% in 1990 to 84.5% in 1998. Completion rate for girls went down significantly from 86.0% in 1990 to 83.1% in 1998 representing a 2.9% points compared to that of boys which went down with only 0.9% point from 86.7% in 1990 to 85.8% in 1998. Although completion rates at secondary school
level has been significantly high compared to other levels of education, it registered a decline of 10.9 percentage points between 1996 and 1998.

2.6 Children’s Rights and Students Unrest

According to GoK/UNICEF (1998) report, Kenya’s numerous laws on children are scattered in a variety of statutes, many of which did not consider the best interests of the child at the time of enactment. The report further revealed that most laws on children are outdated and fail to reflect current thinking and philosophy. This multiplicity undermines the ability of statutes to protect children adequately against problems.

Beers et al (2000) in a report on children’s rights in the printed media observed that in recent years Kenya secondary schools have experienced a myriad of problems resulting from students unrest. The report revealed that children are not only victims of violence but may be perpetrators themselves. In 1998, at least 43 separate incidents were reported on students rioting and unleashing mayhem on villagers, fellow students and teachers. There have been incidents of students burning their fellow students and petrol bombing their schools.

In 1999, 173 strikes were reported in Kenyan secondary schools (East African Standard 12th September 2000). In May 1999 school violence
culminated in the burning of four school prefects in Nyeri High School by some of their mates. The prefect’s cubicle was doused in petrol and set on fire. Corporal punishment is pushing many children out of school (*Daily Nation* 11th December 2000). Corporal punishment is administered routinely, arbitrarily and often brutally. The report observed that such severe corporal punishment is a violation of children’s rights.

The Convention on the Rights of the Child to which Kenya is a signatory outlaws physical punishment in schools. The New York based Human Rights Watch issued a damning report about corporal punishment in Kenyan schools. The report revealed that the cane had been misused to brutalize children. The report further stated that the long-term adverse effect of corporal punishment outweighs the benefits. Although corporal punishment may take less than a minute, its effects may last for years. The report indicated that caning and other cruel or degrading punishment could affect the physical and psychological well-being of the child. Caning makes a lasting impression on the minds of children who witness corporal punishment and may be detrimental to their relationship with teachers, their fellow children and other authority figures (*Daily Nation* 29th September 2001).
Downey and Kelly (1986), observed that corporal punishment is the last resort that no teacher should welcome having recourse to. The study emphasized that teachers should work at devising methods of control that will as far as possible obviate the need for it. In doing this, there is need for a clear view of how the rules of any school come to be agreed and of the extent to which they are the result of negotiation with the pupils.

A study by Court (1971), observed that students unrest in Kenya does not stem from the schools but from the society. The study revealed that student unrest in Kenyan schools is a reflection of the society. This is the case with our children because the society does not recognize their voices. Kabiru and Kinyanjui (1975), observed that the structure of authority and machinery of solving grievances within the educational institutions cause these unrests. The study revealed that Kenya inherited a tradition of strict discipline. During the colonial era, this was a necessary aspect of training Africans. The study also noted that these institutions for a long time emphasized blind obedience to strict and oppressive school authority, as constituted through prefects, teachers and heads.

Peil (1977), made an attempt to address deviance in schools from the African perspective. The study focussed on different forms of deviance from the African point of view. Ogungo (1976) observed that strikes are the
last resort by which children register protests against what they consider to be the mal-administration of the schools. The study revealed that poor administrative machinery where headteachers are staunch totalitarians and dictators strikes are common.

Nkinyangi (1981), observed that when students rebel, they do so for immediate practical reasons: autocratic leadership, severe punishments, shortage of teachers, lack of open fora where they can air their grievances and intimidation by teachers. According to the study, students on strike express their anger by destroying school property and causing bodily harm to their teachers and fellow students. The study noted that authorities seem not to listen to the students' grievances simply because by doing so it would seem as a degradation of the authority. The students' grievances are dismissed as just trivial. A teacher is indispensable in any formal learning situation. He is expected to handle competently various issues, which arise in connection with learning and generally is expected to guide the learner and offer needed leadership (Fagbulu, 1974; Reid, 1984). The quality of education therefore depends on the teaching force (Eshiwani, 1986; Getui, 1993).

According to Anderson (1972), strikes are essentially symptoms of deep-seated long-term students' disaffection far less tangible than suggested by
the immediate apparent cause of disturbances. The study revealed that deep-rooted frustration is as a result of accumulation of grievances that go unresolved until they are triggered off by some incident. Coleman (1992) pointed out that young people are generally disadvantaged in terms of the distribution of power in our society. Young people are often the victims of abuse of adult power. The study revealed that children’s rights are contradictory because they exclude children from the process of improving their own lives.

Wringe (1988), observed that moral issues concerned with punishment are complicated by the child’s diminished responsibility for his actions. The punishment of children ought to aim at reform rather than retribution.
CHAPTER THREE

METHODOLOGY

3.1 Introduction

The chapter focuses on the research methodology used in the current research on children’s rights awareness among teachers and students in Secondary schools in Nairobi Province. It focuses on the strategies used in the research design, target population, sample, sampling procedure, instruments, data collection and data analysis.

3.2 Research Design

The study was a survey where the researcher administered questionnaires to teachers and students and consequently reported the findings. The study adopted a qualitative descriptive approach that utilizes qualitative methods of obtaining information concerning the current status of phenomena and describes “what exists” with respect to variables or conditions in a situation.

3.2.1 Conceptual Framework

The study’s conceptual framework (figure 1) is based on the concept of children’s rights and the factors that influence these rights. There are various factors that influence children’s rights. These factors are highly interrelated. They include the style of the school administration, student
behaviour, teacher's characteristics and attitudes, types of punishments administered and the school environment.

A positive outlook and careful evaluation of these factors will be a key yardstick for enhancing children's rights awareness among teachers and students in secondary schools. This will in essence yield to a conducive learning environment free from students' unrest. This will hopefully lead to improved academic achievement in our secondary schools.
Fig 3.1: Conceptual Framework of the Study

- Style of Administration
- School Environment
- Types of Punishments
- Children's Rights
- Student's Behaviour
- Teachers' Characteristics

- Arrows indicate relationships and interactions among the components.
3.3 Sample and Sampling Technique

The study focused on Secondary school students in Nairobi Province aged below eighteen (18) years and are in Form Three. Form Three students were involved in the study because they are well adjusted and therefore able to respond appropriately to the questionnaires.

The study concentrated on Public Secondary schools in the city. This was based on the following reasons:

(i) Public Secondary schools admit 87.6% of the standard eight graduates as compared to Private schools that admit only 12.4%. This is based on form one intake every year. It was therefore deemed necessary to carry out the study in Public schools where majority of students are admitted.

(ii) Public schools are built and maintained by the members of the Public, unlike Private schools. The Public schools therefore stand to lose if there is no children's rights awareness.

Public schools were chosen due to their similarities in administration, staff code of conduct under the Teachers Service Commission (T S C) and rules governing these schools. Some Private schools in Nairobi use a
different curriculum from that of the Public schools, such as the General Certificate of Education (G C E).

The schools were therefore sampled out as follows:

- Boys' Boarding (BB)
- Girls' Boarding (GB)
- Boys' Day (BD)
- Girls' Day (GD)
- Mixed Day (MD)
- Girls' Day Boarding (GDB)
- Mixed Day Boarding (MDB)

For the purpose of this study, the researcher purposively selected one school from each of the eight divisions in Nairobi Province. A total of 32 teachers from eight schools purposively selected were used as respondents. A total of 320 Form Three students from all the divisions in the province were involved in the study. The researcher therefore had forty students per school as respondents for this study.

Purposive sampling technique was used to get the eight (8) Secondary schools in Nairobi Province. This was probably the most appropriate sampling technique for this study since the researcher was interested in
different categories of schools. This sampling technique ensures that there is no bias representation.

In this sampling technique an equal number of cases is drawn from each subgroup regardless of the proportion in that population (Hall, 1967). In this case, different categories of schools were represented equally. This therefore ensured gender balance in the representation of students.

3.4 Research Instruments

The researcher developed two questionnaires for the purpose of this study. One questionnaire was administered to teachers and the other one to students. The respondents were literate and therefore could read, understand and respond appropriately to the items in the questionnaires.

3.4.1 Teachers' Questionnaire

The teachers' questionnaire was divided into two sections. Section (A) had seven items which sought the respondents' demographic information. Section (B) had ten items which sought information on children's rights awareness. The questionnaire contained both closed and open-ended items. The open-ended items sought respondents' opinion on children's rights awareness in Secondary schools.
3.4.1.1 **Instruments Validity and Reliability**

In order for the researcher to identify items in the research instruments that may have been ambiguous in eliciting the relevant information, a pilot study was carried out. The items were later modified in order to improve the quality of the instruments. Borg and Gall (1986) observed that the respondents should be drawn from similar population from which the main respondents are selected. The instruments were therefore pre-tested in two schools where eight teachers responded to the instrument. The two schools were not used for the main study during the actual data collection exercise. The supervisor also appraised the instrument before the actual data collection exercise.

The researcher also used an alternative procedure to test the instruments reliability. Two instruments, which were as similar as possible, were administered in close succession to the same group of respondents. The correlation between the scores of the two instruments indicated a high degree of reliability.

3.4.2 **Students’ Questionnaire**

The students’ questionnaire was divided into two sections. Section (A) had three items and sought the respondents’ demographic information. Section (B) had fourteen items that sought information on children’s rights.
awareness. The questionnaire contained both closed and open-ended items. Open-ended items sought respondents' views on children's rights awareness in Secondary schools.

### 3.4.2.1 Instruments Validity and Reliability

The researcher carried out a pilot study to ascertain that there were no ambiguous items when carrying out the actual study. The items were consequently modified to improve the quality of the instrument. The instrument was therefore pre-tested in two schools where forty students responded to the instrument. The supervisor also appraised the instrument. Students from the two pilot schools were not used during the actual data collection exercise.

The instruments reliability was tested by administering two instruments, which were as similar as possible to students' in the two schools. The correlation of their scores revealed a high degree of reliability.

### 3.5 Data Collection

Prior to visiting the sampled schools, arrangement to visit the schools was made through letters addressed to the Principals. According to Bradbum and Sudman (1981), when rapport is established, the anxiety and perceived fears are minimized and the responses become more positive.
The letters clearly indicated that the researcher would visit and administer the instruments to teachers and students at a convenient date fixed by the school. The letter also clearly stated that the study was purely for research purposes and not meant to victimize the teachers or incite the vulnerable Form Three students who were subjects of the study.

3.6 Data Analysis

The responses in the questionnaires were tabulated, coded and analyzed using the relevant computer software. Descriptive statistics such as frequencies, percentages and means were used to analyze the responses. The responses to open-ended items were reported by descriptive narrative. The results of the study were then compared to the literature review to establish the level of children's rights awareness among teachers and students in Secondary schools.
CHAPTER FOUR
DATA ANALYSIS AND DISCUSSION OF FINDINGS.

4.1 Introduction

This chapter focuses on data analysis and interpretation of data collected to establish children’s rights awareness among teachers and students in Secondary schools. The data interpretation revealed that children’s rights continue to be violated un-abated. The data collected was analyzed using descriptive statistics such as frequencies and percentages. They were presented in tables and ranked accordingly. The results were used to analyze factors related to children’s rights awareness among teachers and students in Secondary schools.

4.2 Summary of Divisions in Nairobi Province.

Respondents were drawn from eight divisions in Nairobi Province. Table 4.1 shows the divisions in Nairobi Province.
Table 4.1: Divisions and Schools Visited

<table>
<thead>
<tr>
<th>Divisions</th>
<th>No of schools sampled</th>
<th>No of schools visited</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central</td>
<td>2</td>
<td>2</td>
<td>100.0</td>
</tr>
<tr>
<td>Kasarani</td>
<td>2</td>
<td>2</td>
<td>100.0</td>
</tr>
<tr>
<td>Embakasi</td>
<td>2</td>
<td>1</td>
<td>50.0</td>
</tr>
<tr>
<td>Westlands</td>
<td>2</td>
<td>2</td>
<td>100.0</td>
</tr>
<tr>
<td>Starehe</td>
<td>2</td>
<td>2</td>
<td>100.0</td>
</tr>
<tr>
<td>Langata</td>
<td>2</td>
<td>2</td>
<td>100.0</td>
</tr>
<tr>
<td>Kamukunji</td>
<td>2</td>
<td>2</td>
<td>100.0</td>
</tr>
<tr>
<td>Dagoretti</td>
<td>2</td>
<td>2</td>
<td>100.0</td>
</tr>
</tbody>
</table>

4.3: Data Concerning Demographic Information.

Table 4.2 shows the classification of teachers according to gender.

Table 4.2: Classification of Teachers According to Gender.

<table>
<thead>
<tr>
<th>Gender</th>
<th>No of respondents</th>
<th>Percentages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>18</td>
<td>66.7</td>
</tr>
<tr>
<td>Female</td>
<td>9</td>
<td>33.3</td>
</tr>
<tr>
<td>Total</td>
<td>27</td>
<td>100.0</td>
</tr>
</tbody>
</table>

The data showed that eighteen (18) out of twenty-seven (27) Secondary school teachers who participated in the study were men and nine (9) were women.
The students were also classified according to gender and the results are as shown on table 4.3.

### Table 4.3: Distribution of Students by Gender.

<table>
<thead>
<tr>
<th>Gender</th>
<th>No. of respondents</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>143</td>
<td>56.3</td>
</tr>
<tr>
<td>Female</td>
<td>111</td>
<td>43.7</td>
</tr>
<tr>
<td>Total</td>
<td>254</td>
<td>100.0</td>
</tr>
</tbody>
</table>

The information on Table 4.3, shows that the boys who participated in the study were slightly more than the girls. They accounted for 56.3 percent while that of girls was 43.7 percent.

#### 4.3.1 Respondents Age.

#### 4.3.1.1 Teachers

The age of the teachers who participated in the study ranged from the youngest, twenty-seven (27) years to the oldest, fifty (50) years. The results were categorized and tabulated on Table 4.4 as follows:
Table 4.4: Categorization of Teachers According to Age.

<table>
<thead>
<tr>
<th>Age years</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>25 – 30</td>
<td>6</td>
<td>22.2</td>
</tr>
<tr>
<td>31 – 35</td>
<td>7</td>
<td>25.9</td>
</tr>
<tr>
<td>36 – 40</td>
<td>9</td>
<td>33.4</td>
</tr>
<tr>
<td>41 – 45</td>
<td>4</td>
<td>14.8</td>
</tr>
<tr>
<td>46 – 50</td>
<td>1</td>
<td>3.7</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>27</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

Table 4.4 is a clear indication that the teachers who participated in the study were neither too young nor too old. Most of them were aged between 26 and 40 years old (81.5 percent). Only one teacher was above 46 years of age. The youngest teachers were between 25 and 30 years of age. The rest who were 40 years and above accounted for 18.5 percent.

4.3.1.2 Students

Table 4.5 shows the classification of age of students who responded to the study.

Table 4.5: Categorization of Students by Age.

<table>
<thead>
<tr>
<th>Years</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>13 – 15</td>
<td>11</td>
<td>4.3</td>
</tr>
<tr>
<td>16 – 18</td>
<td>212</td>
<td>83.5</td>
</tr>
<tr>
<td>Over 18</td>
<td>31</td>
<td>12.2</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>254</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>
The information on table 4.5 indicates that most of the students (87.8 percent) were 18 years and below. Only 12.2 percent of the students who participated in the study were over 18 years of age. The information clearly indicates that majority of the students who participated in the study were below 18 years of age and were therefore children. The findings concur with the United Nations Convention on the Rights of the Child, which defines a child as every person under the age of 18.

### 4.3.2 Marital Status of Teachers

Out of the twenty-seven (27) teachers, who participated in the study, twenty-three (23) were married and four (4) were single. They were categorized according to the marital status in table 4.6.

<table>
<thead>
<tr>
<th>Marital status</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Married</td>
<td>23</td>
<td>85.2</td>
</tr>
<tr>
<td>Single</td>
<td>4</td>
<td>14.8</td>
</tr>
<tr>
<td>Total</td>
<td>27</td>
<td>100.0</td>
</tr>
</tbody>
</table>

The table shows that 85.2 percent of the teachers were married and 14.8 percent were single. None of them was divorced, separated or widowed. The marital status of teachers further revealed that twenty on (21) teachers had children. This accounted for 77.8 percent of the teachers who participated in the study.
4.3.3 Academic Qualifications and Professional Experience of the Teachers

Twenty-one (21) teachers had attained degree level of education. The other six (6) had attained diploma level of education. The teachers' experience in years ranged from one (1) year to twenty-eight (28) years. The findings indicated that majority of teachers (81.5 percent) had teaching experience of more than five (5) years.

4.4 Data Concerning the Rights of the Child

4.4.1 Respondents’ Definition of a Child

4.4.1.1 Teachers

Out of the twenty-seven (27) teachers who participated in the study, eighteen (18) defined a child as a person below 18 years and dependent on parents or guardians. Five (5) respondents defined a child as someone below 21 years and dependent on parents. Three (3) respondents defined a child as someone under sixteen (16) years and one (1) respondent defined a child as a person who is not mature enough to fetch for oneself. Table 4.7 shows the respondents’ definition of a child.
The table shows that 66.7 percent of the teachers defined a child as a person below 18 years of age. It indicates that 18.5 defined a child as a person below 21 years, 11.1 percent as a person under 16 years and 3.1 percent defined a child as a person who is not mature enough. Majority of the respondents’ definitions (66.7 percent) therefore concurs with the United Nations Declaration on the Rights of the Child, that a child is a person below the age of eighteen (18) years.

4.4.1.2 Students

Out of 254 students who participated in the study, 158 defined a child as a person below 18 years and dependent on parents or guardians. One respondent defined a child as a person under 16 years and 53 respondents indicated a child is a person who is not mature enough. Out
of the total number of respondents, 39 defined a child as a person below 12 years. Table 4.8 shows the respondents' definition of a child.

Table 4.8: Students’ Definition of a Child

<table>
<thead>
<tr>
<th>Definition of a child</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Person below 18 years and dependent on parents</td>
<td>158</td>
<td>62.2</td>
</tr>
<tr>
<td>A person not mature enough</td>
<td>53</td>
<td>20.8</td>
</tr>
<tr>
<td>Below 12 years</td>
<td>39</td>
<td>15.3</td>
</tr>
<tr>
<td>Below 21 years</td>
<td>3</td>
<td>1.2</td>
</tr>
<tr>
<td>Below 16 years</td>
<td>1</td>
<td>0.4</td>
</tr>
</tbody>
</table>

From the table, 62.2 percent of students who participated in the study defined a child as a person below 18 years. Those who defined a child as a person not mature enough accounted for 20.8 percent and below 12 years, 15.3 percent. A negligible percentage of 1.2 and 0.4 defined a child as a person below 21 years and 16 years respectively.
4.4.2 Children’s Rights

4.4.2.1 Teachers

The teachers who participated in the study concurred that children have rights. Table 4.9 shows the rights of the child as enumerated by teachers in order of priority.

<table>
<thead>
<tr>
<th>Rights of the child</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Education</td>
<td>20</td>
<td>96.3</td>
</tr>
<tr>
<td>Shelter</td>
<td>15</td>
<td>55.5</td>
</tr>
<tr>
<td>Medical care</td>
<td>10</td>
<td>37.0</td>
</tr>
<tr>
<td>Speech and expression</td>
<td>10</td>
<td>37.0</td>
</tr>
<tr>
<td>Love and care</td>
<td>7</td>
<td>30.0</td>
</tr>
</tbody>
</table>

The table shows that 96.3 percent of the respondents who participated in the study enumerated education as a basic right. It was followed by shelter 55.5 percent, medical care 37 percent, speech and expression 37 percent and love and care accounted for 30 percent.

4.4.2.2 Students

The students who participated in the study indicated that children have rights. These rights are shown on table 9 in order of priority.
Table 4.10: Children Rights According to Students

<table>
<thead>
<tr>
<th>Rights of the Child</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Education</td>
<td>177</td>
<td>69.7</td>
</tr>
<tr>
<td>Good life</td>
<td>94</td>
<td>37.0</td>
</tr>
<tr>
<td>Speech and expression</td>
<td>75</td>
<td>30.0</td>
</tr>
<tr>
<td>Love and care</td>
<td>68</td>
<td>27.0</td>
</tr>
<tr>
<td>Protection</td>
<td>53</td>
<td>21.0</td>
</tr>
<tr>
<td>Shelter</td>
<td>25</td>
<td>10.0</td>
</tr>
</tbody>
</table>

Table 4.10 shows that 69.7 percent of the students who participated in the study felt that education is a basic child's right. Those who felt that good life is a basic child's right accounted for 37.0 percent, speech and expression 30.0 percent, love and care 27.0 percent, protection 21.0 percent and shelter as a basic child's right accounted for 10.0 percent.

From tables 4.9 and 4.10, it is evident that both teachers and students are aware of some of the basic children's rights. Some of these rights are enshrined in subjects taught in Secondary schools such as Social Education and Ethics, Religious Education, Home Science, Biology and History as shown on table 4.11.
Table 4.11: Subjects with Components of Children’s Rights

<table>
<thead>
<tr>
<th>Subjects</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Social Education and Ethics</td>
<td>110</td>
<td>57.9</td>
</tr>
<tr>
<td>Religious Education</td>
<td>55</td>
<td>28.9</td>
</tr>
<tr>
<td>History</td>
<td>16</td>
<td>8.4</td>
</tr>
<tr>
<td>Biology</td>
<td>6</td>
<td>3.2</td>
</tr>
<tr>
<td>Home Science</td>
<td>3</td>
<td>1.6</td>
</tr>
</tbody>
</table>

Table 4.11 shows that 57.9 percent of the students indicated that Social Education and Ethics has more components of children’s rights than any other subject taught in Secondary schools. It is followed in by Religious Education 28.9 percent, History 8.4 percent, Biology 3.2 percent and Home Science 1.6 percent.

4.4.3 Factors that Contribute to the Violation of Children’s Rights

The teachers who participated in the study gave various factors that contribute to the violation of children’s rights as shown on table 4.12.
Table 4.12: Factors that Contribute to the Violation of Children’s Rights.

<table>
<thead>
<tr>
<th>Factors</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Poverty</td>
<td>18</td>
<td>67.0</td>
</tr>
<tr>
<td>Negligence</td>
<td>12</td>
<td>44.4</td>
</tr>
<tr>
<td>Ignorance</td>
<td>11</td>
<td>40.7</td>
</tr>
<tr>
<td>Poor parenting</td>
<td>9</td>
<td>33.3</td>
</tr>
<tr>
<td>Moral degradation</td>
<td>6</td>
<td>22.2</td>
</tr>
</tbody>
</table>

The table shows that poverty (67.0) percent is one of the significant factors that contribute to the violation of children’s rights. Negligence accounts for 44.4 percent, ignorance 40.7 percent, poor parenting 33.3 percent and moral degradation 22.2 percent.

4.4.4 Types of Punishment Commonly used in Schools

The students who participated in the study showed that teachers in their schools use different types of punishments. These types of punishments are categorized on table 4.13.
Table 4.13: Types of Punishment used by Teachers in Schools

<table>
<thead>
<tr>
<th>Types of punishment</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manual work</td>
<td>210</td>
<td>82.7</td>
</tr>
<tr>
<td>Suspension</td>
<td>137</td>
<td>53.9</td>
</tr>
<tr>
<td>Sending students out of class</td>
<td>114</td>
<td>44.9</td>
</tr>
<tr>
<td>Expulsion</td>
<td>71</td>
<td>28.0</td>
</tr>
<tr>
<td>Corporal punishment</td>
<td>20</td>
<td>7.9</td>
</tr>
<tr>
<td>Reprimanding</td>
<td>18</td>
<td>7.1</td>
</tr>
</tbody>
</table>

Table 4.13 shows that teachers commonly use manual work in schools as a form of punishment. This accounts for 82.7 percent. Suspension accounts for 53.9 percent, sending students out of class 44.9 percent, expulsion 28.0 percent, corporal punishment 7.9 percent and reprimanding 7.1 percent.

Teachers using these forms of punishment therefore contravene the children's right to education. According to the teachers who participated in the study the right of education accounted for 96.3 percent. The students' response on the right of education accounted for 69.7 (table 4.10).
4.4.5 Children’s Rights Violated by Teachers.

The right to education is a paramount right that featured from both the teachers’ and students’ responses. However, teachers infringe this right especially when they are punishing students. As indicated on table 4.13, these forms of punishment include, manual work, suspension, sending students out of class, expulsion, corporal punishment and reprimanding. The students who participated in the study showed that they are not accorded a fair hearing before they are punished. This therefore means that their freedom of expression is curtailed as shown on table 4.14.

Table 4.14: Students Defence before Punishment by the Teachers

<table>
<thead>
<tr>
<th>Students responses.</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not given a chance</td>
<td>127</td>
<td>50.0</td>
</tr>
<tr>
<td>Given a chance</td>
<td>119</td>
<td>46.9</td>
</tr>
<tr>
<td>Missing observations</td>
<td>8</td>
<td>3.1</td>
</tr>
<tr>
<td>Total</td>
<td>254</td>
<td>100.0</td>
</tr>
</tbody>
</table>

The table shows that 50 percent of the students who participated in the study are not given a chance to defend themselves before they are punished. Those who are given a chance to defend themselves accounts for 46.9 percent. The response shows that speech and self-expression is a right that is violated by teachers in Secondary schools.
The scenario as depicted by table 4.14 contradicts Kuper (1997) that children must be allowed as active participants in all decisions affecting them. They should be free to express their opinions. The situation can be attributed to the belief held by most teachers that students are truants and should be made to obey instructions and directives without arguing.

The students also held the view that they do not have open forum where they can freely express their views without intimidation. Table 4.15 shows that 139 students indicated that there are no open fora in their schools where they can freely express their views. 79 indicated that they have open forum as shown on table 4.15.

Table 4.15: Students Responses on Freedom of Expression

<table>
<thead>
<tr>
<th>Responses</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>139</td>
<td>57.9</td>
</tr>
<tr>
<td>No</td>
<td>79</td>
<td>32.9</td>
</tr>
<tr>
<td>Missing observations</td>
<td>36</td>
<td>9.2</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>254</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

About 57.9 percent of the students said that there is freedom of expression in their schools. Another 32.9 percent felt that their freedom of expression is curtailed in their schools. From the students' responses, freedom of expression is vital in the teaching learning process. The findings concur
with Downey and Kelly (1986) that unless there is freedom of opinion, unless people are free to disagree, human knowledge can not develop.

4.4.6 Children’s Rights Violated by Children Themselves.

The students’ responses showed that children also violate these rights. The findings revealed that some students especially the prefects are given special preference by the teachers and end up abusing the powers and responsibilities bestowed on them. Table 4.16 gives the students’ responses on the violation of children’s rights by their fellow students.

Table 4.16: Violation of Children’s Rights by Fellow Students.

<table>
<thead>
<tr>
<th>Rights violations</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Punishment by prefects</td>
<td>70</td>
<td>27.5</td>
</tr>
<tr>
<td>Sexual harassment</td>
<td>35</td>
<td>13.7</td>
</tr>
<tr>
<td>Privacy infringement</td>
<td>20</td>
<td>7.8</td>
</tr>
</tbody>
</table>

From table 4.16, it can be seen that 27.5 percent of the students who participated in the study felt that punishment by their fellow students is a violation of their rights. The study also revealed that sexual harassment is another problem that students especially females face in their schools. Those that privacy is infringed upon account for 7.8 percent. The findings concur with Beers et al (2000) that students unleash mayhem on their
teachers, villagers and fellow students. Children therefore are not only victims but also perpetrators.

4.4.7 Effects of Children's Rights Violation on Teaching and Learning.

A critical analysis of children’s rights indicates that the violation of these rights have adverse effects on teaching and learning. Students' protest and rebel against what they consider oppressive to them. Teachers who participated in the study indicated that the violation of children’s rights affects teaching and learning. Teachers indicated that children’s rights violation leads to lack of concentration, truancy, lack of interest in life, absenteeism, indiscipline and addiction to drugs. The teachers' responses are given on table 4.17.
Table 4.17: Teachers Responses on Effects of Children's Rights Violation on Teaching and Learning.

<table>
<thead>
<tr>
<th>Effects</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lack of concentration due to pressure</td>
<td>10</td>
<td>37.0</td>
</tr>
<tr>
<td>Hunger</td>
<td>4</td>
<td>14.8</td>
</tr>
<tr>
<td>Truancy</td>
<td>3</td>
<td>11.1</td>
</tr>
<tr>
<td>Indiscipline</td>
<td>3</td>
<td>11.1</td>
</tr>
<tr>
<td>Drug addition</td>
<td>2</td>
<td>7.4</td>
</tr>
<tr>
<td>Hopelessness</td>
<td>2</td>
<td>7.4</td>
</tr>
<tr>
<td>Absenteeism</td>
<td>2</td>
<td>7.1</td>
</tr>
<tr>
<td>Lack of school fees</td>
<td>1</td>
<td>3.7</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>27</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

From the results depicted in table 4.17 above, teachers gave varied effects of children's rights violation on teaching and learning. 37 percent of the teachers who participated in the study said the violation of children's rights leads to lack of concentration due to pressure exerted on students. Hunger constitutes 14.8 percent, truancy 11.1 percent and indiscipline 11.1 percent. Other notable effects ranged from drug addition, 7.4 percent, hopelessness 7.4 percent, absenteeism 7.1 percent and lack of school fees accounted for 3.7 percent. The combination of these effects greatly affects teaching and learning in Secondary schools.
In regard to statistical presentation in table 4.17, the findings concur with Court (1971) whose study revealed that students' unrest is a reflection of the society. It is the responsibility of the society to mould and instill the ideal of moral responsibility to children.

4.4.8 Violation of Children's Rights and Performance.

The teachers who participated in the study showed that students' unrest and poor performance could be attributed to the violation of children's rights. Table 4.18 shows the teachers responses on punishment administered on students. Majority of the teachers (17) indicated that students do manual work as a form of punishment and this is sometimes done during class time. Five (5) teachers indicated that the students are sent out of class as a form of punishment. Three (3) teachers indicated that the students are caned instead. Two (2) teachers did not give their responses. The teachers' responses are given on table 4.18.

Table 4.18: Teachers' Responses on Student Punishment.

<table>
<thead>
<tr>
<th>Punishment</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manual work</td>
<td>17</td>
<td>63.0</td>
</tr>
<tr>
<td>Sending out of class</td>
<td>5</td>
<td>18.5</td>
</tr>
<tr>
<td>Caning</td>
<td>3</td>
<td>11.1</td>
</tr>
<tr>
<td>Missing observation</td>
<td>2</td>
<td>7.4</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>27</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>
The table shows that 63.0 percent of the teachers who participated in the study indicated that manual work is commonly used as a form of punishment in secondary schools. Sending students out of class accounts for 18.5 percent and caning 11.1 percent. The results contradict Skinner (1968) whose study revealed that punishment is not an effective method of controlling behaviour. Punishment is merely temporally suppressed and is likely to recur once the fear of punishment is removed. The end result according to Skinner is indiscipline and finally disruption of learning.
CHAPTER FIVE

CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

This chapter comes up with conclusions in accordance with the research questions set up in chapter one. These conclusions are arrived at through the scrutiny of data analysis in chapter four as well as making inferences and deductions from the data.

The last part of this chapter will present recommendations on what should be done to enhance children's rights awareness among teachers and students in Secondary schools. Most of the recommendations comprise the respondents' suggestions. The researcher however uses other empirical knowledge to shape the recommendations for enhancing children's rights awareness in Secondary schools if the recommendations are implemented.

5.2 Conclusions

The purpose of this study was to investigate children's rights awareness in Secondary schools in Nairobi Province. After a careful analysis and interpretations of the data, the research findings identified several factors related to children's rights awareness in Secondary schools. Consequently, the following conclusions were made:
1. The research findings revealed that majority of the teachers and students are not certain whether Secondary school students are children or students. It was found that children’s rights continue to be violated in Secondary schools. Lack of children’s rights awareness in schools retards the acquisition of knowledge, skills and attitudes, and the effect is drastic in the students’ quest for academic excellence.

2. Another revelation that emerged from the study is that whenever statistics are churned out about school enrolment, the problem is quickly attributed to high learning costs and a burdensome curriculum. However, the study revealed that there are other variables like hostile learning conditions that persist in schools, especially with regard to intra-student cruelty, rivalry and tension.

3. Violation of children’s rights is on the increase in our Secondary schools. Well-orchestrated hate campaigns that defy all reasons bear testimony to this. Such campaigns are motivated by disrespect for authority and therefore targeted at students with responsibilities in schools. It can therefore be concluded that the students are not sensitized on children’s rights. This confirms lack of information as a major hindrance to children’s rights awareness. The students
therefore are not aware that some of these activities result to the violation of children's rights.

4. It can also be concluded that the social aims of education are to leave a lasting impression in a learner. They build the character and moral qualities of the learner. However for misconduct, teachers make the learners do all kind of work including tilling the school farm, weeding the flower gardens and other manual jobs. This shows that informal jobs are associated with punishment. The students should be made aware that education should transform them into independent citizens able to face the challenges of life. The schooling system should relate to the challenges that a student is likely to face in real life in order to integrate academic, social, cultural and vocational training.

5. The study found that freedom of expression is limited in most Secondary schools. Authorities disregard students' grievances because by doing so it would seem as a degradation of the authority. The students' grievances are dismissed by the school administration. The situation was found to be unconducive for learning and therefore this adversely affects teaching and learning in most Secondary
schools. An avenue for dialogue is therefore paramount for a conducive learning environment to prevail.

6. Students' participation in the formulation of school rules is paramount for their academic success. Students are never consulted whenever these rules are drafted and consequently enforced. This contradicts Feure *et al.* (1977), that children should be guaranteed their right to participate in the management of their educational establishments and in the definition of their policies. The rules imposed on students are sometimes unrealistic and as a result undesirable behaviour among students becomes the order of the day.

7. The international instruments and Kenyan laws recognize children as persons who are below the age of 18 years. However, most of the students who participated in the study did not consider themselves as children. The students are therefore not aware of their legal and societal status. They do not know that there are laws that protect children. Kenya should therefore enforce various laws enacted that provide for children's rights and protection as enshrined in the principle of "the best interests of the child". Lack of information is therefore a major hindrance to children's rights awareness.
8. The government should have real policies and legal backing to enforce children's rights so as to enhance avenues for addressing these pertinent issues that affect children.

5.3 Recommendations

As a result of the findings, the researcher came up with certain recommendations. However these recommendations are not conclusive and hence, there is room for further research, which would help to enhance children's rights awareness in Secondary schools.

The researcher arrived at the following recommendations:

1. The Government of Kenya should allocate resources to the Children's Department in order to sensitize teachers, students, parents and the general public on children's rights. This will enable Kenya to effectively enforce the children's Act, which became law on 1st March 2002.

2. Punishment administered to students in Secondary schools should be made consistent with the goals of the dignity and the rights of the child.
3 Consistent and equitable administration of punishment that is commensurate with the offence committed by a student should be corrective.

4 Children's rights aspects should be incorporated in Secondary school teacher training programmes.

5 Schools should create regular and appropriate fora for dialogue where pressing problems should be discussed and remedies prescribed.

6 Emphasis should be put on self-discipline and peaceful co-existence at all levels by the duty bearers to counteract social disorder and indecorum.

5.4 Suggestions for further Research

From the findings of the study, further research on issues that were beyond the scope of the study should be carried out.

1. The research was carried out in an urban setting. A comparative study between urban and rural schools may be carried out.

2. A study should be carried to find out legal and policy impediments on Children's Rights.
BIBLIOGRAPHY


UNESCO. (1978). *What Kind of World are We Leaving Our Children?* Paris; UNESCO.


APPENDIX A

TEACHERS’ QUESTIONNAIRE

Dear Sir/Madam,

I am a student at Kenyatta University undertaking a study on "Children’s Rights Awareness among Teachers and Students in Secondary Schools." I am requesting you to assist me in this study by responding appropriately and truthfully to the following questions. The information you give will be treated with strictest confidence and will only be used for the purpose of this study.

SECTION A

Personal Data

1. Gender  Male ( )  Female ( )
2. Age
3. Marital Status  Single ( )  Married ( )  Divorced ( )
4. Do you have children?  Yes ( )  No ( )
5. Academic Qualification  EACE/KACE/KCSE ( )  Diploma ( )  Degree ( )
6. Professional Qualification  Untrained Teacher ( )  S 1 Teacher ( )  Approved Teacher ( )  Graduate Teacher ( )  Lecturer ( )  Principal Lecturer ( )  Others (Specify) ..........................................
7. Teaching Experience in Years ( )
SECTION B

1. Who is a Child?

2.(a) In your opinion, do you think children have rights?
   (i) Yes ( )  (ii) No ( )
   (b) If yes, which are some of these rights?
   (i)  
   (ii)  
   (iii)  
   (iv)  

3.(a) Which subjects do you teach in this school?
   (i) 
   (ii) 
   (iii) 
   (b) Among the subjects you teach, are there some which have components of children’s rights?  (i) Yes ( ) (ii) No ( )

4. What factors do you think contribute to the violation of children’s rights?
   (i)  
   (ii)  
   (iii)  

5. How does the violation of children’s Rights affect teaching and learning?

6.(a) Does the administration of school discipline reflect the child’s human dignity?  (i) Yes ( )  (ii) No ( )
(b) If no to (a), above suggest how this can be overcome.

7.(a) Does your school have open forums where students have immunity to express their views?  
   (i) Yes  ( )  (ii) No  ( )

(b) If no, suggest how this can be done.

8.(a) Which method(s) does the school use to deal with indiscipline problems?  
   (i) Punishment  ( )  (ii) Counselling  ( )  
   (iii) None of the above  ( )

(b) If punishment in (a) above, what kind of punishment do you administer?  
   (i) Caning  ( )  (ii) Sending out of class  ( )  (iii) Manual work  ( )  
   (iv) Suspension  ( )  (v) Expulsion  ( )  
   (vi) Others (Specify)  .................................................

(c) Before the students are punished, are they given a chance to defend themselves?  
   (i) Yes  ( )  (ii) No  ( )

9.(a) Do you think there is need to involve students in decision making such as the formulation of school rules and regulations?  
   (i) Yes  ( )  (ii) No  ( )

(b) Please explain your answer in (a) above.

10.(a) How can the school enhance children’s rights awareness?

                       .............................................................
(b) Do you think this can facilitate effective teaching and learning?

(i) Yes ( )
(ii) No ( )

(c) Please explain your answer in (b) above

Thank you very much for your co-operation.

SECTION A: (General Profile)

1. Type of school:
   - Girls' Boarding ( )
   - Boys' Boarding ( )
   - Mixed Boarding ( )

2. Gender: ( ) Male ( ) Female

3. Your age:
   - ( ) 19
   - ( ) 20
   - ( ) 21
   - ( ) Over 21

SECTION B: Questions Relating to Children

1. In your opinion, what are some rights of children that need protection?

   (i) 
   (ii) 
   (iii) 

   (Please list some rights of children that need protection.)
APPENDIX B
STUDENTS’ QUESTIONNAIRE

Dear Student,

I am a student at Kenyatta University undertaking a study on “Children’s Rights Awareness among Teachers and Students in Secondary Schools.” I am requesting you to assist me in this study by responding appropriately and truthfully to the following questions. The information you give will be treated with strictest confidence and will only be used for the purpose of this study.

SECTION A: (General Personal Data)

1. Type of school
   - Girls’ Boarding ( )
   - Boys’ Boarding ( )
   - Mixed Boarding ( )

2. Gender
   - (i) Male ( )
   - (ii) Female ( )

3. Your age
   - (i) Below 13 ( )
   - (ii) 13-15 ( )
   - (iii) 16-18 ( )
   - (iv) Over 18 ( )

SECTION B: (Children’s Rights Awareness)

1. In your opinion, who is a child?

   ........................................................................................................

   ........................................................................................................

2. List some Rights of children that you know.
   - (i) ........................................................................................................
   - (ii) ........................................................................................................
   - (iii) ........................................................................................................
3. (a) Among the subjects that you learn, are there some which have aspects of children's Rights?  (i) Yes  ( )  (ii) No  ( )
(b) If yes, please specify.

4. (a) Which club(s) do you belong to in the school?

(i) ...........................................  (ii) ...........................................
(iii) ...........................................  (iv) ...........................................

(b) Does the club (s) you belong to in (a) above deal in any way with children's rights?  (i) Yes  ( )  (ii) No  ( )

5. Which method(s) of punishment is commonly used in your school?

(i) Corporal  ( )  (ii) Manual work  ( )  (iii) Reprimanding  ( )
(iv) Sending out of class  ( )  (v) Suspension  ( )  (vi) Expulsion( )
(vii) Other (specify) .................................................................

6. (a) Before you are punished, are you given a chance to defend yourself?

(i) Yes  ( )  (ii) No  ( )
(b) If no, how do you rate this kind of treatment?

(i) Fair  ( )  (ii) Unfair  ( )  (iii) Very unfair  ( )

7. How often do teachers explain the reason(s) for punishment?

(i) Frequently  ( )  (ii) Occasionally  ( )  (iii) Not at all  ( )

8. (a) Is the violation of children's Rights related to rising cases of students' unrest in secondary schools?  (i) Yes  ( )  (ii) No  ( )

(b) Please explain your answer in (a) above.

9. (a) Who makes rules and regulations in your school?

(i) Head teacher  ( )  (ii) Teachers  ( )  (iii) Students  ( )
(iv) Teachers and students  ( )
(v) Others .................................................................
(b) In your opinion who should make school rules and regulations?
   (i) Head teacher ( ) (ii) Teachers ( ) (iii) Students ( )
   (iv) Teachers and students ( )
   (v) Others ........................................

10. (a) Do you have open forums in the school where students can freely express their views? (i) Yes ( ) (ii) No ( )
(b) If yes to (a) above, how often are they held?
   (i) Very often ( ) (ii) Occasionally ( ) (iii) Rarely ( )

11. (a) Who elects the prefects in your school?
   (i) Head teacher ( ) (ii) Teachers ( ) (iii) Students( )
(b) In your opinion, who should elect the prefects in your school?
   (i) Head teacher ( ) (ii) Teachers ( ) (iii) Students( )
   (iv) Teachers and students (v) Others ........................................
(c) Do the prefects have authority to punish other students in your school? (i) Yes ( ) (ii) No ( )
(d) If yes, how do you rate the relationship between the prefects and other students?
   (i) Very good ( ) (ii) Good ( ) (iii) Average ( )
   (iv) Poor ( ) (v) Very poor ( )

12. (a) Does the school provide mid-day meals? (i) Yes ( ) (ii) No ( )
(b) If yes, have you ever been denied mid-day meals due to non-payment of school fees? Yes ( ) (ii) No ( )

13. How often are you sent home for school fees?
   (i) Frequently ( ) (ii) Occasionally ( ) (iii) Not at all ( )

14. (a) Are there children’s Rights that are denied/ violated in your school?
   (i) Yes ( ) (ii) No ( )
(b) If yes in (a) above, name some of those rights.
   (i) ..............................................................................................................
   (ii) ..............................................................................................................
   (iii) ..............................................................................................................
   (iv) ..............................................................................................................

(c) Who violates these rights in (b) above?
   (i) School administration (  )
   (ii) Teachers (  )
   (iii) Students (  )
   (iv) Parents (  )
   (v) Others (Specify) .................................................................

Thank you very much for your co-operation.