

# **INTERNATIONAL FAMILY LAW SYMPOSIUM IAFL WITH EALS AND CLA 2 September 2025**

## ***Session Resources Pack Session 7: CRADLE- A Celebration***

*Tuesday 2 September 2025  
16:15 – 16:45*

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## RUTH JULIET NYAMBURA GACHANJA

**Child Justice and Anti- Human trafficking Expert**  
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Ruth Juliet Nyambura Gachanja is an Advocate of the High Court of Kenya and a trailblazer in child rights, with 12+ years of leadership in child protection and anti-human trafficking. She holds LLMs from Leiden(International Children Rights) and Middlesex(Minorities, Rights and the Law) universities and lectures law at Kabarak University. As Child Justice Advisor to the Chief Justice of Kenya, she led the development *Judiciary Child Justice Strategy*. Ruth played a key role in enacting the Children Act, 2022, and Chaired the development of *the delta 8.7 Justice Policy Guide* on ending modern slavery. She chairs the boards of the African Institute for Children Studies and Love Justice International – Kenya. Her work drives Child justice reform in Kenya and beyond.

## **MICHAEL WASONGA ODONGO**

**Executive Director**

**The CRADLE – The Children Foundation**

**Kenya**



Michael Wasonga Odongo is a Project Management Specialist, currently serving as The Executive Director at The CRADLE – The Children Foundation

He has over 18 years' experience in Project Design & Management having worked across several Countries within Eastern Africa, Western Africa Region as well as Europe with specialization in Resource Mobilization & fund raising. The most exciting thing about what he does is offering Sustainable project management cycle Solutions to various organizations he has had a chance to work with, both within Civil Society and Private Sector.

He holds a Bachelor's Degree in International Business Administration from the United States International University (USIU-Africa) as well as Diploma in Management Information Systems Postgraduate Diploma in Project Management & Currently pursuing Master of Science – Management & Organizational Development.

Michael is currently serving as a Council Member of The National Council on the Administration of Justice (NCAJ ) where he represents the interests of the Civil Society Organizations.

**THE HON. MILLIE GRACE AKOTH ODHIAMBO  
MABONA**

**Member of Parliament  
Kenya**



Hon. Millie Odhiambo is a human rights lawyer with a special bias towards children and women's rights issues. She has won several national and international awards and accolades for this work, including a presidential award. She is a graduate of the University of Nairobi and New York University. She is an advocate of the High court of Kenya with over 30 years standing. She is serving her 4th term or mandate in Parliament, thus making her the longest serving Woman MP in the current Parliament. She is serving as the Chief Whip for the Minority Leadership. She has also served in the Pan African Parliament; she has served as Member of international council of Parliamentarians for Global Action and Chair Kenya Chapter. She has served as the President of the Committee on the Rights of Parliamentarians in the Inter-Parliamentary Union.

Before joining parliament, she had served as Legal Counsel with Kamau and Kamau Advocates; State Counsel with the Office of the Attorney General, Litigation Counsel with FIDA; Project Officer Gender and Judiciary for ICJ ( K); Regional Manager for Treaty based rights of Women and Children in East and Southern Africa with Le'twal International; Founding Director of The CRADLE and Founding CEO of The Maiden Institute of Leadership, Law and Innovation- The Millie Institute.

She has consulted widely internationally and been in several advisory committees of several UN Agencies; several Ministries of the Government of Kenya; international NGOs, and parliaments.

## **CARREN AGENGO**

**Principal Secretary  
State Department of Children Welfare, Services  
Kenya**



Carren Agengo is the Principal Secretary for the State Department of Children Welfare, Services in Kenya and a Certified Public Accountant (CPA) with over two decades of experience in public finance and tax administration. Ms Agengo officially took on the role of Principal Secretary for Children Welfare Services in April 2025. The the State Department of Children Welfare, Services in Kenya is responsible for implementing the Children Act 2022 and spearheading key reforms in child welfare.

## The CRADLE-The Children Foundation

### Serving children with distinction and dedication; Lessons Learnt: Steps ahead

#### History

The CRADLE was founded in 1997 to provide legal support to children in contact with the justice system. A formal launch of the organization was undertaken on the 7<sup>th</sup> of December 1997 during the human rights week to show a deliberate choice for a rights-based approach in its work. The launch was presided over by Justice Arline Pacht of the USA, then President of the International Women Judges Association, and Hon. Shem Ochuodho, then MP, Rangwe Constituency.

The CRADLE has since undertaken trailblazing and transformative work for children nationally, regionally, and internationally. The key milestones:

#### Access to Justice Program

The CRADLE has impacted over 20 million children through impact litigation and represented over 20,000 children directly in court through its in-house lawyers and a pool of *pro bono* lawyers under the *Pro Bono* Scheme. The CRADLE also ran Child Help Desks in courts and a Diversion Program.

#### Impact Litigation Cases:

##### Children Born out of Wedlock

The CRADLE represented a 2-year-old against the Attorney General in a groundbreaking case challenging the Children Act for discriminating against children born out of wedlock. The decision was not favorable, but the organization lobbied for the inclusion of the provision in the Constitution.

##### Access to Counsel for child offenders

The CRADLE brought a case in Bungoma Law Courts challenging a decision against a young boy who had been sentenced for a criminal act yet he had no legal representation. The court ruled in the organization's favour and noted that children in the justice system must be afforded legal counsel.

##### Child offenders subject to special procedural treatment



A 12-year-old girl, S.A, was charged with murder after she was alleged to have killed a child she was babysitting. The courts failed to follow the procedure in relation to child offenders. The CRADLE challenged this matter successfully in court and SA was acquitted.

### **Discrimination of children with disabilities in the media**

The CRADLE brought a case against the Nation Media Group for allegedly discriminating against children with disabilities by not offering disability-friendly platforms for broadcast. The High Court ruled in favour of The CRADLE, but the Nation media group appealed, and the matter is still pending in court.

### **Inter sex Children, (Baby x Case)**

The CRADLE brought a case against the Attorney General of Kenya of an intersex child dubbed the “Baby X case.” The case sought to ensure that government agencies, including justice institutions, offer intersex-friendly facilities for children including separate cells and separate bathrooms. The Court made positive declaratory orders.

### **When Does Life begin?**

The CRADLE brought a case before the enactment of the 2010 Constitution that inadvertently had an impact on when life begins. A man who had made the house manager pregnant refused to pay for pre-natal care for her. The matter was subsequently settled out of court, and the issue of when life begins was eventually decided by Kenyans in the 2010 Constitution.

### **Acquiescence in Cases of Sexual Abuse**

The CRADLE successfully sued the government for compensation in a case of sexual abuse against a child where the organization claimed that the government should be held responsible for failing to take measures to protect a child from abuse in a government institution.

### **P3 and Post Rape Care Form Case**

In this case, the police had refused to give a P3 and Post Rape Care (PRC) Forms to a victim of child sexual abuse thus compromising the case. The child awarded damages. The courts also made a ruling that these forms must be made available expeditiously to victims of sexual violence.



## Policy and Legislative Impact

The CRADLE has, on its own initiative and in partnership with other agencies, undertaken work that has changed the legislative landscape for children in Kenya and beyond. The work has entailed the following:

### The 2010 Constitution

The CRADLE can correctly be described as one of the founding organizations of the 2010 Constitution, as it was one of only two child-focused organizations represented in the process. The CRADLE was represented by the then Executive Director, Millie Odhiambo, who was a delegate and served under the Bill of Rights Committee. The footprints of involvement of the organization in the process, is evident in the Constitution and include the following: access to justice; children born out of wedlock; removal of procedural technicalities under Article 22. that enables the indigent to access justice; provisions on *locus standi*, and *amicus curiae* enabling organizations like The CRADLE to represent children: outlawing of child marriages; soci-economic rights; victim protection; Protection of children against trafficking; amongst others.

### Subsidiary Legislation relating to children

Laws Pioneered or championed by The CRADLE	
The Sexual Offences Act, Act No. 3 of 2006	A comprehensive law on SO outlawing the sexual history of a victim in court and making provision for new crimes such as gang rape, amongst others
Counter trafficking in Persons Act, No. 8 of 2010	To provide a comprehensive legal framework for cases on trafficking of persons.. It establishes a fund for trafficked persons.
The Treaty-Making and Ratification Act, No 45 of 2012	Provides for public participation and role of parliament in treaty treaty-making process

Child-related provisions of the Computer Misuse and Cybercrimes Act, 2018	Ensures child online safety protection
The Victim Protection Act, No 17 of 2014	Protects victims of crime and provides a fund therefore
The Social Assistance Act, No 24 of 2013	Gives effect to Article 43 (1) (e) of the Constitution.
<b>Sample of the Laws the Organization Contributed to</b>	
Children Act, No 8 of 2001, Cap 141 and Children Act, No. 29 of 2022	Comprehensive legal framework on child rights and domesticates the CRC and the African Charter on the Rights and Welfare of the Child
The Criminal Law Amendment Act, Act No. 5, of 2003	Provided some amendments to laws relating to sexual violence such as raising the age of consent to 16 years. It is now 18 years.
Marriage Act, No 4 of 2014	Protects children against early and or enforced marriages
The Protection Against Domestic Violence Act, No 2 of 2015	Protects children from violence within the family
The Female Genital Mutilation Act, Act No 32 of 2011	Protects women and girls from the harmful effects of FGM
The Basic Education Act, No. 14 of 2013	Enhances access to education for all
The HIV and AIDs Prevention and Control Act, No 14 of 2006	Stops discrimination against children with HIV/AIDs

## Technical Support and Advisory Role on Legislation and Policy to the Government and UN agencies

The CRADLE has been engaged by the government of Kenya in several policy and legislative initiatives as follows:

### Mainstreaming in Action

This program entailed mainstreaming rights in seven Government of Kenya ministries

### **Governance, Justice, Law and Order Sector Reform Program, GJLOs**

The GJLOs program was a reform program housed by the then Ministry of Justice and Constitutional Affairs, (MOJCA). The CRADLE was the chair of the CSOs Caucus to GJLOs and a member of the Technical Coordinating Committee, the TCC.

### **Task Force on the Implementation of the Sexual Offences Act**

The Task Force was responsible for the effective implementation and administration of the Act.

### **Counter Trafficking in Persons Advisory Committee**

The CRADLE served as the first chairperson and advocated successfully for the establishment of a Fund for victims of trafficking under the law.

### **Advisory Committee on Treaty Obligations**

Through this Advisory Committee, awareness was raised on various treaties ratified by Kenya;

### **UN Study on Violence against Children**

The CRADLE took a leading role in the drafting of the Kenya report on violence against children under the leadership of UNICEF. The CRADLE also represented Africa CSOs in the UN study on VAC through the NGO Advisory group to the study.

### **UN Individual Complaint Mechanism**

The CRADLE undertook pioneering work in promoting this mechanism in Kenya and in seeking to get Kenya to ratify the protocol.

### **The Intersex Person's Implementation Coordination Committee, IPICC Committee**

The Committee was mandated to support the government in implementing the recommendations outlined in the Intersex Persons' Task Force report. The CRADLE served in this Committee to ensure that issues dealing with Intersex children are covered.

### **National Council on the Administration of Justice, NCAJ**

The NCAJ seeks to “strengthen and entrench a well-coordinated justice sector that will guarantee access to justice for Kenyans and contribute to social justice and transformation. The CRADLE is a member of the Technical Committee of this Task Force and also a Member of the Special Task Force for Children under the same umbrella.

### **The National Committee on Criminal Justice Reforms, NCCJR**

The CRADLE served as a member of the Committee working on criminal justice reforms relating to children.

### **NALEAP**

The CRADLE was part of the agencies that worked towards the setting up of a National Legal Aid Scheme. This resulted in the setting up of the National Legal Aid Service as a state agency under the Legal Aid Act, 2016.

### **One Stop Gender-Based Violence Recovery Centre at Kenyatta National Hospital**

The CRADLE was part of a network that lobbied for the establishment of this facility to enhance access to justice for victims of SGBV.

### **Special Prosecutors on Sexual Offences**

The CRADLE lobbied the office of the Attorney General for the gazettelement of private lawyers as special prosecutors in cases of sexual violence, especially sexual violence against children. This was approved and all the then *pro bono* lawyers of The CRADLE were gazetted amongst the first batch of special prosecutors on sexual violence.

### **Diversion Program**

This program entailed working with the judiciary to ensure that many children in conflict with the law did not end up in the justice system but that alternative justice systems was sought outside the court process. This has now been entrenched in the Children Act.

## **Child Rights Education and Awareness**

### **About the Program**

This program has, over the years, focused on building the capacity of children and the general public as claim-holders and also government officials as duty-bearers to enable them better protect children.



## **The Intergenerational School-Based Programs**

### **The Girls SHALL programs**

This Girls Safe Horizon and Letter Link is a twin mentorship Program and provides a safe space for girls to discuss, share and learn about issues in a safe non-judgmental space.

### **The SHELF Program**

The Safe Horizon, Education and Leadership, SHELF Program is a sister Program to the Girls SHALL Program and focuses on high school and university students, equipping them with skills to better protect and claim their rights.

### **Media Awareness Program**

This program employs the media including social media to create awareness on child rights.

### **Paralegal Program**

The organization has run a paralegal program over the years through which over one thousand paralegals have been trained.

### **Community Advocacy Program**

The organization has undertaken several advocacy programs in different parts of the country on various issues, on child rights.

### **Child Internet Safety, Security, and Awareness Program**

This program was done in partnership with the Communication Commission of Kenya, (CCK), now the Communication Authority of Kenya. To protect children online. .

## **Research, Monitoring, and Documentation**

The program aims to inform policy and legislative change for the enhanced protection of the rights of the child. It has done this work through various initiatives as follows:

### **Treaty Bodies Monitoring Project**

The CRADLE has monitored the implementation of international and regional treaties Kenya has ratified. The CRADLE also attained Observer Status with the African Commission on Human and Peoples' Rights. The CRADLE was the founding chairperson of the CSO Forum on African Commission. It has also participated frequently in the CSW and sent child representatives to the UNGA Special Session on Children in New York and in other similar initiatives regionally and international.

### **The Case Trends Monitor**

An annual monitor of cases on child rights, the Case Trends Monitor, is undertaken annually to inform policy and law.

### **Child Rights IEC Materials**

The CRADLE produced several child-friendly IEC materials as follows:

- **Letter Link Magazine;** This is a child-friendly magazine targeting children in primary schools.
- **Handbooks for children:** This is mainly for children in high school and in colleges.
- **Training Manuals:** For various professionals on child rights.
- **Guides** The guides are reference materials on various topics such as 'Trauma'; '

### **Handbooks**

**Juvenile Justice Quarterlies:** These are quarterly productions on cases relating to child justice from around the world.

**Juvenile Justice Journal :** This is an annual in-depth study on child rights issues for lawyers.

**Policy Briefs and Papers:** These are for MPs for legislative action.

**Research on topical or emerging issues on child rights:** This is mainly cutting-edge research on emerging issues such as child safety online and trafficking in persons.

## **Steps ahead – A New Strategic Direction: “Strengthening Institutions, Raising Change Makers”**

### **Current Programs**

The strategic plan covers the period 2021 to 2025 and covers the following:

## Child Justice Program

This program has four projects as follows:

**The CRADLE Legal Aid Clinic**

**The CRADLE Child Justice Hub**

**Impact Litigation Project**

**Child *Pro bono* Lawyers' Scheme**

**New and Emerging Leaders Initiative - NELI**

This program has 3 projects as follows:

**Children's Senate**

**Evolving Leadership Academy: ELA**

**“Boys to Men of Honor” Clubs Project**

**Girls Safe Horizon and Letter Link Project- Girls SHALL Program**

**Policy and Legislative Support Initiative- PALSI Program**

This program entails strengthening laws, policies, and institutions for better protection of the rights of the child. It involves working with the 3 arms of government to mainstream child rights issues and has the following four projects:

**Legislative Partnership Project**

**Child Trends Monitoring Project**

**International Cooperation and Treaty-monitoring Project**

**The Uhai Protection Project**

The project focuses on SRHR relating to children.

**Child Information Hub**





This project seeks to provide an information hub on child rights with the following:

## **Climate Justice Project**



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The CRADLE

## BACKGROUND

The CRADLE is a non-governmental organization committed to the protection, promotion and enhancement of children's rights.

Founded 28 years ago to respond to the need of offering legal aid to Children. Main aim originally being representing children in conflict with the law.

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## CURRENT PROGRAMS AND PROJECTS

### THE CHILD JUSTICE PROGRAM

#### PROJECTS

1. Child legal Aid Centre;
2. Child Justice Online;
3. Child Justice Providers Network;
4. Pro bono Lawyers Scheme
5. Psycho Social support

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**CURRENT PROGRAMS AND PROJECTS**

**LEGISLATIVE, GOVERNANCE & JUSTICE PROGRAM**

**PROJECTS**

1. Legislating for Children Project;
2. Children in Governance Project;
3. Technical advisory on children project;
4. International Obligations Monitoring Project;
5. Child Rights Information and Documentation Project

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**CURRENT PROGRAMS AND PROJECTS**

**THE CHILD RIGHTS PROGRAM**

**PROJECTS**

1. The Child Rights Champions and Change Makers Project;
2. Legal Bazaars and clinics project;
3. Duty Bearers project;
4. The Children Senate;
4. Men-TORs & Girls Lead Project

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**CURRENT PROGRAMS AND PROJECTS**

**THE CHILD RIGHTS ADVOCACY AND CAMPAIGN PROGRAM**

**PROJECTS**

1. UHAI Project on SRHR;
2. Climate Justice for Children Project;
3. Child Online Protection Project;
4. SGBV Project
5. Counter Trafficking in Persons Project

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**CURRENT PROGRAMS AND PROJECTS**

**RESEARCH, MONITORING AND DOCUMENTATION PROGRAM**

**PROJECTS**

1. International obligations monitoring project;
2. Child Rights information and documentation (CRID) project;

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**MILESTONES**

**The CRADLE**

- Impacting over 20M children through impact litigation
- Contributing to child rights protection in the constitution;
- Undertaking cutting edge work on child online protection; countertrafficking; sexual abuse amongst others
- Advocating and championing for the passage of several laws on and/or impacting children;
- Undertaking community work to empower claim holders on child rights

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**MILESTONES**

**The CRADLE**

- Offering technical advisories to several government ministries and UN agencies;
- Documenting child rights violations;
- Training pro bono lawyers;
- Developing IEC materials for different agencies on child rights

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