

**The Role of the Church in Promoting Justice for Children: Best Practices from
Compassion International in Partnership with Local Churches in Kenya**

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Abstract

Justice has become a major concern in the world today. As nations implement the United Nations Convention on the Rights of the Child, concern continues to rise on the role of various sectors and institutions in promoting justice for children. The Church plays an important role in communities as it is locally based and represents a major developmental institution, more so in Kenya where more than 82% of the population is Christian. This paper located theoretical frameworks that explain justice for children, documented best practices of Compassion's work with the church highlighting gains in social justice and advocacy, networking, community mobilization, restorative justice and provision of safe havens for children. It also highlighted challenges the Church has faced in pursuit of justice for vulnerable children in abuse and exploitation and recommended actions towards building the capacity of the church in ensuring social and restorative justice for children.

Key words: Church, Justice, Children, exploitation, capacity building

Introduction and Background

Crime has had a major impact not only on economies but on individuals within those societies, “Children especially are exposed to violent crimes in their communities, in their families, and in the media” (Osofsky, 1999). In recent times, children have continuously become victims of crime. They have also endured victimization for being abused and exploited as they engage with the different stakeholders in the justice system. When justice is not provided, children become even more vulnerable. “This lack of legal power can threaten children and expose them to further unintended vulnerabilities” (Compassion International, 2016). It also raises concerns on how the Church, community and the nation can support the children and their families especially where promotion of justice is a valuable aspect in the mission and the mandate of the church to the people to whom it is reaching out.

The Great Commission embodies the mission of the Church: to make disciples (Mathew 28:19) (International Bible Society, 1984). Children are among those who need discipleship. But child discipleship is only possible when children are protected and nurtured. Considering the tremendous value and importance of children, there are strong statements in Scripture commanding the protection of children. The bible depicts God as the defender of the fatherless and the vulnerable. Not only are we to defend children from intentional acts of harm, we are also instructed to cry out for the children who are vulnerable in Psalms 82:3 (International Bible Society, 1984). The biblical view of justice for children is therefore holistic: promotion of societal structures that ensure child safety, defending children from and in cases of exploitation, abuse and deprivation as well as restoration of the broken person and relationships. This paper locates the role of the Church in promoting justice for children. The Church referenced herein is the universal body of Christ represented by Christians who come together to form the local

assemblies. It discusses best practices by Compassion International in its work with the Church.

Compassion International is a Christian development organization that works in partnership with local churches in rising awareness of and implementing programs aimed at holistic development and protection of children and youth.

Prevalence of Child Injustice

Child injustice has become a major issue in the world. Today, more than 1 million children are deprived of their liberty worldwide, and countless children face violent and degrading treatment throughout the criminal justice process (UNICEF, 2013). According to research, “more than 25% of children witness or are victims of abuse and exploitation” (Finkelhor, 2009). Recent findings from the United Nations Children's Fund survey (2010) on violence against children in Kenya showed that during childhood, 32% of females and 18% of males experience sexual violence. The persons that are likely to abuse children are those closest to them or those that children trust the most, for example parents, relatives, teachers and police. The findings also revealed that the most common perpetrators of sexual violence for females and males were found to be the victim's romantic partners comprising 47% and 43% respectively followed by neighbors, 27% and 21% respectively. Mothers and fathers were the most common perpetrators of physical violence by family members. For males, teachers followed by police were the most common perpetrators of physical violence by an authority figure. Emotional violence for both females and males was most often inflicted by parents. In light of this dramatic situation, it is imperative to promote strategies that provide an alternative to detention and custodial sentences for children.

Methodology

This paper presents a review of literature on child abuse and access to justice for children in Kenya; review of theoretical frameworks on social and restorative justice; case studies from Compassion International best practices and challenges in working with the Church in promoting justice for children. Two case studies which are discussed in this paper were randomly selected based on ability inform discussions in this paper. The researchers have observed ethical consideration by making cases confidential to protect the dignity of the children and churches in the cases. The paper highlights insights, interventions and approaches that can be helpful in preventing and responding to child injustice in Kenya.

Objectives

The aim of this paper was to locate the role of the church in promoting justice for children. This was achieved through the following specific objectives:-

- 1) Discuss theoretical frameworks on social and restorative justice
- 2) Document Compassion's best practices in working with the church in promoting justice for children
- 3) Identify challenges and offer recommendations in promoting justice for children by the church

Findings and Discussions

Child Abuse and Access to Justice for Children in Kenya: A Review of Children in the Justice
Systems

It is in the best interest of all children that justice is pursued if they are to be safeguarded from further abuse. Justice for children can be considered to include children in conflict with the law (that is, alleged as, accused of, or recognized as having infringed the penal law), children who are victims or witnesses of crime, and children who may be in contact with the justice system for other reasons such as custody, protection and inheritance (child parties to a justice process) (Panel Reform International, 2013). Justice for children is also an impartial and responsive system that upholds the basic principles of the best interest of the child including development, survival, participation and protection through its approaches, processes and outcomes. Such a system should be able to deliver justice in a child-friendly manner while maintaining awareness in public and through its system.

Children, particularly girls, are exposed to psychological, physical and sexual violence during arrest and interrogation, or while being held in police custody; they are likewise vulnerable to violence at the hands of staff and adult detainees in detention centers. They also endure violence as a form of punishment or sentencing (UNICEF, 2013). Despite of this, less than one out of three of the children who experienced the above forms of violence knew where to seek professional help, while only 10% found professional help (United Nations Children's Fund, Kenya , 2010). The lack of access to justice by children is as a result of lack of public awareness or more possibly lack of means to effectively access the justice system. In appearance, it may seem that the child victims, their families and witnesses are unwilling to pursue justice, but in essence the processes, time, lack of clarity on processes, long procedures required could be a hindrance to access to justice by victims and their families. Unavailability of resources by low to moderate income households to pursue justice may further compound the challenges leading to

loss in cases and opportunities for rehabilitation, future prevention, provision of required services and protection of victims and the public from the effects and consequences of the cycle of abuse.

Traditional approaches to promoting justice for children where the criminal justice system takes sole responsibility for prevention, provision of service and protection of victims have also had major limitations and can be understated. Through collaborative pursuit of justice for children, various stakeholders can help to overcome the above limitations. The Church being community based, centered on family interventions and understanding the needs at local levels can play a major role in jointly promoting the best interest of the child in the justice system.

Theoretical Perspectives

Rawls (1999) proposed a theory of justice that seeks to assist in the establishment of just arrangements where they do not exist. He argued that where the basic structure of society is just, or as just as it is reasonable to expect in the circumstances, everyone has a natural duty to do what is required of him. The theory highlights the obligation of every individual to support just institutions. Rawls (1999) argued that each individual has a duty and obligation to promote the principles of justice. Where individuals adopt utilitarian principles, the consequences are incoherent conception of the right. This is because individuals belong to a well-ordered society and to further justice, they should combine both institutional and utilitarian principles to support the rights of individuals. The theory also describes a society that the public have an effective sense of justice. This becomes an asset in stabilizing a just social arrangement. But where there is a no well-ordered society, individuals exist to follow self-interested point of views that may cause instability. In this society, citizens are bound by a just constitution and acknowledge a natural duty of justice. Rawls further noted that the principles of justice should define the

appropriate distribution of the benefits and burdens of social co-operation. Where duties and obligations are clear, it also reduces instability of just arrangements. On the other hand, unjust social arrangements are themselves a kind of extortion, even violence (Rawls, 1999).

The theory of justice has implications at all levels of justice including institutions such as the church. While justice is a difficult issue, the theory suggests that institutional interventions have value to the society. The institutions also have capacity to promote justice and define conception of justice by the society. The church, with its role in the society and can create social arrangements that are just and fair for children. Through its messages and adoption of their duties and obligations they can reduce violence and extortion of children and promote a society that naturally desires to support children. Reken and Mulen (1998) added that institutional church should speak out on the general goals that a society should pursue. It should speak out when the social goals being pursued are evil, as with so-called ethnic cleansing. It should speak out against clearly immoral policies even when they are intended to achieve morally acceptable ends.

The Role of the Church

The Church and faith-based organizations have shown commitment over the recent years on child protection through care and support of children and families. In 2010, thousands of Church leaders from around the world gathered in Cape Town, South Africa, for the Third Lausanne Congress. Together they created “The Cape Town Commitment” of the Lausanne Movement which highlighted the need of the Church to seek to train people and provide resources to meet the needs of children worldwide, wherever possible working with their families and communities, in the conviction that holistic ministry to and through each next generation of children and young people is a vital component of world mission.

The Church also committed to expose, resist, and take action against all abuse of children, including violence, exploitation, slavery, trafficking, prostitution, gender and ethnic discrimination, commercial targeting, and willful neglect (Lausanne Movement, 2011). Since then a lot of efforts have been made by churches especially on preventive efforts such as training and development of children and the family institution as a whole. The Church has also interacted and collaborated with various agencies within their locality to ensure healthy development of children. However, a lot more churches are yet to join in these efforts. An example is the case of Jane, a child who was abused while under the support of the Church in Partnership with Compassion International.

Case Study 1:

Jane a 12 year old youth sponsored by Compassion has been sexually molested by her step-father, infected with HIV and is now 6 months pregnant. The mother did not inform the church child development staff. Instead, she decided to settle matters out of court for purposes of protecting her marriage and family; furthermore her husband is the chairman of the church and has been faithfully providing for Jane. She therefore accepts a cow from her husband's family as compensation according to local traditions and the matter is now "settled".*

The senior pastor is made aware of the matter and concludes '...we need to protect the image of our church at all costs.' Meanwhile, Jane who is now out of school has been sent away to live with her maternal grandmother in the rural areas.

The following were the proceedings and steps/actions taken by the local Church in Partnership Compassion International in response to the matter and in the best interest of the child: 1) Church leaders approached the senior pastor and requested him to report the matter to the police as soon as possible, failure to which Compassion International would take action; 2) the pastor declined therefore one of the Compassion staff reported the case to authorities and Jane's step-father was immediately arrested; 3) the pastor began to threaten Jane that he would de-register her from the sponsorship program; 4) all the church elders as well as Jane's mother, upon persuasion decided to side with Jane and assigned one of them to testify against the step-

father after two other children from the church complained of being defiled by the same man and sufficient evidence was gathered; 5) elders approached a local child rights NGO who availed a lawyer at no cost; 6) Jane's step-father was found guilty and jailed for life; 7) no disciplinary action was taken against the senior pastor by the denominational leaders; 8) however, Jane was re-united with her mother and underwent psychosocial counseling in addition to medical care. The church continued to support her through primary school, secondary school and tertiary education.

The church and Compassion International experienced various challenges to be able to support Jane. This included uncooperative church leadership (senior pastor and denominational church leaders). The pastor did not involve himself in pursuit of justice and wanted to isolate the church from the situation. Instead of protecting the child, preference was made by the pastoral team to protect the image of the church. Despite such actions, no disciplinary action was taken by his supervisors. The church seemed to lack appropriate structures to handle such cases. When a case of injustice was reported to the church, there seemed to be no accountability structures available to ensure that appropriate action was taken by the right leadership. Jane continued to suffer until members of the church other than the pastoral team took up the matter. They were able to resolve the issue to appropriate church leadership, the local church elders networking with local NGOs and creating awareness on the issue. Various actions and people emerged that helped to bring justice to Jane. The church elders were able to mobilize witnesses including Jane's mother, who were uncooperative at first, but after conviction agreed to be witnesses in the case. The other children who were victims of defilement by the same offender agreed to provide further evidence alongside the victim and the local chief and therefore promoted the justice for the child.

At a foundational level the Church recognizes the dignity of the human person as a prime concern for every Christian. The Church can play a fundamental role in justice as in the case above; because it also recognizes that every human being has been made in the image and likeness of God (Psalm 139) and sees it as its obligation to exercise the greatest possible care from conception to death (International Bible Society, 1984). Further to this, the Church in Africa has in recent years become increasingly aware of the need to establish policies and practices for safeguarding children and the whole community, but very specifically for the sake of those least able to protect themselves. It is also necessary to be clear about how to act when things go wrong and abuses of various kinds occur.

The implementation of policies, guidelines and procedures by Compassion International among its implementing church partners (ICP) helped to maintain the highest standards and provide necessary protection not only for those who may be vulnerable but also for everyone working with them. The involvement of local communities and leaders in its programs ensures that interventions are sustainable. In scenarios where the pastoral team wants to protect its image, trained communities come into play and put the church in check to ensure that justice is pursued. The recognition still goes to the church, playing its role within the community.

The Role of the Church in Social Justice and Child Advocacy: Informed Rights and Plight of the Children

Social justice can be defined as providing all people with equal basic rights, entitlements and privileges. It is about providing access to social, political and economic opportunities to all people especially those who are underprivileged and would otherwise not be able to access their rights and privileges. Jost and Kay (2010) defined social justice “as a state of affairs (either

actual or idea) in which benefits and burdens in society are dispersed in accordance with some allocation principle.” It is also “procedures, norms and rules that govern political and other forms of decision-making that preserve the basic rights, liberties and entitlement of individuals and groups”. A just society is therefore a product of social systems. A just social system can be contrasted with systems that foster arbitrary or unnecessary suffering, exploitation, abuse and discrimination.

Social justice can be reflected in how God dealt with his people. In Amos 5:24 the Bible exalts “But let justice roll on like a river, righteousness like a never-failing stream” (International Bible Society, 1984). Our Lord God is a just God and so should those that belong to His kingdom. To understand how to uphold justice towards children, we first need to comprehend the battle of injustice towards children. Injustice towards children comes in all forms, including retrogressive cultures that are demeaning to children. To win the battle, the Church has to gather data on the plight of children within the community as well as learn from the experiences of other stakeholders in upholding the rights of children. As children go through the justice system either as victims of abuse or juvenile, the need for justice is important if the relationship between the abuser and the child is to be addressed with rightful measures to curb future child maltreatment.

The pulpit is an ideal avenue through which teachings about the afore-mentioned can be broadcasted to parents, caregivers, children’s ministry workers and community members. Children too need to be trained about their rights and responsibilities in addition to action to take when their rights have been violated. Additional recommended mode of broadcasting and teaching about the afore-mentioned include the use of Bible study materials, digital media and through seminars. Furthermore, churches need to develop and implement Church Child

Protection Policies as well as promote biblical values that ensure that children are raised in holistically safe environments, for example, biblical morals, ethics and the sanctity of marriage to reduce divorce and separation.

The Church Child Protection Policies could include: Church council responsibilities, child protection training requirement, procedure for safe recruitment of church staff, how to create a child-friendly church environment, procedures for handling cases of abuse, how to raise concern for abuse, procedure for ministering to people who pose a risk to children, working safely with children - a checklist for 'best practice', protecting children and young people with special needs and confidentiality and information sharing. Through working with various churches in Kenya, Compassion has been able to handle more than 115 major cases of abuse. Cases reported were handled by the church of which 50% were successfully resolved and perpetrators are serving sentences in court (Compassion International, 2016).

Awareness facilitates implementation of justice. The churches should also make use of law experts to create awareness through seminars and parenting classes. There are a number of resources and legal instruments that churches can make use of in creating awareness. Internationally and nationally, resources and legal instruments have been developed that inform about rights of children, prevention of abuse and measures to take in case of injustice. Examples include the Children's Act 2016, Africa Charter of the Rights of Children and UN Convention on the Rights of Children. These tools are a recommended basis for formulating localized Church Child Protection Policies and commitments that ought to be upheld by children's ministry workers.

Active Pursuit of Justice

Churches are made of persons that originate from families and communities. Church leaders ought to ensure the rights of children are upheld beyond the church boundaries – as in the Case Study 1 cited in this paper. Compassion International through the church ensures that the church exposes offenders, provides legal and material resources for poor victims to be able to pursue legal cases as well as provide witnesses as necessary.

Networking and Community Mobilization

Networking with child-focused agencies to mobilize community members and resources is one sure way of ensuring that efforts are not duplicated. Like the analogy of the body of Christ, each member will bring in his expertise. It is also an avenue in which referrals can be made among agencies in victim identification and support to make it easier for support of victims for quick access to services. The Bible exhorts us to work together in Ecclesiastes 4:12; “though one may be overpowered, two can defend themselves; a cord of three strands is not quickly broken” including defending the course of children in need of justice (International Bible Society, 1984).

The Role of the Church in Restorative Justice

The mission of Jesus on earth was to restore the broken relationship between God and man. In Luke 4: 18, the Bible highlights the mission of Jesus as to preach good news to the poor, proclaim freedom to the captives, recovery of sight for the blind, release the oppressed and proclaim the year of restoration. In the same way, the mission of the church ought to be about restoring the sinner as well as the broken relationships. Studies on restorative justice have shown that “restorative justice can prevent crime by making offenders feel more sympathy for their victims” (Strang, 2007).

In restorative justice, the focus is on establishing reconciliation between offenders and those affected by the offence in order to restore social harmony, as well as problem solving and crime prevention by rehabilitating the victim and the offender. By contrast, retributive justice focuses on establishing blame and guilt and the offender accountability is defined as taking a punishment. Restorative justice therefore offers reconciliation, rehabilitation and community integration and can be considered as a positive form of punishment unlike the traditional methods. It may be used to solve the current problems in the criminal justice system (Jost, 2010). It can be a supplement to the system and applied to convicted children and children deprived of liberty thus increasing potential to reducing rate of recidivism. The Church, considered as a societal authority of morality (at least among Christians) should take the lead in implementing the process of restorative justice. As the justice system struggles on how to rehabilitate and restore child offenders back to the community, the Church can take responsibility of ensuring that the perpetrators of injustice are apprehended, disciplined and benefit from a discipleship program.

In their most developed form, restorative justice programs for children are holistic and include the provision of necessary services and support, such as access to education and health services, psycho-social support, vocational training and the provision of alternative activities and interests to avoid children falling back into previous risky behavioral patterns as reflected in various highlighting the challenges of young people resolving to difficult behaviors when not support (Featherstone, 2009). Opportunities for reconciliation between the aggressor and the abused ought to be explored especially in cases where parole is the desired option. For the abused, there are several opportunities for facilitating healing. Examples are counseling and care groups within the church.

Role of the Church in Provision of Safe Havens

One of the areas in which some churches have successfully participated in promoting justice for children is in providing safe havens or safe homes for children whose lives may be in danger of attack by their abusers and where children lack caregivers while their parents serve jail sentences.

Challenges in Promoting the Best Interest of Children by the Church

Conventionally, the Church has not been recognized to have a stake in legislation, justice and protection. The reason is that the Church has been known foremost to warn people of divine justice. By involving in social justice, many believe that the Church will compromise this presumed primary work by diverting its energy and resources from it. This could create an association between the institutional Church and some political agenda. Such views undermine the role of the Church and the benefits that it can provide to the best interest of the child. The Church is in an advantaged position in knowing what is clearly morally acceptable and what is morally unacceptable. It has the potential to protect the voice of the weak and restore justice where other sectors have failed. The case below highlights how the Church can overcome different challenges to support children who experience different forms of injustices.

Case Study 2:

Lucy, 8 years, had gone to visit her friends in the neighborhood. It was in the evening after school and while in the company of her four friends playing together, the perpetrator lured them into his car and drove off to a residential house. While there, the stranger locked them in and defiled Lucy and Maria and sodomized the two boys who were with Lucy. After the ordeal, Lucy and her friends were afraid to go back home for fear of facing punishment from parents because they blamed themselves for what had happened to them. They crept into a nearby bush and spent the night there. In the morning, Lucy's parents raised an alarm to the police and neighbors. With the support of neighbors, they searched the nearby bushes and soon found the*

children eating wild fruits. The children seemed to be in deep shock. It took a while of both probing and threats alongside a beating for the children to disclose what had happened. The parents then reported the case to the church, where they are sponsored by Compassion International.

Actions by the church included the church leaders together with the parents taking the children to the nearest hospital where it was proved that indeed they had been defiled. The children were put on medication and regular check- up. The church also acquired P3 forms and the reports were sent to the nearest police station. The offender was immediately arrested. The first hearing was on 16th January 2014. Child Helpline also assisted to ensure that the case was inclusive of all the charges. Initially, the police had denied receiving any evidence due to threats by the offender's relatives. The children's parents also felt that the distance to court was too long and people kept asking about the case which made them feel embarrassed. Furthermore, they felt they were wasting the time during which they did casual labor to provide for their families. But the church took charge and paid for all the transport expenses to and from court. They also provided basic needs for the victims' families and paid for costs for professional counseling.

Support from the prosecution ensured that evidence was found and the case continued in court. The children were required to go to church every Saturday morning for two months for spiritual counseling by the children's pastor. Lucy requested to be taken to a boarding school for fear that she would meet the offender who lived nearby and who had been given a bond. She, together with the other children and their parents, had to undergo professional counseling as the trauma they experienced was very vivid in their lives. On 10th October 2015, the doctor testified in court. The judge made a ruling based on evidence, in favor of the victims and Lucy together with her friends were able to receive justice. The offender was jailed for life. Initially, Lucy had

frequently complained of abdominal pains but she is currently stable and continuing with her education.

Just in the case of Jane, the church can overcome challenges to support the needs of children in similar situations. Challenges such as training, legal reference, psychosocial support can be addressed through networking and working with other locally based agencies.

Conclusion and Recommendations

Pervasiveness of child maltreatment and abuse and its cost on children and the society makes child protection a great concern at both national and international levels. The Bible calls us to: “Defend the cause of the weak and the fatherless; uphold the cause of the poor and the oppressed” (Psalm 82:3) and to “Speak up and judge fairly; defend the rights of the poor and needy” (Proverbs 31:9) (International Bible Society, 1984). Justice cannot be achieved on its own. The Church is placed in an important position in the society at a time when its presence is most required. That is to support the cause with the available resources to promote justice.

The following recommendations should be put into consideration:

1. The Church can play a role in advocating for the rights of the child so that they can receive the desired rights, entitlements and privileges in the justice system. This may include providing homes for rehabilitation of children, guidance and counseling of parents, trauma and crisis counseling for child victims in ensuring restorative justice for children. The Bible confirms that children have rights and responsibilities too. In Mathew 18:10 it notes, "See that you do not despise one of these little ones. For I tell you that their angels in heaven always see the face of my Father in heaven." Similarly, Ex 20:12 says “Honor thy father and thy mother: that thy days may be long upon the land which the LORD thy God giveth thee”

(International Bible Society, 1984). This can be enhanced if the church works with the governments and other agencies to implement restorative justice processes for children and/or introduce legislation to this end.

2. Where the justice system fails to provide justice, the Church can be consulted to provide a way out and alternatives that can build and promote morality and reconciliation where this is desired.
3. The justice systems should continue to include teams that should be comprised of the criminal justice agencies, Church and community organizations that impact, or are impacted by, decisions made in court to ensure shared vision.
4. The Church should seek to be active participants in pursuit for the best interest of children by collaboration in order for it to effectively address the complex social issues that the justice system may not be able to. This is part of the responsibilities of Christians including the need to exercise compassion and love for others in tangible ways (Meulen, 1998).

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