

Causes of Child Rights Infringement among Early Childhood Learners in Teso Central Sub-County, Busia County, Kenya

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Abstract- Infringement of child rights persists across boundaries of geography, race, class, religion and culture, and Kenya has incorporated extensive international obligations into domestic law without eliminating the practices those obligations prohibit. Understanding why infringement continues requires evidence on its causes at the level at which interventions are actually delivered, yet Kenyan research has concentrated on older learners and on policy implementation rather than on the conditions producing violations in particular communities. This paper reports the second objective of a larger study and examines the causes of child rights infringement among early childhood learners in Teso Central Sub-County, Busia County, Kenya. A descriptive survey design employing quantitative and qualitative approaches was adopted. All 74 teachers in the 38 Early Childhood Development and Education centres of the sub-county were included by census, and 15 of 38 headteachers were selected by simple random sampling. Teachers rated five potential causes on a five-point Likert scale, and responses were analysed using frequencies, means and standard deviations. The composite mean was 4.32 with a composite standard deviation of 0.77, indicating strong agreement that the factors examined contribute to infringement. Family breakdown or parental neglect ranked first at a mean of 4.57 with a standard deviation of 0.53, attracting agreement from 73 of 74 respondents and not a single dissent. Inadequate enforcement of laws and policies followed at 4.37, poverty at 4.28, limited awareness among parents and community members at 4.27, and cultural and traditional practices last at 4.09. The study concludes that infringement in this setting arises principally from conditions within the household and from the failure of enforcement to reach it, and that the ranking places cultural practice below family, institutional and economic causes, which has direct implications for where intervention should be directed.

Index Terms- Child Rights Infringement, Early Childhood Learners, Family Breakdown, Law Enforcement, Parental Neglect.

I. INTRODUCTION

Children's rights are fundamental entitlements securing every child's protection, development and dignity. They are enshrined in international instruments, principally the United Nations Convention on the Rights of the Child, which obliges signatory states to protect children from violence, exploitation, discrimination, neglect and abuse, and to secure their access to education and to opportunities for development [1]. At their core these rights affirm that every child, irrespective of background, is entitled to safety, health, education and a nurturing environment.

Infringement nevertheless remains a persistent global challenge despite ratification of the Convention by 196 states. Enforcement difficulties are not confined to poorer countries: emotional abuse, cyberbullying and neglect remain prevalent in high-income settings, which demonstrates that economic development alone does not remove vulnerability [2]. Across South Asia, Latin America and the Middle East, child labour, trafficking and early marriage continue to affect large numbers of children, and child labour has begun to rise again after two decades of decline under the pressure of economic hardship and informal labour markets [3], [4].

Across Africa, violations persist notwithstanding the African Charter on the Rights and Welfare of the Child [5], principally because enforcement is impeded by institutional weakness, entrenched cultural practice and inadequate social welfare provision. Physical punishment and emotional abuse remain common disciplinary practices in several countries, with adverse consequences for psychological wellbeing and academic performance, and evidence indicates that most adults in low- and middle-income countries, parents and teachers alike, regard physical punishment

as an effective means of correcting misconduct [6], [7]. Child labour constitutes the most widespread form of exploitation across sub-Saharan Africa, interrupting educational progress for very large numbers of children [3]. Armed conflict and insecurity amplify violations through displacement, exposure to violence and recruitment into armed groups [8].

In Kenya, the Constitution affirms at Article 53 the right of every child to protection from abuse, neglect, harmful practices and exploitation, and the Children Act reinforces the legal framework for child welfare and protection [9], [10]. The Basic Education Act and the National Children Policy further require the state and communities to create safe and secure learning environments [11]. Infringement nonetheless remains widespread. National survey evidence indicates that approximately half of Kenyan children experience physical, emotional or sexual violence during childhood, and child labour affects roughly 8.5 percent of children, frequently at the cost of their schooling [12], [13].

The early years are decisive for the formation of cognitive, socio-emotional and educational capacities, and early learners are disproportionately harmed by abuse, neglect, child labour and inadequate care, which are associated with low achievement, disruptive behaviour and reduced attendance [14]. Kenyan research has nevertheless concentrated on awareness of rights and academic achievement among older learners [15], leaving the early childhood level comparatively unexamined. Within Teso Central Sub-County, child labour, corporal punishment, neglect and emotional harm are reported to arise from socioeconomic pressure, cultural custom and institutional weakness [16], but the relative weight of these causes has not been established empirically. This paper reports the second objective of a larger study and examines the causes of child rights infringement among early childhood learners in the sub-county.

II. STATEMENT OF THE PROBLEM

Kenya has incorporated its international obligations on children's rights into domestic law through the Constitution, the Children Act and the Basic Education Act, all of which require that children be protected from abuse and neglect and that safe learning environments be provided [9], [10], [11]. The legal architecture is therefore substantial. Corporal

punishment, child labour, domestic violence, neglect and early marriage nevertheless remain common, particularly in rural and semi-urban western Kenya, where poverty, family instability and weak implementation of child protection law converge [16].

The persistence of infringement despite a strong legal framework identifies the analytical problem. If the law is adequate on its face and violations continue, then the causes lie in conditions the law has not reached, and those conditions must be identified before intervention can be designed. General statements that infringement results from poverty, culture and weak enforcement are insufficient for this purpose, because they do not indicate which of these operates most strongly in a given setting, and interventions directed at the wrong cause will not reduce the incidence of violations however well executed.

Existing Kenyan research does not resolve the question. Studies have concentrated on older learners, on general child protection matters, or on gaps in policy implementation rather than on the lived circumstances that generate violations in particular communities. Within Teso Central Sub-County specifically, no empirical study has established the causes of infringement among early childhood learners or their relative weight. This study therefore sought to examine those causes and to establish their ranking, so that protective effort in the sub-county can be directed at the conditions that most strongly produce infringement.

III. THEORETICAL FRAMEWORK

The study was anchored on humanistic-existential theory, developed principally by Rogers and by May. Rogers held that every individual possesses an inherent potential for growth, self-actualisation and learning where a supportive environment is provided [17]. May's existential perspective complements this by emphasising human freedom, responsibility and the search for meaning [18]. Together the two positions establish the significance of personal dignity, autonomy and environmental influence in shaping development.

On this account individuals strive to fulfil their potential, but negative experience in the form of neglect, abuse or infringement of fundamental rights impedes psychological, social and cognitive

development [17]. The approach is holistic in treating a child's educational participation as inseparable from emotional and social wellbeing: infringement, whether physical abuse, emotional neglect or restricted access to education, produces low self-esteem, anxiety and diminished motivation, and these in turn depress learning.

The theory bears on the present objective in a specific way. If development depends on the quality of the environment surrounding the child, then the causes of infringement are properly sought in the characteristics of that environment rather than in the child. This directed the study towards the conditions of the household, the community and the institutions responsible for protection, and it anticipates that causes operating closest to the child, and most continuously, will register as the most influential. The findings reported below bear directly on that expectation.

IV. LITERATURE REVIEW

A. Socio-Cultural Norms and Practice

Large numbers of children across regions are subjected to harmful practices whose common feature is their grounding in custom, society, religion or superstition [19]. Definitions of appropriate as against abusive treatment, strategies for coping with poverty and norms of childrearing differ considerably both between and within cultures. International human rights frameworks emphasise individual autonomy and protection from harm, and these emphases frequently conflict with local perspectives that give priority to social acceptance and collective wellbeing as themselves forms of protection [20]. Comparable tension has been documented in relation to child marriage and female genital mutilation, where traditional approaches stress social acceptance while rights-based approaches stress the entitlement of the individual child to protection [21], [22].

Physical punishment is a particular case of the same pattern. Evidence from low- and middle-income countries indicates that most adults, including parents and teachers, regard physical punishment as an effective means of correcting misconduct and improving achievement [6], and systematic review of corporal punishment in schools confirms both its global prevalence and the strength of the social norms

sustaining it [7]. Where such norms hold, practices that constitute infringement in law are not experienced as infringement by those who carry them out.

B. Economic and Structural Causes

Economic pressure operates through a different mechanism. Child labour has been shown to reduce schooling directly, and evidence from a large cross-country study indicates that changes in household economic circumstances alter child labour and school attendance together, with government transfer payments substantially reducing child labour and raising attendance [23]. Work on physical abuse and negligence in Bangladesh similarly connects household conditions to academic outcomes [24]. These findings identify household economic circumstance as a cause operating on infringement rather than merely coinciding with it.

C. Institutional and Enforcement Weakness

A third body of evidence concerns the institutions charged with protection. Work on children's rights infringement at elementary level in Pakistan, using a descriptive survey of principals, teachers and students, found violations widespread in rural and urban schools alike, with corporal punishment, emotional mistreatment and the absence of safe learning environments prominent, and reported negative associations between these violations and academic performance [25]. Analyses of protective practice have argued that support and protection must operate together if either is to be effective [19]. The persistence of legally prohibited practices in many states has been characterised as a failure of international and regional human rights mechanisms to compel the challenge, prohibition and elimination those mechanisms require [26].

D. Kenyan Evidence and Research Gap

Kenyan work has established that violations of children's rights adversely affect academic performance, and has recommended further research on the contextual factors capable of buffering those effects [14]. Earlier work examined the influence of awareness of children's rights on performance among older students [15]. Neither addresses the causes of infringement at the early childhood level.

Three gaps follow. Most research addresses older children or adolescents, leaving early childhood

learners relatively neglected. Most examines particular categories of violation in isolation rather than assessing the range of causes together and establishing their relative weight. And most is national or regional in scope, lacking localised evidence for settings such as Teso Central Sub-County, where cultural, social and economic conditions may combine distinctively. The present study addresses all three.

V. RESEARCH METHODOLOGY

A. Research Design

The study adopted a descriptive survey design employing both quantitative and qualitative approaches. A descriptive survey permits systematic collection of data from a large population and description of existing conditions without manipulation of variables, which suited an enquiry into causes already operating in the setting [27]. The quantitative component measured patterns and prevalence, while the qualitative component provided contextual insight into the circumstances reported.

B. Study Area

The study was conducted in Teso Central Sub-County, Busia County, Kenya, which borders Teso South Sub-County to the east and Teso North to the west. The sub-county is predominantly rural and reports elevated levels of child labour, early marriage and school dropout, which made it an appropriate setting for an enquiry into the causes of child rights infringement.

C. Target Population and Sampling

According to the Sub-County Early Childhood Development Coordinator, the area contains 38 centres with 38 headteachers, 74 teachers and 4,102 early childhood learners. All 74 teachers were included by census, on the grounds that the population was small enough to enumerate completely and that teachers were positioned to report on conditions observed across successive cohorts. A sample of 15 headteachers was drawn from the population of 38 by simple random sampling, following the recommendation that between 30 and 50 percent be sampled where populations are small [28]. The findings reported in this paper derive from the teacher questionnaire, completed by all 74 teachers.

D. Data Collection Instruments

Structured questionnaires administered to teachers collected quantitative data on observed infringement, its causes, school attendance and learner participation. Questionnaires were selected for efficiency, coverage and cost-effectiveness, and because they permit standardised reporting of patterns observed over time [29]. Semi-structured interview guides were used with headteachers to obtain contextual detail on school policy and administrative practice, and focus group protocols were prepared for use with learners, whose limited literacy makes oral methods appropriate. Items bearing on the present objective were presented on a five-point Likert scale ranging from 1, strongly disagree, to 5, strongly agree.

E. Validity and Reliability

Instruments were reviewed by experts in child protection and education to confirm that items aligned with the study objectives, and were pilot tested in a comparable setting so that they could be refined before use. Reliability was supported through pre-testing, clear instructions and consistent administration across the sampled schools [28]. Internal consistency of the questionnaire scales was assessed using Cronbach's alpha, with items falling below a coefficient of 0.70 revised or removed.

F. Data Analysis

Quantitative data were analysed using the Statistical Package for the Social Sciences. Frequencies, percentages, means and standard deviations were computed to describe the distribution of responses, and items were ranked by mean score. A composite mean and composite standard deviation were computed across the five items to establish the overall level of agreement and the dispersion around it, with a composite value above 4.00 treated as indicating strong agreement. Qualitative data were organised thematically according to the study objectives.

G. Ethical Considerations

Informed consent was obtained from parents and guardians and assent from the early childhood learners. Participants were informed of the purpose, procedures, risks and benefits of the study, participation was voluntary and withdrawal was permitted at any stage without penalty. Data were kept private and anonymous and were stored securely.

Ethical approval was obtained from the National Commission for Science, Technology and Innovation before any data were collected, and age-appropriateness, gender parity and cultural sensitivity were observed throughout.

VI. RESULTS AND FINDINGS

A. Characteristics of Respondents

Of the 89 respondents contributing to the study overall, 49, or 55.1 percent, were female and 40, or 44.9 percent, were male. Among the 74 teachers, 44 were female and 30 male; among the 15 headteachers, 10 were male and 5 female. The higher proportion of women among teachers is consistent with the staffing pattern generally observed in Early Childhood Development and Education.

Respondents were predominantly mature and experienced. The largest age group, 33.7 percent, was aged between 31 and 39 years, with 28.1 percent aged 40 to 49 and a further 28.1 percent aged 50 to 59; only 10.1 percent were below 30. On teaching experience, 28.1 percent had served between 11 and 15 years and a further 28.1 percent between 16 and 20 years, with 22.5 percent having served more than 20 years. Approximately four fifths of respondents had therefore taught for more than ten years, which placed them in a position to observe changes in learners'

behaviour, attendance and participation over extended periods.

Table 1: Teaching Experience of Respondents (n = 89)

Teaching Experience	Frequency	Percentage (%)
Less than 5 years	10	11.2
5–10 years	9	10.1
11–15 years	25	28.1
16–20 years	25	28.1
Over 20 years	20	22.5
Total	89	100.0

B. Causes of Child Rights Infringement

Teachers were asked to rate five potential causes of child rights infringement on a five-point Likert scale. The distribution of responses, together with means, standard deviations and ranks, is set out below.

Table 2: Teachers' Responses on the Causes of Child Rights Infringement (n = 74)

Cause	SD	D	N	A	SA	Mean	Std. Dev.	Rank
Poverty in families	0	3	8	28	35	4.28	0.82	3
Cultural and traditional practices	0	3	10	38	23	4.09	0.80	5
Lack of awareness	0	2	11	26	35	4.27	0.82	4
Family breakdown or parental neglect	0	0	1	30	43	4.57	0.53	1
Inadequate enforcement of laws	0	4	5	25	40	4.37	0.86	2

Composite mean = 4.32; composite standard deviation = 0.77.

The composite mean of 4.32 exceeds the benchmark value of 4.00 and therefore indicates strong agreement

that the factors examined contribute to child rights infringement in the study area. No respondent selected the strongly disagree option on any of the five items, and disagreement of any kind was recorded by no more than four respondents on any single item.

Family breakdown or parental neglect ranked first at a mean of 4.57 with a standard deviation of 0.53, the lowest dispersion recorded on any item. Of the 74 respondents, 43 strongly agreed and 30 agreed, giving combined agreement of 73 respondents, or 98.6 percent; a single respondent was neutral and none disagreed. This is the only item in the set on which the respondents were effectively unanimous.

Inadequate enforcement of laws and policies ranked second at 4.37, with 40 respondents strongly agreeing and 25 agreeing, giving combined agreement of 87.8 percent. The standard deviation of 0.86 was the highest of the five, and four respondents disagreed, which indicates greater variation in views on how effectively existing enforcement mechanisms operate.

Poverty in families ranked third at 4.28, with combined agreement of 85.1 percent, and limited awareness among parents and community members ranked fourth at 4.27, with combined agreement of 82.4 percent. The two items are separated by 0.01 of a mean point and share an identical standard deviation of 0.82, so they are best treated as jointly occupying the third position rather than as meaningfully ordered relative to one another.

Cultural and traditional practices ranked fifth at 4.09, with 23 respondents strongly agreeing and 38 agreeing. Combined agreement of 82.4 percent remains high, but the distribution differs from that of the higher-ranked items in that endorsement is concentrated in the agree rather than the strongly agree category. Respondents therefore acknowledged the continuing influence of traditional belief and practice while assessing it as less influential than family, institutional and economic conditions.

Table 3: Level of Agreement by Cause (n = 74)

Cause	Agree or Strongly Agree n (%)	Disagree n (%)	Rank
Family breakdown or parental neglect	73 (98.6)	0 (0.0)	1
Inadequate enforcement of laws and policies	65 (87.8)	4 (5.4)	2
Poverty in families	63 (85.1)	3 (4.1)	3
Lack of awareness among parents and community	61 (82.4)	2 (2.7)	4
Cultural and traditional practices	61 (82.4)	3 (4.1)	5

C. Summary of Findings

Respondents agreed strongly that child rights infringement in Teso Central Sub-County arises from a combination of family, socio-economic, community and institutional factors, with a composite mean of 4.32. Family breakdown and parental neglect emerged as the dominant cause, attracting near-unanimous agreement and the tightest consensus of any item. Weakness in the enforcement of law and policy ranked second, followed jointly by poverty and limited awareness. Cultural and traditional practice ranked last, though it was still endorsed by more than four fifths of respondents.

VII. DISCUSSION

The dominance of family breakdown and parental neglect is the principal finding, and its significance lies as much in the consensus surrounding it as in its mean. A standard deviation of 0.53 against a mean of 4.57, with no respondent dissenting, indicates that teachers across 38 different centres, differing in age and in length of service, converged on the same assessment. This is consistent with humanistic-existential theory,

which locates development in the quality of the environment surrounding the child and therefore predicts that conditions operating closest to the child, and most continuously, will exert the greatest influence [17], [18]. The household is that environment for a child of early-years age, and where it fails to provide supervision, emotional support and guidance, the conditions Rogers regarded as necessary for growth are absent for most of the child's waking life.

The second-ranked finding on enforcement identifies a different mechanism and carries a distinct implication. Kenya's legal framework is substantial, comprising constitutional protection, the Children Act and the Basic Education Act [9], [10], [11]. That respondents nevertheless rated inadequate enforcement at 4.37 indicates that the deficiency they perceive lies in implementation rather than in the law itself. This corresponds to the characterisation of continued legal and social tolerance of prohibited practices as a failure of protective mechanisms to compel the prohibition they require [26], and to arguments that protective support and supportive protection must operate together if either is to be effective [19]. The higher standard deviation on this item, at 0.86, and the four dissenting responses suggest that enforcement is experienced unevenly across the sub-county, which is itself consistent with a problem of implementation rather than of statute.

Read together, the first two findings identify a specific failure. Infringement originates predominantly within the household, and the institutions charged with intervening in the household are those respondents judge least effective. The causes are therefore not independent: weak enforcement is what allows family-level neglect to persist unaddressed, and interventions directed at one without the other are unlikely to succeed.

The position of poverty at third rank warrants comment, because economic hardship is often treated as the primary driver of child rights violation. Respondents did endorse it strongly, at 4.28 with 85.1 percent agreement, and the literature supports a causal role, with evidence that changes in household economic circumstance alter child labour and school attendance together and that transfer payments reduce child labour substantially [23]. The present findings

are consistent with that evidence while placing poverty below family structure and enforcement. The most plausible reading is not that poverty matters less but that it operates through the household: economic pressure produces the neglect and the withdrawal of supervision that respondents identified directly, and it is that proximate condition, rather than the underlying hardship, that teachers observe in the classroom.

The ranking of cultural and traditional practices last is the most policy-relevant result. Much of the African literature on child rights infringement gives primacy to custom, and the evidence that harmful practices are bound together by their grounding in tradition, religion and superstition is substantial [19], [21], [22], as is the evidence that norms sustaining physical punishment remain widely held [6], [7]. Respondents in this study did not dismiss that influence; more than four fifths agreed that cultural practice contributes. They nevertheless ranked it below family, institutional and economic causes, and its endorsement was concentrated in the agree rather than the strongly agree category. The finding suggests that in this setting the primary drivers are structural rather than customary, and that a protective strategy built principally around cultural sensitisation would address the least influential of the five causes examined.

The finding on awareness, at 4.27, qualifies this last point without reversing it. Where caregivers do not recognise the long-term consequences of particular practices or the legal protections available to children, harmful conduct persists without deliberate intent. Awareness is thus a determinant in its own right, distinct from cultural conviction: the first concerns what caregivers know, the second what they believe to be right. The relatively high rating of awareness alongside the lower rating of cultural practice suggests that caregivers in the sub-county are more often uninformed than committed to practices they know to be harmful, which is a considerably more tractable problem.

VIII. CONCLUSION

The study establishes that child rights infringement among early childhood learners in Teso Central Sub-County arises from a combination of family, institutional, economic and community causes, with a composite mean of 4.32 indicating strong agreement across all five factors examined. No respondent

strongly disagreed with any item, and disagreement of any kind was negligible.

Family breakdown and parental neglect is the dominant cause. It recorded the highest mean at 4.57, the tightest consensus at a standard deviation of 0.53, agreement from 73 of 74 respondents and not a single dissenting response. Inadequate enforcement of laws and policies ranked second at 4.37, poverty and limited awareness ranked jointly third at 4.28 and 4.27, and cultural and traditional practices ranked last at 4.09.

Two conclusions follow. First, infringement in this setting originates principally within the household while the institutions responsible for intervening in the household are those respondents judge least effective, which means the two leading causes are connected rather than separate and must be addressed together. Second, the ranking places cultural practice below structural causes, which indicates that protective strategy in this sub-county should be directed primarily at family support and at the enforcement of existing law rather than at cultural sensitisation. The legal framework is not what is deficient; its reach into the household is.

IX. RECOMMENDATIONS

First, the County Government of Busia and the relevant child protection agencies should direct protective effort towards family support, since family breakdown and parental neglect was identified as the dominant cause with a degree of consensus not approached by any other factor. Measures should include identification of vulnerable households, parental support programmes and structured follow-up of children whose home circumstances are known to be unstable.

Second, enforcement of existing child protection law should be strengthened rather than the law extended. Reported cases should be investigated promptly and appropriate action taken, and the uneven experience of enforcement across the sub-county indicated by the dispersion on this item should be addressed so that protection does not depend on locality.

Third, Early Childhood Development and Education centres should establish functional child protection committees and reporting mechanisms, so that teachers, who were shown to be experienced observers

of learners' circumstances, have a defined route through which to escalate concern.

Fourth, teachers should receive continuing professional development in child rights, early identification of abuse and neglect, safeguarding procedure and referral, so that the observational capacity demonstrated in this study is converted into protective action.

Fifth, community education directed at parents and guardians should address awareness of children's rights and of parental responsibility. The finding that limited awareness ranked above cultural practice indicates that information is more often the binding constraint than conviction, and that awareness programmes are therefore likely to be effective.

Sixth, further research should examine the pathway by which household economic pressure translates into neglect, since the present findings suggest that poverty operates through family conditions rather than directly, and should replicate this ranking exercise in other sub-counties to establish whether the subordinate position of cultural practice is particular to this setting or general.

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