

## Detaching the 'Criminal Justice Conveyor Belt': Diversion as a Responsive Mechanism for Children in Kenya

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**Abstract :** The child justice system in Kenya is organically departing from a managerial and retributive model to one that espouses restorative justice. Notably, the Children Act 2001, and the most recent, Children Act 2022, signalled an aspiration to facilitate meaningful interventions as opposed to 'processing' children through the justice system. In this vein, the Children Act 2022 formally recognises diversion and provides modalities for its implementation. This paper interrogates the diversion promise and reflects on the implementation of diversion as envisaged by the 2022 Act. Using restorative justice, labelling and differential association theories as well as the value of care lenses, the paper discusses diversion as a meaningful response to child offending. It further argues that while diversion presents a strong platform for the realisation of the restorative and rehabilitative ideals, in the absence of a well-planned, coordinated, and resourced framework, diversion may remain a mere alternative 'conveyor belt'. Strategic multi-agency planning, capacity building and cooperation are highlighted as essential minimums for the realisation of the goals of diversion.

**Keywords :** diversion for child offenders, restorative justice, responsive criminal justice system, children act 2022 kenya

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