

# 1<sup>st</sup> Edition

## Newsletter

### 2025



DEMOCRATIC GOVERNANCE  
AND THE RULE OF LAW

HUMAN RIGHTS

ECONOMIC JUSTICE

MEMBER'S CORNER

◀ **INSIDE**

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The Kenyan Section of the International Commission of Jurists (ICJ Kenya)  
ICJ Kenya House, Off Silanga Road, Karen  
P.O Box 59743 - 00200, Nairobi, Kenya  
Tel: +254-20-2084836/8|+254 720 491549  
Email: [info@icj-kenya.org](mailto:info@icj-kenya.org)  
Website: [www.icj-kenya.org](http://www.icj-kenya.org)  
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Editorial:  
Shukri Wachu  
Communications Officer - ICJ Kenya

Design and Layout:  
Ndolo Anderson  
Lead Graphics Designer & illustrator - ICJ Kenya

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**Dear ICJ Kenya Members, Partners and Friends,**

I would like to introduce Mr. Eric Mukoya as our new Executive Director. With over 23 years of extensive experience in organisational development and leadership within the non-profit sector, Mr. Mukoya brings a wealth of expertise and a deep commitment to social justice. I wish him the very best as he takes the helm of ICJ Kenya and leads us into this new chapter.

I am also pleased to share with you the first edition of ICJ Kenya's 2025 Newsletter, which highlights our continued efforts to advance justice, human rights, and the rule of law in Kenya. In the first quarter of the year, ICJ Kenya has remained steadfast in its mission, engaging in a range of activities to promote judicial independence, constitutionalism, and good governance. We proudly launched the Afya Bora Platform, a dedicated

forum designed to foster continuous dialogue on healthcare governance and the right to health in Kenya—an area we believe is central to upholding human dignity and social justice.

Our team has also been deeply engaged in producing timely knowledge products, hosting sensitization workshops for paralegals on legal frameworks to combat Gender-Based Violence (GBV), and conducting judicial training sessions.

These trainings have focused on sentencing policies and promoting alternatives to custodial sentences, with a strong emphasis on the decriminalization and reclassification of minor offenses.

I would like to extend my heartfelt appreciation to our dedicated team, committed partners, and ICJ Kenya members. Your continued support and contributions have been instrumental in driving these impactful initiatives forward. Thank you once again for standing with us. I invite you to explore the newsletter for a deeper look into our recent work and collective achievements.

**Yours Sincerely,**

**Protas Saende**  
**ICJ Kenya - Chairperson**

## SUPPORT ICJ KENYA'S MISSION

Join us in advancing justice, human rights, and the rule of law in Kenya.

Your support enables us to drive impactful advocacy, provide legal aid to vulnerable communities, and empower citizens to defend their rights.

**Mpesa Paybill Number: 320150**

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Together, we can build a more just and equitable society.



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**Account: Your Name**

# MEET OUR NEW EXECUTIVE DIRECTOR

**ERIC MUKOYA** is a lawyer with over 23 years of extensive experience in organisational development and leadership within the non-profit sector.

**You joined ICJ Kenya at the start of 2025. What has the experience been like so far?**

The experience at ICJ-Kenya has been a journey of self-discovery, revealing how my corporate background and character intersect with those of my vibrant colleagues. Together, we are cultivating an organizational culture that identifies, prioritizes, inspires, and thrives on excellence. This journey involves a rich interplay of diverse skills and personalities, giving true meaning to inclusivity while collectively rejecting mediocrity. It is a unique learning experience, perfectly designed for growth.



**What inspired you to take up this leadership role, and what vision do you bring to ICJ Kenya?**

My passion for serving marginalized and vulnerable communities is what drives my commitment to human rights. I believe that every person has a vocation that leads them toward meaningful change, blending commitment, conviction, and evolution. For me, ICJ Kenya represents a pathway to uphold justice, equality, and service. I aim to reposition the organization as the preferred institution to amplify the voices of those left behind by society, ensuring their needs are met through the lens of justice.

**How do you define your leadership style, and how has it evolved over time?**

My leadership style is accountability-focused and people-centered. I believe in actively consulting with stakeholders and making inclusive decisions that aim to develop both individuals and the organization as a whole. Inclusivity, for me, is not just about appeasing others; it's about real, objective development. My primary role is to protect my team from any negative consequences of our decisions, while also celebrating our successes together. We stand united, now and always.

**What are the biggest leadership challenges you've encountered so far, and how have you overcome them?**

It may appear that the institution has been waiting for a savior, miracle worker, or resource-generating magician. However, the key lies in our ability to keep the team optimistically united while navigating both emerging and ongoing challenges in the funding landscape. I believe that the solutions to most problems can be found with those who experience the issues firsthand.

My role has been to share my vulnerabilities honestly with the team, which has allowed us to create and nurture a synergy of competencies and commitment toward achieving our common goal, as outlined in the strategic plan for 2025-2030.

**In what ways has your previous experience in human rights and legal advocacy shaped your approach to leading ICJ Kenya?**

A pragmatic organizational culture and openness to innovative programmatic resilience require our team to acknowledge the evolving landscape of human rights and advocacy discourse, both in Kenya and internationally. It is essential for the organization to realign its competencies, talents, resources,

partnerships, and intuitions to strategically address violations, service shortfalls, poor governance, and exclusive development through the perspectives of ordinary people, individuals who have often surrendered some of their power through social contracts.

**From your perspective, what are the most pressing human rights challenges in Kenya today?**

Normalized desperation arises from social and economic disenfranchisement, along with the injustices that are caused, tolerated, and perpetuated by a weak culture of constitutionalism, flagrant abuse of the rule of law, and insufficient avenues for resisting and rejecting mediocrity.

Two critical factors contributing to the rise and entrenchment of egocentrism are climate change and environmental degradation. The situation is further exacerbated by deteriorating social protection systems and security governance, leading to an increase in abductions, enforced disappearances, extrajudicial killings, and a concerning rise in femicide. This situation is alarming.

**How has the human rights space changed over the years, and what shifts do you foresee in the near future?**

Human rights discussions have evolved from a focus on laws and regulations to examining how these frameworks uphold justice and humanity.

I believe that the dignity of nature, often overlooked by anthropocentric views, will become a crucial aspect of future human rights discourse.

Geopolitical shifts, such as a more aggressive political narrative from the United States and rising nationalist governments in Europe, may result in a greater inward focus from the Global North, potentially diminishing the emphasis on democracy and justice.





**Mr. Eric Mukoya during a past event. Photo/ICJ Kenya.**

### **What role does ICJ Kenya play in strengthening the rule of law and access to justice in the country?**

ICJ-Kenya plays an important role in three key areas: First, it leads efforts to establish and strengthen grassroots institutions that promote and ensure sustainable initiatives, even beyond its direct involvement. Second, it focuses on enhancing its advocacy work, specifically by demanding legal accountability from mandated institutions, as well as the leaders and individuals within them. Finally, ICJ-Kenya aims to create a think tank that serves as a repository for strategic engagement at national, regional, and global levels, fostering processes that advance the rule of law and access to justice.

### **How do you engage with stakeholders, government, civil society, and international partners, to advance human rights?**

I approach stakeholder engagement through several strategic mechanisms. First, I focus on convening civil society organizations within our areas of expertise, offering leadership and shared strategies to drive common goals. We also leverage our research to advocate for change and strengthen governance frameworks. Additionally, I aim to cultivate strong partnerships by leading thematic platforms like the National Administration Council of Justice and the National Community on Criminal Justice Reforms. To further these efforts, I plan to establish consortiums to enhance collaboration and reduce competition for donor funding. Engaging with ICJ members to explore new sectors and alliances will help amplify our work in human rights, rule of law, and economic justice. Lastly, I'm committed to forging partnerships with the private sector and other institutions to co-host events that promote justice, good governance, and rights-based development.

### **What are your key priorities for ICJ Kenya under your leadership?**

My leadership at ICJ Kenya is focused on strengthening the organization's brand as a leading advocate for the rule of law, governance, and justice. I am committed to cultivating a culture of excellence, empowering our staff and stakeholders to work collaboratively. Ensuring financial sustainability is another key priority, and I aim to generate at least 50% of our revenue internally, reducing dependency on donor funding. Additionally, I plan to expand our role as a grant-making agency to support grassroots institutions, while continuing to advocate for international law principles in Kenya and across Africa.

### **How do you ensure the sustainability of ICJ Kenya's programs and impact in a rapidly evolving legal and political environment?**

To ensure ICJ Kenya's sustainability, I will prioritize diversifying our fundraising efforts through a clear Resource Mobilization Strategy. This includes exploring the establishment of a trust to support income-generating activities, such as litigation services and policy consultancy, that can be reinvested into our core mission. I am also committed to strengthening our internal capacity by investing in talent development, mentorship, and innovation, helping us build a resilient and mission-driven organization.

### **How do you stay motivated and resilient in the face of setbacks in human rights work?**

I draw inspiration from the 66 years of sacrifice and leadership that have shaped ICJ Kenya into a powerful advocate for justice. I understand that meaningful change takes time, and a true fighter remains driven by the hope of a better future for all. During difficult times, I find strength in the camaraderie of colleagues and friends who continue to persevere in the human rights sector. Being surrounded by optimistic yet grounded individuals sustains my motivation and reinforces the importance of our collective mission.



# DEMOCRATIC GOVERNANCE AND THE RULE OF LAW





# Reshaping Policing in Kenya



By **Beatrice Monari**

**T**he push for police reforms in Kenya took center stage at a pivotal three-day retreat convened by the Police Reforms Working Group, Kenya (PRWG-K).

Bringing together civil society organizations, law enforcement agencies, and development partners, the gathering provided a much-needed platform to assess the progress of police reforms, strengthen accountability mechanisms, and advocate for a human rights-centered approach to law enforcement.

With the increasing demand for professional, accountable, and citizen-friendly policing, the retreat addressed a range of critical issues.

At the heart of the discussions was the review of the Draft National Policing Policy, an alternative proposal aimed at shaping a more transparent and accountable police service.

Participants delved into the persistent challenges of police accountability, the professionalism gap within law enforcement, and the necessity of embedding human rights in policing culture.

A particularly sobering conversation revolved around extrajudicial killings, enforced disappearances, and other forms of police misconduct, issues that have long tainted Kenya's security sector. Advocacy efforts emphasized the urgent need for the implementation of the Coroners Act

and the introduction of mandatory human rights training for officers.

The dialogue also extended to pressing concerns such as community policing, mental health support for law enforcement personnel, and comprehensive strategies to root out corruption within the police service.

Structured in a blend of plenary sessions and breakout discussions, the retreat provided a forum for stakeholders to examine historical injustices in policing and explore ways to align Kenya's police reforms with international best practices.

Sustainable advocacy mechanisms were a key theme, ensuring that reform efforts would not be short-lived but would instead create long-lasting impact.

Among the key players in this crucial initiative was ICJ Kenya, which has been a steadfast advocate for police accountability, human rights-centered law enforcement, and policy and legislative reforms. By actively engaging in the retreat, ICJ Kenya reinforced its commitment to strengthening justice, democratic governance, and the rule of law.

One of the most significant outcomes of the retreat was the establishment of a stronger framework for police accountability and transparency.

Recommendations put forward included refining the Draft National Policing Policy to be more inclusive, promoting community-centered policing models, and fostering enhanced collaboration between civil society organizations and government agencies.

However, the path to meaningful police reform is not without obstacles.

Political resistance, the absence of a unified enforcement framework, and entrenched corruption continue to pose formidable challenges.

Additionally, the retreat highlighted the pressing need for mental health support systems for officers grappling with the psychological toll of their duties.

Despite these hurdles, hope remains. Participants acknowledged that emerging opportunities, including political goodwill for reform, advancements in digital evidence tools, and collaborations with international human rights organizations, could serve as catalysts for change.

Looking ahead, the retreat set forth concrete follow-up actions, drafting reform legislation, enhancing police oversight mechanisms, implementing human rights training, and intensifying public engagement on police accountability laws.

ICJ Kenya, along with other stakeholders, committed to closely monitoring and evaluating these reforms to ensure that the momentum gained translates into real and lasting change in Kenya's policing landscape.

As the country navigates the complexities of law enforcement transformation, one thing remains clear, police reform is not just a policy issue; it is a human rights imperative.

The success of these efforts will ultimately depend on sustained collaboration, political will, and the collective commitment of all stakeholders to build a policing system that truly serves and protects its citizens.

***The Writer is a Programme Consultant at The Kenyan Section of the International Commission of Jurists (ICJ Kenya).***





## Kenya's Push To Abolish The Death Penalty

By Beatrice Monari

The Legislative Engagement on the Abolition of the Death Penalty in Kenya, convened by ICJ Kenya with support from the European Union through the World Coalition Against the Death Penalty, marked a significant step in advocating for justice reforms.

The meeting with parliamentarians on February 13, 2025, in Nairobi sought to address legislative barriers, build consensus among key decision-makers, and promote alternative sentencing mechanisms aligned with Kenya's human rights commitments.

The discussions centered on legal and policy challenges related to the death penalty, the implementation gaps of the Muruatetu judgment, and the Penal Code (Amendment) Bill, 2023, sponsored by Hon. Opiyo Wandayi, which proposes to abolish the death penalty and replace it with life imprisonment.

Additionally, the meeting emphasized the role of Parliament in ensuring that Kenya aligns with

international human rights standards and regional commitments. Parliamentarians expressed a range of views, with some supporting the abolition effort and others emphasizing the need for broader public consultations.

The engagement provided a strategic platform for ICJ Kenya and its partners to demystify common misconceptions about the deterrent effect of the death penalty and advocate for a rehabilitative and humane sentencing framework.

The meeting also reinforced the necessity of strengthening partnerships between civil society, the judiciary, and legislative bodies to enhance criminal justice reforms.

The discussions contributed to ICJ Kenya's strategic objectives of advancing constitutionalism, promoting justice sector reforms, and ensuring compliance with international human rights treaties.



ICJ Kenya leadership poses for a photo with Members of the National Assembly's Justice and legal Affairs Committee. Photo/ICJ Kenya.

One of the key outcomes was increased legislative support for the Penal Code (Amendment) Bill, 2023, with some legislators committing to advocate for its passage.

The engagement also fostered deeper collaboration between civil society and Parliament, paving the way for further discourse on criminal justice reforms.

However, challenges remain, including persistent misconceptions regarding the effectiveness of the death penalty as a deterrent, political resistance from some legislators, and the need for broader public engagement to address societal concerns.

Despite these challenges, there are significant opportunities, such as Kenya's growing commitment to human rights, strong judicial precedents like the Muruatetu ruling, and potential support from regional and international bodies.

To maintain momentum, ICJ Kenya plans to develop a policy brief summarizing key recommendations, engage parliamentary committees such as the Justice and Legal Affairs Committee, conduct public awareness campaigns, and provide technical support to legislators advocating for the bill.

Continued efforts will be essential to ensuring a justice system that upholds human dignity while promoting a fair and rehabilitative legal framework.



# Death Penalty Debate at UPR



By **Julie Wayua Matheka**

ICJ Kenya reaffirmed its commitment to abolishing the death penalty during the 49th Universal Periodic Review (UPR) in Geneva, Switzerland.

In collaboration with The Advocates for Human Rights and The Greater Caribbean for Life, the organization engaged with Special Procedures Mechanisms and Human Rights Council Members, providing updates on the status of capital punishment and advocating for key recommendations to states that have yet to abolish it.

Although Kenya has observed a de facto moratorium on executions since 1987, the death penalty remains entrenched in its legal framework, with courts continuing to issue death sentences.

This disproportionately affects vulnerable groups who endure prolonged periods of uncertainty on death row. The 2017 Muruatetu ruling by the Supreme Court declared the mandatory death penalty for murder unconstitutional, enabling resentencing.

However, gaps in implementation persist, with no clear legal framework to guide the resentencing process or broader capital punishment reforms.

In February, ICJ Kenya engaged with the Justice and Legal Affairs Committee to advocate for legislative amendments replacing the death penalty with life imprisonment while also defining fixed-term sentences for life imprisonment.

The organization continues to track key legislative proposals, including the Penal Code (Amendment) Bill, 2023, and the Prisons (Amendment) Bill, 2023, which are central to these reforms.

At the UPR, ICJ Kenya called upon Human Rights Council delegates to push for the abolition of the death penalty and the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR).

The organization also urged Kenya to implement an official moratorium on executions and introduce legal reforms restricting capital punishment to only the most serious crimes while eliminating mandatory death sentences.



To address the challenges surrounding the implementation of the Muruatetu ruling, ICJ Kenya emphasized the need for a transparent and accessible resentencing framework.

The organization highlighted the necessity for courts to document efforts to recover missing case files and ensure that resentencing is not hindered by the absence of records. In addition, ICJ Kenya advocated for judicial training on gender-specific mitigation in sentencing, urging collaboration with civil society organizations to enhance understanding and implementation of such measures.

ICJ Kenya also pushed for improved prison conditions in line with

international human rights standards, particularly the Nelson Mandela Rules and the Bangkok Rules. Ensuring detainees have access to nutritious food, clean water, proper hygiene, and medical care while eliminating inhumane treatment in detention facilities was a central demand.

Furthermore, ICJ Kenya stressed the need for enhanced legal safeguards in capital cases, particularly guaranteeing that all individuals facing the death penalty have access to effective legal representation.

The organization also called for the abolition of indeterminate sentences and the introduction of fixed-term alternatives for offenses that currently carry life imprisonment.

Additionally, ICJ Kenya advocated for reforms to the Power of Mercy Committee to improve its responsiveness to the needs of incarcerated individuals, particularly elderly and terminally ill inmates serving extreme sentences.

Beyond the formal UPR sessions, ICJ Kenya engaged with the Kenyan Ambassador to Switzerland to discuss the Civil Society UPR Report.

The Kenyan Embassy welcomed the dialogue and committed to facilitating discussions between civil society organizations (CSOs), the Attorney General's Office, and the Embassy ahead of the May 1st, 2025, UPR Report review.

ICJ Kenya remains resolute in its advocacy for the abolition of the death penalty and broader human rights reforms.

Through active participation in international forums like the UPR, the organization continues to push for meaningful legal and policy changes, ensuring that Kenya's justice system aligns with global human rights standards.

***The Writer is a Programme Manager at The Kenyan Section of the International Commission of Jurists (ICJ Kenya).***

## Advancing Judicial Reforms



By **Beatrice Monari**

**O**n January 31, 2025, ICJ Kenya participated in the Judiciary Dialogue Day at Milimani Law Courts, Nairobi.

The forum brought together legal professionals, the Bar, the Court Users Committee, and stakeholders to enhance judicial efficiency, service delivery, and engagement.

Key discussions centered on judicial independence, case management, digital transformation, and alternative dispute resolution (ADR) to address case backlogs.

A major focus was the implementation of e-filing and concerns over data protection, particularly regarding the requirement for advocates to upload personal identification documents.

The transition from virtual to physical court sessions was also debated, emphasizing compliance with Article 50(2)(d) of the Constitution on fair trial rights.

The protection of child witnesses in virtual hearings emerged as a pressing issue, prompting calls for enhanced safeguards.

ICJ Kenya's participation aligned with its Democracy, Governance, and Rule of Law program, promoting judicial independence and legal reforms. Despite its importance, the event learned more towards speeches rather



than interactive dialogue. Concerns included gaps in data protection laws, child witness safety in digital proceedings, and challenges in shifting between virtual and physical hearings.

Opportunities arose as the Judiciary committed to reviewing e-filing procedures for compliance with the Data Protection Act and strengthening digital court processes while upholding fair trial rights.

Follow-up actions include advocating for judicial reforms, enhancing child witness protection, researching best practices for virtual-physical court transitions, and capacity-building on data security.

The event reinforced Kenya's commitment to judicial strengthening and legal reforms, highlighting the need for inclusive and interactive future dialogues to drive meaningful change.



*Establishment shot of the Milimani Law Courts. Photo/Courtesy.*



## KJA Partners Roundtable

By Beatrice Monari

On February 18, 2025, the Kenya Judiciary Academy (KJA), under the Judicial Service Commission (JSC), hosted a Partners Roundtable Meeting at Sarova Stanley, Nairobi. Led by Justice (Dr.) Smokin C. Wanjala, the session gathered key legal stakeholders to address the temporary suspension of judicial training programs until July 2025 and to shape priorities for the 2025/2026 KJA Master Calendar.

Participants discussed the impact of the pause on judicial development and explored alternative ways to sustain legal excellence, including mentorship, policy dialogues, virtual training, and enhanced legal research.

The meeting emphasized the role of stakeholders in maintaining continuous judicial education and adapting to new learning models. ICJ Kenya reaffirmed its commitment to supporting judicial reforms and capacity-building, calling for innovative and inclusive training approaches.

The forum concluded with strengthened partnerships and a shared vision to uphold judicial standards through strategic, adaptable interventions, ensuring the Judiciary remains equipped to deliver justice.



*Kenya Judiciary Academy Partners Roundtable. Photo/Courtesy.*

## Magistrates and Kadhis Colloquium

By Beatrice Monari

At this year's Magistrates and Kadhis Colloquium, ICJ Kenya played a pivotal role in advancing justice reform by offering key insights on sentencing policies and advocating for alternatives to custodial sentences, with a strong focus on the decriminalization and reclassification of minor offenses.

The colloquium, which engaged a first cohort of 300 judicial officers, served as a strategic platform for dialogue on strengthening Kenya's Criminal Justice System. ICJ Kenya shared guidelines, frameworks, and international standards that should govern the management of petty offenses, emphasizing the need for a justice system that respects and upholds individual rights.

In her presentation, Programme Manager Julie Wayua Matheka highlighted ICJ Kenya's significant contributions to a national, regional, and global initiative aimed at decriminalizing laws that disproportionately target poor and vulnerable communities.



*ICJ Kenya Programme Manager Julie Wayua speaks during the magistrates and Kadhis Colloquium. Photo/ICJ Kenya*

# Decriminalizing Poverty and Status

By Julie Wayua Matheka

In January 2025, the Kenyan Section of the International Commission of Jurists (ICJ-Kenya) participated in the first South Asia Convening on Decriminalizing Poverty and Status, held in Colombo, Sri Lanka.

This landmark event brought together civil society organizations, activists, and state actors committed to addressing the criminalization of poverty, status, and activism. The convening served as a platform to share experiences, highlight challenges, and discuss effective strategies to reform discriminatory laws and policies that disproportionately affect marginalized communities across South Asia.

One of the key objectives of the convening was to enable South Asian partners to learn from the successes and strategies employed by African civil society organizations, which have made significant strides in decriminalizing poverty and status.

ICJ-Kenya has been at the forefront of this movement, working closely with marginalized communities, including street vendors, sex workers, persons living with HIV, individuals with psychosocial disabilities, drug users, and the LGBTQ community. By advocating for policy reforms and the adoption of human rights-based approaches, ICJ-Kenya continues to push for a legal framework that ensures dignity, equality, and justice for all.

Vagrancy laws have historically been used as a tool to criminalize poverty, targeting homeless individuals, street vendors, and unemployed persons. These laws, often vague and broadly defined, grant law enforcement officers excessive discretion to arrest individuals based on subjective criteria such as "loitering" or "idleness." As a result, marginalized populations are subjected to arbitrary arrests, police harassment, and legal penalties that further entrench cycles of poverty and social exclusion.

The enforcement of these laws violates fundamental human rights, including freedom of movement and equality before the law, while also overburdening the criminal justice system with individuals who have not committed serious offenses.



Our Programme Manager, Julie Wayua Matheka Daron Tan- ICJ Legal Advisor, ASIA Reema Omer - ICJ Legal Advisor, Pakistan Karuna Parajuli- ICJ Legal Advisor, Nepal Mathuri Thamilmaraman - National Legal Adviser, Sri Lanka

Recognizing these injustices, regional and international human rights bodies have increasingly ruled against vagrancy laws, urging governments to either repeal or reform them in favor of more just and rehabilitative approaches.

Several African regional instruments have been instrumental in addressing petty offenses and reforming criminal justice systems to protect vulnerable populations. The Ouagadougou Declaration and Plan of Action emphasize the need to decriminalize petty offenses to reduce prison overcrowding. Additionally, the Principles on the Decriminalization of Petty Offenses provide a human rights framework to prevent minor infractions from leading to excessive punishment, thereby protecting marginalized communities from arbitrary arrests and discrimination.

Strategic litigation has been a powerful tool in abolishing vagrancy laws across Africa. A landmark advisory opinion issued by the African Court on Human and Peoples' Rights in 2020 ruled that vagrancy laws were inconsistent with the African Charter on Human and Peoples' Rights, the African Charter on the Rights and Welfare of the Child, and the Protocol to the African Charter on the Rights of Women in Africa. This ruling placed a legal obligation on African states to reform or repeal such laws, aligning national policies with human rights standards.

At the national level, ICJ-Kenya has been actively engaged in implementing international legal principles. As a member of the National Council on the Administration of Justice (NCAJ) Criminal Justice Committee, ICJ-Kenya contributed to the development of the NCAJ Guidelines on the Management of Petty Offenders, which provide a framework for fairer legal treatment of minor offenders.

Additionally, the Penal Code Amendment Bill and the Criminal Code Amendment Bill, both submitted to the National Assembly, propose the decriminalization of numerous vagrancy offenses, further advancing Kenya's commitment to human rights and justice reform.

To drive meaningful legal change, ICJ-Kenya emphasizes the importance of advocating for marginalized communities in spaces where their voices are often unheard, engaging with and advocating for reform of the entire criminal justice system, collaborating with legislators and empowering affected individuals through legal education and self-representation.

By leveraging regional litigation and networking, ICJ-Kenya continues to drive legal reforms that align African justice systems with international human rights standards. The decriminalization of poverty and petty offenses is a crucial step toward a fairer and more equitable society. Through collaboration, advocacy, and strategic litigation, legal practitioners and civil society organizations can work together to dismantle discriminatory legal frameworks and ensure that justice is accessible to all.



# Court of Justice Judicial Conference

By **Ndolo Anderson**

ICJ Kenya actively participated in the 3rd Annual East Africa Court of Justice Judicial Conference in Kigali, Rwanda, which was officially opened by Hon. Justice Domitilla Mukantaganzwa, Chief Justice of the Republic of Rwanda.

Programme Manager Julie Wayua Matheka represented ICJ Kenya at the event, where Dr. Mercy Deche, an expert facilitator and ICJ Kenya member, participated in the panel

"Ethics Dilemma in Regional Courts: Ceding Sovereignty, Balancing Impartiality and Regional Interests".

ICJ Kenya is proud to have had prominent members from the region in attendance, including Mr. Don Deya, CEO of PALU, and Mr. Evans Ogada, EALS Rule of Law Chairperson. ICJ Kenya remains committed to advocating for stronger, independent, and efficient justice systems across Africa.



*PALU Chief Executive Officer, Don Deya and Dr. Mercy Deche at the 3rd Annual East Africa Court of Justice Judicial Conference Photo/Courtesy.*



*ICJ Kenya Programme Manager, Julie Wayua, PALU Chief Executive Officer, Don Deya, Evans Ogada, Dr. Mercy Deche and other delegates posing for a photo during the 3rd Annual East Africa Court of Justice Judicial Conference Photo/Courtesy.*

## Call For Electoral Reforms

By **Maxine Nkomo**

ICJ Kenya participated in the People's Dialogue Festival, engaging with key electoral stakeholders in robust discussions on the need to reform electoral processes in light of past election cycles.

The dialogue delved into critical topics such as advancements in electoral technology, streamlined results management, IEBC funding, effective dispute resolution, and enhanced accountability for electoral offenses.

These issues remain pivotal as Kenya looks to strengthen its democratic systems and ensure free, fair, and credible elections.

During the event, ICJ Kenya Programme Officer Thuku, accompanied by Monitoring and Evaluation Consultant Moses Murithi and NOREC Fellow Maxine Nkomo, emphasized the importance of election integrity. Thuku noted, "Election integrity is the cornerstone of a thriving democracy; without it, public trust crumbles."

In the Right to Protest session, ICJ Kenya Executive Director Eric Mukoya spoke passionately about the urgent need to safeguard online spaces as legitimate arenas for protest.

He highlighted that both the private and public sectors must be held accountable in ensuring the full enjoyment of this fundamental right.



*ICJ Kenya Programme Officer, Thuku Mburu, NOREC Fellow Maxine Nkomo, ICJ Kenya Communications Officer, Shukri Wachu and Katiba Institute's Monitoring and Evaluation Officer Dennis Ondieki at the PDF Festival. Photo/ICJ Kenya.*



## NCAJ Examines Key Justice Sector Issues

By Shukri Wachu

ICJ Kenya Executive Director, Eric Mukoya, attended the 31st National Council on the Administration of Justice (NCAJ) meeting, where key justice sector stakeholders deliberated on significant issues shaping the future of Kenya's justice system.

The meeting focused on a variety of pressing matters, including the Sexual Offences Draft Amendment Bill 2025 and initiatives to strengthen the fight against corruption. Additionally, the Council discussed reforms aimed at reviewing police clearance procedures for ex-offenders, digitizing the Occurrence Book, and implementing instant traffic fines. Another important topic was the development of guidelines to enhance the enforcement of eviction court orders.



ICJ Kenya Executive Director Mr. Eric Mukoya (center) and Esau Riaroh, Executive Director LRF - Kenya (right) at the 31st NCAJ Meeting. Photo/Courtesy

These discussions underscore a collective commitment to enhancing the effectiveness of Kenya's justice system, ensuring fairness, accountability, and efficiency in its operations. ICJ Kenya continues to advocate for reforms that promote human rights and ensure justice for all.

## Constitution of Kenya Amendment Bill 2022

By Ndolo Anderson

ICJ Kenya Executive Director Eric Mukoya and Deputy Executive Director Demas Kiprono presented a memorandum to the Committee on Justice, Legal Affairs, and Human Rights of the Senate, opposing the Constitution of Kenya Amendment Bill 2022.

The Bill proposes the creation of the National Government Constituency Development Fund (NG-CDF), the National Government Affirmative Action Fund (NGAAF), and the Senate Oversight Fund.

ICJ Kenya argues that these amendments violate the constitutional framework, compromise governance principles, and undermine public finance accountability.

Specifically, the Bill conflicts with the constitutional principles outlined in Articles 201, 202, and 203, which call for equitable, transparent, and prudent financial management.

By fragmenting public finances and creating overlapping administrative structures, the Bill threatens to diminish the effectiveness of resource allocation, hinder equitable development, and undermine the core objectives of devolution as provided for in Articles 174 and 175. ICJ Kenya continues to advocate for adherence to constitutional principles in the management of public resources.



ICJ Kenya Executive Director Eric Mukoya and Deputy Executive Director Demas Kiprono appearing before the Committee on Justice, Legal Affairs, and Human Rights of the Senate. Photo/ICJ Kenya



ICJ Kenya Executive Director Eric Mukoya and Deputy Executive Director Demas Kiprono presenting a memorandum before the Committee on Justice, Legal Affairs, and Human Rights of the Senate. Photo/ICJ Kenya





# Combating GBV Through Legal Empowerment



By **Damaris Kemunto**

**K**enya has been experiencing a surge of Gender Based Violence (GBV) cases in the recent past, calling for human rights groups such as ICJ Kenya to amplify their voices in a plea of action.

These cases have been reported to be prevalent in the poor and marginalized communities in Kenya thus revealing an overwhelming justice need to address such barriers.

GBV manifests in different forms through physical, psychological and sexual forms. In addition, cultural practices such as female genital mutilation and early child marriages manifest as forms of GBV and are prevalent in communities affiliated to the Maasai Culture among others.

Access to justice remains a key concern, especially to women and girls who are most prevalent to it and gaps such as the lack of awareness on the different forms of GBV and its reporting mechanisms is apparent.

Appreciating that access to justice is a broad concept, its facet of legal empowerment and awareness has far reaching milestones in enhancing justice needs, especially at the community level. Moreover, legal empowerment in response to GBV in the communities is critical in mitigating justice barriers for women and girls.



*ICJ Kenya Human Rights team posing for a photo alongside Kwale paralegals network. Photo/ICJ Kenya*

Consequently, research reveals that, legal empowerment groups have combined advocacy and informal dispute resolution mechanisms to promote access to justice in the communities, a role akin to community paralegals.

Community paralegals enjoy trusting community connections and have proved reliable in offering legal advice to their community members.

As a result, this places them in the ideal position to take up the role of first line responders to GBV in the community.

For instance, during the COVID 19 pandemic, paralegals played an important role in the provision of vital information to women facing GBV; scaling down advising women on the use of correct terminology in reporting GBV cases to raising awareness on the availability of GBV legal awareness services.

ICJ Kenya, through its Human Rights Programme, conducted a legal aid clinic in Kwale County, themed, 'Combating Gender Based Violence Through Legal Aid.'

The theme of the clinic was timely as it was informed by the 2025 global campaign on gender equality through the International Women's Day.

The Clinic, which was in partnership with the Mombasa Law Society of Kenya attracted community members from Msambweni sub county who were assisted on diverse legal issues including domestic abuses and historical land injustices.

Through legal empowerment, we trained sixty (60) community paralegals drawn from Narok and Kwale counties on the legal concepts of GBV.

While paralegals are key in facilitating access to justice in the community, they are always in contact with various justice actors such as the Police. It is therefore important to equip them with basic legal knowledge and skills to assist them navigate the justice chain.

As a result, the trainings focused on equipping the knowledge of the paralegals on the policy framework for GBV and the emerging jurisprudence that have shaped response mechanism to GBV within the justice chain.

***The Writer is a Programme Officer at at The Kenyan Section of the International Commission of Jurists (ICJ Kenya).***



# Women and the Death Penalty on the Global Stage

By Damaris Kemunto

I represented ICJ Kenya during the 92nd Pre-session of the Committee on the Elimination of Discrimination Against Women (CEDAW) in Geneva in February 2025, through the support of the World Coalition Against the Death Penalty.

The objective of the pre-session was to inform the committee members of the gaps in policy that fuel discrimination against women and girls, which will inform the List Of Issues (LOI) for Kenya to respond.

Together with other abolitionist partners, I had the opportunity to present to the committee during its private session on the status of the rights of women in Kenya.

The presentation revealed that women facing death row charges suffer intersectional discrimination in the judicial process, especially during sentencing where the defence counsels often fail to present instances of gender-based violence as mitigating circumstances during sentencing.

It is important that the legal system recognize GBV as a form of intersectional discrimination that affects women in conflict with the law since many who women face the death penalty in Kenya have been victims of long-term domestic abuse, intimate partner violence or gendered economic hardships.

Unfortunately, the legal system often fails to recognize these factors thus exposing women to unfair trials. As a result of the advocacy at the CEDAW Pre-Session, the committee has released a comprehensive LOI for Kenya, capturing policy gaps that hinder the enjoyment of the rights of women in Kenya and the steps that Kenya intends to take to abolish

the death penalty. I consider this as a great stride in our international advocacy efforts, and ICJ Kenya will monitor closely, the response from the state.

I also had the privilege to attend the 58th Session of the Human Rights Council, (HRC) where delegates from different countries presented on the human rights situations in their states.

During the session, a high-level panel canvassed the question of the death penalty, with states recommending for total abolition, terming the capital punishment as a human rights violation, with arguments on its effect on women being critical. In addition, and on the sides lines of the HRC, I attended and participated in side events and trainings to discuss the state of the death penalty in Kenya and its effects on women.

The mission also provided a platform for me to meet, network and engage with independent experts such as the staff in the office of the special procedures of the Human Rights Council, Special Rapporteur on Violence Against Women and Girls and the UN Working group on Violence Against Women and Girls.

These engagements, were very significant to ICJ Kenya since, I had the opportunity to explain in depth the status of women's rights in Kenya and the overall human rights situation.

This is critical in informing the experts on their priority country visits to enable them engage directly with the state and secure their commitments in upholding human rights.

## Legal Aid in Kwale County

By Damaris Kemunto

ICJ Kenya, in partnership with the Mombasa Law Society and the Kwale Paralegal Network, conducted a legal aid clinic in Kwale County.

The clinic aimed to provide free legal assistance to community members, particularly those facing challenges in accessing justice.

The clinic, held in Msambweni, attracted a significant number of local residents who sought help on a variety of justice issues, with historical land injustices being a prominent concern.

Participants received valuable support and guidance on how to address these longstanding issues within the legal system.

This collaborative effort highlighted the importance of community-based legal services in addressing the pressing needs of vulnerable populations and ensuring that everyone has access to justice.



*ICJ Kenya Programme Manager Vincent Kimathi during a legal aid clinic in Kwale County. Photo/ICJ Kenya.*

## UPR Info Pre-sessions in Geneva



By **Vincent Kimathi**

I had the privilege of representing ICJ Kenya at the UPR Info Pre-sessions. The Universal Periodic Review (UPR) is a unique human rights mechanism established by the United Nations Human Rights Council (UNHRC) to assess the human rights records of all UN member states.

It provides an opportunity for states to be peer reviewed, examined and make commitments on their entire human rights record every five years.

Thus, the Pre-sessions held by UPR Info are critical in this process because they give civil society organizations a direct platform to present the concerns and issues faced by citizens of the state under review.

### The Role of ICJ Kenya at the UPR Pre-sessions

These sessions are essential advocacy tool for civil society because they allow organizations like ICJ Kenya to voice critical human rights issues that may not always be on the radar of state representatives. During the Pre-sessions, civil society organisations engage with permanent missions, human rights experts, and other stakeholders, and provide valuable insights into the situation on the ground.

During the Pre-sessions, ICJ Kenya had the opportunity to directly present existing human rights concerns and make recommendations for the upcoming UPR review of Kenya in April.

This event was particularly significant as it gave us the chance to highlight issues that directly affect our community but might not be sufficiently represented in the official UPR submissions. Whether it's advocacy for marginalized groups, freedom of expression, abolition of death penalty, these concerns amongst others

### Advocacy with Permanent Missions in Geneva

Beyond the Pre-sessions, we engaged in strategic advocacy with permanent missions at the Palais des Nations, the UN's headquarters in Geneva. It is important to mention that these missions play a crucial role in the UPR process as they facilitate the dialogue between civil society and the state under review.

Through face-to-face meetings, information sharing, and exchanges of views, we were able to ensure that the human rights situation in Kenya is accurately reflected in the UPR process.

These exchanges allowed us to not only share our assessments of the human rights situation in Kenya, but also to discuss possible solutions with representatives of Kenya and other Member States.

### Ensuring Kenya human rights concerns are reflected in UN Members state recommendations to Kenya

The ultimate goal of the Pre-sessions and subsequent advocacy activities was to ensure that the recommendations made by member states to Kenya during the UPR process reflect the lived realities of people in Kenya.

Moreover, the direct engagement with state representatives and other stakeholders in Geneva gave the reviewing UN Member states an opportunity to not only hear the human rights challenges from the government of Kenya reports but also from the right holders in Kenya a bracket that ICJ Kenya represents.

Thus, the multi-stakeholder dialogue exercises increased the chances that the final UPR recommendations to the government of Kenya will be both relevant and actionable.

### The Impact of UPR Info Pre-sessions on ICJ Kenya's Advocacy

Participating in the UPR Info Pre-sessions and accompanying advocacy activities was an enriching experience that reinforced the importance of ICJ Kenya and civil society in the international human rights framework.

By actively participating in these discussions, we ensured that our issues were included in the broader international conversation and that recommendations aimed at improving human rights were as robust as possible.

For ICJ Kenya, the mission to Geneva was more than just a diplomatic engagement; it was an opportunity to empower those whose voices often go unheard.

It was a reminder that human rights advocacy does not end with presenting concerns but continues through continuous dialogue, action, and follow-up. This process is vital for strengthening human rights protection at the national and global levels.

*The Writer is a Programme Manager at The Kenyan Section of the International Commission of Jurists (ICJ Kenya).*



# ECONOMIC JUSTICE





# Afya Bora Platform Launch



By **Geoffrey Odhiambo**

**O**n 10th February 2025, ICJ Kenya convened a pivotal stakeholder engagement forum in Nairobi, bringing together key actors in the healthcare sector to deliberate on critical governance issues.

The event, held under the Health Equity Advocates: Amplifying Civil Society's Voice in Healthcare Governance campaign, underscored the urgent need for collaborative solutions to enhance healthcare governance, promote accountability, and ensure equitable access to health services for all Kenyans.

The forum commenced with an insightful panel discussion on health governance, exploring key thematic areas such as health financing, the role of communities and civil society organisations (CSOs), and the broader legal and policy frameworks shaping the sector.

Experts from diverse backgrounds, including policymakers, healthcare professionals, human rights advocates, and community leaders, provided valuable perspectives on the structural challenges affecting Kenya's healthcare system.

A major highlight of the event was the official announcement of the Afya Bora Platform, a groundbreaking initiative by ICJ Kenya aimed at fostering sustained dialogue and advocacy in healthcare governance.

This platform is envisioned as a dynamic space where policymakers, civil society actors, and citizens can engage in evidence-based discussions, share experiences, and propose transformative solutions to strengthen Kenya's healthcare system.

Throughout the engagements, stakeholders identified several critical areas requiring urgent attention.

Among them was the need for sustainable health financing models to ensure that healthcare remains accessible to all, particularly vulnerable populations.

Participants also emphasized the crucial role of communities and CSOs in advocating for health rights, monitoring service delivery, and holding duty bearers accountable.

Additionally, concerns over the transition from NHIF to SHA and its implications for service accessibility were widely discussed.

By the end of the forum, a strong consensus emerged on the importance of multisectoral collaboration and continuous engagement to drive meaningful healthcare reforms.

The deliberations laid a solid foundation for the Afya Bora Platform, setting the stage for its operationalization as a hub for ongoing policy dialogue, research, and strategic advocacy in healthcare governance.

With this forum, ICJ Kenya reaffirmed its commitment to amplifying civil society voices in shaping healthcare policies and governance structures.

The establishment of the Afya Bora Platform marks a significant step toward ensuring that healthcare governance remains transparent, inclusive, and people-centered.

As Kenya navigates evolving health sector reforms, this initiative will serve as a beacon for progressive change, driving impactful action for the realization of the right to health for all.

*The Writer is a Programme Officer at the Kenyan Section of the International Commission of Jurists (ICJ Kenya).*



ICJ Kenya Executive Director Mr. Eric Mukoya chats with Grace Mulei during the launch of the Afya Bora Platform. Photo/ICJ Kenya.



By Geoffrey Odhiambo

## Health Equity Advocates in Kwale

From 11th to 15th February 2025, ICJ Kenya undertook a critical community engagement forum in Msambweni and Kinango, Kwale County, as part of the Health Equity Advocates: Amplifying Civil Society's Voice in Healthcare Governance campaign.

The initiative seeks to improve healthcare governance by fostering civil society organisations' (CSOs) participation in policy and legislative dialogues to enhance equity, accountability, and transparency in the health sector.

During our engagement in Kinango, we interacted with Community Health Promoters (CHPs) and the community members to assess the challenges affecting the right to health at the grassroots level.

The transition from the National Health Insurance Fund (NHIF) to the Social Health Insurance Fund (SHIF) managed by the Social Health Authority (SHA) emerged as a major concern.

CHPs raised alarm over the low registration levels due to inadequate community awareness and a lack of clarity about the new system.

Many community members remain uninformed about the benefits and registration process, creating a gap in



*Kwale paralegal network pose for a group photo after a sensitization training on the right to health. Photo/ICJ Kenya.*

access to essential healthcare services. Another pressing issue was the insufficient resourcing of CHPs, who serve as the first line of healthcare in the community.

They highlighted the need for better remuneration and logistical support, such as transport facilitation and medical supplies, to effectively perform their roles.

Their crucial contributions in preventive and primary healthcare remain undervalued, limiting their capacity to deliver quality services.

Addressing these concerns is fundamental to ensuring an inclusive and robust healthcare system.

ICJ Kenya's approach during the engagement included policy dialogues and advocacy strategy discussions with the community representatives.

We emphasized the role of citizens in shaping healthcare policies and ensuring that the government upholds its obligation to provide accessible and quality healthcare.

The discussions fostered a deeper understanding of the legal and policy framework governing healthcare in Kenya, empowering CHPs and the community to actively advocate for better health governance.

## Access to Information Engagement in Baringo County

By Geoffrey Odhiambo

ICJ Kenya participated in an engagement led by the Commission on Administrative Justice with the County Government and County Assembly of Baringo on the right of access to information. Geoffrey Ochieng, ICJ Kenya's Programme Officer and member of the Commission on Administrative Justice Committee on Assessing the Implementation of Access to Information in Kenya, represented the organization during the session.

This engagement was part of follow-up activities stemming from an assessment conducted in 2024, which reviewed the progress made in implementing the Access to Information Act, 2016. During the discussions, key points centered around the 2024 assessment findings, highlighting the specific challenges Baringo County faces in fully implementing ATI laws. The engagement underscores ICJ Kenya's commitment to strengthening transparency, accountability, and good governance at the county level, ensuring that citizens' rights to access information are upheld.



*Members of the Steering Committee for the Assessment of the Right of Access to Information Implementation in Kenya by the Commission on Administrative Justice (CAJ) in Baringo. Photo/Courtesy.*



## ICJ Kenya and KYPA Forge Alliance for Law Reforms



By **Christine Akinyi**

In a bold step towards transforming Kenya's healthcare landscape, the International Commission of Jurists (ICJ Kenya) and the Kenya Young Parliamentarians Association (KYPA) have officially joined forces.

On February 24, 2025, the two institutions signed a Memorandum of Understanding (MoU) aimed at promoting progressive legislative reforms to improve the delivery of health services across the country.

The partnership follows a comprehensive study conducted by ICJ Kenya that examined the existing legal and policy barriers inhibiting access to health rights.

The study particularly scrutinized newly enacted laws, including the Social Health Insurance Act, revealing critical gaps in the current health framework.

Among its key recommendations were the need to reform laws and policies to better align with the constitutional guarantee of the right to health, fully cost devolved health functions, and ensure the timely and equitable disbursement of resources to county governments.



*ICJ Kenya and the Kenya Young Parliamentarians association sign a memorandum of understanding geared towards advocacy and lobbying for legislative and policy reforms. Photo/ICJ Kenya.*

The report also highlighted the need to revisit the structure of the Social Health Insurance Act, calling for clarity on the role of county governments and greater alignment with human rights standards.

These insights set the stage for a high-level roundtable discussion hosted by ICJ Kenya and KYPA, where stakeholders convened to explore legislative solutions that uphold the right to health.

Speaking during the roundtable, ICJ Kenya Chairperson Protas Saende emphasized that while Kenya has developed numerous policies and legal instruments designed to uphold the right to health, many citizens still struggle to access quality health services.

"For a majority of the population, the attainment of the highest attainable standard of health remains elusive. We need actionable reforms that make these rights a lived reality," Saende said, urging young parliamentarians to spearhead legal change.

Echoing this sentiment, KYPA Chairperson Hon. Gitonga Mukunji reaffirmed the association's dedication to the cause. "This partnership will lead to better legislative proposals and amendments that improve our health system.

As young lawmakers, we have a responsibility to ensure our legal framework truly serves all Kenyans," he stated.

The event also drew notable figures in the civic and political landscape, including Eric Mukoya, Executive Director of ICJ Kenya; Oliver Waindi, Executive Director of Uraia Trust; and Anthony Buluma, Chief Executive Officer of KYPA.

Their presence underscored the significance of this collaboration and the shared vision of strengthening healthcare through robust legal structures.

As the partnership takes root, it signals a renewed commitment to making health rights more accessible and equitable. Through evidence-based advocacy and legislative engagement, ICJ Kenya and KYPA are laying the groundwork for a future where every Kenyan can enjoy their constitutional right to health, not as an aspiration, but as an assured reality.

***The Writer is a Programme Officer at at The Kenyan Section of the International Commission of Jurists (ICJ Kenya).***



# Digital Rights





# Mapping Global Digital Public Infrastructure



By **Charles Jaika**

ICJ Kenya convened a high-level Research Dissemination Workshop on “Mapping Global Digital Public Infrastructure (DPI): A Human Rights Perspective with a Focus on Kenya.”

The event, held at Four Points by Sheraton in Hurlingham, Nairobi, brought together a diverse array of stakeholders from government, civil society, the private sector, academia, media, and marginalized communities to critically examine the intersection of digital development and human rights in Kenya.

As global reliance on digital platforms deepens, DPI has become a cornerstone of modern governance, economic participation, and public service delivery.

Comprised of key elements such as digital ID systems, payment platforms, and data exchange frameworks, DPI presents significant opportunities—but also profound risks.

These include threats to personal privacy, increased state surveillance, exclusion of vulnerable populations, and unchecked abuse of power by both state and non-state actors.

In Kenya, the rollout of initiatives such as Huduma Namba and the controversial Worldcoin registration exercise has triggered widespread debate about data privacy, transparency, and the role of public participation in shaping digital policies.

The absence of robust legal safeguards and inclusive frameworks has underscored the urgency of adopting a human rights-based approach to digital transformation.



*Research Dissemination Workshop on “Mapping Global Digital Public Infrastructure (DPI): A Human Rights Perspective with a Focus on Kenya. Photo/ICJ Kenya.*

It is within this context that ICJ Kenya embarked on a timely research initiative titled Mapping Global Digital Public Infrastructure (DPI): A Human Rights Perspective with a Focus on Kenya.

The study examines the evolution of DPI across jurisdictions, assesses Kenya’s digital journey, and distills best practices to help steer the country’s path toward rights-respecting digital governance.

The research dissemination workshop was organized to share the study’s findings, facilitate multi-stakeholder dialogue, and co-create policy recommendations that place human dignity and justice at the center of Kenya’s DPI strategy.

Participants engaged in a series of sessions covering global DPI trends, the human rights risks and opportunities of digital systems, Kenya’s current legal and policy landscape, and strategic recommendations for a more inclusive and accountable digital future.

The workshop featured presentations from the research team, expert panel discussions, and interactive plenary sessions aimed at gathering feedback and insights from a broad range of actors.

Attendees included representatives from the Ministry of ICT, the Office of the Data Protection Commissioner, members of the Judiciary, civil society organizations working on digital rights, academic institutions, international human rights bodies, tech and fintech firms, digital rights

advocates, media practitioners, and voices from marginalized communities.

A key outcome of the event was the increased awareness and understanding among stakeholders of the human rights implications tied to DPI.

The dialogue also produced a rich set of recommendations to inform policy and strengthen advocacy for a people-centered digital ecosystem. Notably, the workshop fostered stronger collaboration between civil society, government, and the private sector—an essential ingredient for safeguarding rights in the digital age.

Importantly, ICJ Kenya extends heartfelt appreciation to Privacy International, our steadfast project partner, for being a strong pillar in making this workshop and the broader research initiative possible.

Their support has been instrumental in advancing the conversation on digital rights and inclusion in Kenya and beyond.

In closing, ICJ Kenya reaffirmed its dedication to fostering a digital infrastructure that not only drives innovation and efficiency but also upholds the fundamental rights and freedoms of all individuals.

This dissemination workshop represents a critical step in building a digital future that is just, inclusive, and rooted in human rights.

***The Writer is the Digital Rights Lead at The Kenyan Section of the International Commission of Jurists (ICJ Kenya).***





ICJ Kenya Digital rights Lead Charles Jaika conducts training in Home Bay County on the significance of internet governance in safeguarding citizen data. Photo/ICJ Kenya.

## Impact of Internet Shutdowns

By Charles Jaika

Internet shutdowns have emerged as a critical challenge in the digital rights discourse, posing significant threats to human rights, particularly for journalists, bloggers, and digital rights activists.

As Kenya embraces the digital era, it is imperative to recognize the profound implications of internet disruptions on democratic participation, economic stability, and individual freedoms.

Homa Bay County is among the fastest-growing counties in Kenya, with increasing digital connectivity driving socio-economic development.

Recognizing the importance of an open and accessible internet, ICJ Kenya recently conducted a digital rights sensitization workshop in the county.

The engagement targeted county officials, civil society representatives, and local residents to raise awareness about the detrimental effects of internet shutdowns and the urgent need for legal and policy reforms to protect digital rights.

The workshop emphasized the multifaceted consequences of internet shutdowns, particularly their impact on data protection and privacy.

Some of the key concerns raised included: Increased Vulnerability to Cyber Threats Internet disruptions weakens cybersecurity infrastructure, making personal data more susceptible to breaches and cyberattacks.

The inability to receive timely security updates and software patches exposes users to malware, phishing attacks, and unauthorized access to personal information. Disruption of Encrypted Communications Privacy-focused tools such as VPNs and encrypted messaging apps (e.g., Signal and WhatsApp) rely on stable internet connectivity.

Shutdowns force users to resort to less secure alternatives, heightening their exposure to surveillance and data interception by both malicious actors and state agencies.

**Forced Use of Alternative, Less Secure Networks** In response to internet shutdowns, people often turn to proxy services or public Wi-Fi networks, which may lack adequate security measures.

In some cases, governments offer state-controlled networks as alternatives, enabling mass data collection and surveillance of citizens' online activities. Hindrance to Data Protection Enforcement Shutdowns disrupt the ability of data protection authorities to monitor and enforce compliance with privacy laws.

Additionally, citizens face challenges in accessing and verifying their stored personal data, limiting their ability to exercise control over their information. **Economic and Social Implications on Digital Identity Systems** Many countries, including Kenya, rely on

digital public infrastructure such as digital ID systems for essential services like banking, healthcare, and government transactions.

Internet shutdowns disrupt access to these services, leading to exclusion and increasing the risk of data misuse. Increased State Surveillance and Data Collection Shutdowns are frequently accompanied by heightened state surveillance, with authorities monitoring offline communications, SMS exchanges, and alternative networks. In some cases, citizens are required to use government-approved digital services that track and store their personal data.

Under international human rights law, particularly Article 19 of the International Covenant on Civil and Political Rights (ICCPR), internet shutdowns violate principles of necessity and proportionality.

The United Nations (UN) and regional human rights bodies have repeatedly condemned shutdowns as disproportionate measures that infringe on fundamental rights, including privacy, access to information, and freedom of expression.

The Homa Bay engagement underscored the urgent need for Kenya to strengthen legal and policy frameworks to prevent internet shutdowns and uphold digital rights.

ICJ Kenya continues to advocate for legislative reforms, judicial accountability, and multi-stakeholder collaboration to ensure that the digital space remains open, inclusive, and rights-respecting. Internet shutdowns are not just technical disruptions; they are violations of fundamental human rights that jeopardize democracy, economic progress, and individual freedoms.

The Homa Bay advocacy session reaffirmed the collective responsibility of civil society, policymakers, and the judiciary in safeguarding digital rights. Moving forward, it is crucial to foster awareness, challenge repressive policies, and advocate for legal protections to prevent future shutdowns and protect digital freedoms for all Kenyans.

## Reflections From RightsCon 2025

By Charles Jaika



In this thought-provoking session, experts delved into the complexities surrounding Digital Public Infrastructure (DPI), exploring both its challenges and potential. Key discussions focused on the pressing issues of data governance, privacy, and exclusion.

A critical point of focus was the rapid implementation of digital ID systems and e-governance platforms by governments, often without sufficient protective measures. This topic is particularly relevant to Kenya, where similar initiatives are being rolled out, highlighting the need for strong safeguards to protect citizens' rights.

This eye-opening session brought together global perspectives on the increasing use of internet shutdowns as tools of state control.

Panelists shared powerful testimonies from regions where such shutdowns are deployed during elections, protests, and periods of civil unrest, effectively stifling freedom of expression and access to information.

The session also provided a vital opportunity to draw connections to the African context, particularly recent incidents in Kenya, and to call for stronger international norms to combat this alarming trend and protect human rights online.

RightsCon 2025 reminded us that the struggle for digital rights is a collective one. It underscored the urgency of strengthening cross-border solidarity, especially as authoritarian practices become more digitally sophisticated.

Through ICJ Kenya's participation, we were able to connect with global allies, explore emerging trends, and re-energize our commitment to protecting civic space online and offline.

As we look ahead, the insights gained at RightsCon will directly inform our advocacy strategies, litigation approaches, and stakeholder engagements back home.

It reaffirmed that as digital technologies evolve, so too must our strategies for defending rights, ensuring accountability, and amplifying the voices of marginalized and targeted communities.

We are incredibly grateful to all the organizers, session leaders, and participants who made RightsCon 2025 a resounding success. ICJ Kenya remains committed to standing at the forefront of digital rights advocacy in Kenya and across the region.

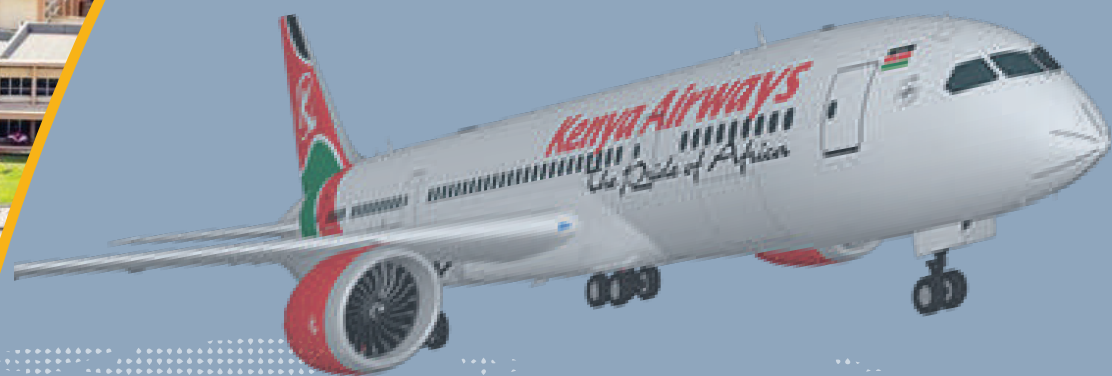


**Our Deputy Executive Director Demas Kiprono during a panel discussion on Bridging Economic and Human Rights Promise of Digital Public Infrastructure, at RightsCon 25. Photo/ICJ Kenya.**



**Our Deputy Executive Director Demas Kiprono (center) and Digital Rights Lead (right) Jaika Charles at the RightsCon 25. Photo/ICJ Kenya.**





# Postcards From Abroad







By Thuku Mburu

*The Writer is a Programme Officer at ICJ Kenya*

## From South Africa With Love, My NOREC Journey

**W**hen I embarked on my NOREC exchange journey to Johannesburg, South Africa, I anticipated professional growth, cultural immersion, and networking opportunities. What I didn't expect was the profound transformation that this experience would bring, both professionally and personally.

My time in the South was not just about human rights work, legal exchange, and democracy-building. It was about rediscovering Africa, rethinking activism, and rekindling a Pan-African consciousness that sees the continent not in parts, but as one.

### Pan-African Awakening

Before this experience, I often thought of Africa in fragments, Kenya here, South Africa there, Zimbabwe somewhere in between.

But my time in the South transformed my perspective. I saw firsthand that our struggles are interconnected, whether it is youth fighting for democracy in Zimbabwe, activists demanding police reforms in Namibia, or legal minds challenging electoral injustices in Mozambique, the story is the same.

During my travels to Harare, Gaborone, Maseru, Windhoek, and Maputo, I saw an Africa that is unapologetically African, diverse in culture yet united in its aspirations.

Whether it was sitting in a courtroom in Pretoria, attending strategy meetings in Harare, or having deep political conversations over a braai in Gaborone, the message was clear: Africa will not rise unless we rise together.

I left with a renewed sense of Pan-Africanism, not the textbook kind, but a lived, breathing, urgent call to action that demands we dismantle borders in our minds before we dismantle them physically.

### Culture, Beauty, and Resilience

Of course, it wasn't all work and no play. If I am to be completely honest, I must confess that Capetown, Harare, Windhoek, and Maputo stole pieces of my heart. The people, the culture, the music, the food, it was a perfect blend of resilience and joy.

From the rolling hills of Maseru to the golden glow of the Namib Desert, from the vibrant streets of Soweto to the stunning coastline of Cabo Delgado, every place carried its own unique rhythm.

And yes, let's not forget the beautiful ladies of the South, I almost put a few into the family way, but thankfully, the demands of human rights work kept me focused.

### Lessons Beyond Law

Beyond the legal exchange and human rights advocacy, this experience was also about personal growth. I learned to circumnavigate unfamiliar spaces, to engage with different cultures, and to see the world through multiple lenses.

Professionally, my NOREC journey sharpened my skills in movement building, strategic litigation, and policy engagement. It gave me deeper insights into how electoral reforms are fought for, how police accountability is demanded, and how civic freedoms are protected across different African countries.

But more than anything, I left with an unshakable belief in Africa's potential. I saw resilience, I saw hope, and I saw a continent that refuses to be silenced.

### Renewed Commitment to Change

As I stepped back onto Kenyan soil, I knew that I was not the same person who had left. I returned with a renewed sense of duty, to connect, to build, and to fight for the Africa we deserve.

The legal profession often feels bureaucratic and slow-moving, but my NOREC experience rekindled my belief

in the power of the law.

I now see beyond just Kenya's governance and democracy struggles, I see Africa's. And I know that our progress must be collective.

My vision is bigger now. I do not just want reforms in one country; I want them across the continent. I want to be part of the movement that transforms governance, that challenges impunity, and that builds the Africa that our ancestors dreamed of.

### The Road Ahead

If NOREC has taught me anything, it is that the journey to justice and democracy is long, but it is one worth taking.

I return with new knowledge, stronger networks, and deeper inspiration. But most importantly, I return with a commitment to use my skills, my platform, and my voice to push for the change that Africa so desperately needs.

To the friends I made in Johannesburg, Harare, Gaborone, Maseru, Windhoek, and Maputo, thank you. You have shaped me in ways that words cannot fully express.

And to my home country, Kenya, I am back, not just as a lawyer, but as a Pan-Africanist, a human rights defender, and a believer in Africa's destiny. I left to see the world, and now I return to make my mark.





# My Legal Journey Through Zimbabwe



**By Lucy Bosibori**

**U**nsure of what lay ahead, I embarked on a 12-month Norec exchange program in Zimbabwe. To say I was anxious would be an understatement.

Leaving behind the familiar to immerse myself in a new legal system, culture, and way of life was both exciting and daunting. However, my curiosity and eagerness to learn ultimately outweighed my fears, propelling me forward into this once-in-a-lifetime opportunity.

During my time in Zimbabwe, I was attached to the Legal Resources Foundation (LRF), a renowned organization dedicated to improving access to justice and promoting human rights.

My role at LRF allowed me to actively contribute to advancing fundamental human rights through various initiatives, including legal and civic education, providing legal services, and participating in law and policy reform.

Through workshops and trainings, we sought to raise awareness about human rights protections and avenues for citizens to hold the government accountable.

## Confronting Injustice Firsthand

Through my interactions with Zimbabwe's justice system, I witnessed gross human rights violations, many of which, due to political interference, went unchallenged.

I observed the strategic amendment of laws designed to suppress fundamental freedoms, such as the right to peaceful demonstration.

The misuse of legal mechanisms to stifle dissent was evident in unlawful arrests, arbitrary detentions, and systematic denial of bail for individuals perceived to be affiliated with the opposition party.

The period surrounding the SADC conference was marked by movement restrictions, increased surveillance and intimidation tactics towards CSOs and opposition supporters.

One particularly concerning development was the enactment of the Public Voluntary Organizations (PVO) Bill of 2024, a piece of legislation that sought to severely restrict the operations of civil society organizations.

If signed into law, this Bill would curtail the freedom of association and peaceful assembly, further tightening governmental control over independent voices.

At the time of my departure, it was still awaiting the presidential assent, leaving civil society in a state of uncertainty and concern over its potential ramifications.

The systemic obstacles underscore the urgent need to champion for human rights protection and observance of principles of justice.

## Glimmers of Progress

On a positive note, several legal developments demonstrated the government's commitment to promoting good governance and strengthening legal frameworks.

Under President Mnangagwa's administration, Zimbabwe took a historic step by abolishing the death penalty, aligning the country with global human rights standards and signaling progress in judicial reform.

Further, the judicial service commission oversaw the implementation of ICT solutions across various regions, towards improving efficiency, enhancing access to justice, and increasing public confidence in the judiciary. These reflect ongoing efforts

to foster good governance.

Beyond the legal work, my time in Zimbabwe was a profound cultural and personal learning experience. Immersing myself in the local way of life, I developed a deep appreciation for the country's rich history, traditions, and cuisine, sadza and Braii quickly became a personal favorite.

One of the more unexpected aspects of daily life was navigating the multi-currency economy, which relied heavily on the US Dollar alongside the Zimbabwean ZIG. The fluctuating exchange rates and the complexities of everyday transactions were initially bewildering, but they provided me with firsthand insight into the economic realities shaping the lives of Zimbabweans.

Learning the Shona language was both a challenge and a delight, allowing me to connect more deeply with the people I worked with and the communities.

## A Journey That Transformed Me

Exploring the country's breathtaking landscapes and historical landmarks was equally unforgettable. I marveled at the Chinhoyi Caves, Great Zimbabwe Ruins and the Matobo National Park, home to ancient rock formations and rich wildlife. And, of course, no experience in Zimbabwe would be complete without witnessing the ever-majestic Victoria Falls.

Undoubtedly, this exchange was not just a professional opportunity, it was a journey of growth, resilience building, self-discovery, and meaningful contribution.

My experience reinforced my passion for justice, broadened my worldview, and deepened my appreciation for the role of law in empowering communities. I returned home having established lifelong networks and with a wealth of knowledge, ready to advance social transformation.

*The Writer is a Programme Consultant at The Kenyan Section of the International Commission of Jurists (ICJ Kenya).*



**By Christine Wainaina**

I am standing at the edge of an exciting new chapter, one that takes me from the bustling streets of Nairobi to the heart of Johannesburg. As a NOREC Fellow, I embark on a transformative journey through a legal exchange between

ICJ Kenya and the Africa Judges and Jurists Forum (AJJF). This is more than just a professional opportunity. It is an adventure into the world of reparative justice, a chance to learn, unlearn, and immerse myself in the legal frameworks that shape human rights.

At AJJF, I am currently working under the Reparative Justice Programme as an Associate Legal Advisor. I am privileged to be under the guidance of the brilliant Henrietta Ekefre, whose expertise in the field is truly inspiring.

The very thought of engaging with this area of law excites me because reparative justice is about more than just acknowledging historical and present injustices.

It is about actively working to restore dignity and provide meaningful remedies to those who have suffered harm. Whether through compensation, rehabilitation, or public recognition of wrongdoing, reparative justice seeks to heal rather than punish.

### **Linking Reparative Justice with Climate Justice**

What excites me the most is the possibility of linking reparative justice with climate justice. I aim to explore the idea that climate change is not only an environmental crisis but also a justice issue.

## **Daring Abroad: A NOREC Journey**

The communities that bear the brunt of its effects are often those that contributed the least to it. This raises an important question. Can the legal principles of reparative justice provide a pathway for climate-affected communities to seek redress? Could the lessons learned from historical injustices help shape a legal framework for climate reparations?

This is the challenge that I am most eager to explore. The loss of land, displacement, and economic hardships are not just the struggles of the past. These are the realities of communities at the frontlines of the climate crisis today.

The global conversation on climate reparations is gaining momentum, and I am excited to contribute to it by looking at justice through a broader legal lens.

Aside from the academic and professional growth that this exchange will bring, I am also looking forward to embracing new perspectives and building connections. I know that this journey will push me beyond my comfort zone in many ways, but that is exactly what makes it so thrilling. I cannot wait to work alongside legal experts, engage in meaningful discussions, and, most importantly, play a role in shaping new ideas about justice.

### **A Journey of Gratitude and Purpose**

I am incredibly grateful to NOREC for making this exchange possible and to ICJ Kenya for trusting me with this opportunity. As I forge my path in Johannesburg, I do so with an open mind and a deep sense of purpose. I am eager to see how justice, whether in the context of reparations or climate advocacy, can be transformed into something truly impactful. This is just the beginning, and I cannot wait to get started.

*The Writer is a Programme Consultant at The Kenyan Section of the International Commission of Jurists (ICJ Kenya).*



*Our Programme Consultant, Christine Wainaina, during the Health Equity Advocates training in Nairobi.. Photo/ICJ Kenya.*



*Our Programme Consultant, Christine Wainaina, attended the Women in African Judiciaries Conference, a two-day event dedicated to examining the role and impact of women judges in South Africa and across the continent. Photo/ICJ Kenya.*





# ICJ Kenya Member's Corner



## VALENTINE NYOKABI is an Advocate and Human Rights Lawyer passionate about Sexual and Reproductive Health Rights.

**W**hat inspired you to become a member of ICJ Kenya?

I first applied to be a member of ICJ Kenya when I had been working as a legal researcher at the Court of Appeal at Nairobi. I had previously interacted with ICJ Kenya's work through a report that used to be published, called the Judiciary Watch Report and I was keen, now that I was working within the Judiciary to be a part of this organization that championed an independent judiciary that could deliver the promise of the Constitution.

I continue to be a member because the values of ICJ, on the rule of law, constitutionalism, and respect for human rights resonate with mine.

**What sparked your passion for advocating for women's health and sexual and reproductive health rights (SRHR)?**

My passion for women's health, especially sexual and reproductive health and rights advocacy, stems from witnessing, at a young age, the injustices and barriers women face in accessing healthcare.

I am deeply pained by the needless deaths caused by unsafe abortion services and the harm resulting from the lack of comprehensive sexuality education. It angers me that the majority of women will experience or have already faced some form of sexual and gender-based violence.

While studying law, the causes of these inequalities disturbed me, leading me to pursue SRHR advocacy.

As a lawyer, I believe the intersection of law and health offers a powerful opportunity to create lasting social change by advocating for policies that empower women to make informed decisions about their bodies and health, and by teaching women and girls how to advocate for better treatment from their duty bearers.

**How does your feminist perspective shape your approach to addressing SRHR issues in Kenya?**

I believe in bodily integrity and autonomy for women, where they can access health services that not only preserve their dignity but also enhance their lives. To me, life is about more than just survival—it's about living meaningfully and with dignity.

A feminist perspective is key in the interventions I design, whether in advocacy or legal cases, ensuring women are at the forefront of every solution. I make sure those directly affected by the issues have the chance to speak out.

My approach involves questioning how laws and policies, which may appear neutral, impact women's access to quality health services. A feminist lens helps me apply an intersectional approach to ensure the right strategies are used. I also examine how patriarchy affects access to SRHR services and reflect on how colonial legacies continue

to shape laws and policies today, especially regarding reproductive coercion.

**What are some of the biggest challenges women face in accessing quality reproductive healthcare in Kenya today?**

Women face several challenges in accessing quality sexual and reproductive health services. Restrictive laws, such as those limiting abortion access or requiring third-party consent, prevent care and fuel discrimination, especially for marginalized groups.

Societal stigma further complicates access, as many fail to recognize women's sexual and reproductive rights, leading to misinformation and deterring individuals from seeking services. The lack of comprehensive sexuality education (CSE) limits young people's ability to make informed health decisions. Additionally, financial constraints and underfunded public health facilities force many women to seek care at unaffordable private clinics.



Valentine Nyokabi. Photo/Courtesy.





Valentine Nyokabi. Photo/Courtesy.

**Kenya has made progress in advancing SRHR, but significant barriers remain. What legal or policy gaps still hinder access to reproductive healthcare?**

While Kenya's Constitution provides an enabling framework for sexual and reproductive health rights, the lack of a clear implementation strategy remains a barrier.

Despite constitutional provisions like Article 26(4) and Articles 43(1)(a) and (2), confusion persists due to the criminalization of women and health care providers under Sections 158, 159, and 160 of the Penal Code.

Additionally, some policy documents, like the National Reproductive Health Policy 2022-2032, contain regressive provisions and are currently being challenged in court.

**What role do legal professionals and human rights organizations play in ensuring SRHR policies are effectively implemented?**

We play a vital role, first we are the bridge between lay people and the courts. It is our responsibility to drive forward legal and policy advocacy to ensure that the constitutional promise is realized.

This can be through provision of legal services, educating communities, supporting them to engage with duty bearers, building movements and driving litigation for social change and for the benefit of those movements.

**What strategies can be used to challenge societal stigma around reproductive health and rights?**

First, advocacy should focus on public awareness campaigns and community dialogues to amplify understanding of the law and combat stigma-driven myths.

Second, strategic litigation is key for legal and social change. While challenging restrictive laws in court, a strong communications strategy can educate society on the importance of accessible sexual and reproductive health rights.

This also tackles misinformation and holds duty bearers accountable for providing accurate information.

**How can men be involved as allies in advancing gender equality and reproductive justice?**

Men play a role in advancing gender equality. If they are to be true allies, they must also take the time to First, check their privilege and acknowledge the systems that harm women.

They can work together with women to dismantle the structures that drive inequality. They should be at the forefront of challenging harmful stereotypes. They should join women in advocating for critical policies to implement rights.

They should also engage in conversations about sexual and reproductive health and get involved in service consumption – for example in access to contraception.

**What reforms or policy changes do you think are necessary to ensure SRHR is fully realized in Kenya?**

To improve sexual and reproductive health, we must decriminalize abortion and same-sex relations, as criminal laws harm public health and fuel discrimination.

Policies should be rights-aligned to ensure access to SRHR services, and funding for health must increase, especially for accessible services for adolescents and youth. Comprehensive sexuality education should be integrated into the curriculum, covering bodily autonomy, consent, relationships, and sexual health.

Strong accountability mechanisms are also needed to ensure effective policy implementation and combat corruption that undermines health systems and SRHR.

**What message would you like to share with policymakers, advocates, and the public about the importance of a feminist approach to SRHR?**

A feminist approach to SRHR is essential for surfacing the diverse ways in which women can face discrimination and exclusion.

Using feminist methods, we centre women and advocate for the dignity of all because while we center women, we know that the benefit of feminism is for everyone.

## DAVID NJOROGGE, FCI Arb, CS, is an Advocate, Arbitrator, Mediation Expert, and Alternative Justice System (AJS) Specialist.

**What inspired you to become a member of ICJ Kenya?**

I was drawn to ICJ Kenya due to its impactful interventions and unwavering commitment to fostering a just, fair, and equitable society.

**What led you to specialize in arbitration, mediation, and Alternative Justice Systems (AJS)?**

I recognized the importance of diversifying dispute resolution mechanisms for clients.

Offering a variety of multi-door options beyond the mainstream court system allows for more accessible, efficient, and appropriate solutions to disputes.

**In what ways does AJS complement Kenya's formal judicial system?**

AJS complements the Judiciary through the framework established under Article 159(2)(c) of the Constitution, which mandates the promotion, protection, and transformation of alternative dispute resolution mechanisms.

**Could you share a success story where AJS provided an effective resolution to a longstanding dispute?**

A notable example is a land dispute filed in 1994 at the Kajiado High Court. Through AJS, the matter was finally resolved by a panel, bringing closure to a long-standing family conflict that had escalated over the years.

**As a member of the National Steering Committee on the Implementation of the AJS Policy, what milestones have been achieved?**

Significant progress has been made with the activation of customized AJS initiatives across approximately 20 counties. These County Action Plans have greatly enhanced access to justice at the grassroots level.

**What challenges continue to hinder the full implementation of AJS in Kenya?**

One key challenge is the lack of direct funding from the Judiciary for the NaSCI-AJS, despite it being a Judiciary Committee.

We rely heavily on donor support, which limits our ability to fully execute our mandate as outlined in our work plan.

**How can stakeholders, including the Judiciary and legal practitioners, enhance AJS effectiveness?**

There must be greater buy-in from all stakeholders. The Judiciary should support and respect AJS outcomes, while legal practitioners should encourage clients to consider AJS as a fast, efficient, and effective dispute resolution mechanism.



David Njoroge. Photo/Courtesy.

**With limited public awareness of AJS, what strategies can be employed to promote it?**

The Judiciary must take a leading role in public awareness campaigns, as mandated by Article 159. Utilizing local media, faith-based organizations, and the NGAO system, which are close to the grassroots population, will be critical for outreach.

**How does AJS ensure inclusivity for marginalized groups, including women, children, and persons with disabilities?**

The AJS Policy 2020 is rooted in the Constitution and upholds a human rights-based approach. The principles of non-discrimination under Article 27 ensure that modern AJS panels are inclusive and representative of all societal groups.



**What is the role of cultural and traditional dispute resolution mechanisms within AJS, and how are they aligned with constitutional values?**

African traditions are inherently rich and structured. The key is to align cultural practices and norms with constitutional principles while discarding regressive customs that do not serve justice.

**What reforms or policy changes are necessary to strengthen AJS in Kenya?**

Existing laws and policies must be harmonized with the spirit and letter of the AJS Policy 2020 to ensure a coherent and supportive legal framework for AJS.

**How can young legal professionals and community leaders be more actively involved in AJS?**

AJS is inherently inclusive and diverse. There is space for everyone, young professionals and community leaders alike, to contribute by serving on panels and helping resolve community-level disputes.

**What advice would you offer to individuals and institutions considering the adoption of AJS?**

I strongly encourage all individuals and institutions to familiarize themselves with the AJS Policy 2020. It is concise, practical, and offers a transformative approach to resolving disputes, saving time and resources while restoring relationships.



*David Njoroge at the Annual Jurists Conference in 2023. Photo/ICJ Kenya.*

## EVANS OGADA is an Advocate, Specialist in Constitutional and Administrative Law Litigation and Human Rights.

### What inspired you to become a member of ICJ Kenya?

Well, a commitment to promoting justice, human rights, and the rule of law in Kenya inspired me to join ICJ Kenya.

### What inspired you to specialize in constitutional and administrative law litigation, as well as human rights?

A passion for justice, accountability, and protecting individual rights against state power inspired me to specialize in constitutional and administrative law litigation, as well as human rights.

I believe in upholding the rule of law and ensuring fair governance while defending fundamental freedoms.

### How has your journey in legal practice shaped your perspective on Kenya's constitutional and human rights landscape?

My journey in legal practice has deepened my appreciation for Kenya's constitutional and human rights framework, while also revealing persistent challenges in implementation.

Engaging with marginalized communities, public interest litigation, and advocacy has highlighted both the transformative potential of the 2010 Constitution and the gaps in enforcement, particularly for vulnerable groups.

This experience has reinforced my belief in the power of strategic litigation, civic education, and institutional accountability to advance justice and equality in Kenya.

### What are some of the most pressing constitutional and administrative law issues facing Kenya today?

Kenya faces several critical constitutional and administrative law challenges that threaten governance, rule of law, and democratic stability.

Key issues include judicial independence, with concerns over executive interference and intimidation of judges, particularly in politically sensitive cases.

Devolution remains contentious, with disputes between national and county governments over resource allocation, service delivery, and overlapping mandates. Electoral integrity continues to be a flashpoint, with recurring disputes over the IEBC's credibility, voter manipulation claims, and delays in post-2022 election reforms.

Executive overreach, including unilateral appointments and disregard for court orders, undermines checks and balances. Corruption and weak accountability mechanisms erode public trust, as high-profile cases stall and anti-graft agencies face political interference.

Human rights violations, such as police brutality and the suppression of protests, raise constitutional concerns. Additionally, debates over constitutional amendments risk politicizing the 2010 Constitution, while unresolved

land injustices and delayed reforms perpetuate historical grievances.

These issues demand urgent legal and institutional reforms to safeguard Kenya's constitutional order.



Evans Ogada. Photo/Courtesy.

### Kenya's 2010 Constitution introduced significant legal and institutional reforms. In your view, what key challenges remain in implementing constitutional provisions?

Kenya's 2010 Constitution introduced transformative reforms, including devolution, an expanded Bill of Rights, and checks on executive power.

However, challenges in implementation persist. Devolution is hindered by unequal resource allocation, corruption, and capacity gaps in county governments. Judicial independence and the effectiveness of constitutional commissions are often undermined by political interference and inadequate funding.



Land reforms and gender equity provisions face inconsistent enforcement due to entrenched interests and cultural resistance.

Delays in fully operationalizing key institutions, like the Senate's role in devolution, further hinder progress.

Addressing these challenges requires stronger political will, civic engagement, and institutional accountability to fully realize the Constitution's potential.



Evans Ogada. Photo/Courtesy.

### How effective has the judiciary been in upholding constitutionalism and the rule of law in Kenya?

The effectiveness of the judiciary in upholding constitutionalism and the rule of law in Kenya has yielded mixed results.

On the positive side, the judiciary has shown independence in landmark rulings, such as nullifying the 2017 presidential election, protecting civil liberties, and curbing executive overreach.

Courts have also enforced constitutional provisions on devolution, gender equity, and socio-economic rights.

However, challenges remain, including delayed justice, corruption allegations, political interference, and inconsistent enforcement of rulings, particularly against powerful state officials.

Some judgments have been seen as politically influenced, undermining public trust in the system.

### What role do public interest litigation and civil society organizations play in defending constitutional rights?

Public interest litigation (PIL) and civil society organizations (CSOs) play a vital role in defending constitutional rights.

PIL allows individuals or groups to bring cases on behalf of marginalized communities, enabling courts to address systemic injustices and often leading to landmark rulings

that uphold constitutional principles.

CSOs, through advocacy, awareness campaigns, and legal support, amplify voices that may otherwise go unheard, holding governments accountable and pushing for meaningful policy reforms.

### Many Kenyans face barriers in accessing justice. What legal and policy interventions can help bridge this gap?

To bridge Kenya's justice gap, key interventions include expanding legal aid services, decentralizing courts to rural areas, leveraging technology for virtual hearings, simplifying legal procedures, and promoting alternative dispute resolution (ADR).

Community legal education and addressing corruption within the judiciary are also crucial. Policy reforms should prioritize funding for justice infrastructure and training paralegals to improve grassroots access to legal services.

### How can ordinary citizens become more aware of their constitutional rights and effectively seek redress when those rights are violated?

Ordinary citizens can boost their awareness of constitutional rights by turning to reliable sources like government websites, legal aid organizations, and civic education programs.

Reading the Constitution, attending workshops, and following legal advocacy groups are effective ways to stay informed. If someone feels their rights have been violated, it's important to document the incident, consult a lawyer or human rights organization, and file complaints with relevant authorities, such as ombudsman offices or courts. Peaceful protests, petitions, and engaging with the media can also help raise awareness.

By staying informed and connecting with civil society groups, citizens can actively protect and enforce their rights.

### How can young legal professionals contribute to constitutional litigation and human rights advocacy in Kenya?

Young legal professionals in Kenya can contribute to constitutional litigation and human rights advocacy by engaging in pro bono work, joining human rights organizations, and participating in public interest litigation.

They can draft petitions, conduct legal research, and support strategic cases that challenge unjust laws. Collaborating with civil society groups, organizing legal clinics, and using social media to raise awareness further amplifies their impact.

By staying informed on constitutional developments and applying their skills in courts and advocacy, they can drive meaningful change and strengthen the rule of law.

### What advice would you give to policymakers, legal practitioners, and civil society organizations working to uphold constitutionalism and the rule of law?

To uphold constitutionalism and the rule of law, policymakers

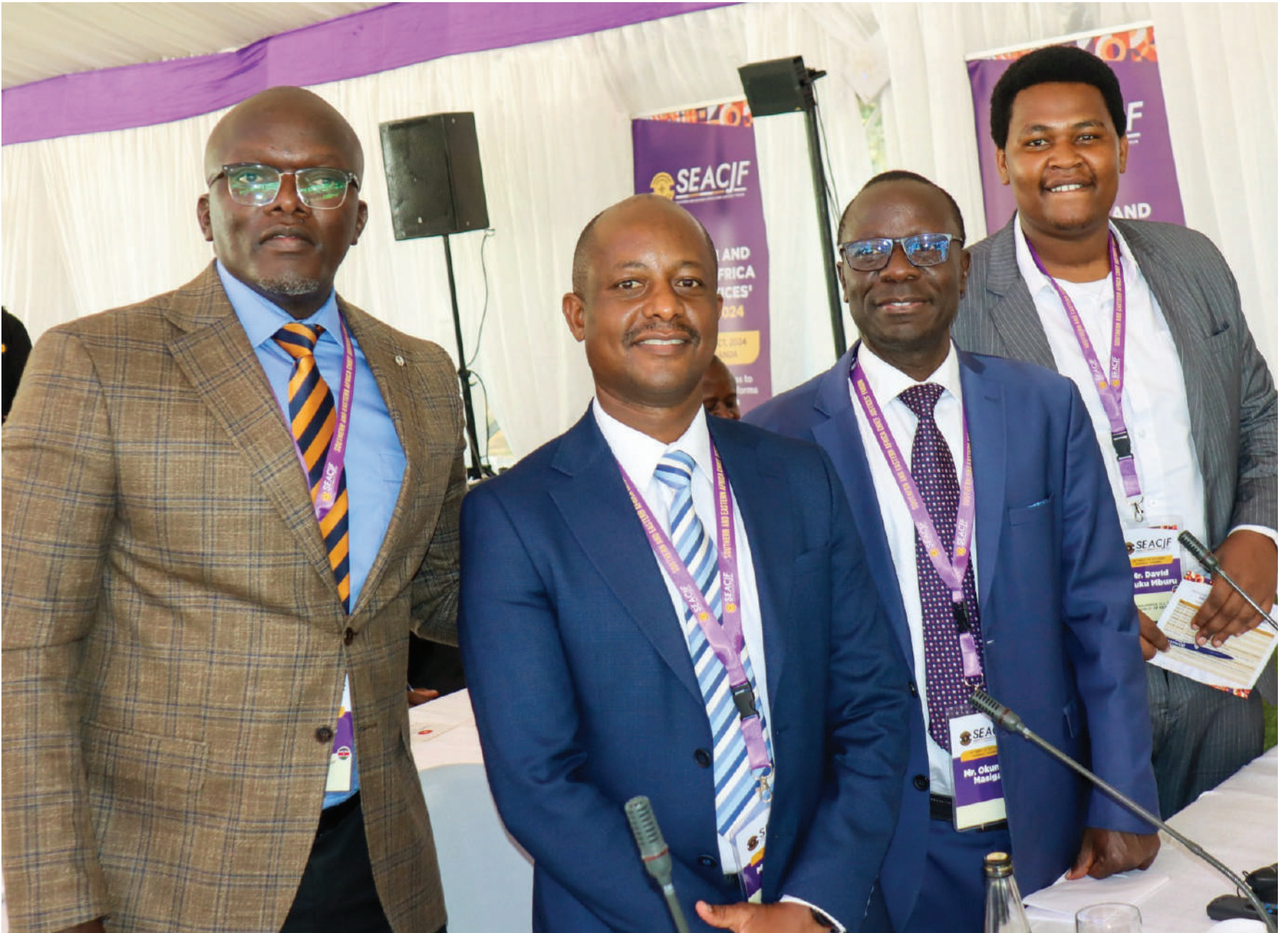


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should prioritize reforms that strengthen checks and balances, judicial independence, and accountability.

Legal practitioners must maintain ethical advocacy, challenge abuses of power, and ensure fair application of the law. Civil society organizations should focus on public education, government monitoring, and civic engagement to protect democratic values.

Collaboration among these stakeholders is essential; transparency, dialogue, and a commitment to universal principles over partisan interests will strengthen the legal framework. Ultimately, safeguarding constitutional democracy requires vigilance, courage, and an unwavering dedication to justice for all.



*Evans Ogada, ICJ Kenya Chairperson Protas Saende, Martin Okumu Masiga and Thuku Mburu, ICJ Kenya Programme Officer at the Southern and Eastern Africa Chief Justices' Forum. Photo/ICJ Kenya.*



## LUCIANNA THUO is an Advocate, Author and Elections Law and Governance Specialist.

### What inspired you to become an ICJ Kenya member?

I was introduced to ICJ Kenya while working as a researcher with the Judiciary Working Committee on Election Preparations, where we collaborated on judicial training and legislative reform.

Seeing ICJ's vital role in governance inspired me to support their work. Over time, I contributed to projects like the election petition compendiums and participated in Jurists' Conferences, further deepening my appreciation for ICJ's impact and aligning my interests with its mission to advance good governance and the rule of law.

### Can you tell us about your journey into elections law and governance?

I never planned to pursue this path; it chose me. Initially, I set out to be an environmental lawyer, but fate led me into elections law. In 2012, I assisted a five-judge bench in resolving Kenya's first delimitation of boundaries disputes and later joined the Judiciary Working Committee on Election Preparations.

This experience sparked my interest in election law and led me to pursue an LL.M. in Human Rights and Democratisation in Africa in 2014.

After my studies, I contributed to the ICJ Case Digest on election petitions, legislative drafting for the 2017 elections, and worked as a researcher for the Political Parties Disputes Tribunal. I also helped revise the Bench Book on Electoral Dispute Resolution ahead of the 2022 elections.

Since then, I've continued supporting civil society and regional judiciaries on strategic litigation and electoral dispute resolution, contributing to various publications, including the Political Parties Disputes Tribunal Case Digest and the ICJ Compendium on the 2022 Election Petitions. I am currently helping Sierra Leone review its constitution and electoral laws.

### What are some of the most pressing legal challenges surrounding elections in Kenya today?

Kenya's electoral landscape faces several pressing legal challenges that undermine the integrity of elections.

The independence and credibility of the IEBC are major concerns, with accusations of partiality and mismanagement, particularly during the 2022 elections. Political appointments to its selection panel and governance issues further erode public trust, highlighting the need for reform.

Election-related crimes, including voter bribery, intimidation, and violence, continue to disrupt the electoral process, with inconsistent enforcement of legal frameworks. The judiciary's role in resolving disputes is also critical, but concerns over judicial independence and political interference threaten its effectiveness.

### How does your work contribute to strengthening democracy and governance in the country?

My work strengthens democracy and governance by supporting the development of credible, inclusive, and transparent electoral systems, essential pillars of any democratic society.

In Kenya, I collaborate with key institutions like the Judiciary, the Political Parties Disputes Tribunal (PPDT), IEBC, Parliament, and civil society to enhance electoral dispute resolution, legislative reform, and institutional capacity.

I've developed knowledge resources such as the Judiciary Bench Book on Electoral Dispute Resolution, the PPDT Case Digest, and the ICJ Compendiums of Election Petitions, which improve decision-making and transparency in handling electoral disputes.



*Lucianna Thuo. Photo/Courtesy.*

These tools are also used by judicial partners in Zambia and Malawi, promoting regional growth in electoral jurisprudence.

**Kenya has made significant legal reforms in electoral processes. In your view, what gaps still exist in the legal framework governing elections?**

Kenya has made significant strides in reforming its electoral processes, with the Elections Act 2011 amended multiple times.

However, a key gap remains in the disconnect between the legal framework and the political culture in which it operates. Frequent amendments to electoral laws, such as changes to the Political Parties Act just six months before the 2022 elections, complicate effective regulation.

Campaign financing remains a major challenge due to political interference and lack of enforcement. Despite the IEBC's mandate, regulations under the Election Campaign Financing Act have repeatedly failed, hindered by political resistance and a weak institutional framework.

The influence of illicit financing, cash-based informal economies, and inadequate oversight of third-party funding further complicates efforts for transparency. A more phased and inclusive approach to regulating campaign financing is needed to ensure fairness and transparency.

**How effective are the current dispute resolution mechanisms in addressing electoral conflicts?**

Kenya's electoral dispute resolution (EDR) mechanisms have made significant progress since the 2010 Constitution, introducing multiple avenues for resolving conflicts. Disputes before the declaration of election results are handled by the Political Parties Disputes Tribunal (PPDT) and the IEBC Disputes Resolution Committee (NDRC), while post-declaration disputes are handled by the courts.

The High Court also retains jurisdiction over constitutional matters, allowing it to address issues like eligibility criteria and election technology procurement.

The introduction of statutory timeframes for resolving electoral disputes has increased efficiency, and most first-tier disputes are now determined within legal timelines.

However, challenges remain. Jurisdictional overlaps between the PPDT and NDRC, particularly on party nominations, require a constitutional amendment to resolve. The lack of statutory timelines for election offences weakens deterrence against malpractices, and there is uncertainty about which institution should address ethical and integrity-related disputes in electoral candidacy.

**What role do institutions like ICJ Kenya play in advocating for free, fair, and credible elections?**

ICJ Kenya plays a crucial role in advocating for free, fair, and credible elections by engaging in election observation, legal advocacy, electoral dispute resolution (EDR), and legislative reforms.

It has developed important resources like the ICJ Compendium on Election Petitions and the Election Working Paper Series, which provide insights into the EDR process and help align dispute resolution mechanisms with constitutional principles. ICJ Kenya also participates

in legislative review processes, shaping laws related to electoral justice.

The organization collaborates with the Judiciary to enhance the capacity of judges and magistrates through pre- and post-election trainings, ensuring they are prepared for election-related litigation.

ICJ Kenya has been involved in strategic litigation, including sponsoring petitions and serving as amicus curiae in the 2022 Supreme Court presidential election petition.

Additionally, it hosted the African Judges and Jurists Forum (AJJF) mission to observe Kenya's presidential election dispute resolution process, boosting international confidence in the country's electoral justice system.

**How can legal practitioners and governance experts ensure that marginalized groups, such as women and persons with disabilities, are adequately represented in electoral processes?**

Legal practitioners and governance experts can ensure the adequate representation of marginalized groups, such as women and persons with disabilities, in electoral processes by adopting an intersectional approach that recognizes the multiple layers of discrimination these groups face.



*Lucianna Thuo. Photo/Courtesy.*

This approach moves beyond focusing solely on individual forms of oppression and seeks to address the unique challenges that marginalized individuals experience, for example, women with disabilities or youth from marginalized communities.



Advocating for legal and policy reforms, such as gender and disability quotas, is essential. While existing laws provide incentives for inclusion, their implementation remains weak.

Legal mechanisms, such as penalties for non-compliance with inclusivity thresholds in nomination lists, should be enforced by institutions like the Independent Electoral and Boundaries Commission (IEBC) and the Office of the Registrar of Political Parties (ORPP).

Parliament should also pass legislation to operationalize the two-thirds gender rule, which has yet to be fully implemented.

Incentivizing political parties to embrace inclusivity, such as through enhanced funding or preferential media access, can further encourage participation from marginalized groups.

Strengthening internal party democracy and mandating transparent, competitive nominations, with affirmative action, can reduce tokenism and foster genuine representation.

Leadership training and mentorship programs for underrepresented groups are also key to building a competent pool of candidates.

**With Kenya's next general elections on the horizon, what key reforms should stakeholders prioritize to ensure a credible electoral process?**

As Kenya's next general elections approach, several key reforms need to be prioritized to ensure a credible electoral process.

First, addressing youth empowerment and preventing election-related violence is critical, as high youth unemployment and disillusionment have been underlying causes of electoral violence in the past. Tackling these issues will help maintain peace during the elections.

Additionally, electoral law reforms must focus on finalizing processes related to boundary delimitation and election campaign financing.

The delays in boundary adjustments, especially in constituencies that failed to meet population quotas, need to be resolved urgently. There must also be clear and practical regulations for campaign financing to ensure transparency and a level playing field for all candidates.

Electoral technology and transparency are also vital to maintaining public trust. Measures should be put in place to scrutinize electoral technology during presidential petitions to ensure its security and fairness.

Increased election monitoring and public access to voter rolls will further enhance the credibility of the process. Strengthening judicial independence is essential, ensuring that the judiciary can impartially adjudicate electoral disputes without political interference.

At the same time, reforms should ensure that there are mechanisms for holding the judiciary accountable to prevent corruption and bias.

**What advice would you give to policymakers, legal experts, and civil society organizations working to safeguard electoral democracy in Kenya?**

Policymakers, legal experts, and civil society organizations should prioritise inclusivity, transparency, and the protection of voter rights.

They should focus on removing barriers to voter registration and ensure the process is accessible to all, including youth and marginalized communities.

Legal experts should work to strengthen laws against voter suppression and election violence while promoting policies that address the root causes of electoral conflict, such as youth unemployment. Civil society should continue to engage in voter education and hold election bodies accountable.

Through collective efforts, these groups can create a democratic environment that fosters peace, trust, and meaningful participation in Kenya's elections.



*Lucianna Thuo. Photo/Courtesy.*



# Building Partnerships

## Advancing Human Rights Advocacy

In a powerful show of solidarity and shared purpose, ICJ Kenya hosted Amnesty International Kenya for a consultative meeting focused on enhancing advocacy efforts in the protection of human rights, constitutionalism, democracy, and the rule of law.

During the session, ICJ Kenya's Executive Director Eric Mukoya underscored the importance of speaking truth to power and remaining unwavering in the pursuit of justice for all. He emphasized the need to hold duty bearers accountable and guard against the erosion of civil liberties hard-won by the people.

On his part, Amnesty Kenya Executive Director Irungu Houghton called for the continued building of robust human rights movements, stressing the urgency of challenging oppressive legislation, securing the release of prisoners of conscience, and ensuring that perpetrators of human rights violations face justice.

The meeting reaffirmed both organizations' commitment to collective action and strategic advocacy in defense of Kenya's democratic values and the rights of its citizens.



Amnesty International - Kenya Executive Director Irungu Houghton presents his book to ICJ Kenya Executive Director Eric Mukoya, at ICJ Kenya House. Photo/ ICJ Kenya.



ICJ Kenya and Amnesty International -Kenya group photo after a consultative meeting. Photo/ICJ Kenya.

## ICJ Kenya and KYPA Sign MoU

In a significant step towards fostering democratic governance and inclusive policy reform, ICJ Kenya and the Kenya Young Parliamentarians Association (KYPA) have signed a Memorandum of Understanding (MoU) to collaborate on advocacy and lobbying efforts across key national issues.

The partnership aims to drive legislative and policy reforms that promote human rights, the rule of law, economic justice, and broader democratic values. The MoU solidifies a shared commitment to shaping a just and equitable society through evidence-based policymaking and constructive engagement.

The signing was preceded by a roundtable discussion focused on the current state of healthcare governance in Kenya. Stakeholders emphasized the urgent need for accessible and affordable healthcare and the critical role that legislators, civil society, and the public must play in ensuring accountability and equity within the health sector.

This collaboration marks a bold stride toward bridging policy and practice, with both institutions poised to champion reforms that reflect the real needs of Kenyans.



ICJ Kenya Council Chairperson Protas Saende and Manyatta MP Gitonga Mukunji of the Kenya Young Parliamentarians Association sign an MoU pledge to lobby for legislative and policy reforms. Photo/ICJ Kenya.



ICJ Kenya Executive Director Eric Mukoya and the Kenya Young Parliamentarians Association Antony Buluma sign an MoU, pledge to lobby for legislative and policy reforms. Photo/ICJ Kenya.



## U.S. Embassy Representatives Visit ICJ Kenya

ICJ Kenya was honored to host Claire and Trevor, representatives from the Embassy of the United States of America, during a courtesy visit to meet the organization's new Executive Director.

The meeting marked an important moment of introduction and connection, as both parties engaged

in meaningful discussions around shared priorities and potential areas of collaboration.

From advancing human rights to promoting the rule of law, the conversation reflected a strong commitment to deepening partnerships that drive impactful change.

As ICJ Kenya ushered in new leadership, the visit signaled a continued cooperation and mutual interest in strengthening democratic institutions and supporting justice initiatives across the region.



ICJ Kenya with representatives from the Embassy of the United States of America, during a courtesy visit to meet our Executive Director, Eric Mukoya and DED Demas Kiprono and Programme Manager Julie Wayua. Photo/ ICJ Kenya.



ICJ Kenya led by our Programme Officer Geoffrey Odhiambo paid a courtesy visit to the Kwale County Assembly Speaker Hon. Seth Mwatela Kamanza to discuss various areas of collaboration. Photo/ICJ Kenya.

## Bridging Policy and Community in Kwale

In a continued effort to strengthen healthcare governance through rights-based approaches, ICJ Kenya, led by Programme Officer Geoffrey Odhiambo, paid a courtesy visit to the Speaker of the Kwale County Assembly, Hon. Seth Mwatela Kamanza.

The visit focused on fostering collaboration to promote rights and responsibilities in healthcare governance at the county level.

This engagement comes as part of ICJ Kenya's ongoing project, "Health Equity Advocates: Amplifying Civil Society's Voice in Healthcare Governance." The initiative, active across Kwale County, has been instrumental in sensitizing Community Health Promoters, Paralegals, and local leaders on the evolving healthcare landscape and their critical roles within it.

Through a blend of capacity-building, policy dialogue platforms, and community outreach, the project aims to ensure that healthcare policies are rooted in equity, accountability, and transparency, giving voice to civil society organizations and the citizens they represent.

ICJ Kenya continues to champion inclusive governance, working hand in hand with county leadership to turn policy into meaningful change on the ground.



## Strengthening Justice Beyond Borders

On the sidelines of the 49th session of the Universal Periodic Review (UPR49), a quiet but impactful meeting unfolded, one that underscored a shared commitment to justice and accountability across borders.

ICJ Kenya's Deputy Executive Director, Demas Kiprono, and Programme Manager, Vincent Kimathi, sat down with Erwin van der Borgh, Director of Operations at Justice Rapid Response, and Programme Officer Emmanuel Gore.

Their dialogue was focused and future-driven, centered on exploring areas of collaboration to advance accountability

for atrocity crimes and bolster Transitional Justice efforts in Eastern Africa.

As institutions with a common purpose, the meeting marked a significant step toward strengthening justice systems and offering meaningful support to communities affected by conflict and human rights violations.

ICJ Kenya remains steadfast in forging partnerships that go beyond conversations, aiming to reinforce institutions and restore dignity to those who need justice most.



ICJ Kenya Deputy Executive Director Demas Kiprono and Programme Manager Vincent Kimathi with Justice Rapid Response, Director of Operations, Erwin van der Borgh and Programme Officer Emmanuel Gore. Photo/ICJ Kenya.

## ICJ Kenya Meets Austrian Embassy Representative

ICJ Kenya, under the leadership of Executive Director Mr. Eric Mukoya, held a consultative meeting with Dr. Katja Y. Kerschbaumer, Head of the Austrian Embassy/Development Cooperation.

The meeting focused on identifying potential areas of collaboration within the justice sector, with both parties expressing a strong commitment to advancing access to

justice, human rights, and institutional accountability.

This engagement marks a promising step toward building strategic partnerships that reinforce justice systems and promote sustainable development grounded in the rule of law.



Executive Director Mr. Eric Mukoya, with Head of Austrian Embassy/Development Cooperation, Dr. Katja Y. Kerschbaumer after a consultative meeting. Photo/ICJ Kenya.



## ICJ Kenya and IFD Partnership

ICJ Kenya, led by Executive Director Eric Mukoya and Deputy Executive Director Demas Kiprono, held a productive consultative meeting with Dr. Jean Maro Segoun, Dr. Richard Makon, and Cheptum Toroitich from the Innovation Foundation for Democracy (IFD).

The meeting focused on key areas of mutual interest, including strengthening democracy, advocating for justice, and promoting the

rule of law across Africa. Both organizations expressed their shared commitment to advancing democratic principles and creating spaces for fair governance across the continent.

This collaboration aims to explore strategic initiatives that further empower democratic institutions, ensure justice for all, and support the rule of law in Africa's evolving political landscape.



ICJ Kenya led by our Executive Director Eric Mukoya and DED, Demas Kiprono held a consultative meeting with Dr. Jean Maro Segoun, Dr. Richard Makon and Cheptum Toroitich from the Innovation Foundation for Democracy (IFD). Photo/ICJ Kenya.

## Enhancing Access to Justice

ICJ Kenya Executive Director Eric Mukoya hosted a delegation from the Undugu Society of Kenya for a strategic discussion focused on improving access to justice for street-connected communities, some of the most vulnerable and marginalized groups in society.

The dialogue explored collaborative approaches to legal empowerment, social protection, and the development of sustainable partnerships to advance justice and human rights. Both organizations emphasized the importance

of inclusive legal frameworks and support systems that address the unique challenges faced by street-connected individuals.

This partnership seeks to amplify efforts in ensuring that street-connected communities receive the necessary legal support, protection, and advocacy to secure their rights and dignity in society.



ICJ Kenya Executive Director, Eric Mukoya, hosted a delegation from Undugu Society of Kenya for a strategic discussion on enhancing access to justice. Photo/ICJ Kenya.



# Media Watch

In this edition of Media Watch, ICJ Kenya is prominently featured across leading newspapers and television platforms. The organization's ongoing efforts to promote justice and human rights are garnering significant attention, reinforcing its pivotal role in shaping public discourse.

This segment provides a closer look at how ICJ Kenya's initiatives are being highlighted in the media, reflecting its continued influence and commitment to advocacy and accountability.



**2024: Year we crossed climate danger line**

Richard Tobiko  
Executive Director

Joe Ageyo  
Editor-in-Chief

John Kiplagat  
Lead Editor, Print

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P.O. Box 44200  
Nairobi 00100  
editor@nationmedia.com  
Registered as the GPO as a newspaper

The time for hesitation is over. We must act boldly, urgently, and together.

Christine Wainaina | Environment

As 2024 starts, the impacts are already inescapable. Heat waves, floods, droughts, and wildfires are disrupting lives across the globe. The question we must now grapple with is what this means for us and how we can respond effectively.

The 1.5°C limit is not a figure plucked out of thin air. It is a threshold backed by science, representing the point where the effects of climate change become increasingly difficult to manage. Beyond this, ecosystems may face irreversible damage, weather patterns will grow more extreme, and communities already struggling with poverty and inequality will suffer even more.

For over a century, human activities such as burning fossil fuels and cutting down forests have been trapping heat in the atmosphere. Unfortunately, despite decades of warnings, action has been slow.

London. Currently California is suffering its worst wildfire season. These disasters are not isolated incidents. They are glaring reminders that climate change is no longer a distant threat—it is affecting everyone, everywhere, now.

Global leaders had a chance to address this crisis at COP29, the annual climate summit, held in Baku, Azerbaijan. Hopes were high, but the outcome was deeply disappointing. Wealthy nations fell short of their promise to deliver \$100 billion annually to help poorer countries adapt to climate change.

Even more frustrating was the failure to establish a loss and damage fund to assist countries already facing destruction from climate disasters. This left vulnerable nations to fend for themselves against overwhelming odds, deepening the divide between the Global North and South.

But we cannot let the failures of 2023 define us. This year, 2024, must be the turning point. To tackle the crisis head-on, we need to act on two fronts: cutting greenhouse gas emissions and adapting to the changes. Governments must prioritise renewable energy sources such as solar and wind, phasing out fossil fuels and greening industries, transport and agriculture. At the same time, vulnerable

communities need urgent support to cope with rising sea levels, extreme weather and food and water shortages. Stronger flood defences, drought-resistant crops and improved public health systems are no longer optional but essential.

None of this can happen without adequate funding. Wealthy nations have a responsibility to fulfil their promises and provide financial support to developing countries. This includes creating a fast-tracking loan and disbursement facility to help them adapt.

Crossing the 1.5°C threshold was a wake-up call, not a reason to despair. It is a chance to reflect and act. The choices we make this year will determine whether we can stabilise the climate and protect the most vulnerable or allow the crisis to worsen. The time for hesitation is over. We must act boldly, urgently, and together.

Climate change affects us all, but it also allows us to unite and build a more sustainable future. Let 2024 be the year we rise to the challenge for our planet, our communities, and the generations to come.

Ms Wainaina is a Noree Fellow and a programme consultant at the Kenyan Section of the International Commission of Jurists.



**Why rising healthcare costs will hinder access**

The right to health in Kenya is under threat due to the rising cost of healthcare, making this right inaccessible for a majority of the population. According to the latest Kenya National Bureau of Statistics Consumer Price Index and Inflation Rates 2023 Report, the cost of healthcare went up by 3.3 per cent over the past year.

Many people pay for healthcare out of pocket, meaning they make direct payments to health facilities at the time of accessing healthcare services. The rise in healthcare costs will make it more difficult for people to afford healthcare services, and also expose them to the risk of becoming poor due to high out-of-pocket healthcare payments. According to the Parliamentary Budget Office, Budget Watch 2023, Kenyans spend about \$1 billion in out-of-pocket healthcare payments each year.

Few people have health insurance coverage, with only four per cent in Kenya having some form of health insurance. This is according to the 2022 Kenya Demographic and Health Survey. Without financial protection, access to health care is reduced, worsening health inequalities.

Further, the lack of a comprehensive social health insurance scheme, combined with the privatisation of health services, has excluded millions of Kenyans from accessing quality healthcare services and remains a major threat to the attainment of the goal of universal health coverage.

To strengthen the legal framework for universal health coverage, the government enacted enabling laws, namely the Social Health Insurance Act, Primary Healthcare Act, Facilities Improvement Financing Act and the Digital Health Act in 2023.

The Social Health Insurance Act defines universal health coverage as 'all individuals and communities receive the health they need including the full spectrum of essential quality health services from health promotion to prevent on treatment, rehabilitation, and palliative care without suffering financial hardship'.

Among the objectives of the Social Health Insurance Act is to provide a framework for improved health outcomes and financial protection in line with the right to health and universal health coverage. The Social Health Insurance Act establishes three funds, that is, the Primary Healthcare Fund,

Many people pay for healthcare out of pocket, meaning they make direct payments to health facilities at the time of accessing healthcare services.

Christine Akinyi | Health

the Social Health Insurance Fund, and the Emergency, Chronic and Critical Illness Fund.

The Social Health Insurance Act requires every Kenyan to register as a member of the Social Health Insurance Fund. A person shall only access health-care services under the Social Health Insurance Act where their contributions to the Social Health Insurance Fund are up to date and active.

However, the implementation of these laws is facing numerous challenges. In July 2024, the High Court declared the Social Health Insurance Act, Primary Healthcare Act, and Digital Health Act unconstitutional for inadequate public participation in the law-making process and for violating the right not to be denied emergency medical treatment.

However, the Court of Appeal suspended the High Court judgement, allowing the government to proceed with the implementation of the three laws. This decision of the social health insurance fund began on October 1, 2024. According to the draft 2025 Budget Policy Statement, about 15 million people have enrolled out of a population of over 57 million. This means that a majority of the population still does not have health insurance coverage.

The government must act urgently to ensure that every person in Kenya, particularly the most vulnerable, is protected against financial risks linked to healthcare and from the rising cost of healthcare.

Ms Akinyi is an advocate of the High Court and a Programme Officer at the Kenyan Section of the International Commission of Jurists (ICJ Kenya).

**Elections, handshakes and the illusion of democracy**

Kenya has once again witnessed a political truce, this time between President William Ruto and opposition leader Raila Odinga, a pattern that has defined the country's politics for decades. While some celebrate this handshake as a move toward national unity, it raises fundamental questions about democracy, governance and the role of the opposition in keeping the government accountable. Are we trapped in a vicious cycle where elections serve no real purpose beyond determining who will eventually shake hands and share power?

Political handshakes in Kenya are nothing new. In 2008, following the disputed 2007 elections, President Mwai Kibaki and Raila entered a power-sharing agreement. This led to the formation of the Grand Coalition Government in which Raila became Prime Minister. This was hailed as a necessary solution to the post-election violence, but it also set a precedent: bitterly contested elections followed by negotiations that bring the opposition into government. A decade later, in 2018, Raila shook hands with then President Uhuru Kenyatta, abandoning his opposition role. Now, history has repeated itself, leaving Kenyans wondering whether elections still have any meaning.

When opposition leaders consistently merge with the ruling party, voters are left without an alternative voice to challenge government excesses. What we end up with is not democracy but an elaborate political charade where leaders pretend to disagree, only to later unite for their own convenience. This contradicts Article 10, which outlines the national values and principles of governance, including democracy, participation of the people in decision-making, transparency and accountability.

Kenya's governance increasingly resembles a revolving door where political figures recycle themselves in different roles, but little progress is made on systemic challenges. Corruption remains deeply entrenched, yet no real political will exists to eliminate it. Policy instability is another major issue, each handshake or government reshuffle shifts policy direction, affecting economic growth and the country's future.

Further, public trust in governance is eroding as citizens realise their votes do not translate into meaningful change, leading to declining voter turnout. One of the most concerning aspects of political

When opposition leaders consistently merge with the ruling party, voters are left without an alternative voice to challenge government excesses.

Beatrice Monari | Politics

handshakes is the violation of the principles enshrined in the 2010 Constitution. Kenya was designed as a pure presidential system, where the President is directly elected and holds executive authority. However, handshake deals and back-door negotiations create a quasi-parliamentary system that contradicts this structure.

Beyond governance, political handshakes have also led to human rights violations, as victims of electoral violence, police brutality and economic mismanagement are often forgotten in the rush to secure political alliances.

For Kenya's democracy to mature, we must break this cycle of political mediocrity by institutionalising opposition, ensuring the Political Parties Act is used to prevent opposition parties receiving public funding from merging with the ruling party without a clear and credible plan for the right direction.

Electoral reforms should also be prioritised, including restructuring the electoral commission to restore public confidence in elections and implementing strict regulations against post-election coalitions that betray the will of voters.

A government without an opposition is a dictatorship in disguise, and until Kenyans demand better, we will remain trapped in a cycle of elections that change nothing and handshakes that serve only the political elite.

Ms Monari is a programme consultant at ICJ Kenya.



# Media Watch

## LAW & ORDER

### Mystery abductions an impediment to the rule of law and human rights

In the recent weeks, Kenya has seen a rise in reports of abductions particularly of young Kenyans which has been characterized by the unlawful detention of citizens by unknown persons suspected to be security personnel.

This has sparked a widespread public outcry in the country by citizens seeking accountability from the government for the abductions. Responding to the outcry, the Inspector General of Police released a contradicting statement refuting any allegations of police involvement in the reported abductions in the country and not setting out the steps being taken by the security agencies.

He said, "For avoidance of doubt, the National Police Service is not involved in any abduction, and there is no police station in the country that is holding the reported abductees." The statement raises concerns especially on the fact that the Office of the Inspector-General is entrusted with the responsibility to ensure the safety and security of all citizens.

It is important to state that the Constitution guarantees fundamental rights and freedoms to all citizens, and outlines the standards and procedures under which law enforcement agencies are to operate. These abductions contradict these constitutional guarantees, pose serious risks to the rule of law and undermine citizens' trust in state institutions.

Article 29 of the Constitution guarantees the right to personal liberty. It states that "every person has the right to freedom and security of the person" which includes the right not to be "deprived of freedom arbitrarily or without just cause." This right is inviolable and applies to all individuals, regardless of their status or the



**VINCENT KIMATHI,**  
Programme Manager, ICI Kenya

charges against them.

The Constitution of Kenya 2010 and the National Police Service Act 2011 require that any arrest made by law enforcement must be conducted in a manner that upholds the rights of the arrested individual. Specifically, Article 49 of the Constitution outlines the rights of an arrested person and provides how arrests should be conducted, including a requirement for the suspect to be informed of the reason for their arrest and given access to legal representation.

**Detained individual**

It further provides that the detained individual must also be brought before a court as soon as reasonably possible and not later than 24 hours after their arrest.

The Constitution through Article 25(a) prohibits any form of torture or cruel, inhuman or degrading

treatment or punishment. It makes it clear that the prohibition of torture and inhuman treatment is a non-derogable or absolute right, meaning it cannot be suspended even in times of national emergency.

The right to a fair trial is another critical constitutional protection that is compromised by abductions. Article 50 of the Constitution guarantees every person the right to a fair hearing, which includes the right to be informed of the charges against them, to have adequate time and facilities to prepare a defense, and to be tried in an open and impartial court.

Kenya is a signatory to several international human rights conventions, including the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples Rights. Both instruments obligate the Kenyan government to respect and protect the human rights of all individuals within its jurisdiction, including the right to freedom from arbitrary detention and torture.

Further, the instruments principles marry with the Charter of the United Nations and recognize the inherent dignity and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world.

The current wave of abductions is a blatant violation of the Constitution and the international human rights conventions, which guarantee fundamental rights such as personal liberty, the right to a fair trial, protection from torture, and due process. These unlawful actions undermine public trust in the police and the justice system, and they breach Kenya's international human rights commitments.

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## OPINION

A PUBLICATION OF THE  
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### Suicide: Decriminalisation not enough, more needed

This past week, High Court Judge Lawrence Mugambi declared Section 226 of the Penal Code, which criminalises attempted suicide, unconstitutional. The judgment continues to be hailed as a watershed moment in Kenya's mental health journey, laying a foundation that ensures persons suffering from mental illnesses are not subjected to punitive measures and instead receive medical interventions geared towards their treatment, rehabilitation and reintegration.

In his judgement, Justice Mugambi asserted that Section 226 offends Article 27 of the Constitution by criminalising a mental health issue, thereby endorsing discrimination. The section was further said to humiliate and disgrace victims of suicide ideation in the eyes of the community for actions that are beyond their mental control, which is a violation of Article 28 of the constitution that guarantees every person's right to inherent dignity and the right to have that dignity respected and protected.

The judgement is welcome news to the region and globally as it aligns with Kenya's commitments under international human treaties, such as the United Nations Convention on the Rights of Persons with Disabilities and the African Charter on Human and Peoples Rights.

This vestige of colonial era laws, which subjected victims to up to two years in prison, a fine or both, failed to consider the nuanced reality of mental health struggles. With incarceration resoundingly proven not to be a solution, it is time for the government to ensure systems are put in place and strengthened to have individuals with mental health conditions receive the care they deserve and not punishment.

The World Health Organization ranked Kenya as the sixth African country with the highest rates of depression, with at least 1.9 million diagnosed Kenyans suffering from the condition. With these alarming statistics, the criminalisation of attempted suicide deters individuals from seeking help, exacerbating the stigma surrounding mental health and undermining efforts to reduce suicide rates.

But decriminalisation alone will not solve the mental health crisis; there is a need to adopt a comprehensive approach that will lead to meaningful

But decriminalisation alone will not solve the mental health crisis; there is a need to adopt a comprehensive approach that will lead to meaningful change.

**Shukri Wachu | Health**

change. For instance, the Ministry of Health in 2021 launched its ambitious suicide prevention strategy geared towards expanding access to mental health services. Proper funding from the government is required to ensure investment in counselling, rehabilitation and aftercare services so that survivors can receive affordable support.

With stigma being a huge barrier that has prevented victims from seeking help, there is a need to engage in targeted public awareness campaigns to educate communities about mental health and normalise discussions while debunking myths that do more harm than good. The Crime Journalists Association of Kenya, for instance, has been running a bi-annual mental wellness day providing a safe space for journalists to share their mental health struggles while in the line of duty, as well as access to mental health services on coping with trauma.

There is also a need to ensure that first responders such as law enforcement officers or healthcare workers receive training on how to identify and support individuals at risk of suicide. Their approach should embrace empathy and referral to appropriate care.

Ultimately, Parliament must ensure that the Penal Code aligns with human rights standards, and laws and policies are enacted to support individuals with mental health conditions.

Mr Wachu is a journalist and the communications officer at the Kenyan Section of the International Commission of Jurists.

DAILY NATION FRIDAY, JANUARY 3, 2025

## OPINION

### Walking the tightrope of judicial accountability

Kenya's Judiciary has had a tumultuous journey in its quest for independence and accountability. For decades, it was seen as an extension of the Executive, often compromised by external interference and marred by allegations of corruption. This state of affairs eroded public trust and highlighted the urgent need for reforms to restore the integrity of the Judiciary.

A significant turning point came with the appointment of Chief Justice Willy Mutunga, whose tenure ushered in a transformative era for Kenya's judicial system. Determined to restore confidence in the Judiciary, Mutunga embarked on an arduous reform journey. One of his boldest initiatives was inviting Justice Albie Sachs, a former judge of South Africa's Constitutional Court, to lead a transformative "surgery". This process tackled systemic weaknesses, reinforced transparency, and fostered a culture of accountability. During this period, the establishment of the Judicial Service Commission (JSC) played a crucial role in institutionalising reforms.

Judicial independence is fundamental to ensuring justice is administered impartially and free from external pressures. Independence, however, does not absolve judges from accountability. Mechanisms like the JSC exist to address misconduct and ensure ethical standards are upheld. In recent times, critiques from senior advocates have sparked debate about judicial accountability. Judges have been criticised for their decisional independence, particularly when rulings deviate from established precedent. While constructive criticism is essential for institutional growth, some critiques appear to undermine

The intensity of recent attacks against individual judges and judicial leadership raises the specter of state-sponsored delegitimisation.

**Thuku Mburu | Judiciary**

judicial independence. The tone and intent of these attacks risk eroding public confidence and may be perceived as veiled attempts to intimidate judges. These criticisms also raise the troubling possibility of state-sponsored delegitimisation of the Judiciary. Such actions threaten to reverse the gains achieved through years of reform and risk returning the judiciary to a state of vulnerability to external influence.


The intensity of recent attacks against individual judges and judicial leadership raises the specter of state-sponsored delegitimisation. Such actions threaten to undo the gains achieved through reforms and risk plunging the Judiciary back into a period of vulnerability to external influence. The Judiciary, as a co-equal arm of government, stands as Kenya's most robust institution. It is vital to protect it from undue interference and ensure that criticisms are grounded in the spirit of improvement, not intimidation. Despite these challenges, Kenyan judges have made significant strides in contributing to the evolution of African jurisprudence. By interpreting laws in ways that reflect Africa's unique socio-political contexts, they have demonstrated intellectual independence. Balancing judicial independence and accountability is delicate but essential. Independence empowers judges to uphold justice without fear or favour, while accountability ensures they remain ethical and responsible.





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**The Kenyan Section of the International Commission of Jurists (ICJ Kenya)**  
**ICJ Kenya House, Off Silanga Road, Karen**  
**P.O. Box 59743 - 00200, Nairobi, Kenya**  
**[www.icj-kenya.org](http://www.icj-kenya.org)**

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