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KENYAN SECTION | Since 1959

1st Edition Newsletter 2024



DEMOCRATIC GOVERNANCE
AND THE RULE OF LAW

HUMAN RIGHTS

ECONOMIC JUSTICE

◀ INSIDE

Published by
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
Website: www.icj-kenya.org
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Editorial:
Shukri Wachu
Communications Officer - ICJ Kenya

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

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1ST EDITION 2024



CHAIRMAN'S NOTE



Dear ICJ Kenya Members, Partners and Friends,

Happy New Year from ICJ Kenya!

I am pleased to share with you the first edition of ICJ Kenya's Newsletter 2024, providing you with updates on our recent endeavours in advancing justice, human rights, and the rule of law in Kenya.

During the first quarter of the year, ICJ Kenya has actively participated in various activities aimed at promoting and strengthening judicial independence, development, reform and implementation of security laws and policies as well as advocating for the decriminalization and reclassification of petty offences. Notably, we have devoted substantial

efforts to producing knowledge products on access to justice, a journal on women and the death penalty in Kenya, an analysis of the affordable housing Act as well as a publication on the role of regional mechanism in curbing the rise of atrocity crimes in Kenya.

I extend my heartfelt appreciation to our devoted team, partners, and ICJ members, whose invaluable contributions have been fundamental in the success of these initiatives. Together, we are effecting positive change and fostering a more equitable and rights oriented Kenya.

Thank you for your unwavering support, and I encourage you to delve into this year's first newsletter to gain further insights into our recent activities and accomplishments.

On behalf of ICJ Kenya, we wish you a fruitful and productive 2024 as we continue to safeguard human rights, constitutionalism, democracy and the rule of law.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Protas Saende', written over a light blue horizontal line.

Protas Saende,

ICJ Kenya Chairman.



**DEMOCRATIC
GOVERNANCE AND
THE RULE OF LAW**

DEMOCRATIC GOVERNANCE AND THE RULE OF LAW

Constitutional Reforms and Implementation

National Council on the Administration of Justice

ICJ Kenya, a member of the National Council on the Administration of Justice (NCAJ) was represented by the Ag. Executive Director, Demas Kiprono at a council meeting held in Mombasa from the 26th to the 29th of February 2024. The Council chaired by the Chief Justice discussed among others the composition

of the NCAJ as proposed in the NCAJ draft Bill, the fight against corruption, enhanced accountability and seamless delivery of justice within the country. The council, after concluding the meeting, issued a detailed communique indicating their commitment to enhancing access to justice and fighting corruption within the country.



War on Corruption

ICJ Kenya continued its involvement in anti-corruption efforts within the justice sector. On the 22nd of March 2024, a meeting was convened at Westlands to develop an anti-corruption guiding framework and roadmap for the justice sector. Representatives from both state and non-state actors, including ICJ Kenya's Christine Akinyi and Charles Jaika, were in attendance.

This meeting was held in line with the commitment made during the NCAJ's previous meeting in Mombasa to intensify the fight against corruption within the justice sector and the country at large, as articulated in the communique released on the 27th of February 2024.



Moot Court Competition

ICJ Kenya and Unwanted Witness of Uganda, launched the upcoming Unwanted Witness Privacy Moot Court competition on 20th March 2024. ICJ Kenya are in partnership with Unwanted Witness to support in the upcoming moot competition under the theme “Safeguarding Electoral Integrity: Upholding Voter Privacy in Democratic Processes,” which will accord law students to critically engage with the topic on electoral integrity and voter privacy.

3RD
Launch
UNWANTED WITNESS PRIVACY MOOT COURT COMPETITION

Theme:
Safeguarding Electoral Integrity: Upholding Voter Privacy in Democratic Processes.

Islamic University in Uganda-Kampala Campus

In Collaboration with:
UNWANTED WITNESS, icj, DAVSTAR UNIVERSITY, H.E. MUSA MUSA HUSSEIN FOUNDATION

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According to Unwanted Witness head of Legal, Sempala Allan Kigozi, the moot and pre-conference will equally accord experts and key stakeholders on elections and data protection an opportunity to engage in a candid conversation with the stated topics from a regional perspective and share best practices on how the same can be improved.



PROTECTION OF HUMAN RIGHTS & JUSTICE IN KENYA



Electoral Disputes Resolution Debrief

ICJ Kenya supported the Electoral Disputes Resolution (EDR) debrief and Learning Sessions for Magistrates designated to adjudicate election offences during the 2022 elections. Held in Naivasha from February 28th to March 1st, these sessions provided an opportunity for magistrates to share experiences, discuss challenges, and explore improvements for future elections..



Stakeholders delivered presentations on prosecution of election offences, the role of IEBC, and addressing Sexual Gender Based Violence (SGBV) issues during elections. Additionally, Hon Paul Chiotcha, Chief Resident Magistrate from Malawi, shared insights on handling election disputes and offences. The sessions were deemed successful in fostering knowledge exchange and best practices



Judicial Strengthening and Reforms State of Judicial Independence in East Africa

ICJ Kenya, in partnership with the African Judges and Jurists Forum (AJJF), held a webinar titled 'The State of Judicial Independence in East Africa' on 1st February 2024. The Webinar panelists included Dr Mercy Deche, ICJ Kenya member and former Vice Chair of Judicial Service Commission; Dr Willy Mutunga, former Chief Justice of Kenya; Margaret Satterthwaite, UN Special Rapporteur on the Independence of Judges and Lawyers and Faith Odhiambo, Vice President, Law Society of Kenya. The discussions primarily focused on the state of the judiciary in terms of independence within the East Africa region, especially in the wake of recent attacks on the Judiciary in Kenya.

Statement condemning Ruto's attack on judiciary

ICJ Kenya issued a press statement on 4th January 2024 condemning the utterances made by president William Ruto attacking the Judiciary where he had made a statement that some Judicial Officers and Lawyers had vested interest in the health sector. ICJ Kenya, through the statement, reminded the President of the importance of respect for the rule of law, the Judiciary and the judicial process and that it is prudent to respect judicial integrity and withdraw the utterances made. Judicial Independence and Separation of powers.

1ST EDITION 2024



Protests Against Judicial Interference

On 12 January 2024, ICJ Kenya participated in a protest supporting the rule of law and judicial independence organised by the Law Society of Kenya (LSK). ICJ Kenya emphasised the role of the Judiciary in interpreting the legality/constitutionality of all legislative and executive actions.

Media Coverage

The Standard: <https://www.standardmedia.co.ke/opinion/article/2001488347/separation-of-powers-and-judicial-independence-must-be-protected>

The Standard: <https://www.standardmedia.co.ke/opinion/article/2001488727/our-constitution-provides-no-room-for-radical-surgery-of-judiciary>

Voice of America: https://www.youtube.com/watch?v=K-WKV30f_vjg

Citizen TV: <https://www.youtube.com/watch?v=W8-Buy-aEFJo>

Classic 105: <https://www.youtube.com/shorts/AqJf10588g>



Independence of Judges and Lawyers

On 1st March 2024 ICJ Kenya was represented by Julie Matheka, at a virtual meeting hosted by the UN Special Rapporteur on independence of judges and lawyers. The meeting brought together different experts from the region to share their insights on the state of Judiciaries within the African region, the challenges being faced and how to safeguard judicial independence.

The meeting was a follow-up to the memorandums and statements presented to the UN Special Rapporteur on the state of judicial independence.



AJS Status Update

On 6th – 10th of March 2024, ICJ Kenya a member of the National Steering Committee on the implementation of Alternative Justice Systems was represented at the Committee’s strategic meeting in Naivasha

by Julie Matheka. The meeting gave the members the chance to take stock of the work accomplished in the previous year as they developed the plan for this year.

Citizen TV Discussion on Judiciary Digitization



On 20th March 2024, Ag. Executive Director Demas Kiprono represented ICJ Kenya on Citizen TV during the Day break morning show to discuss digitization of the judiciary. He highlighted that the proposed moved by the judiciary was welcome as it was geared towards enhancing access to justice for the citizenry.



Media Coverage

Citizen TV: [https:// www.youtube.com/watch?v=5kN1Jpn32HM](https://www.youtube.com/watch?v=5kN1Jpn32HM)



Security Sector Strengthening and Reforms

NPS Validation Meeting

ICJ Kenya joined other stakeholders at the external validation meeting convened by the National Police Service (NPS) on 8 February 2024 at the Safari Park Hotel. The NPS is developing its 2023-2027 Strategic Plan to improve its work within the security sector. The convening brought together different actors, including civil society, development partners, government institutions and academia. The participants did share their candid opinions and observations about the plan. ICJ Kenya is keen on police reforms and was pleased to be part of this meeting, where our voices were added to make the NPS plan better for every Kenyan.



Briefing on Maraga-led Taskforce Report

ICJ Kenya, a member of the Police Reforms Working Group, and other members Co-ordination of National Government for a briefing on the Maraga-led Taskforce Report on 13th February 2024 at the Fair View Hotel.



The meeting allowed CSOs to interact with the Taskforce report, where a brief of it was shared and, more specifically, the recommendations made in the report. It was agreed in the meeting that a copy of the report is to be made available to members of the public as they have a right to interact with its contents.



Presentation on Police Reforms

ICJ Kenya, a member of the Police Reforms Working Group – Kenya (PRWG-K), was represented by Demas Kiprono and Wallace Nderu at the PRWG-K retreat held in Naivasha at Eseriani Hotel from March 13th to 16th, 2024.

During the retreat, Mr. Kiprono delivered a presentation on the recommendations outlined in the Maraga Led Taskforce report. ICJ Kenya reaffirms its dedication to advocating for police reforms through its participation in PRWG-Kenya.



Missing Voices coalition report

ICJ Kenya, a member of the Missing Voices Coalition (MVC) was represented at the Directors Meeting held on 8th March 2024 at Westlands. The meeting accorded the coalition to discuss the 2024 Annual report to include the content and launch of the report. Members also discussed the 2024 MVC annual workplan which captured the planned activities for the next one year. Members equally made financial commitments towards the coalition's activities and were encouraged to include these activities in their proposals during fundraising.



Spice FM Interview

Our Ag. Executive Director Demas Kiprono was live on Spice FM to discuss police reforms within the country. Through the interview, Demas was able to engage in the topic holistically to include the recommendations made in the Maraga led taskforce report, weaponization of the police force, the wrangles faced between the National Police Service and the National Police Service Commission and why it is prudent that both institutions work cohesively.



UNDP Engagement on Police Reforms

On 21st February 2024, ICJ Kenya was represented at a consultative meeting hosted by the UNDP to discuss issues appertaining police reforms in the country.

The meeting was equally attended by other members of the Police Reforms Working Group which ICJ Kenya is a member. ICJ Kenya, in line with the current strategic plan is keen on pushing for police reforms within the country to be in line with regional and international best practices.

Media Coverage

Daily Nation: <https://nation.africa/kenya/blogs-opinion/blogs/respect-court-decision-on-deployment-of-police-to-haiti-4549378>

The Standard: <https://www.standardmedia.co.ke/opinion/article/2001489238/inspector-general-of-police-appears-keen-to-subvert-npscs-authority>

Spice FM: <https://www.youtube.com/watch?v=9lBWuIAJZEw>

Hot 96: <https://www.youtube.com/watch?v=hOU4D4uc8gk>



Criminal Justice

Decriminalization and Reclassification of Petty Offences

ICJ Kenya as a member of the National Council on the Administration of Justice (NCAJ) was represented at the NCAJ Technical Committee meeting held in Nakuru where they discussed among others the draft NCAJ Bill which is before the National Assembly and other critical documents. This meeting was to prepare for the NCAJ Council Meeting on 26th – 29th of February 2024. ICJ Kenya remains committed to the invaluable work NCAJ does as a member.



Decriminalization and Reclassification of Petty Offences

As part of the advocacy campaign to decriminalise or reclassify petty offences within the region, a paper titled ‘Achieving Gender Equality and Empowerment of Women and Girls Through Decriminalising Petty Offences’ by Julie Matheka and Mondekazi Ntshela, was published on the ICJ Kenya website on 14th March 2024. The paper which took a gender approach by focusing on women highlighted the challenges they face and continue to face and especially through the criminal justice system and the criminalisation of petty offences and other systemic oppression they face within the society.



Decriminalization and Reclassification of Petty Offences

On 12th March 2024 ICJ Kenya was represented at a meeting with the UN Special Rapporteur on the Right to Adequate Housing to discuss the issue of decriminalisation petty offences. In part matters discussed at the meeting include the Special Rapporteur's draft report which informed the setting up of a steering committee comprising of academics, civil society organisations and human rights lawyers among other key issues.



Further it was agreed that part of the work will entail gathering national laws of all countries that do not comply with the standards of International and regional Human Rights standards.

Young Parliamentarian Association Meeting

ICJ Kenya led by our Ag. Executive Director Demas Kiprono held an exploratory meeting with the young parliamentarian association CEO Mr. Anthony Buluma. During the meeting we reiterated the importance of Young Parliamentarians in changing and strengthening democratic practices for public good.



ODPP Partner Roundtable Meeting

During a partner roundtable meeting organized by the office of the director of public prosecutions (ODPP), ICJ Kenya council chairperson Protas Saende reaffirmed our commitment to efforts geared towards access to justice for the vulnerable in society. As a commission of jurists, we aim to accomplish this through the popularization of diversion and plea bargaining policies and decongestion of prisons particularly for petty offenders behind bars.





HUMAN RIGHTS

HUMAN RIGHTS

Monitoring and Documenting Transfer of Cases

ICJ Kenya has continued to monitor the Rwanda genocide transfer cases to ensure that the trial process adheres to a fair trial process. During the visits, the monitors met with interlocutors and conducted prison visits to get a general feeling of the trial's progress. The monitors also paid courtesy calls to the embassies of Germany and the Netherlands in Rwanda for quick updates on the case progress.



Publication on Atrocity Crimes in Africa

In a bid to enhance accountability for human rights violations by concerned institutions, ICJ Kenya released a publication on the role of regional mechanisms in curbing atrocity crimes and human rights violations in Africa. Equality Rights and Inclusion.



Equality Rights and Inclusion

Women and the Death penalty in Kenya

ICJ Kenya, in partnership with Kabarak Law School, authored a journal on the gendered perspective of the death penalty in Kenya. The Journal exposes the gender and intersectional discrimination faced by women in the judicial process leading to the death penalty.



The authors made a compelling case for the abolition of the death penalty by exploring how the death penalty uniquely affects women in the context of motherhood, gender-based violence, the emergence of comparative jurisprudence on IPV and the death penalty and the role of the media in shaping perceptions on women on death row.

Media Coverage

Citizen Digital: https://www.citizen.digital/opinion-blogs/femicide-epidemic-the-dark-side-of-online-platforms-fueling-violence-against-women-n336218?preview=true&user_id=1037

Deepening Paralegalism

ICJ Kenya, through its project titled; ‘Deepening Paralegal movement in Kenya through coalition building and strengthening’, and in partnership with the Paralegal Society of Kenya, conducted a two-day workshop in Kisumu County on 7th and 8th February 2024. The workshop’s objective was to conduct a baseline survey on the status of the Legal Aid Act 2016 implementation and sensitise paralegals on self-regulation according to the Public Benefits Organizations Act 2013. Further, the workshop targeted paralegals drawn from the western region. Access to Justice Manual for Persons with Mental Disabilities.



Access to Justice Manual for Persons with Mental Disabilities

ICJ Kenya conducted a two-day workshop with Prison Officers from Kitui and Kwale Counties on 21st and 22nd February and on the 13th and 14th of March 2024 respectively.

- The thrust of the workshops were to sensitize prison officers on our publication titled: Promoting Inclusion and Responding to Justice Needs for persons with Mental Disabilities: An access to Justice Manual for persons with mental disabilities.



Implementation of Legal Aid Act

ICJ Kenya in partnership with Paralegal Society of Kenya convened 27 paralegals in Mombasa on 6th and 7th March 2024 for a data collection exercise on the gaps inherent to the implementation of the Legal Aid Act 2016. The baseline survey was Focus group discussions of three groups with nine paralegals each. The survey's objective is to collect data from the paralegals on their views on the status of the Act's implementation on pertinent provisions such as the Legal Aid Fund, among others.



Legal Aid Clinic



ICJ Kenya supported and participated in the 2024 Kenyatta University Legal Aid Clinic that was held from the 28th of February 2024 to 1st March 2024 at Ngara Grounds themed; 'Protecting Vulnerable Groups: The Role of Legal Aid'.



The Legal Aid Clinic attracted the members of the public within the area including women, youths and persons with disabilities who were assisted on various legal issues. The Legal clinic partnered with advocates with expertise on different areas of the law to offer legal aid.



Civic Space, Digital Rights and Independent Media

Media and AI

ICJ Kenya played an integral role in developing Media Guidelines for leveraging Artificial Intelligence, Social Media, and Data Protection. From November 2023 through January 2024, ICJ Kenya meticulously crafted the section about the legal framework of AI in Kenya and internationally, including the impacted laws. The Taskforce successfully delivered the final draft to the CEO of the Media Council of Kenya, David Omwoyo and the Data Protection Commissioner, Immaculate Kassait on January 31st, 2024.



Data Protection/World Coin Case

ICJ Kenya has been actively engaged in addressing data privacy concerns in Kenya, particularly in the World Coin Case through various government agencies like the Office of Data Protection Commissioner.

ICJ Kenya has provided technical assistance, capacity strengthening and policy framework by ensuring the rights of Kenyan citizens are protected. Additionally, we have facilitated dialogues between the government, civil society, and other stakeholders to address the issue comprehensively.



Tech Global Institute



ICJ Kenya Ag. Executive Director Demas Kiprono had an insightful engagement with Techglobal Institute founder and Executive Director Sabhanaz Rashid Diya, Senior Researcher Shahzeb Mahmoud and Muthuri Kathure, policy fellow, internet policy and platform accountability, on various areas of collaboration including digital rights, particularly inclusivity and accessibility to the internet.

Discussions however majorly centered on how to hold big tech companies accountable regarding regulation policies from a global south perspective.

During the exploratory meeting, we also agreed that underserved communities must take control of their digital rights and become decision-makers in the design, release and governance of technologies.





**ECONOMIC
JUSTICE**

ECONOMIC JUSTICE

Corporate and Public Sector Accountability

CAJ Steering Committee

In collaboration with the Commission on Administrative Justice (CAJ) and other CSOs, ICJ Kenya participated in the first Steering Committee meeting to assess the implementation of access to information in Kenya. The meeting held on 1 February 2024 was crucial to agree on the committee's work plan and the assessment areas. The Steering Committee aims to assess the current state of access to information implementation in Kenya. This process is vital for evaluating progress, identifying challenges, and strategizing future actions. We will continue to engage in the process and develop a final report through collaborative effort.

ICJ Kenya, members of the Commission on Administrative Justice (CAJ) Steering Committee, conducted a comprehensive assessment of access to information implementation in Kenya through desk-top reviews of institutional websites and visits to relevant institutions. This exercise aims to evaluate the status of information accessibility, identify any gaps or challenges, and propose recommendations for improvement. The next step involves a retreat for in-depth analysis and report writing, followed by the report's launch to disseminate findings and initiate actionable steps towards enhancing information accessibility nationwide. ICJ Kenya will also heavily rely on the report for resource mobilization.



ECOSOC RIGHTS

Social Health Insurance Regulations

ICJ Kenya reviewed the Draft Social Health Insurance Regulations and developed a memorandum identifying gaps and giving recommendations. to the Ministry of Health aimed at influencing the regulations that seek to provide for the implementation of the Primary Healthcare Fund, Social Health Insurance Fund and Emergency Chronic and Critical Illness Fund. The memorandum was informed by the findings and recommendations arising from ICJ Kenya's review of policy and legislative frameworks that inhibit access to health rights.

Why TSC's list of promoted teachers should be audited

The Kenya National Union of Teachers (KNUT) made a formal request to the Commission for the Implementation of the TSC's list of promoted teachers in December 2023 and January 2024. This was done late in the day through social media platforms. Teachers kept waiting for interpretation of the same so that they could understand what was expected of them.

Four lists of successful candidates were initially released through advert No. 31/2023-40/2023 which was directed to the teachers and we asked the TSC to give clear communication on the right routes. Later the commission released another list denouncing the first one as fake and non-authentic. For example, some TSC members that appeared in the fake advert 31/2023-40/2023 have appeared in the authentic advertisement 40/2023 to 16/2023. The commission was however quick to blame bloggers for releasing fake lists.

Four lists that teachers' employer is not giving full details about the promoted teachers. The main question facing the commission is unwilling to provide and name against the TSC members published for audit purposes. The union feels that without the full names of successful candidates against their TSC numbers, even dead teachers could make it in the merit list. There is also an outcry over why the employer doesn't want or is unwilling to publish the names of successful candidates for audit purposes. The lists have also shown very old TSC numbers and some extremely poor, leading to suspicion.

There is need to have the lists of successful candidates on a grade of promotion published. This will help teachers to know that through all grades, fairness was done. For instance, if the interview were to be for various grades, it would make teachers who are destined to get promoted to know that even though they were unsuccessful this year they still have a chance in subsequent interviews. Lumping all these names together might give the impression of unfairness and saying there are the successful candidates for promotion from advert 40/2023 to 16/2023 is highly suspect. Publishing TSC numbers without indicating how many teachers were promoted in every grade and region is also questionable.

Our quick survey indicated that we have qualified teachers who have served in the same grade for a long time of more than 10 years, but were not promoted or even after attending these interviews. For others who appear to be qualified, but have served for a shorter period of time and have not been promoted. This calls for a forensic approach to the interview process. The employer is disinterested that the would-there be a tender whether transparency and fairness, which is the shield of the voters and the donor's money, was invaded these interviews.

The TSC score sheet for marking marks in both primary and secondary schools but marks for teachers in acting capacity, teachers' length of stay in the current grade, teachers' TSC ratings, teachers' age and their co-curricular engagement from 2003.



Let's address gender inequalities in access to health services

CHRISTINE ADONYI

The Constitution guarantees every person the right to the highest attainable standard of health, including reproductive health care. A critical element of this right is that all health services, goods and facilities must be available, accessible, acceptable and of good quality and provided to all without discrimination.

However, according to the National Policy on Gender and Development 2019, inequality, inaccessibility, unavailability and unaffordability of quality health services are the main barriers to the achievement of the highest attainable standard of health for women in Kenya.

The country's healthcare system continues to grapple with the issue of gender inequality which disproportionately affects women. Women still bear the biggest burden of disease burden. Furthermore, the policy made "Women are still burdened with preventable diseases, such as HIV and Aids, Malaria and Tuberculosis."

Outdated cultural practices, such as wife inheritance, exacerbate the spread of HIV and Aids. Expectant mothers are prone to malaria due to poverty and limited access to sleeping nets. Women have borne the greatest burden of TB infections, and maternal mortality is still high.

According to WHO, the majority of maternal deaths result from direct or indirect causes such as pregnancy and childbirth, but including unsafe abortion and obstetric complications such as severe bleeding, infections, hypertensive disorders and obstructed labour.

Additionally, other contributing causes include malnutrition, diabetes, hepatitis and anaemia, which can be exacerbated by pregnancy.

A recent review conducted by ICJ Kenya on existing legal and policy frameworks related to the right to health reveals that both direct and indirect discriminatory practices persist within the health system, impeding women's access to and full enjoyment of their right to health.

These discriminatory manifestations stem from various factors, including limited access to education, economic barriers, prohibitive healthcare costs, a weak public health system, geographical barriers and the absence of a comprehensive social health insurance scheme.

Consequently, women experience inferior health outcomes and diminished quality of life because their specific healthcare needs often go unrecognized, leading to inadequate funding for services and programmes tailored to their well-being.

Healthcare services in numerous facilities often fail to address women's unique needs and preferences adequately. Gender-based discrimination, which disproportionately affects women, significantly hinders their access to comprehensive healthcare.

This discrimination extends to critical areas such as prenatal and reproductive health rights, encompassing safe motherhood, abortion services, family planning, prevention and management of sexually transmitted infections (including HPV and Aids), infertility care and reproductive cancer prevention and management.

Unfortunately, women still have insufficient information, education and awareness of the right to health, which significantly impedes their ability to utilize available healthcare services, assert their health rights and hold duty-bearers accountable.

To realize women's right to health, the national and county governments need to systematically integrate human rights-based and gender-transformative approaches in developing and implementing health sector laws, policies and strategies to reduce gender and social inequalities in health.

Gender-inclusive healthcare is crucial to reducing inequalities in women's access to healthcare. It ensures that health services are available without discrimination and acknowledges the unique health needs of different groups.

Ms. Adonyi is an Advocate of the High Court under the provisions of the Constitution of Kenya.

Without teacher's communication skills. This therefore means that a teacher who has responded in the same job group for many years would not be left to while up grade since get promoted since the marks in the promotional guidelines were well spread.

Teachers for instance, who have responded to job group 13 from 2017 to last year of being promoted for instance, others who get into group 13 in 2023, according to the notice have gone ahead to be promoted to CL leaving the group of teachers behind. One illustration, some of the teachers wait for early retirement instead of being subjected to this kind of embarrassment. Most teachers who had expected that their interview would favour them due to the guidelines but were unsuccessful are utterly demotivated.

What also came across an acting deputy principal of six years, he has also been a senior instructor at local and even later transferred up the regional level in Kenya Secondary Education. He had good grades in TSC and has attended three consecutive interviews since 2011 without any success.

The commission had queried teachers with Master's degrees, those with co-curricular activities with research, those with letters of responsibilities and diplomas in education management that would have a good chance during these promotions but they were never in the.

In Kenya, promotion should be made very clear understandable and transparent so that if the guidelines are given, they are followed to the letter. And when results are given, everyone, even those who are not successful, cannot be promised wait for their time. When individuals have thought to incur a monetary obligation, it has been given to the employer. For the purpose of promotions, what is expected is fairness in the process.

“Our quick survey indicated that we have qualified teachers who have served in the same grades for a long time of more than 10 years, but were not promoted or even after attending these interviews”

Resolving Doctors' Strike



ICJ Kenya issued a statement titled, “Urgent Call for the Resolution of the Health Crisis in Kenya Owing to the Doctor’s Strike and NHIF Cash Crunch,” on 30th March 2024 giving recommendations to relevant government agencies to resolve the doctors strike that has disrupted health service delivery in public hospitals countrywide.



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ICJ Kenya and IGRTC Cooperation

ICJ Kenya held a consultative meeting on the right to health with the Intergovernmental Relations Technical Committee (IGRTC) on 27th March 2023 in Nairobi. The meeting's objective was to discuss potential collaboration areas on the evaluation of the performance of the health function at the national and county levels of government.



The meeting was attended by five participants drawn from the IGRTC secretariat led by their Chief Executive Officer Hon. Dr. Kipkurui S. Chepkwony. The meeting participants resolved to continuous engagement on the realization of the right to health under the devolved government system.





KRA Called out for Violating Rights Of Candidates

ICJ Kenya together with other health and human rights organizations in Kenya issued a press statement dated 15th March 2024 condemning the Kenya Revenue Authority (KRA) for violating rights of candidates in its recruitment exercise by subjecting them to mandatory HIV and pregnancy test.

The statement called upon Parliament to expediate investigation into the matter, suspension of the KRA officers responsible for violation of rights of job candidates, and KRA to publish its recruitment policy.



Budget Policy Statement and Medium-Term Debt Strategy Paper 202

ICJ Kenya under the Civil Society Parliamentary Engagement Network (CSPEN) engaged with the Budget and Appropriations Committee through the submission of a memorandum dated 26th February 2024 on the Budget Policy Statement (BPS) and Medium-Term Debt Strategy Paper 2024.

The memorandum raised concerns on the inadequate funding of health under the devolved government system and recommended the need for costing devolved health functions as part of the BPS and to inform the budget for the coming financial year.



Land, Environment and Climate Justice

Position Paper on Carbon Credits

ICJ Kenya is drafting a position paper titled “Navigating the Carbon Credit Landscape in Kenya: Ethical Considerations and Addressing Concerns,” which addresses critical climate justice issues surrounding carbon credits in Kenya.



ICJ Kenya is drafting a position paper titled “Navigating the Carbon Credit Landscape in Kenya: Ethical Considerations and Addressing Concerns,” which addresses critical climate justice issues surrounding carbon credits in Kenya.

Publication on Affordable Housing Act

ICJ Kenya published an analysis paper by programme officer Geoffrey Odhiambo examining the implications of the Affordable Housing Act 2024, particularly its reinstatement of the contentious housing levy and establishment of a legal framework for affordable housing in Kenya. Amidst a pending appeal case, the paper aims to shed light on the controversial issues surrounding the Act, providing insights into its potential impacts and addressing stakeholder concern.



ICJ Kenya Secretariat Newspaper Profile

In an ongoing profile feature across the dailies, we continue to feature our programme officers, in turn highlighting their work and their lasting impact within their respective programmes.

People Plus Tell your Story

Lawyer's quest for fair trial in Rwanda genocide cases

Vincent Kimathi an avid human rights champion and a programme manager, International Commission of Jurists speaks on why he pursued a law career as well as his position in monitoring atrocity cases in Rwanda

By Shukri Wacha @ShukriWacha

Rwanda witnessed one of the darkest chapters in human history—the genocide that claimed the lives of nearly a million people. The world stood in disbelief as news of targeted killings, ethnic cleansing, and mass violence unfolded.

The Rwandan genocide, primarily fuelled by long-standing ethnic divisions between the Hutu and Tutsi communities, resulted in widespread killings, sexual violence, and displacement of millions of people.

The International community faced criticism for its slow response and failure to prevent the genocide. The United Nations Security Council, despite being aware of escalating tensions, struggled to mobilise effective interventions, leading to a sense of abandonment among the Rwandan people.

Championing a path amid the horror and healing that would follow the tragic events, Vincent Kimathi, an advocate at the High Court, an avid human rights champion and programme manager at the International Commission of Jurists (ICJ) Kenya, would hear stories of the program as a young law back in his native Meru home.

The stories of the painful period often resonated most deeply in a young Kimathi, cementing passion for the dark chapter of history, as someone who had investigated atrocities that would be relayed to others and meant to be a warning of the dangers of ethnic hatred.

For Kimathi, these stories would, however, go on to shape his path in law, as he would then be inspired with glorious purpose to pursue a career in law, to defend those often forgotten by society.

"To achieve my goals, I sought an institution where I could align with my vision. This led me to explore an opportunity to volunteer at the Kenyan Section of the International Commission of Jurists (ICJ) Kenya," said Kimathi.

His journey within the legal profession has been a learning curve as he navigated the intricacies of international law, from his days as a student leader

at the Jomo Kenyatta University of Agriculture and Technology (JKUAT), the Kenyan School of Law, the various internships in various national law firms and finally ICJ Kenya where he scaled the heights from volunteer to a manager in charge of the human rights programme. This juxtaposition is intriguing — a lawyer who grew up witnessing wrongdoing from the Rwandan point of view and also went through a dark path regarding the post election violence of 2007/08 is now involved in seeking justice for others who have faced similar circumstances.

Kimathi's unique perspective allows for a nuanced understanding of the complexities surrounding these cases, offering empathy and insight that transcends the boundaries of national legal aid.

"Since 2016, ICJ Kenya has been actively monitoring the transfer of national courts to assess state compliance with domestic, regional, and international standards of due process and fair trial rights in international criminal cases, as a Programme

Manager, one of my responsibilities is to monitor the transfer cases in Rwanda on behalf of the organisation," he said.

In 2023, Kimathi visited ICJ Kenya visited Rwanda at least seven times, observing, documenting and generating reports of the fair trial process involving these cases, as well as documents and evidence that conform with international standards. While monitoring these atrocity cases, he also documents and generates fair trial reports for the National Human Rights Commission (NHRC) and the United Nations Convention Against Torture (UNCAT), Universal Periodic Review (UPRV) and the International Covenant on Civil and Political Rights (ICCPR).

The legal system in Rwanda is based on the civil law system. In its efforts to modernise the legal system and integrate it into the East African

Community and the Commonwealth, the legal system is gradually moving toward a Common Law system. Traditionally, it is viewed as a third pillar of the Rwandan legal system, as seen in the country-based *Umuhoza* and *Umuhoza* Tribunals.

Dealing with atrocity cases presents and navigating international legal frameworks, making it a challenging and demanding task.

Dealing with the international standards of atrocity cases in court takes a significant emotional toll on me. However, the quest for justice for the atrocity victims keeps me moving.

Ensuring compliance His shadow reporting and lobbying has also been towards with monitoring bodies on international human rights treaties such as the African Commission on Human and Peoples Rights (ACHPR), the United Nations Convention Against Torture (UNCAT), Universal Periodic Review (UPRV) and the International Covenant on Civil and Political Rights (ICCPR).

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EMOTIONAL TOLL Dealing with the traumatic details of atrocity cases in court can take a significant emotional toll on you. However, the quest for justice for the atrocity victims keeps me moving

As a result of this meaningful work there has been state compliance with domestic, regional and international standards of due process and fair trial rights in international criminal cases. This has had a significant impact on the position which can influence victims for victims of atrocity crimes that is crucial to remember the importance of holding global elites, governing bodies, and addressing the root causes of crime.

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People Plus Tell your Story

Beyond the gavel: Young lawyer's crucial mission to eradicate death penalty

Damaris Kamunto, an advocate of the High Court seeks to reshape public opinion and sway policymakers toward a more humane and equitable approach to justice

By Shukri Wacha @ShukriWacha

Whether it is in a courtroom or a public square, Damaris Kamunto is a woman whose voice is heard. As an advocate of the High Court, she is not only a legal professional but also a public figure, using her platform to champion the cause of human rights and social justice.

Kamunto's journey into law was not a linear path. She began her career as a legal intern, where she quickly demonstrated a deep understanding of the law and a commitment to social justice. Her passion for human rights led her to pursue a career in law, where she could make a difference in the lives of the most vulnerable.

As an advocate of the High Court, Kamunto has been instrumental in several landmark cases, particularly those involving human rights and social justice. Her work has been recognized by the legal community and the public alike, earning her a reputation as a leading voice for the oppressed.

Kamunto's advocacy is not limited to the courtroom. She is also an active member of various human rights organizations, where she works to raise awareness about human rights issues and to promote the rule of law. Her dedication to social justice is evident in her public speaking engagements, where she shares her insights and experiences with a wider audience.

Through her work, Kamunto has become a role model for many young lawyers, inspiring them to pursue a career in law and to use their skills to serve the community. Her story is a testament to the power of a single individual to create positive change in the world.



Damaris Kamunto, an advocate of the High Court seeks to reshape public opinion and sway policymakers toward a more humane and equitable approach to justice

"These forms of discrimination have graduated in the criminal justice process where women accused of offences attracted the death sentence and other inhumane punishments like imprisonment for life." Kamunto said.

During her time in the public sector, she has been instrumental in advocating for the rights of women and children, particularly in the areas of gender-based violence and child protection. Her work has been recognized by the legal community and the public alike, earning her a reputation as a leading voice for the oppressed.

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series of rights that would reform both the legal system and the society, the right to the right to equality of access and freedom from torture and cruel, inhuman or degrading treatment or punishment, and the right to a fair trial.

In 2022, while Kenya granted 12 commutations and five sentences, 79 persons were sentenced to death. At the end of 2022, 104 persons were under the death penalty. Currently, two women are on death row.

As she navigates the legal labyrinth, Kamunto seeks to reshape public opinion and sway policymakers toward a more humane and equitable approach to justice. In a public place, she urges society to reconsider the morality and efficacy of a practice she contends has no rightful place in a civilized legal system.

"As a young female advocate, and any other young professional, our voices have often been disregarded in contentious human rights issues. I have never before broached these challenges and focused on visible inequalities that have shaped my views to the legal system to a greater extent," said Kamunto.

The young advocate well-versed in legal intricacies is looking for her legal partner by focusing on other social justice issues such as the intersection of climate change and gender-based violence on women and girls.

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1ST EDITION 2024



Media Coverage

ICJ Kenya Website: <https://icj-kenya.org/news/geoffrey-odhiamboquest-for-open-contracting-and-right-of-access-to-information-for-all-kenyans/>

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