



Strategic Plan

2016

2020

CONTENTS

ABBREVIATIONS	i
FOREWORD	ii
ACKNOWLEDGEMENT	iii
2020 Strategy at a Glance	v
CHAPTER 1	1
INTRODUCTION	1
1.1 Background	1
1.1.1 Who we are	1
1.1.2 Our History	1
1.1.3 How We Work	3
1.1.4 Where We Work	5
1.2 Our Achievement and Lessons	5
CHAPTER 2	9
PROGRAMME CONTEXT	9
2.1 Internal Environment	9
2.2 External Environment (PESTLE)	11
CHAPTER 3	13
STRATEGIC DIRECTION	13
3.1 Vision, Mission and Core Values	13
3.2 Strategic Themes and Objectives	14
3.2.1 Human Rights	15
3.2.2 Governance	17
3.2.3 Access to Justice	19
3.2.4 International Justice	21
3.2.5 The Closing Civic Space	23
CHAPTER 4	25
ORGANIZATIONAL DEVELOPMENT PRIORITIES	25
4.1 Financial Sustainability	25
4.2 Organizational Culture	26
4.3 Integration of Innovative Technology	26
4.4 Knowledge Management	27
4.5 Staff Training and Development	27
4.6 Harnessing Membership expertise	28
4.7 Building Partnerships and Coalitions	28
4.8 Risk Management	29
4.9 Results Matrix	30
4.10 Organizational Structure	34



Abbreviations and Acronyms

ADR	Alternative Dispute Resolution
AJC	Annual Jurists Conference
AU	African Union
CSO	Civil Society Organizations
CUCs	Court User Committees
EAC	East African Community
EACC	Ethics and Anti-Corruption Commission
ECOSOC	Economic Social and Cultural Rights
FGM	Female Genital Mutilation
FOI	Freedom of Information
FOINET	Freedom of Information Network
HRC	Human Rights Commission
ICC	International Criminal Court
ICJ Kenya	International Commission of Jurists (Kenyan Section)
ICTR	International Criminal Tribunal for Rwanda
IDP	Internally Displaced Persons
IEBC	Independent Electoral and Boundaries Commission
IPOA	Independent Police Oversight Authority
JOYA	Jurist of the Year Award
JTI	Judiciary Training Institute
JWCEP	Judicial Working Committee on Electoral Preparations
JWR	Judiciary Watch Report
KLRC	Kenya Law Reform Commission
M&E	Monitoring and Evaluation
MICT	United Nations Residual Mechanism for Rwanda
PIL	Public Interest Litigation
PLWHIV/AIDS	Persons Living With HIV and AIDs
PPDT	Political Parties Tribunal
PWD	Persons with Disabilities
PWR	Parliamentary Watch Report
RTI	Right to Information
SDGs	Sustainable Development Goals
SER	Social Economic Rights
SGBV	Sexual and Gender Based Violence
SOs	Standing Orders
TJRC	Truth Justice and Reconciliation Commission

Foreword

On behalf of the Council and Staff members of the Kenyan Section of the International Commission of Jurists (ICJ Kenya), I am pleased to present this 2016-2020 Strategic Plan. In developing this Strategic Plan we have taken into account the achievements, challenges and lessons from the previous 2011-2015 Strategic Plan period. We have also taken cognisance of the dynamic environment in which we operate both at the national, regional and international level and how this affects our work. In determining our strategic direction and objectives we have been guided by our vision as a premier human rights organization promoting a just and equitable society. We have neither radically shifted from the previous Strategic Plan focus nor deviated from our core mandate.

Even though the context in which we work continues to evolve, our interventions on human rights, access to justice and governance are still relevant. We remain alive to the challenging operating context not only in Kenya but also around the continent which have witnessed the socio-political and economic marginalisation of the poor and most vulnerable in society. From the global war against terror, manifestation of impunity, gross human rights violations, undermining of institutions of democracy, the weakening of judicial independence and rule of law across the continent, we are determined to deepen our interventions.

We will continue to draw inspiration from our membership who constitute the body of jurists drawn from the bench and bar. In the past, we have celebrated over 50 years of legal experience and expertise and hope to compliment these efforts through strategic engagements with stakeholders and beneficiaries. Furthermore, in this plan we have singled out the issue of closing the civic space as one that commands special attention. We say this because even though we have enjoyed freedom to carry out our activities for more than half a decade, we appreciate that without an enabling environment to operate, our work would be rendered impossible. Additionally, we are determined to tap into new areas of opportunity under our international justice and deepen the interventions in the extractives sector strategic focus area in a bid to promote and implement the Sustainable Development Goals (SDGs)

We are aware that the successful implementation of this Strategic Plan will require commitment from our staff, membership and council as well as support from our development partners and stakeholders. We invite you to join us in implementing this Plan as we move ICJ Kenya to greater heights.

Njonjo Mue
Chairman

Acknowledgements

The preparation of this Strategic Plan was undertaken internally by the Secretariat and Council of ICJ Kenya. However, immense technical support in the evaluation of previous Strategic Plan 2011-2015, development and finalisation of the 2016-2020 Strategic Plan was provided by Jasper Morara and Jane Onyango to whom ICJ Kenya is deeply indebted.

We would like to thank all those individuals and organizations that contributed to the work of ICJ Kenya and particularly those who were involved in the development of this Strategic Plan.

A special thanks goes to the Council, staff and members of ICJ-Kenya for their tireless commitment, hard work and contributions throughout the process of developing the Plan.

Our deep gratitude goes to our development partners who continue to believe in us and without whose support we would not be able to implement our activities.

Lastly, we acknowledge and value the support of our partners in Government and Civil Society who have greatly contributed to our work over the years and we look forward to working with you as we embark on our new journey.



Samwel M. Mohochi
Executive Director



“

To deny people their human rights is to
challenge their humanity...

”

Nelson Mandela, First President of the Republic of South Africa

2020 Strategy

VISION	A Just, Free and		
MISSION	To promote human rights, justice and democracy in Kenya and		
STRATEGIC OBJECTIVES	To promote and protect the observance of human rights in Kenya and around Africa	To support the strengthening of democratic governance in Kenya and across Africa	
INTERMEDIATE RESULTS	Enhanced accountability for human rights violations	People centred policy and legislation	
	Strengthened capacities of human rights state and non-governmental actors	Free, fair and credible elections	
	Enhanced capacity of citizens to effectively respond to human rights issues	Effective environmental governance institutions in Kenya	
INTERNAL CAPACITIES	<ul style="list-style-type: none"> • Strengthen the structure and functionality of the council • Increase and diversify sources of income • Promote and maintain the organizational culture • Integrate modern technologies in programs and operations • Improve knowledge management • Enhance the effectiveness of networks and partnerships • Strengthening technical capacities of staff 		

at a Glance

Equitable Society

around Africa through the application of legal expertise and international best practices

To improve access to justice in Kenya and the African region

To promote justice for international crimes and gross human rights violations in Kenya and across Africa

To protect and promote civic space in order to enhance enjoyment of human rights and participation in governance in Kenya and the region

Strengthened institutions that support access to justice

Strengthened support for international justice mechanisms

The rights to freedom of expression and assembly safeguarded

Monitoring the implementation of national and international mechanisms that promote access to justice

Strengthened responses by domestic institutions on implementation of international justice mechanisms

Strengthened legitimacy of non-governmental actors

Citizens supported to access justice

Enhanced demand for action on gross human rights violations committed in Africa

Increased demand for the protection of civic space

INTRODUCTION

1.1 Background

1.1.1 Who we are

The Kenyan Section of the International Commission of Jurists (ICJ Kenya) is a non-governmental, non-profit and a member based organization. ICJ Kenya is the only African national section. It is affiliated with International Commission of Jurists (ICJ), Geneva, but operates autonomously. ICJ Kenya is registered as a Society under the Societies Act, Chapter 108, Laws of Kenya.

1.1.2 Our History

Founded in 1959, ICJ Kenya is the oldest human rights organization in Kenya. Its membership is drawn from the Bar as well as the Bench and currently constitutes of over 500 jurists as members. ICJ Kenya is dedicated to the legal protection of human rights in Kenya, and the African region in terms of the general mandate for national sections defined by Article 4 of the ICJ Statute. ICJ Kenya has observer status with the African Commission on Human and Peoples' rights. ICJ Kenya is governed under a constitution through an elected Council of 7 members that serves for two-year fixed terms. ICJ Kenya has its head office in Nairobi, which houses its secretariat that currently comprises of 24 members of staff.

1959: Founded

Established as the local chapter of the British Section of the ICJ in Geneva. Started by John Alexander Couldrey and Francis R. Stephen

1965: Autonomous National Section

ICJ Kenya established as an autonomous National section of the International Commission of Jurists

1993: First Jurist of the Year Award

Recognition for the contributions of one outstanding jurist to the promotion and protection of human rights and the rule of law.

1960: Founded

First inaugural meeting held. A sub-committee appointed to draft the Constitution Kai Bechgaard Q.C appointed Chairman and Mr. John Alexander Couldrey as Secretary

1974: Registration as Society

ICJ Kenya registered as a society under the Societies Act (Cap. 108) in 1974.

who



2009: 50th Anniversary

50 years since the inception of ICJK

2016: Membership

500 members from both the Bench and the Bar

2000: Spearheading FOI campaign

ICJK spearheading campaign for the enactment of the FOI Law

2014: Membership

400 members from both the Bench and the Bar

1.1.3 How

Over the years we have used a combination of approaches and methods to deliver our strategies. Our signature approach is advocacy.

Advocacy

Our advocacy efforts mainly target to influence policies and decisions at different levels including county, national, regional and international levels. We implement advocacy through a combination of strategies including lobbying, activism, awareness creation and capacity building.

Capacity Building

Our capacity building interventions target government institutions as the providers of services, non-state actors as intermediaries and advocacy partners, and the community as the consumers of services. Moving forward we will ensure our capacity building support is driven more by demand than by supply.

Awareness Creation

We recognize the knowledge and information gap in society in a wide range of governance and human rights issues. Moving forward we plan to strengthen our efforts in bridging this gap by developing a more robust knowledge management plan and that integrates modern and innovative technologies that are more accessible by the public.

Partnerships

We recognize the importance of developing and sustaining strategic partnerships. We will continue to identify and strengthen partnerships with a variety of stakeholders ranging from small community support groups, individual human rights defenders, other non-state actors, the private businesses, government institutions and intergovernmental institutions.



We Work

We strengthen our advocacy efforts through the application of a number of other approaches including research, coalition building, litigation, partnerships development, capacity building, and awareness creation.

Research

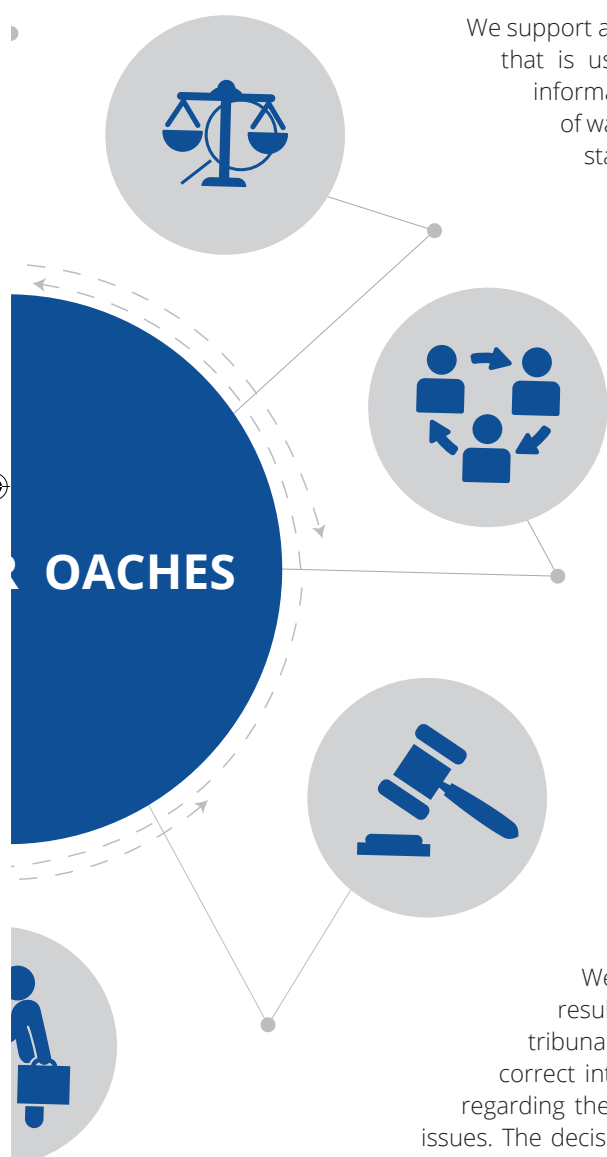
We support and facilitate research to generate new information and knowledge that is used internally to inform advocacy and capacity building. The information is also made available to other stakeholders for use in a variety of ways. The research is conducted by a number of actors including our staff, members, citizenry and consultants that we engage based on need. During this Strategic Plan we plan to enhance our research capacity further by developing ICJ Kenya Consulting and the establishing stronger partnerships with other research and academic institutions.

Coalition Building

Establishment and development of advocacy coalitions is an effective tool not only for amplifying our voices by drawing on the support of like-minded organizations, but also for mitigating the risks associated with advocacy on contentious issues. We will continue strengthening coalitions that we find beneficial to the causes we care about while at the same time scaling down our participation in coalitions that add no value to our work.

Litigation

We undertake litigation to strengthen achievement of advocacy results. The special constitutional status of the courts and other tribunals, both national and international, provide opportunities for the correct interpretation of laws. Courts can speak with finality on questions regarding the rights of individuals, and can clarify difficult social and political issues. The decisions of the courts bind the executive and legislative branches of government, improving chances of compliance. Litigation catalyses the incorporation of international standards within national legal systems. Further, litigation can also act as a basis for mobilization of actors around issues of common interest.



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1.1.4 Where We Work

We focus our efforts in serving people around the African continent whose problems our interventions are capable of addressing, with a special focus on the people of Kenya both at the national and county level. For the purpose of exchanging knowledge, information and best practices, we will identify and develop opportunities for engaging with stakeholders at the national, regional and international levels.

1.2 Our Achievement and Lessons

Key Achievements in the Period 2011-2015

Based on our evaluation of the 2011-2015 Strategic Plan period, we conclude that the implementation was largely successful. The following is a summary of some of our key achievements:

The International Criminal justice Mechanism:

- We played a key role in pushing for accountability for the violence that occurred in Kenya after the elections of 2007/8, through our support to the International Criminal Justice (ICC) process. We obtained an arrest warrant in 2011 against President Hassan Al Bashir of Sudan during his visit to Kenya, based on the ICC warrants against him.
- We created the first African International Criminal Justice Network which is coalition of civil society actors who give voice to demands for accountability for atrocious crimes in the continent. They speak against the political backlash by the African Union against the ICC.
- As part of our support for complementarity, we are the only Civil Society that has been monitoring the trial of cases referred to Rwandan national courts by the United Nations Residual Mechanism (MICT) of cases that would otherwise have been tried by the International Criminal Tribunal for Rwanda (ICTR).

Technical support to the Truth Justice and Reconciliation Commission (TJRC):

- We strengthened the Truth Justice and Reconciliation Commission (TJRC) process by providing independent critiques of procedural elements as well as expert testimony on thematic elements.
- We contributed to the development of Reparations framework that was eventually adopted by the TJRC as part of its recommendations
- We also continued to support state accountability for human rights violations in Kenya through regional and international mechanisms.

Public Access to Information:

- We sustained our advocacy on the realization of an enforceable Right to Information. We drafted the Freedom of Information Bill, which was thereafter taken up and presented as a private members Bill in the National Assembly.

- We drafted a model County Government Access to Information law which is currently under consideration by several counties.
- Further, we facilitated the establishment and capacity building of grassroots level networks including the Rift Valley Freedom of Information Network as well as other networks in Nandi, Uasin Gishu, Nakuru Laikipia and Baringo.

Access to justice:

With regard to our work around the independence and effectiveness of the judiciary: We played an effective role in determining the methods used in the selection of judges by supporting the drafting of vetting tools, following the adoption of the new Constitution in 2010. Further, we played a leading role in framing of the tools used in the vetting of judges and magistrates. We maintained a high level relationship with judiciaries in East Africa by participating in the annual conference for East African Judges and Magistrates Association.

- We supported various Access to Justice Endeavours in Kenya. First and foremost, we supported the Judicial Working Committee on Electoral Preparations – JWCEP by providing operational support, participating in the drafting of the election petition rules to guide the expeditious disposal of the election petitions arising out of the general elections in 2013. We also facilitated the sharing of experiences among African countries that had expeditiously dealt with similar cases through peer learning among judges from the region. This support has been acknowledged by the Judiciary in its reports.
- We supported the Court Users Committees that were established under the Judicial Service Act following the promulgation of the 2010 Constitution. This we did by assisting some of them to understand what their work mandate and operations entailed.
- We intervened in cases of victims of torture by filing their cases in court and thus ensuring that their issues and related violations were considered.
- At the grassroots level, we provided training and capacity building to over 400 paralegals in 6 counties in Kenya. The paralegals provided legal aid to over 1000 cases in a range of issues including domestic violence, child abuse, succession and human wildlife conflicts.
- Together with other civil society organizations, we have been supporting two cases in the High Court, one filed by a group of Internally Displaced Persons (IDP) and the other by persons subjected to Sexual and Gender-Based Violence (SGBV), both in the context of the post-election violence.

Strengthening of Parliament:

- We strengthened parliamentary processes to achieve positive governance outcomes by supporting the development of the County Assembly Standing Orders. We also organized workshops to build the capacity of County Assemblies to understand their role.
- In our work on Access to Information we engaged with Parliament and its committees and caucuses to help them appreciate the Right to Information.
- We supported the drafting of the Legal Aid Bill and the Legal Aid Policy both of which have been tabled in Parliament and Cabinet respectively.
- We provided institutional strengthening and capacity building to 6 County Assemblies. The support included training of members of the County Assemblies and the review of various Standing Orders to ensure they are in line with the Constitution.
- As a knowledge product to drive our parliamentary work, we launched the Parliamentary Watch Report (PWR) and continued to publish related accountability reports including the Judiciary Watch Report (JWR).

In our work on access to information we engaged with Parliament and its committees and caucuses to help them appreciate the right to information.

- We supported the drafting of the Legal Aid Bill and the Legal Aid Policy both of which have been tabled in Parliament and Cabinet respectively.
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- As a knowledge product to drive our parliamentary work, we launched the Parliamentary Watch Report and continued to publish related accountability reports including the Judiciary Watch Report.

Partnerships and coalition building:

- We continued to forge close working relationships with a number of institutions including the Kenya Law Reform Commission (KLRC), the Ethics and Anti-Corruption Commission (EACC), the Judiciary (the Judicial Working Committee on Electoral Preparations – JWCEP), Independent Policing Oversight Authority (IPOA) and TJRC among others.

Knowledge Management

- We prepared a number of publications that were made available to the public both electronically and in print. Key publications include: Transitional Justice Approaches (In the Context of the Implementation of Agenda Item Number Four), Case Digest on Enforcement of Economic, Social and Cultural Rights, the Rule of Law Report 2012-2013, Litigation Rights-Realizing the Rights to Reparation in Kenya).

Jurists of the Year Award:

- We successfully conducted the Jurists of the Year Award (JOYA), a tradition that ICJ Kenya has upheld since 1993 which highlights and supports our aspirations for society encourages lawyers to achieve highest standards of practice.

Annual Jurists Conference:

- As part of the ICJ Kenya tradition, we also held the Annual Jurists Conference (AJC), which is the showcase assembly of jurists and, as a reflection of our increased international approach, the conferences were held in, Mombasa, Dar- es- Salaam and Cape Town.

Innovation and organizational sustainability:

- Because of our increasing use of innovative methods for achieving advocacy, we organized sports tournaments, music extravaganzas and commentary in electronic and print media, to educate the public about access to information. Our song, Mteja, on access to information was a hit among the youth. This method of advocacy has a huge amount of potential for us.
- As a major step towards achieving sustainability we acquired a piece of land on which we plan to construct our office in future.

Lessons

- Partnerships play a critical role in our work. Our regional, national and local partnerships enabled us to work in places where ICJ Kenya does not typically reach or have a physical presence, thus minimizing our costs. However, not all partnerships are valuable. We therefore, need to map out stakeholders, choose our partners carefully, and identify potential partnerships right at project conceptualization. By so doing we will be able to effectively measure our progress and report achievements.
- We incorporated the use of social media platforms and new technologies in the implementation of our projects. There is however room for improvement in how we utilize social media to strengthen our work.
- Our work at the grassroot level over the last two decades has ensured that human rights are upheld. However, through partnerships and networks, we need to further strengthen and sustain our presence at the grassroots.
- ICJ Kenya has a rich history which is not effectively documented. There is a lot we can learn through generations by documenting our history, achievements, challenges and lessons. This is something we plan to do in the new strategic planning period.
- There is a high demand for our services, particularly our support to vulnerable groups. We can register great impact by working with these groups and we plan to do so in the next strategic planning period.
- We mainly rely on external lawyers for litigation. While this has so far worked well, it prevented us from building our internal capacity for litigation. We therefore need to develop our internal capacity to litigate which will also reduce the cost of litigation for the organization
- The reduction in funding opportunities and changing priorities of our traditional donors challenges us to think and integrate more innovative strategies of generating direct income and expanding our funding base
- Building relationships is important in fundraising. A number of our current funding partners can be attributed to the specific individuals that we have great relationships with.

In this Strategic plan ICJ-Kenya will build on the achievements realized as well as the lessons learned in order to take the organization to greater heights. Partnerships that worked well will be strengthened while those that did not work well will be re-evaluated.

PROGRAMME CONTEXT

2.1 Internal Environment

As part of the planning process an analysis of the external environment in which ICJ Kenya operates was undertaken and a summary of the Strengths, Weaknesses, Opportunities and Threats (SWOT) is presented below:



Strengths

1. Strong membership organization with a track record in human rights protection
2. Regional Approach – the Kenyan Section of ICJ is the only one in Africa
3. Competent and committed staff and membership
4. Lawyers drawn from different sectors i.e. Public Service, Private practice, NGO sector and development agencies with diverse expertise and experience.
5. Rich history spanning over 50 years

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Threats

1. The closing of the civil society space
2. The composition of the current parliament has majority of members in the ruling party, making parliament to lose objectivity in their legislative and oversight role
3. The lack of consistent and sustainable funding
4. The lack of constitutionalism and rule of law culture
5. Competing interests
6. Adverse astronomical orders for costs in Public Interest cases

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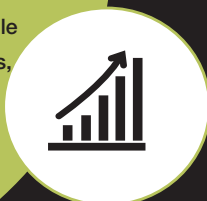
Weaknesses

1. Donor dependency
2. Insufficient coherence and synergy among the different programmes
3. Short term project funding
4. High expectations from partners and target groups

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O Opportunities

1. The strengthened Bill of rights and the inclusion of ECOSOC rights in the Constitution 2010
2. Partnership with Constitutional Commissions and Independent offices
3. Entrenchment of integrity issues in Chapter 6 of the Constitution
4. Devolution and devolved governance structures
5. The general elections
6. Increased opportunities to work with the vulnerable groups such as on Women's and Children's Rights, Persons with Disabilities (PWD) and Persons Living with HIV and AIDS (PLWHIVD)
7. A Constitution based on equality principles and a robust Bill of Rights



2.1 External Environment (PESTLE)

This involved a critical analysis of the Political, Economic, Social, Technological and Environmental issues (PESTLE) that impact on the work of ICJ. The summary is provided in the following table:

	ISSUE	IMPLICATIONS/EFFECT ON ICJ-KENYA
POLITICAL	1. Elections 2017	Opportunities for engagement with IEBC, judiciary, PPDT and political parties
	2. Insecurity and state anti-terror response	Politicization of anti-terror legislation, 'islamophobia' and vilification of certain groups including CSOs
	3. Devolution	Opportunities for ICJ Kenya to engage with the county governments with respect to their legislative role and respective governance mandate
	4. Regional Integration	Opportunity to engage with the 5 EAC states, civil society collaboration and networking.
	5. Incumbent government policies	<ul style="list-style-type: none"> Closing of civic space for NGOs Shift in donor funding priorities in line with government policy
	6. Politicization of ICC cases	<ul style="list-style-type: none"> Government propaganda against NGOs resulting in de-legitimization of NGOs in general and targeting of others Unchecked impunity among the political class
ECONOMIC	1. Emergence of promising extractive Industry	Interventions on human rights protection,, increasing transparency and accountability
	2. Global economic meltdown and shift in funding priorities	Reduction of donor funding to CSOs
	3. Widespread grand corruption	<ul style="list-style-type: none"> Increased corruption at national and county level Increased public participation at the counties Collaboration with counties Reduced role of civil society in development work
	4. Increased budgetary allocation to the Judiciary	<ul style="list-style-type: none"> Strengthening the independence of the Judiciary. Increased scrutiny the public and other arms of government Reduced partnerships with CSOs
SOCIAL	1. Increased Gender Based Violence	Collaboration with Judiciary and other GBV actors
	2. Diminished role of CSOs under the 2010 Constitution	<ul style="list-style-type: none"> Less support of civil society from the public Opportunity to engage with local leaders
	3. Harmful traditional cultural practices such as Female Genital Mutilation (FGM), and early marriage	Advocacy and PIL to challenge harmful traditional practices

	ISSUE	IMPLICATIONS/EFFECT ON ICJ-KENYA
TECHNOLOGICAL	1. Advances in Information Technology	<ul style="list-style-type: none"> • Collaboration with innovators • Upgrading of communication equipment
	2. Cyber security	<ul style="list-style-type: none"> • Privacy breaches and risks to HRDs • Capacity building for staff on cyber security • Increased surveillance of CSOs by government
	3. Presence of leaders and the public online	<ul style="list-style-type: none"> • Increased engagement by ICJ Kenya online in order to reach the public • Opportunity for engagement with community leaders and their representatives in Parliament
	4. Impact of social media	<ul style="list-style-type: none"> • Increased propaganda and hate speech through use of social media • Collaboration with the media • Increased visibility on social media
ENVIRONMENTAL (Physical)	1. Impact of climate change	Opportunity for human rights interventions to mitigate the impact of climate change
	2. Office location/space	Increased interest in partnership with ICJ Kenya Possibility of relocation
	3. Staff working environment	Staff safety and security training
	4. Adoption of Sustainable Development Goals as new global development roadmap	Alignment of ICJ-Kenya's work with SDGs
LEGAL	1. Impact of advocacy on legal positions	<ul style="list-style-type: none"> • Implementation of the TJRC report • Vilification of CSO figures
	2. Amendments to the PBO Act	Shrinking space for civil society
	3. The affirmative action debate	<ul style="list-style-type: none"> • Opportunities for engagement • Advocacy on the two third gender rule
	4. Constitutional implementation	<ul style="list-style-type: none"> • Claw backs through poorly conceived legislations • Opportunities for influencing policy • Absence of the CIC and the need to monitor implementation of the Constitution
	5. Quality of Parliament's legislative and oversight roles	Tyranny of numbers and its impact on legislative processes

STRATEGIC DIRECTION

The Strategic direction of ICJ-Kenya comprises the vision, mission, values, strategic issues and corresponding strategic objectives.

3.1 Vision, Mission and Values

Vision

A premier human rights organization promoting a just, free and equitable society

Mission

To promote human rights, justice and democracy in Kenya and around Africa through the application of legal expertise and international best practices

Core Values

Professionalism

ICJ Kenya strives to uphold the highest professional standards in service delivery.

Impartiality

ICJ Kenya is non-partisan in its research and advocacy, non-partisan in the promotion and protection of human rights, the rule of law and democracy in Kenya and greater African continent and an impartial approach in reform processes.

Consistency

ICJ Kenya strives to remain focused, persistent, and committed in the promotion and legal protection of human rights, rule of law and democracy

Respectfulness

ICJ Kenya is committed to respect for human dignity and fundamental freedoms. ICJ Kenya respects its constituents and stakeholders.

Responsiveness

ICJ Kenya strives to be continuously receptive and accessible to its stakeholders.

Equity

ICJ Kenya strives to ensure fairness and justice for all.

Probity

ICJ Kenya is committed to regular compliance and openness to audit. ICJ Kenya exercises honesty, integrity, and decency in its advocacy work.

Flexibility and adaptability

ICJ Kenya's approach is conscious of, adaptable to, the changing environment and contexts.

Strategic

3.2 Strategic Themes and Objectives

Informed by an analysis of our achievements, challenges, and lessons of the past strategic, the changes and trends in the operating environment, and our internal capacities, we prioritize to work on the following strategic themes in the period 2016-2020:

- Human Rights
- Governance
- Access to Justice
- International Justice
- The Closing Civic Space.

In the following section we give a more detailed description of each of these strategic themes by outlining our goals and objectives, describing the issues we have prioritized and the strategies we plan to use to address the issues.



3.2.1 Human Rights

Strategic Issues

While there is a successful movement in Africa, which has led to a sophisticated normative regime for the protection of human rights, including the adoption of new national constitutions that incorporate socio-economic rights in addition to the more traditional political and civil rights, what is lacking is the practical application and respect for rights and the enforcement of remedies when transgressions occur.

The key challenges in the region include: prevalence of human rights violations; weak institutional capacities; insufficient policies and legal frameworks to protect rights; lack of information and low levels of awareness about human rights remedies, particularly ECOSOC rights; limited media capacity to engage with human rights issues; unregulated and unaccountable business activity; inequalities and discrimination based on gender, income, ethnicity, sexual orientation; limited protection of human rights defenders and rampant human rights abuses arising from implementation of measures to combat terrorism and preserve national security.

ICJ Kenya's responses will include promoting the universal acceptance of international and regional human rights norms in Kenya and across Africa; establishing and supporting institutions that implement these norms; empowering populations to become aware of and invoke these norms to better protect their own rights; and, providing redress whenever transgressions occur.

Strategic Objective

To promote and protect the observance of human rights in Kenya and around Africa

Strategic Responses

- Promote accountability for human rights violations
- Build citizens capacities to demand the upholding of human rights
- Strengthen capacities of state and non-governmental actors to uphold human rights
- Monitor observance of fundamental freedoms



3.2.2 Governance

The Strategic Issues

Democracy is subsumed in the right to political participation as established in article 21 of the Universal Declaration of Human Rights and article 25 of the ICCPR. Regional counterpart mechanisms have been developed by the African Union. Kenya has given effect to these rights under its Constitution of 2010, which elaborates the international mechanisms and also adopts a devolved form of government, as a deliberate mechanism for increasing public participation and improving democratic practice.

The most significant threat to Kenya's democracy has been large-scale political violence, which has been a feature of the country's electoral experiences. While low public trust, a result of the weaknesses evident in the country's electoral institutions, has triggered the violence, its drivers include long-term issues such as insufficient political and economic inclusion, often expressed in regional and ethnic terms, and growing income disparities within the population.

While the recent discovery of oil and natural gas in Kenya can be a source of new wealth for the country, it also carries the threat of resource-based conflicts, and has the potential of furthering economic and political marginalization. In particular, where information to the public with respect to implications on this new source of wealth is not readily accessible. The content of democratic practice can improve with an improvement of levels of citizen demands for better outcomes, which will, in turn lead to the reform of the weak public institutions. Support for independent actors which sustain citizen vigilance, such as media, will also help, as will concerted international support which will draw attention to gaps in the quality of democratic practice.

Devolution, elections and environmental governance will be our main focus in the next five years of this strategic plan. Following is a summary of the strategic issues we aim to address under each of these governance sub-sectors:

Key issues in devolution include corruption and wastage; lack of access to information; irresponsible and unresponsive governance; poor leadership and integrity issues; inequitable and inadequate allocation of funds to support devolution; weak and inconsistent legislative frameworks; limited capacities of County Government institutions; low public participation; and limited capacity of the media and other non-governmental actors to engage government at the county level.

Our top priorities on elections include weak electoral management bodies; current constitutional reforms in East Africa region; and inadequate and/or ineffective public participation in electoral processes.

In the past we have not engaged in environmental governance issues in a structured manner. With climate change and its negative effects increasingly becoming a threat, we prioritize to address the following environmental governance issues: the growth of extractives industries sector in Kenya and the East Africa region and in particular crude oil, gas and minerals; the mega-infrastructure in Kenya and implications on the environment; rapid urbanization and the threat to the environment; resurgence of poaching of big game for trophies; and the implications of the new Sustainable Development Goals.

Strategic Objective:

To support the strengthening of democratic governance in Kenya and across Africa

Strategic responses

Devolution

- Strengthen capacities of County Governments on legislative and policy review and development
- Strengthen citizen engagement in governance at the County levels
- Increase opportunities for accessing information to the public

Elections

- Empower citizens to actively participate in electoral processes
- Capacity building of electoral management bodies
- To promote meaningful representation in political processes

Environmental governance

- Partnership with environment sector stakeholders in the review of legislation on the environment and natural resources
- Interpretation and public education on the Sustainable Development Goals
- Empower communities to participate in governance in the extractives sector
- Contribute to national and regional discourse on best practices on governance in the extractives sector
- Support the adoption of best practices and policies on environmental governance



3.2.3 Access to Justice

The Strategic Issues

Legal systems are essential to the establishment of societies governed by the rule of law, and are necessary for justice, peace and prosperity. The primary mechanism for providing access to justice is through courts of law, making the judiciary the most important organ in the access to justice chain. The Constitution of Kenya, 2010, now requires the use of Alternative Dispute Resolution (ADR) mechanisms including traditional ones, giving this method of providing justice a level of importance it did not previously enjoy.

Access to justice is hindered by several factors. Courts of law are often located far away from the populations that need them. The number of judicial officers is insufficient for the number of cases filed in court and delays in fixing hearing dates create a backlog of cases and lead to long waiting periods. Costs resulting from the distance where the courts are located and advocates fees are also factors hindering access. Further, the technicalities of procedure alienate litigants. Courts of law are often misused by political and economic elites, leading to a loss of public confidence in the legal system. As required by the Constitution, supporting the emergence of Alternative Justice mechanisms, including those under customary law, is necessary. The discussions already commenced by the Judiciary that frame approaches to alternative justice mechanisms need to be understood and supported, as do initiatives for

addressing case backlog and the simplification of legal procedures. Supporting citizens to understand and follow developments affecting access to justice is also important.

In addition, access to justice is influenced by the quality of legal representation offered by the lawyers. The offshoot of many institutions providing training to young lawyers has not inculcated studies around access to justice. This has led to inadequate understanding amongst legal professionals on client-centred access to justice. Partnerships with institutions such as law schools will therefore be a critical component in this regard.

Although the creation of the Court Users Committees (CUC) was centred on the principle of public participation, not much effort has been made to include the public. Its representation and mandate needs to be expanded to allow greater public participation. Problems around the rights of the accused persons and fair trial rights, including addressing actors within the justice chain will also be a priority.

It is also important to build the capacity of judicial officers and staff, including members of various tribunals on emerging areas of law. In that regard, due focus will be given to partnerships with the Judiciary Training Institute (JTI) and various tribunals that deal with human rights issues.

Finally, a critical focus of this intervention will include the rights of victim's especially marginalised groups such as women, children, youth and persons with disabilities. Focus will be given to particular issues affecting access to justice for these groups.

The access to justice issues that we prioritize to address under this strategic plan include: Capacity building for judicial officers and court staff. We shall forge strategic partnerships with Law Schools, Law Society of Kenya and the Judiciary Training Institute in order to improve the standards and quality of training and practice of law. Citizen support in accessing justice will also be prioritized through awareness creation. We shall also support Court Users Committees to ensure greater and swifter access to justice for all.

Strategic Objective

To improve access to justice in Kenya and the Africa region

Strategic responses

- Support judicial reform processes through research, capacity building and training
- Promote alternative justice mechanisms
- Engage in public interest litigation particularly through amicus briefs
- Support public participation in Court Users Committees
- Support policy and legislative frameworks around access to justice
- Monitor adherence to the rule of law and application of international standards by judicial officers



The Pan-African Civil Society Network



3.2.4 International Justice

The Strategic Issues

Egregious conflict on the African soil has left behind significant atrocious crimes that are also accompanied by human rights abuses. The continent has responded by enacting the African Union Constitutive Act, which takes a stand against impunity. The Great Lakes Protocol, which binds – countries is also a major source of norms that make a commitment to ending impunity.

African countries have further extended this commitment by establishing the African Court of Justice and Human rights through the adoption of the Protocol on Amendments to the Protocol on the statute of the African Court of Justice and Human Rights hereinafter referred to as the Malabo Protocol. If the court comes into force, it will have jurisdiction over 14 international and transnational crimes. African countries have also joined the Rome Statute of the International Criminal Court, where the continent forms the largest bloc of states parties.

Despite efforts put in place at the continental level to address gross human rights violations, Africa's record in not only providing redress for both atrocity and transnational crimes but also running its own human rights institutions, and the high cost of regional mechanism, are some of the issues that raise doubt on whether an African Court of Justice and Human Rights or African Commission will succeed in deterring and prosecution gross human rights violations in the region.

Differences have also emerged between the AU and the international community regarding the enforcement of the Rome Statute against serving heads of state. The heads of state have

through a series of resolutions and the Malabo protocol maintained that they are immune from prosecution while in office, a position that the Rome Statute does not support. The Malabo Protocol represents Africa's desire to develop alternative justice mechanisms outside of the ICC, and is seen at one level, as a form of backlash that the AU has engineered against the ICC over unhappiness about the trial of serving African heads of state.

Supporting domestic and regional justice mechanisms is a necessary response to Africa's aspirations to end impunity and transnational crimes. Monitoring the discussions at the African Union, speaking against and ameliorating the effects of AU backlash against the ICC is also necessary. Supporting bona fide discussions for alternative ways to end impunity or transnational crimes has become necessary.

Atrocious crimes and transnational crimes are accompanied by gross human rights abuses, and because the human rights discourse is linked with the fight against impunity, it is also necessary to track and sustain discussions that uplift human rights in the continent.

During the next five years, we will continue to engage with the international, regional such as the AU justice mechanisms and national bodies as our contribution to the promotion of international justice:

Strategic Objective:

To promote justice for international crimes and gross human rights violations in Kenya and across Africa

Strategic Responses

- Develop civil society capacity to advocate for international criminal justice
- Sensitization and lobbying of African states to embrace international criminal justice
- Partnerships with regional and international institutions to implement protocols on international criminal justice e.g. on the rights of women.



foreign agenda; that it is necessary to regulate them in order to coordinate service-delivery, or that they are not sufficiently accountable to their donors. In truth, however, the closing of civic space is a reflection of effectiveness on the part of NGOs. By discrediting NGOs, governments are discouraging their own citizens.

Our priority issues on the closing civic space include: the Public Benefit Organizations (PBO) Act 2013; other laws regulating the non- governmental actors generally; the aggressive campaign (by government) to discredit CSOs; the profiling and threats against CSOs and individual human rights defenders perceived to be anti-government; the declining public trust on CSOs; lack of integrity among some CSO actors; negative ethnicity perpetuated by civil society actors; disharmony and inadequate coordination among CSOs; and the shifting donor priorities and funding mechanisms.

Strategic Objective:

To protect and promote civic space in order to enhance enjoyment of human rights and participation in governance in Kenya and the region

Strategic Responses

- Build greater understanding of the problem of closing civic space and its effects on democracy and human rights
- Build alliances with other independent actors such the media, political parties, donors, academia, private sector, grassroots organizations in addressing closing of civic space
- Draw lessons from, support and invoke the support of NGO diplomacy
- Invoke regional and international mechanisms to support civic space

ORGANIZATIONAL DEVELOPMENT PRIORITIES

Over the past five years, we have made significant improvements in our journey to becoming a premier good governance and human rights advocacy organization in Africa. In the next five years, we will continue our pursuit to excellence by implementing the following organizational development objectives:

- Increase and diversify sources of income
- Promote and maintain a strong organizational culture.
- Integrate modern technologies in programmes and operations
- Strengthen the technical capacities of staff
- Improve knowledge management
- Enhance the effectiveness of networks and partnerships

4.1 Financial Sustainability

The proportion of restricted to unrestricted income for ICJ Kenya currently stands at more than 90 percent, which makes us very vulnerable. Further, donors are changing their priorities and mechanisms for Kenya and Africa. Governance and human rights is no longer a priority for our traditional donors. This calls for new and innovative ways of resource mobilization. In order to reduce vulnerability and enhance sustainability, we need to develop a comprehensive resource mobilization plan that will explore opportunities for non-traditional sources, generate our own income and enhance our efficiency in service delivery

Objective

To improve financial sustainability

Strategic Responses

- Increase the amount of direct income through the sale of publications, setting up the ICJ Kenya Consulting Services, and setting up the Human Rights Centre.
- Develop a volunteer and internship (young professionals) program that will tap to the existing opportunity of accessing affordable labour for some of our services.
- Increase funding through grants by setting fundraising targets for programs, strengthening relationships with traditional donors, prospecting new donors,
- Develop own office premises in the acquired property in Nairobi
- Develop mechanisms for enhancing efficiency in use of resources and operations.

4.2 Organizational Culture

Our unique organizational culture distinguishes us from the rest, and is a source of our internal strength. We need to implement strategies that ensure we consciously cultivate and grow our culture. In some areas we need more internal communication and information sharing, how we give and receive feedback, staff participation in decision-making, and documenting and learning from our history.

Objective

To promote and maintain a positive and vibrant organizational culture

Strategic Responses

- Develop a comprehensive induction policy and procedure
- Document and regularly update ICJ-Kenya's history

4.3 Integration of Innovative Technology

In recent years, we have made significant progress in integrating technology in its operations. For instance we have a strong presence on social media through our twitter account, our website is regularly updated, we prepare and avail most of our publications both in hard and electronic copies and we have a robust financial management system. We can utilize advances in technology to make our programmes and operations even more efficient.

Objective

Integrate innovative technologies in programmes and operations

Strategic Responses

- Explore the use of integrated cloud technologies to improve operations
- Explore the use of open source solutions to enhance operations while reducing licence costs
- Utilize digital databases for knowledge management
- Adopt digital security solutions to secure operations
- Review the website and make it more interactive
- Integrate the use of mobile telephony and social media for advocacy and awareness raising

4.4 Knowledge Management

ICJ Kenya has over the years defined its knowledge management as a system in which work generated internally is shared across all staff members and stakeholders. Stored information will be easily retrieved and distributed to stakeholders as way of documenting and showing our impact. ICJ Kenya through its knowledge management approach will encourage the sharing of skills and intelligence so as to learn from each other.

ICJ Kenya has over time accumulated best practices and has taken time to learn from past challenges and experiences. The organization has continuously engaged in a learning process and has embraced research and documentation of work taking pride in influencing a culture of novelty and improved information sharing.

Objective

To improve knowledge management

Strategic Responses

- Develop policies on knowledge management
- Develop a knowledge management plan
- Develop physical and technological infrastructure to support knowledge management
- Develop strategic partnerships in knowledge creation and acquisition

4.5 Staff Training and Development

Largely our staffs are highly trained and competent. However, there are a few areas we need to strengthen: We do not have our own internal capacity for litigation, making it challenging and expensive to pursue some of our court cases to their logical conclusions. We also have an interest and plan to implement projects that address climate change, transnational crimes and extractive industries, which have significant technical implications that we need to develop. There is also room for improvement on how we implement the research component of our work. In addition, our monitoring and evaluation practices need to be strengthened further so that we can be able to more effectively tell our story and impacts.

Strategic Objective

To strengthen technical capacities of staff

Strategic Responses

- Develop staff capacity in identified areas
- Strengthen the Monitoring, Evaluation and Learning function

4.6 Harnessing Membership Expertise

Being a membership organization, we appreciate that members are one of our greatest resources. We pride ourselves as having an exclusive membership of legal experts drawn from the public, private and non-governmental sectors. Although we have a total of about 500 members, a very small percentage is actively involved in our work. Our work would benefit a great deal if we tapped into the knowledge and skills of our members and expanded our membership base.

Strategic Objective

To increase the number and level of participation of our members

Strategic Responses

- Rationalize the membership register
- Level members' expectations
- Recruit new members
- Enhance members' participation in the organizations activities

4.7 Building Partnerships and Coalitions

Partnerships and coalitions play a critical role in our programs. However, we lack clear or institutionalised guidelines on development of partnerships and coalitions. As a result, we have not harnessed their full potential and benefits.

Objective

Enhance the effectiveness of networks and partnerships

Strategic Responses

- Develop policy guidelines on partnerships and networking
- Audit and rationalise current partnerships and networks to rationalize them
- Apply the policy guidelines in strengthening existing partnerships and developing new ones

4.8 Risk Management

KEY RISKS	MITIGATION MEASURES
The high cost of public interest litigation	Explore partnership with the Judiciary to develop rules on Public Interest Litigation especially with regard to costs
Threats and victimization of CSOs and CSO actors by state organs	<ul style="list-style-type: none"> Address politically sensitive issues through coalitions as opposed to singularly by CSOs and CSO actors Through a coalition of human rights CSOs, explore development of a fund to support such cases through the court system whenever they arise.
Regulatory changes and heightened regulatory scrutiny	<ul style="list-style-type: none"> Implement initiatives aimed at enhancing the legitimacy of CSOs
A fragmented and poorly coordinated civil society	<ul style="list-style-type: none"> Identify and implement opportunities for the formation/strengthening of coalitions Draw on partnerships with grassroots level CSOs
Reduced engagement with the Media and other non-governmental actors	<ul style="list-style-type: none"> Identify and implement opportunities for the formation of partnerships with the media and other non-state actors
The continued low public image of CSOs due bad publicity	<ul style="list-style-type: none"> Through coalitions explore the possibility of developing a CSOs self-regulation mechanism Through the support of the media, develop a public campaign aimed at correcting the negative public image
The shrinking donor funding due to changes in donor priorities. Inadequate funds to support operations and programs	<ul style="list-style-type: none"> Explore other non-traditional donors Identify and develop sources of generating direct income

4.9 Results Matrix

HUMAN RIGHTS	
Expected Results	Performance Indicators
Enhanced accountability for human rights violations	<ul style="list-style-type: none"> • Outcomes of human rights advocacy campaigns and initiatives that ICJ Kenya implements • Number of monitoring reports issued by ICJ Kenya on state compliance • Number of proposals and recommendations by ICJ Kenya incorporated in policies and legislation • Outcomes of key judicial, regulatory and investigative processes at local, regional and international level
Strengthened capacities of human rights state and non-governmental actors	<ul style="list-style-type: none"> • Number of policies, laws, regulations, and procedures on human rights supported. • Compliance of state actors with international human rights standards • Increased capacity of non-governmental actors to monitor compliance with international human rights standards
Enhanced capacity of citizens to effectively respond to human rights issues	<ul style="list-style-type: none"> • Number of human rights defenders trained • Number of county-level human rights organizations supported by ICJ-Kenya • Awareness levels of the public, state and non-governmental actors on international human rights standards

GOVERNANCE	
Expected Results	Performance Indicators
People centred policy and legislation	<ul style="list-style-type: none"> • Number of county governments strengthened on policy review and development. • Number of national and county-level institutions with effective public participation mechanisms
Free, fair and credible elections	<ul style="list-style-type: none"> • Number of laws strengthened to ensure credible elections • Number of electoral management bodies supported to develop capacities to manage credible elections • Reduced violations of human rights during electoral periods • Increase of representation of marginalized groups in electoral processes
Effective environmental governance institutions in Kenya	<ul style="list-style-type: none"> • Number of policies, legislation and best practices on environment and natural resources reviewed by ICJ Kenya • Number of community based organizations and networks supported • Number of communities empowered to participate in the governance of natural resources

ACCESS TO JUSTICE

Expected Results	Performance Indicators
Strengthened institutions that support access to justice	<ul style="list-style-type: none"> Number of judicial officers and staff trained on efficient case management and delivery of justice Number of law students and lawyers trained on client centred access to justice
Increased judicial independence and accountability	<ul style="list-style-type: none"> An increase in the number of decisions against the executive and legislature that are complied with The level of public confidence in the judiciary Number of strategic interventions and responses geared towards judicial independence
Monitoring the implementation of national and international mechanisms that promote access to justice	<ul style="list-style-type: none"> Number of recommendations by treaty bodies adopted and effectively implemented by national government Number of campaigns and initiatives implemented to support national and international frameworks on access to justice Number of alternative monitoring reports submitted
Citizens supported to access justice	<ul style="list-style-type: none"> Increase in the number of vulnerable groups that access justice Number and quality of CUCs supported

INTERNATIONAL JUSTICE

Expected Results	Performance Indicators
Strengthened support for international justice mechanisms	<ul style="list-style-type: none"> Number of cases effectively handled by ICC. The state of relationship between the ICC and the AU Number of governments and intergovernmental bodies supported to implement international justice mechanisms
Strengthened responses by domestic institutions on implementation of international justice mechanisms	<ul style="list-style-type: none"> Number of international justice mechanisms that are effectively implemented Number of campaigns and initiatives implemented by ICJ Kenya to support implementation of international justice mechanisms
Enhanced demand for action on gross human rights violations committed in Africa	<ul style="list-style-type: none"> Number of campaigns that ICJ Kenya implements in support of enhanced demand for action for gross human rights violations and atrocities Number of strategic interventions, policies and laws adopted to reduce human violations in transnational crimes

THE CLOSING CIVIC SPACE

Expected Results	Performance Indicators
The rights to freedom of expression and assembly safeguarded	<ul style="list-style-type: none"> The number of laws, policies and regulations that ICJ Kenya supports in order to safeguard civic space. Number of initiatives that ICJ Kenya implements to mitigate pushback by host country governments
Strengthened legitimacy of non-governmental actors	<ul style="list-style-type: none"> Number of projects and initiatives that ICJ Kenya implements to enhance the legitimacy of non-governmental actors
Increased demand for the protection of civic space	<ul style="list-style-type: none"> Increased number of complaints reported on violations of civic space Increased participation in governance processes The level of success of efforts by non-state actors to counter specific negative actions against aid providers

Organizational Development Priorities

Expected Results	Performance Indicators
Diversification of sources of funding	<ul style="list-style-type: none"> Increased organization's overall operating budget Increased number of new (non-traditional donors) Increased amount of unrestricted income generated by 10% Decreased ratio of restricted to unrestricted income

Organizational Culture

Expected Results	Performance Indicators
Effective, efficient and vibrant organization	<ul style="list-style-type: none"> Enhanced level of satisfaction by staff Competent and highly motivated Staff Updated policies and procedures in place

INTEGRATION OF INNOVATIVE TECHNOLOGY

Expected Results	Performance Indicators
Knowledge management infrastructure in place	<ul style="list-style-type: none"> Expansion of physical and technological infrastructure

STAFF TRAINING AND DEVELOPMENT

Expected Results	Performance Indicators
Strengthened staff capacity	<ul style="list-style-type: none"> Increase in the number of vulnerable groups that access justice Number and quality of CUCs supported
Effective M & E system in place	<ul style="list-style-type: none"> Increased regular data collection

MEMBERSHIP

Expected Results	Performance Indicators
Increased number and level of participation among members	<ul style="list-style-type: none"> An updated register of members Number of new members recruited. Number of members actively involved in ICJ Kenya's activities. Membership handbook developed and in use.

BUILDING PARTNERSHIPS AND COALITIONS

Expected Results	Performance Indicators
Effective and mutually beneficial partnerships	<ul style="list-style-type: none"> Assessment and mapping of existing partnerships and coalitions Evaluation of projects jointly implemented with partners Increased number of partners with a shared vision

4.10 Organizational Structure



