

## **ICJ KENYA 2018 CRIMINAL JUSTICE CONFERENCE**

### **THEME: MULTI SECTORAL APPROACH TO CRIMINAL JUSTICE REFORMS: ISSUES AND OPTIONS FOR KENYA**

[Opening remarks by the Chairman, ICJ Kenya Board, Mr. Kelvin Mogeni](#)

Hon. Lady Justice Lydia Achode, Principal Judge of the High Court of Kenya;

Hon. Lady Justice Grace Ngenye Macharia, Judge of the High Court of Kenya and the Chairperson of the National Committee on Criminal Justice Reforms;

The Secretary, Public Prosecution, MS. Dorcas Oduor;

Distinguished guests, ladies and gentlemen;

All protocols observed;

Good Morning.

It gives me great pleasure to welcome all of you to the 2018 ICJ Kenya Annual Criminal Justice conference.

ICJ Kenya is a non-governmental membership organization constituting of a body of jurists drawn from members of the Bench and Bar in Kenya and the region. It is the only autonomous national section of the International Commission of Jurist based in Geneva. ICJ Kenya has been working in Kenya and around Africa since 1959 and its mission is to promote human rights, justice and democracy in Kenya and around Africa through the application of legal expertise and international best practices.

Our vision is a just, free and equitable society, hence, the theme of this conference, “multi sectoral approach to criminal justice reforms: issues and options for Kenya, is a clarion call to all Kenyans to actively engage in the ongoing reforms in the criminal justice sector.

Most of the ills which beset our country, and hence our criminal justice system are ultimately traced to the laws governing the criminal justice sector in Kenya- a fact which no observer of the criminal justice system in Kenya - and certainly no lawyer – can ignore if he wishes to have the faintest understanding of the realities of our system.

The administrative and institutional structures in the criminal justice system are in dire need of legal, policy and administrative reforms. We need to humanize our systems and more importantly we need to humanize our laws. This includes creating enforceable safeguards which entrench the rights and liberties of the general populace.

According to a 2015 Audit report on the criminal justice system in Kenya, commissioned by the National Council on Administration of Justice, and conducted by Legal Resources Foundation and Resources Oriented Development Initiatives, Kenya’s criminal justice system is largely skewed against the poor. It is an indictment of a system that is expected to guarantee justice to people from all walks of life, including all forms of vulnerabilities. The Audit found that more poor people are arrested, charged and sent to prison as compared to the well to do

Last year, during the 2017 ICJ Kenya National Conference on Decriminalization and Reclassification of Petty Offences, the Chief Justice of the Republic of Kenya Hon. David Maraga committed to set up a task force to review and initiate reforms of the criminal justice system.

On 15<sup>th</sup> January, 2018 the Chief Justice launched the National Committee on Criminal Justice Reforms. The Committee was constituted following a series of advocacy initiatives by different State and non-State actors for the establishment of a structured approach to criminal justice reforms in Kenya.

The committee was mandated to spearhead comprehensive reforms and review of the laws in criminal justice system and come up with recommendations for an efficient and effective criminal justice system.

ICJ Kenya is a member of this task force, and today we will launch a publication on the Laws and Policies on Petty Offences and Practices Affecting Populations at the National Level and in Nairobi, Mombasa and Kisumu Counties.

The findings and the recommendations of the research will assist the task force in formulating recommendations pertaining to the laws and policies on petty offences.

This conference provides all of us with an opportunity to take stock of the reforms in the criminal justice sector thus far, and make recommendations for reforms.

I wish you all fruitful deliberations.

**Asanteni Sana.**