International Commission of Jurists
KENYAN SECTION | Since 1959

Strategic Plan

2021 to 2024

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Strategic Plan
2021 - 2024

The Rule of Law
Human Rights
Economic Justice
Institutional Wellbeing

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List of Acronyms and Abbreviations

ACHPR	African Charter on Human and Peoples' Rights
AU	African Union
COVID 19	Coronavirus Disease 2019
CSO	Civil Society Organisation
DRC	Democratic Republic of Congo
ECOSOC	Economic Social and Cultural Rights
EJKs	Extra Judicial Killings
ICJ	International Commission of Jurists
ICT	Information and Communication Technology
LGBTQI	Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex (Persons)
M&E	Monitoring and Evaluation
MERL	Monitoring, Evaluation, Reporting, and Learning
NSAs	Non-State Actors
PIL	Public Interest Litigation
PWDS	Persons with Disability
SWOT	Strengths, Weaknesses, Opportunities and Threats

Foreword

The Kenyan Section of the International Commission of Jurists (ICJ Kenya) is a non-governmental, non-profit and a member-based organisation whose aims include development, protection of the rule of law, promotion human rights rights and safeguard of independence of the judiciary and the legal profession.

ICJ Kenya recognises the need for periodic strategic (re)positioning to enable better align with shifting operational contexts. Drawing on the achievements and lessons of the immediate past Strategic Plan, and acknowledging the current and anticipated operational contexts, this Strategic Plan (2021- 2024) is an attempt to effectively position ICJ Kenya in the constantly evolving Rule of Law, Human Rights and Justice contexts.

This Strategic Plan document is the outcome of a co-creation process involving rigorous analysis and reflections by ICJ Kenya staff, Council Members and stakeholders from civil society, private and public sectors. A multi-faceted strategic analysis entailing both internal and exterior contexts was undertaken, the outcomes of which have significantly shaped the defined focus, strategies and interventions.

The plan has been aligned with applicable global and regional protocols and development priorities. The plan is seen as a broad framework document that sets broad parameters to our programs and operations over the plan period. Being a living document, the Strategic Plan, will be reviewed midstream to test for continued relevance and review progress against set targets.

The plan is founded on four strategic result areas around which IC Kenya work will be focused over the four-year plan period: Rule of Law, Human Rights, Economic Justice, and Institutional Wellbeing. Five overarching strategies have been adopted and will apply across all result areas. These are Public Interest Litigation (PIL), Capacity development/ system strengthening, Knowledge management, Advocacy (influencing) and Partnerships development.

This strategy is organised into five main sections. The first section provides background information on the ICJ Kenya, while section two summarises the results of the context analysis. The third section on its part presents the basis of the strategic choices and the theory of change, while the fourth contains the broad objectives, expected outcomes and interventions. Supportive operational matrices are contained in section five of the document.

The Strategic Plan comes at a time when there are increasing cases of governance crisis, human rights violations, and social-economic injustices in Africa. Recognizing that no single actor can, on its own, effectively, and sustainably address the structural causes of these concerns, the plan pursues an integrated, systems thinking approach.

The ICJ Kenya leadership is very enthusiastic about this Strategic Plan, particularly the opportunities it presents for creating positive social change. We call upon all our partners to join hands with us as we boldly venture into implementing the plan and the strategies contained herein.

Mr. Kelvin Mogeni
Chairperson
ICJ Kenya

Executive Director's Remarks

On behalf of the Council and staff members of ICJ Kenya, I am pleased to present this 2021 – 2024 Strategic Plan. We have considered the achievements, challenges, and lessons from the previous 2016-2020 Strategic Plan period in developing this Strategic Plan. We have also taken cognisance of the dynamic environment in which we operate at the national, regional, and international levels 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 organisation promoting a just, inclusive, and equitable society where everyone lives in dignity.

As the oldest human rights organisation in Kenya, we believe that we are responsible for creating a more just society where human rights and the rule of law are respected and protected, allowing people to live their lives in freedom and with dignity.

As demonstrated by our work, our innovative approach to influencing policy-makers and educating the public has enabled us to contribute to tangible outcomes for the most vulnerable in society in 2020; and our success is inspiring us to increase our strategic focus in 2021 and beyond.

We are aware that the successful implementation of this Strategic Plan requires commitment and dedication from our staff, membership, council, and support from our development partners and stakeholders. We invite you to join us in implementing this plan as we continually build public support for future change and create a society where human rights and justice thrives.

Mr. Abdul Noormohamed
Executive Director
ICJ Kenya

Introduction & Background

1.1 About ICJ Kenya

The Kenyan Section of the International Commission of Jurists (ICJ Kenya) is a non-governmental, non-profit and a member-based organisation. Established in 1959, ICJ Kenya is the only autonomous national section of ICJ based in Geneva, Switzerland. It is the. ICJ Kenya is registered as a Society under the Societies Act, Chapter 108, Laws of Kenya. The organisation has a membership drawn from the Bar and the Bench.

The objectives of ICJ Kenya include development, strengthening and protection of the principles of the rule of law, enjoyment of human rights, independence of the judiciary and the legal profession, as well as promotion of provision of legal services. ICJ Kenya employs a combination of approaches and methods to deliver its strategies. These include advocacy, Public Interest Litigation, capacity development/ system strengthening, research and partnerships development.

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.

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1.2 Organisational Identity

ICJ Kenya has a well-defined organisational identity comprising its vision, mission, and organisational values. These are elaborated thus:

Vision Statement:

A just, inclusive, and equitable society where everyone lives in dignity.

Mission Statement:

To promote human rights, democratic governance, justice, and the rule of law in Africa.

Organisational Values:

ICJ Kenya believes in, and is guided by the following ideals:

1 Inclusivity

We passionately embrace diversity in our processes, actions and practices, and are committed to provide equal access to opportunities for all our colleagues, members, partners and the communities we work with. We promote equality and equity and encourage constructive feedback for sustainable and continuous improvement

2 Integrity

We hold ourselves to the highest standards of accountability and ensure that all our processes are open, honest and transparent. We are dedicated to doing the right thing because it is the right thing to do.

3 Commitment

We are dedicated to remain true to our mission and vision in pursuit of justice and the rule of law for all people in our region. We are determined to continuously strive for fair and equal societies that uphold strong values. We stand in solidarity with all our partners in the region who defend and protect human rights and access to justice for all.

4 Professionalism

We are committed to excellence, professional rigour and ethical conduct in all that we do. We aim to be efficient in or work, exceeding set standards and applying our skills for the benefit of our societies. Our objective is to be progressive, innovative, humble and continuously open to new knowledge and expertise.

1.3 Track Record

1. The organisation had previously engaged in in pushing for constitutional and legal reforms in Kenya and various African Counties. This includes the contributions towards enactment of the Constitution of Kenya 2010, enactment of the Legal Aid Act, 2016, Access to Information Act, 2016 etc.

2. Enormously contributed to strengthening justice systems across East Africa. This includes capacity development of judicial officers; strengthening Court Users Committees; development of a gender policy for East African Judiciaries; implementation of Alternative Dispute Resolution mechanisms; and enhancing public trust and confidence on justice systems.

3. Immensely contributed to electoral reforms and monitoring in Africa. Examples include contributions to the development of the Election Petition Rules, 2012 and support to the Presidential Election Petition No.4 of 2017 in Kenya. These ensured minimisation of risks related to the dysfunctional electoral competition and practices.

4. ICJ Kenya has been part of an ongoing regional campaign for decriminalisation and reclassification of petty offences in Africa. This included the drafting, tabling, and adoption by the African Commission on Humans and Peoples Rights of the 'Principles on the Decriminalisation of Petty Offences in Africa region'.

5. ICJ Kenya has over the years deepened its outreach towards judicial implementation of the Maputo Protocol. This included documentation of the level of women representation in regional judiciaries in order to enhance general awareness on the need to promote gender equality in the regional judiciaries.

6. The organisation has over the years developed various knowledge pieces (research, documentation, evidence building etc.). which were subsequently used for learning, develop PIL strategies and to influence ongoing deliberations with duty bearers within the justice chain.

7. ICJ Kenya has contributed to establishment and or strengthening of various paralegal networks. The paralegals support efforts towards access to justice and highlight human rights violations in rural areas; most significantly, they reduce the cost and burden of legal fees for low-income earners.

8. ICJ Kenya is a leading authority on International Criminal Justice in Africa, promoting justice for international crimes and gross human rights violations. Successes include the securing of a domestic arrest warrant for President Omar Bashir; amplification of voices of victims of human rights violations in Burundi; promotion of alternative reporting as a tool to promote state accountability; and monitoring Rwandan genocide trials.

9. ICJ Kenya has since 1993 annually conferred awards to outstanding Kenyan jurists who have made exceptional contributions to promoting of human rights and the rule of law. The award is conferred annually, every December 10, to commemorate the United Nations Human Rights Day.

10. ICJ Kenya continues to support efforts aimed at ensuring that the extractive sectors are governed in a more participatory, equitable and sustainable way. This has been realised through development of legislative and oversight guidelines as well as promotion of grassroots participation in extractives' governance.

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Context Analysis

This section of the Strategic Plan provides a high-level overview of the operating context in Africa as of the time of developing this Strategic Plan. Cognisant that the context is bound to change over time, we will adjust the strategy in response to any such developments while remaining true to our mission.

2.1 Overview of the Governance & Human Rights Contexts

State of Governance:

There have been notable improvements in various aspects of governance across various African countries in line with the African Union Agenda 2063. Most African States have continued to build on the governance gains and institutional reforms initiated in the early 1990s[1], with notable progress in countries such as Ghana, Kenya, Morocco, and Côte d'Ivoire[2].

On the other hand, however, countries like Eritrea, Somalia, Burundi and South Sudan remain saddled by dysfunctional governance structures characterised by chronic insecurity or personalisation of power. Other manifestations of poor governance in Africa include marginalisation of some groups; undermining of independent institutions; and disregard for, or selective application of the law.

African countries must thus entrench mechanisms that enable constitutionalism, accountability, and democracy, if they are to achieve their development goals. Key elements of good governance in this regard include popular participation, accountability, elimination of corruption, protection of freedom of information and human rights, as well as decentralisation and devolution of power.

Human Rights Situation:

While efforts to enshrine human rights in law are found in most of African countries, the actual protection of those rights often falls victim to unaccountable and violent State and Non-State Actors (NSA). Overall, Africa has registered a rise in human rights abuses including crack down on human rights actors, stifling of political dissent, and denial of basic Economic, Social, and Cultural (ECOSOC) rights. These happen in total disregard of the States' obligations under the African Charter on Human and Peoples' Rights (ACHPR) and an array of other international, regional, and national instruments that protect human rights[3].

To exemplify, Djibouti and Eritrea are ruled by repressive regimes, while Rwanda, Tanzania and Uganda have continued to limit spaces for dissent. On its part, Kenya has seen rising cases of Extra Judicial Killings (EJKs), forced evictions, enforced disappearances and limitation of freedoms of expression and association[4]. On the other hand, Ethiopia faces rising ethnic tensions and security breakdowns, while Tanzania continues to restrict media freedoms[5].

Additionally, several African countries are plagued by political violence that limit ability of human rights actors to flourish. As an example, armed groups in Cameroon, Mali, Nigeria, Somalia, Ethiopia, Sudan, Central Africa Republic, DRC, and South Sudan commonly commit gross human rights abuses against the public[6]. The authorities have often responded with even more human rights violations, such as EJKs, beatings, arbitrary detentions, torture, and

1. https://www.brookings.edu/research/good-and-inclusive-governance-is-imperative-for-africas-future/
2. Mo Ibrahim Foundation, 2018 Ibrahim Index of African Governance 2018 (London, UK: Mo Ibrahim Foundation, 2018)
3. https://africandefenders.org/achpr63-joint-statement-on-the-human-rights-situation-in-africa/
4. https://defenddefenders.org/country/kenya/
5. https://www.twaweza.org/go/commitment-to-expand-civic-space
6. https://www.amnesty.org/en/countries/africa/

sexual violence[7]. Separately, the rise of security threats such as terrorism and conflicts has seen many African States engage in counterterrorism strategies such as detentions without trial and or EJKs.

Separately, there have been growing levels of religious, ideological, and cultural conservatism, as well as moralistic tendencies. These include among others, efforts to delegitimize organising around rights of women and or Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex (LGBTQI) persons. Other examples include increasing cases of xenophobia, femicide, exclusion of minority groups, and harassment of gender non-conforming groups.

Finally, there have equally been growing concerns about the shrinking of the civic space. Common indicators of this are: administrative restrictions on Civil Society Organisations (CSOs); use of restrictive legal structures to attack CSOs; disproportionate penalties for non-compliance; targeting and or harassment including undue surveillance, censorships, and clampdowns; as well as limitations on citizens organising[8]. In particular, intelligence is commonly used to monitor activists and citizens in general. Besides prying into people's privacy, these situations limit the space for the human rights actors to do their work, with an increasing risk and danger to them.

2.2 Overview of Rule of Law & Constitutionalism

Rule of Law:

Serious efforts to entrench the rule of law in Africa came with the wave of democratization in the 1990s. In this regard, countries like Ethiopia, Kenya, Uganda, Rwanda, Tanzania, Rwanda, and Ghana developed progressive regulatory and institutional frameworks which raised hopes of a new era of constitutionalism, democracy, and respect for human rights. These hopes have however been overtaken by a steady decline in rule of law and an erosion of a culture of constitutionalism over the last two decades[9]. As an example, the 2020 World Justice Project's Rule of Law Index ranks Uganda, Kenya, and Tanzania at positions 117, 102 and 93 respectively out of 128 countries globally[10].

In particular, the implementation of these frameworks and other international protocols have remained less advanced due to poor resourcing, weak institutional capacities, political interference, impunity by public officers, and the dominance of the executive. There is thus a need for continued investment in enhancing mechanisms for monitoring compliance and enforcement. This could be done within the existing frameworks of the AU, such as the African Union Commission, the Peace and Security Council, the ACHPR, and the African Peer Review Mechanism.

Access to Justice:

Access to justice is considered as a key pillar for the rule of law, democracy, and effective or equitable development. Progress has been achieved by various African countries in strengthening access to justice. As an example, Kenya's efforts towards judicial reforms

7. https://www.africaportal.org/features/human-rights-under-continued-threat-africa-report/
8. https://www.uaf-africa.org/wp/wp-content/uploads/2018/04/Feminist-Resistance-and-Resilience-ENGLISH-1.pdf
9. http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1996-20962018000100011&lng=en&nrm=iso&tlng=en
10. https://worldjusticeproject.org/sites/default/files/documents/WJP-ROLI-2020-Online_0.pdf

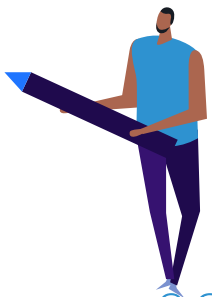
include establishment of an operational Judicial Service Commission and a Judicial Fund[11]. On their part, Rwanda, Uganda, and Tanzania have enhanced physical and technological infrastructure, undertaken various legal reforms and build the capacity of key judicial officers. However, access to justice unfortunately remains elusive in a number of African countries like Burundi, Eritrea, Djibouti, South Sudan, Sudan, and Somalia[12].

Often judicial independence in Africa is undermined amongst others through politicisation, biased staff appointments, poor resourcing, smear campaigns, and or ouster of judicial staff[13]. Further, most of the countries' judicial institutions have inadequate capacities, are corrupt and unresponsive[14]. These concerns are aggravated by a culture of impunity fueled by ethnic and political patronage; unwillingness to prosecute powerful individuals; and unaccountable leadership.

Elections and Political Transitions:

Elections remain the main means of political power transfers in Africa. Historically, credibility of political institutions and electoral processes remain mostly questionable in these countries. Common challenges include threats and intimidation of the opposition candidates[15], acrimonious contestation of election results and electoral violence as has previously been the case in Kenya, Uganda, and Zanzibar.

Similarly, attempts to extend or circumvent term limits by entrenched leaders has often led to unrest and brutal crackdown on opposition figures and or civil society actors as was previously witnessed in Uganda, Burundi, Sudan, and the Democratic Republic of Congo (DRC). South Sudan on its part continues to witness impunity for human rights violations in the ongoing volatile political situation[16].



Most of the East Africa countries have general elections in the coming two years: Tanzania in 2020, Uganda in 2021 and Kenya in 2022. Already political tensions are on the rise across all three countries. Additionally, that these elections may partly happen during Coronavirus Disease 2019 (COVID-19) restrictions has a bearing on the extent by which the same will be perceived as being free and fair.

2.3 Socio-Economic Contexts

Social-Economic Situation:

Africa has witnessed tremendous social and economic transformation., with its economy tripling since 2000[17]. The continent is endowed with natural resources, large numbers of educated youth, and an emerging middle class. However, despite these potentials and successes, poverty in the continent remains high with 30% of the population living below the global poverty line[18].
Africa's growth potential is constrained by challenges of poverty, inequality, poor

11. https://www.idlo.int/news/highlights/paving-way-stronger-judiciary-kenya
12. https://freedomhouse.org/sites/default/files/Feb2019_FH_FITW_2019_Report_ForWeb-compressed.pdf/
13.https://oxfordre.com/politics/view/10.1093/acrefore/9780190228637.001.0001/acrefore-9780190228637-e-1352
14. http://www.judiciary.go.ug/files/downloads/SOJ%20Four%20Final%20Report_V5_Final_12P.pdf
15. https://www.aljazeera.com/news/2020/10/14/uganda-police-raid-bobi-wines-campaign-headquarters
16. DefendDefenders, 2020. South Sudan: Ongoing Grave Violations, Volatile Security Situation
17. https://sur.conectas.org/wp-content/uploads/2016/09/13-sur-23-ingles-makau-mutua.pdf 18 https://worldpoverty.io/

governance, climate change, food insecurity, conflicts, terrorism, and vulnerability to shocks[18]. Key economic challenges include endemic corruption, impunity, as well as wealth repatriation/ illicit financial flows by powerful corporates and individuals[19]. Furthermore, large multinational companies, often protected by corrupted State officials, disenfranchise the public of common goods, and enormously contribute to environmental degradation[20]. Often, there is limited inclusion of the public in the management and governance of extractive resources.

Past and current injustices, especially inequitable sharing of resources and opportunities have produced very high gross inequalities. Such inequality is exacerbated by inhumane evictions; forced acquisition of land and evictions, particularly of minority groups; labour abuses; exploitative capitalism; and unequal access to productive resources and opportunities.

More recently, additional challenges have arisen in relation to African countries' handling of the COVID 19 pandemic. This include police brutality, cruel, inhuman, and degrading treatment while enforcing lockdowns[21], inadequate protection measures in prisons, and limitations on the rights to a fair and speedy trial especially for the poor and most vulnerable. There is thus a need for continued vigilance to ensure that COVID 19 responses are temporary, lawful, non-discriminatory, proportionate to the threat, strictly necessary, and do not outlast the pandemic.

Environment, Natural Resources and Climate Change:

Climate change represents the most complex challenge of our time, and is aggravated by population pressure, deforestation, eco-systems' degradation, and unsustainable use of resources. Given its geographical position, Africa will be particularly vulnerable due to the considerably limited adaptive capacity and exacerbated by widespread poverty. Climate change is especially a threat to continued economic growth, vulnerable habitats, biodiversity, and livelihoods of vulnerable populations[22]. Sustainable use of environmental resources and a proactive strategy on climate change mitigation is therefore imperative.

Information and Communication Technology (ICT) and Media:

Most African countries have continued to witness dramatic improvements in ICT infrastructure. These include increased internet penetration, as well as use of mobile telephony, social media, and other web-based platforms. Such developments can be major enablers for empowerment of traditionally marginalised groups, including through creation of new jobs and making labour markets inclusive, and opportunities for female entrepreneurs to enter (new) markets[23].

In many cases however, ICT services remain out of reach, or fall short of information needs of rural communities. Inequities in ICT access are often driven by poverty, illiteracy, ICT skills deficiency and unsupportive cultural norms[24]. It is however also notable that such ICT advances have also led to more sophisticated surveillance systems by State over of civil society actors and the general public.

18. https://www.worldbank.org/en/country/kenya/overview
19. https://www.researchgate.net/publication/321217553_Africa_in_the_Global_Capitalism_An_Era_of_Development_or_Exploitation/citation/download
20. Yeganeh, H. (2019), 'A critical examination of social impacts of large corporations in the age of globalization'.
21. https://www.aa.com.tr/en/africa/kenya-legal-action-taken-over-cops-lockdown-brutality/1983085
22. https://www.unenvironment.org/regions/africa/regional-initiatives/responding-climate-change
23. https://www.business.com/articles/women-owned-businesses-social-media-marketing/
24.https://www.aljazeera.com/indepth/opinion/2014/05/women-ict-africa-new-digital-ga-20145221024412155 8.html

2.4 Summary of Strengths, Weaknesses, Opportunities, and Threats

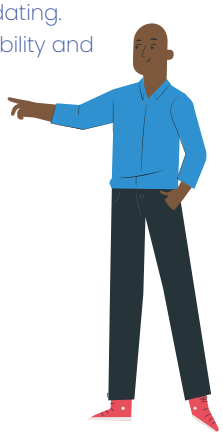
The following Strengths, Weaknesses, Opportunities, and Threats (SWOT) have emerged from the analysis of the internal and external operational contexts of ICJ Kenya.

Strengths

1. Strong partnerships and engagements with/in strategic networks, platforms & spaces.
2. Strategic working relations with diverse
3. stakeholders, both State & CSO actors.
4. Broad membership base of jurists with wealth of knowledge and in influential spaces.
5. Great organisational track record, rich history, high respect, and credibility.
6. Experience working across grassroots, national, regional, and global levels.
7. A young, vibrant, competent, gender balanced team.
8. The organisation has initiated a journey towards financial resilience.

Weaknesses

1. Inadequate diversity, engagement, and tapping of the existing membership potential.
2. ICJ Kenya work is heavily Kenyan focused (as opposed to desired regional orientation).
3. Insufficient budget allocation/ investments in staff development, creativity, and innovation.
4. Non-optimal program synergy, integration, and coherence within the organisation.
5. Key organisational policies and {ICT) systems need structured periodic review and updating.
6. Non-optimal institutional brand visibility and investments in communication.



Opportunities

1. Scope to work with/ through regional and global actors/ networks to scale reach & impact.
2. Increased access to innovative ICT - machine learning, Artificial intelligence, social media etc.
3. Greater strategic use of ICJ Kenya membership, including expansion of the membership base.
4. Existence of enabling regulatory and institutional frameworks - laws, polices, protocols etc.
5. Emergence of new and creative advocacy avenues e.g. art/ creatives, grassroots social movements etc.
6. Emerging frontiers of programing e.g. digital rights, ECOSOC rights, business & human rights etc.
7. Continued relevance & legitimacy (context highlights growing need for human rights protection)

Threats

1. Likelihoods of political tensions, instability or polarisation during national elections
2. Weak collaboration between States, CSOs & private sector.
3. Shrinking civic space.
4. Limited political will to protect, promote and fulfil human rights/ unaccountable leadership.
5. Attempts to reverse constitutional gains.
6. Reducing CSO funding and changing funding priorities or policies.
7. Economic downturn, psychosocial & negative operational effects of the COVID-19 pandemic.
8. Unhealthy competition & negative portrayal
9. of CSOs by State and media.

2.5 Looking Back: Lessons Learnt and Critical Success Factors

The following insights from our previous work, as well as the analysis of the operating context will underpin our work over this Strategic Plan period:

1. Accelerated sustainable system level change requires collaborations with complementary actors across all sectors. However, it is imperative to ensure that collaborations add value and strategically contribute to the ICJ Kenya ambitions. We will thus re-assess and prioritise all our networks.

2. ICJ Kenya acknowledges the role and power of political actors and corporates towards attainment of its ambitions. We will thus more deliberately seek to leverage such power in championing Human Rights within business and public spaces.

3. Effective influencing of policy and practice requires balances attention to both the supply and demand sides: This demands investments in strengthening and or influencing duty bearers/ policy makers (boardroom engagement); empowering rights holders (grassroots engagement); and facilitation of safe spaces for engagement between the two levels.

4. A good balance between the roles of facilitation and direct implementation is needed: Working through grassroots actors enables greater legitimacy visibility, ownership, and sustainability. However, higher level policy influencing, systems strengthening and (inter)national work often require that ICJ Kenya directly works with critical actors.

5. ICJ Kenya has established itself as a reputable institution with great track record across various levels. It is important to leverage this status to scale reach and impact. ICJ Kenya will thus seek to entrench its position as a regional actor by expanding its continental programs and engagements

6. Investments in institutional resilience is imperative granted the growing competition over dwindling funding. ICJ Kenya will thus develop alternative resource streams; strengthening its innovative capacity; improve internal efficiencies; solidify internal program integration; become a fully values driven entity; and more strategically adopt cutting edge technology.

"...ICJ Kenya has established itself as a reputable institution with great track record across various levels."

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3.1 Conceptual Framework

The context analysis points to a strong relationship between poverty, inequality and governance. In this regard, effective public governance and respect for the rule of law enables economic prosperity and social cohesion; reduces poverty; improves ecological sustainability; and deepens confidence in government[25]. Further, the rule of law frames wealth, resource, and power (re)distribution.

Deductively, advancement of rule of law is thus essential for inclusive economic growth, sustainable development, poverty eradication, and full realisation of all human rights, fundamental freedoms, and socio-economic justice[26]. Poverty eradication efforts are thus likely to be undermined without adequate investments in good governance and the rule of law, besides promotion and protection of human, political and ECOSOC rights. Accordingly, without improving governance, it will not be possible to lift people out of poverty using social and economic approaches only, and vice versa[27].

It is however noteworthy that to attain sustainable system level change, the above approaches must be complemented with investments towards shifting social power relations, reforming regulatory frameworks, developing people's capacities, and changing retrogressive norms. In particular, an integration of ECOSOC rights and environmental justice with rule of law presents a powerful basis of enhancing good governance, building resilience, and enhancing human and ecological wellbeing[28].

25. UNDP - Governance for Poverty Eradication and Sustainable Development: Issues in Development Co-operation.

26. Louis A and Deval D (2013). Overview on the Rule of Law and Sustainable Development for the Global Dialogue on Rule of Law and the Post 2015 Development Agenda

27. http://www.worldbank.org/en/news/opinion/2013/05/16/op-ed-no-end-to-poverty-without-better-governance

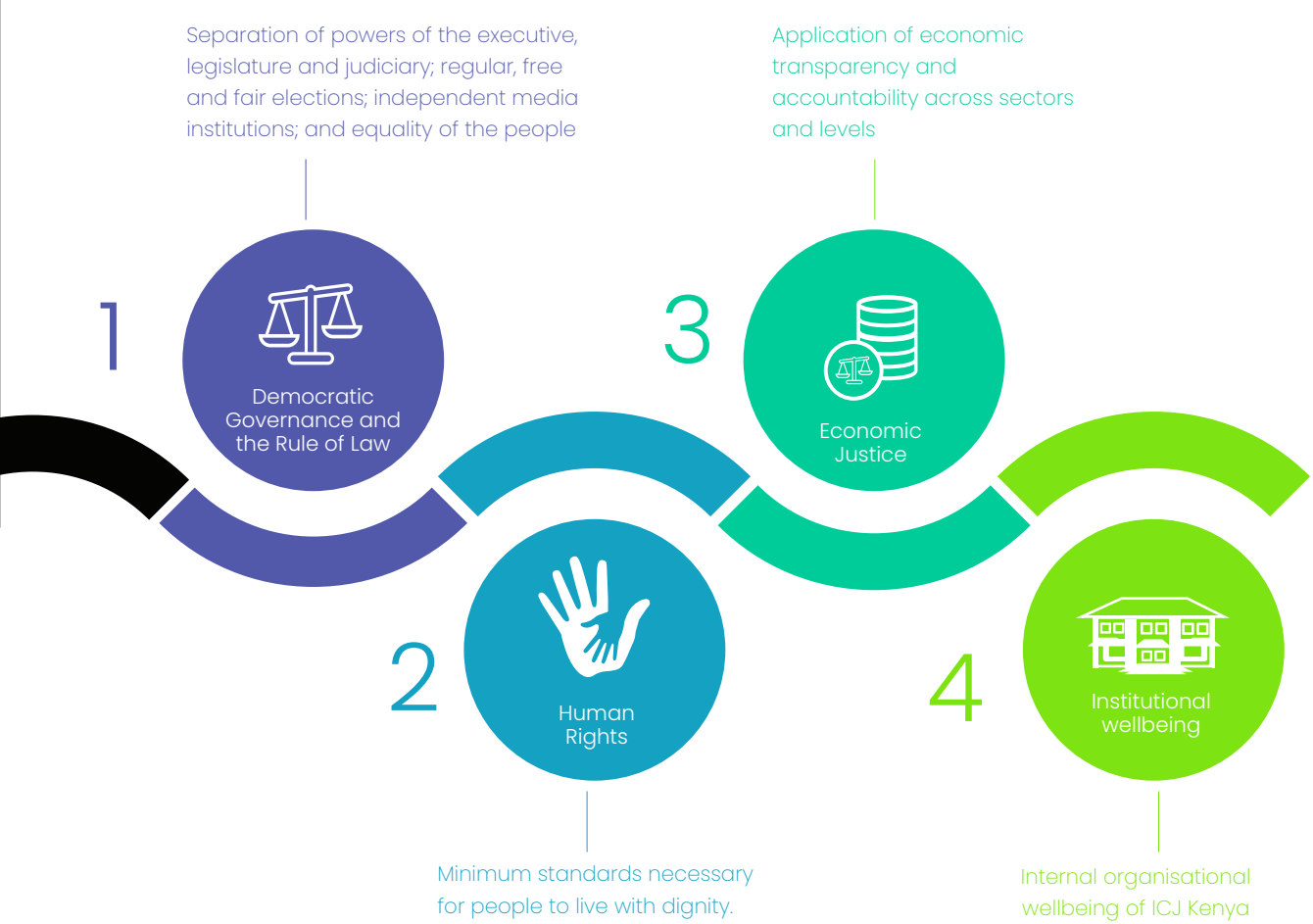
28. Accessed at http://www.sustainable-livelihoods.com/pdf/Governance_for_Poverty_

3.2 Theory of Change

ICJ Kenya's overall aim is to promote rule of law, champion democratic governance, advance justice, and safeguard human rights, thereby enabling people to live in dignity, and to harmoniously coexist with each other and their environment. We recognise that this ambition is often inhibited by weak regulatory and institutional frameworks, poor leadership, exclusion, capacity constraints, and retrogressive norms.

Further, we understand poverty as a function of economic growth, benefit distribution, socialpolitical power relations and ecological imbalances. We believe therefore that ensuring human dignity and harmonious coexistence demands attention on underlying systemic drivers of the same, often in the areas of laws, policies, and institutions; social norms; and individual or collective capacities.

ICJ Kenya will therefore invest in promoting rule of law, socio-economic justice, and human rights as a basis for democratic governance; as well as strengthening justice, redress, and security systems. These will be in addition to investing in strengthening ICJ Kenya's own internal capacities. Our interventions will be concentrated in four strategic result areas:



The ICJ Kenya schematic representation of this theory of change

A jus
w

Greater adhearance to/accountability to the rule of law

Greater access to justice & redress especially for women and marginalised groups

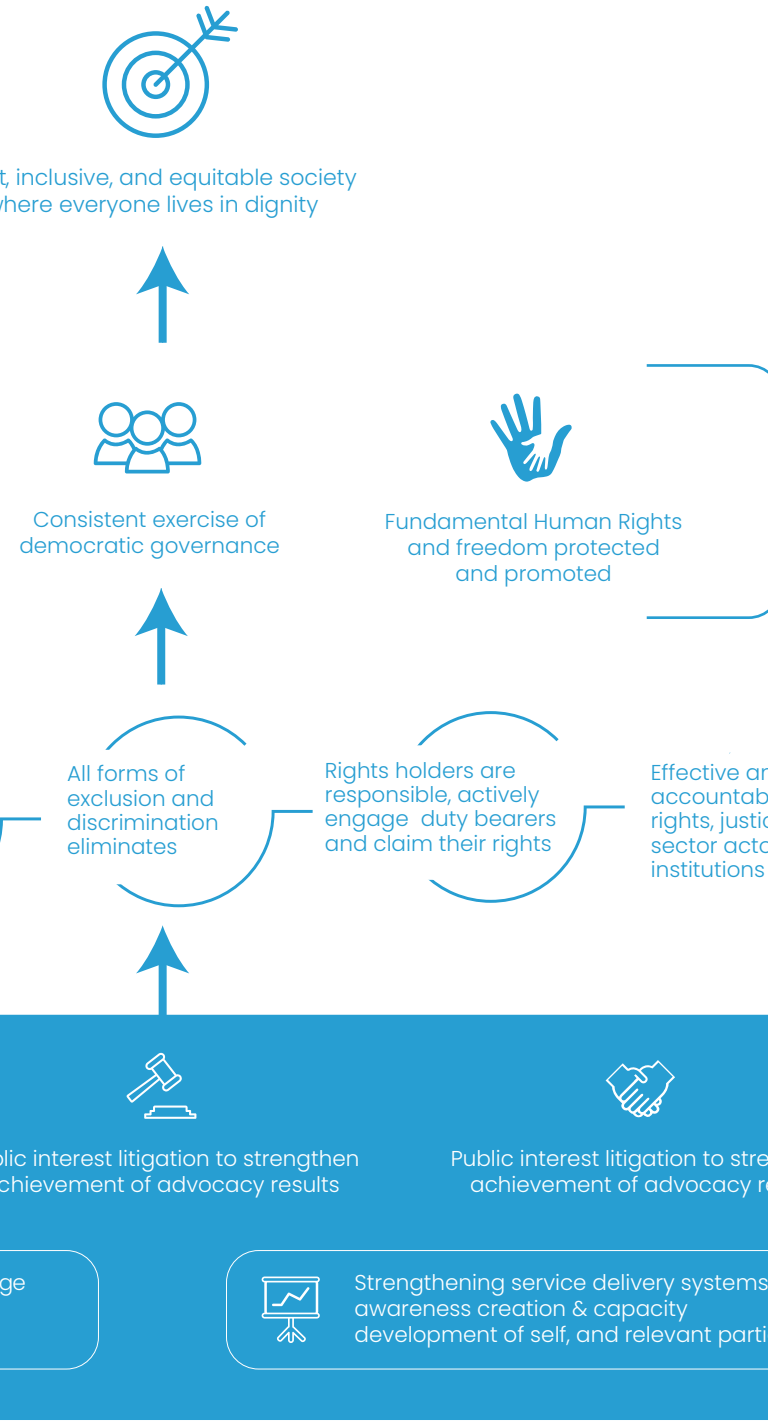
Compliance with progressive (sub) national regulatory and institutional frameworks

Advocacy for progressive legal, policy & institutional frameworks, norms & political will for change

Pub
a

Generating and sharing knowled
(analysis, evidence building
research, monitoring etc.)

To promote human rights



ICJ Kenya believes that entrenchment of the rule of law, democracy and protection of human rights is a long-term process that requires changes in regulatory & institutional frameworks, social norms, individual/collective capacities, and action

We understand that sustainable system level changes in this regard we will require collaboration with complementary actors across all sectors and levels. We hope that all concerned actors will enough political willpower towards such change, and make the investmentsneeded to enable such changes.

1. Democratic Governance and the Rule of Law;
2. Human Rights;
3. Economic Justice; &
4. Institutional wellbeing.

, democratic governance, justice, and the rule of law in Africa.

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Strategic Objectives & Interventions

This section presents the objectives, sub areas of focus and broad strategic interventions for the four strategic result areas of focus of ICJ Kenya, as already mentioned under section 3.2 of this plan. The section does not go into the detailed activities as these will be elaborated in individual project proposals and or detailed annual implementation plans.

4.1 Democratic Governance & the Rule of Law

The hallmarks of respect for the rule of law include separation of powers of the executive, legislature and judiciary; regular, free and fair elections; an independent and impartial judiciary; free and independent media institutions; and equality of the people before the law[29].

The overall objective of this result area will be 'to support applicable justice institutions and empower 'the public to contribute to reform and actualisation of regulatory frameworks, and to ensure transparent, responsive, and accountable justice institutions'. The focus of the result area will include support to drafting and implementation of good constitutions; reforming laws, justice, and security systems; empowering citizens to engage with such processes.

The detailed expected outcomes and strategic interventions under the result area are presented under the respective sub themes as follows:

4.1.1 Constitutional Reforms and Implementation

The main aim of this sub theme will be to offer support towards applicable constitutional, legal, policy, and institutional reforms.

Expected Outcomes

1. Reformed legal, policy and institutional frameworks, ensuring these are gender responsive.
2. Strengthened protection of civil-political and socio-economic rights.

Strategic Interventions

1. Support safeguards, reforms and adherence to progressive constitutional, legal, policy & institutional frameworks.
2. Strengthen electoral management bodies, electoral processes, and electoral dispute resolution mechanisms.
3. Conduct periodic research on emerging constitutional issues to inform thinking and practice.

4.1.2 Judicial Strengthening and Reforms

The main aim of this sub theme is to strengthen capacity, integrity, and accountability of justice sector institutions for expanded access to justice and redress. This seeks to amongst others enhance the efficiency, transparency, and accountability of justice systems.

Expected Outcomes

1. Capacity of justice sector institutions to perform core functions strengthened.
2. Increased effectiveness, independence, accountability, and goodwill towards judicial institutions.

29. https://www.kas.de/c/document_library/get_file?uuid=2528ba94-446b-ce48-a32d-fa34b630faf1&groupId=252038

Strategic Interventions

1. Promote adherence to applicable standards/ best practices for judicial independence, transparency, integrity, and resourcing.
2. Support establishment, strengthening or expansion of justice institutions and actors.
3. Strengthen the role of civil society and the public towards justice sector reforms, access to legal aid/ paralegal support etc.

4.1.3 Security Sector Strengthening & Reforms

This sub theme seeks to contribute to enhancing the capacity and accountability of security sector institutions. The expected outcomes and interventions will be as follows:

Expected Outcomes

1. Increased accountability and adherence to international human rights standards and practices.
2. Enhanced work-related behavior of target security sector actors.

Strategic Interventions

1. Support development, reform and or implementation of security sector laws and policies.
2. Strengthen capacities of security sector agencies, institutions and supporting structures (eg police reform working groups).
3. Empower the citizenry on their mandate towards the realisation of an accountable security sector.
4. Undertake research and policy analysis on emerging critical security sector issues.

4.1.4 Criminal Justice

This sub area seeks to contribute to the promotion of respect of human rights within the criminal justice system

Expected Outcomes

1. Petty offences decriminalised and or re-classified in focus countries
2. Strengthened criminal justice institutions adequately respond to the needs of the poor and vulnerable in society.

Strategic Interventions

1. Provide technical support/ advice to stakeholders working on decriminalisation of petty offences
2. Support structured reviews and reforms of criminal justice systems & institutions (including enactment, interpretation and enforcement by AU member States of the Principles of Decriminalisation of Petty Offences as adopted by the ACHPR).

4.2 Human Rights

Human rights reflect the minimum standards necessary for people to live with dignity. They give people the freedom to choose how they live, express themselves, and are governed, besides protecting them against abuse by powerful individuals by guaranteeing life, liberty, equality, and security.

The overall objective: of the result area is promote and protect the respect and observance of human rights and fundamental freedoms, especially for women and minority groups. By facilitating access to fundamental rights and freedoms, ICJ Kenya ultimately aims to contribute to attainment of human dignity, wellbeing, and self-fulfillment.

The detailed expected outcomes and strategic interventions under the result area are presented under the respective sub themes as follows:

4.2.1 Accountability for Human Rights Violations and Atrocity Crimes

This sub theme seeks to facilitate enhanced access to justice and legal redress for persons/ communities whose rights have been violated.

Expected Outcomes

1. Increased accountability for human rights violations by concerned institutions/ actors.
2. Increased understanding of and demand for human rights by the public.
3. Increased access to redress by persons/ communities whose rights have been violated.

Strategic Interventions

1. Promote due process/ fair trial rights of the accused, victims, and witnesses.
2. Monitor cases of strategic interest on international crimes and gross violations of human rights.
3. Support reforms and adherence to laws, policies, protocols, or conventions on accountability for human rights violations.
4. Research, analysis, investigations, and advocacy at (inter)national fora on human rights and access to justice issues.

4.2.2 Equality Rights and Inclusion

This sub theme will be concerned with strengthening access to justice and legal redress for poor, marginalised and or minority communities.

Expected Outcomes

1. Increased safeguard of rights of minority groups, especially LGBTQI persons & PWDs/ mental health challenges.
2. Enhance access to justice and redress by indigenous communities, minority, and marginalised groups.

Strategic Interventions

1. Support reforms & adherence to progressive laws, policies, and protocols for PWDs & other marginalised groups (including ensuring that critical justice & other key institutions are disability friendly).
2. Promote the rights of LGBTQI persons and associated organisations.
3. Offer technical assistance and or provision of (para) legal services.

4.2.3 Civic Space, Digital Rights, and Independent Media

The right to receive, seek and impart information is well-entrenched under international law and many domestic laws across the continent. This sub theme will seek to contribute to safeguarding civic spaces, press freedoms and digital rights as fundamental rights in focus countries. These will be in addition to supporting the creation, reclamation, and preservation of civic spaces in focus African countries.

Expected Outcomes

1. Humans rights in the digital space protected.
2. Media freedoms promoted and protected.
3. Legal and institutional impediments to civic space removed.

Strategic Interventions

1. Support reforms and monitor implementation of progressive digital, civic space and media laws and policies.
2. Contribute to safeguarding media freedoms and independence.
3. Strengthen the capacity of relevant media and civil society actors

4.3 Economic Justice

This third strategic result areas aims to support the application of economic transparency and accountability across sectors and levels with a view to contributing to a more equitable and inclusive society. The focus will include effective management and governance of public resources, equitable distribution of resources and opportunities, contract enforcement, regulatory compliance, address of corruption and human rights within the business sector. The work is founded on the promise that rule of law is essential for creating investor confidence, a level playing field for business.

The overall objective of this strategic result is 'to contribute to greater economic accountability and social justice. The expected outcomes and strategic interventions under the result area are presented under the respective sub themes in the following sub sections.

4.3.1 Corporate and Public Sector Accountability

The broad aims of this sub area are to contribute to achieving efficient, effective, and accountable use of public resources and adherence to human rights standards by corporates

Expected Outcomes

1. Increased public engagement in planning, use, and accountability of public financial resources.
2. Increased effective governance and accountability for use of public financial resources.
3. Corporates act with due diligence to avoid infringement of set human rights standards.

Strategic Interventions

1. Promote citizen driven social accountability
2. Monitor the adherence to the AU conventions/ protocols, EITI and other standards on transparency & accountability.
3. Support reforms or adherence to applicable public financial management and corporate accountability for human rights frameworks.
4. Strengthen capacities of applicable actors towards effective corporate and public sector accountability (includes support towards compliance with set human rights and other relevant standards).
5. Address general human rights infringements within the business sector.

4.3.2 ECOSOC Rights

Economic, social, and cultural rights include the rights to adequate food, education, health, decent social security, work, housing, water, and sanitation, as well as to take part in cultural life. By promoting these rights, ICJ Kenya aims to contribute to promoting higher standards of living, full employment, and enjoyment of economic and social progress.

Expected Outcomes

1. Increased public participation in processes and decisions affecting the citizens' livelihoods and culture.
2. Increased access by vulnerable and minority groups to basic services.
3. Strengthened protection of social, economic, and cultural rights of minority groups.

Strategic Interventions

1. Contribute to strengthening public participation frameworks for effective governance and public services delivery.
2. Hold State accountable on prioritisation and budgetary allocations towards priority basic services.
3. Strengthen public claim making towards access to basic ECOSOC rights and opportunities for livelihoods development.
4. Invest in protecting rights of most vulnerable groups such as indigenous/ ethnic minorities, forest communities.

4.3.3 Land, Environment & Climate Justice

This sub theme seeks to contribute to the sustainable and effective governance/ management of land, environment, and climate.

Expected Outcomes

1. Greater accountability & transparency for land allocation, acquisition, and distribution by all levels of government.

2. Natural resources are responsibly managed/ conserved, sustainably used, and equitably shared.

Strategic Interventions

1. Support reforms / implementation of legal policy or institutional frameworks governing land, environment, and climate justice.
2. Support public conscientization/ strengthening regarding rights and responsibilities on land, environment, and natural resources.
3. Promote transparency, accountability and equitable benefit sharing for extractive and other natural resources.
4. Facilitate access to remedies on land, environment. and other natural resource injustices.

4.4 Institutional Wellbeing

This strategic result area will mainly focus on internal organisational wellbeing of ICJ Kenya. It seeks to build on existing track record while addressing the capacity gaps that emerged from the SWOT analysis.

The overall objective of the result area is to enable ICJ Kenya to consolidate its vision of being 'a premier human rights organisation promoting a just, free and equitable society'. The strategic interventions needed to realise this ambition are elaborated under of the below sub pillars

4.4.1 Leadership, Governance, and Strategy

Expected Outcomes

1. Enhanced governance and membership diversity, capacity and value add.
2. Consistent delivery of high quality services (meeting set targets and standards).

Strategic Interventions

1. Broaden membership demographic and regional diversity and tapping of the expertise/ resource.
2. Undertake regular governance development (on emerging governance issues).
3. Undertake periodic organisational development / repositioning processes.
4. Grow operations into additional African countries.

4.4.2 ICT, Communication and Learning

Expected Outcomes

1. Improved institutional efficiency
2. Increased brand visibility

Strategic Interventions

1. Consistently integrate/ upgrade ICT aided systems and processes in ICJ Kenya operations

2. Expand the use of social media for programming or visibility including social media advocacy.
3. Review, update and operationalise ICJ Kenya communications and advocacy strategy.
4. Revamp (consolidate, institutionalise) the ICJ Kenya MERL system.
5. Undertake continuous monitoring/ evaluation of programmes (results, approaches, strategies).
6. Continually strengthen ICJ Kenya social media and digital communication channels.

4.4.3 People, Systems and Culture

Expected Outcomes

1. Application of strong organisational values and systems of internal controls.
2. ICJ Kenya attracts and retains adequate numbers of quality staff and leaders.

Strategic Interventions

1. Undertake regular staff development and learning towards innovation and critical thinking.
2. Recruitment and retention of staff with diverse professional backgrounds.
3. Infuse values in key organisational processes, structures, and systems.
4. Strengthen people management and engagement processes (employee assistance program to champion wellbeing/ care issues.)
5. Periodically review, update, and operationalise all operating policy documents

4.4.4 Financial Sustainability

Expected Outcomes

1. Increase in annual funding for ICJ Kenya.
2. Existence of a diverse, sustainable, and stable resource portfolio.

Strategic Interventions

1. Further leverage existing partnerships to diversify funding portfolio and expand the organisational financial resource base.
2. Enhance returns on our investments and own generated resources - consider establishing a Trust.
3. Identify, cultivate relations with, and onboard new funders.
4. Establish a resource mobilisation framework, strategy, and plan.

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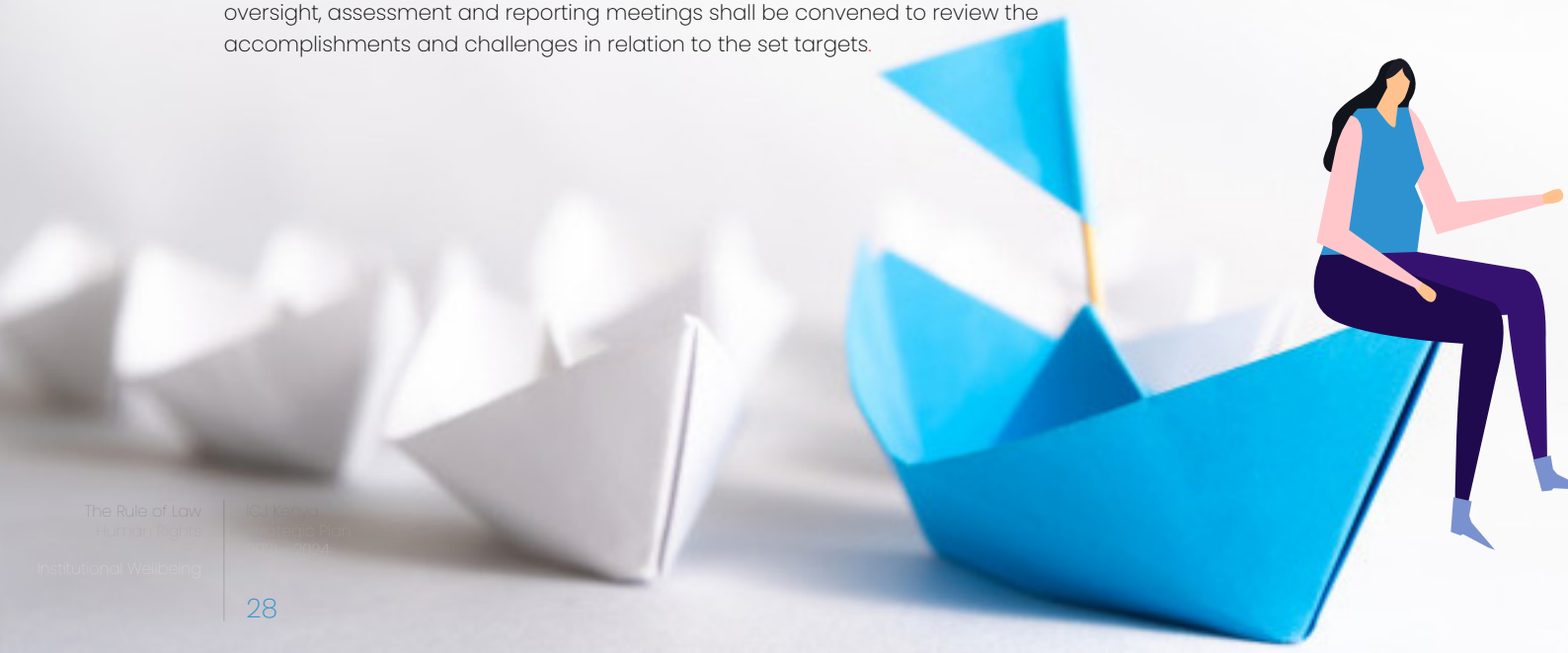
Strategy Implementation Modalities

5.1 Monitoring, Evaluation and Reporting

5.1.1 Monitoring, Evaluation and Learning System (MERL)

ICJ Kenya will develop a MERL framework to guide the process of monitoring, evaluation, and learning. This will be complemented by strengthening performance data management through periodic collection, organisation, analysis and reporting on set performance indicators. Further, ICJ Kenya will regularly strengthen its M&E system (tools, staffing, budget allocation, practices etc.) towards effectiveness of the system for learning and accountability.

The Programmes team will work closely with the M&E officer(s) to effectively operationalise the MERL framework. Specifically, regular technical review, performance oversight, assessment and reporting meetings shall be convened to review the accomplishments and challenges in relation to the set targets.



5.1.2 Monitoring & Evaluation of the Strategic Plan Implementation

An implementation plan will be designed to ensure that interventions have been clearly identified, assigned to responsible units and given time frames for completion. The MERL framework will track progress of activities using agreed upon indicators to check whether the activities in the Strategic Plan are being undertaken and that targets and results are being achieved. The framework will amongst others identify targets for each activity together with broad monitoring indicators at output and outcome levels.

ICJ Kenya recognises the importance of M&E in the achievement of the Strategic Plan's intended results. The success of the implementation of the Strategic Plan will be evaluated mid-term (2022/3) and at the end of 2024 (final evaluation). The mid-term evaluation will provide an opportunity to gauge the extent of achievements as of then, learn lessons and review strategies, outcome, and indicators to inform evidence-based adjustments.

Lessons learnt from both evaluations will be used to inform subsequent interventions. Resources will be set aside to carry out Monitoring and Evaluation (M&E) activities. Staff will be trained in the M&E process so that they will effectively carry the activities.

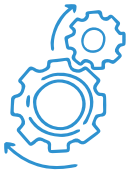
5.2 Management and Governance

Membership

ICJ Kenya has a base of over 500 members comprising lawyers and judicial officers who volunteer to support its activities. The members are drawn from the various divisions of the legal profession. Any person who holds an academic or professional qualification in law or undergoing formal training in law is eligible to apply for membership of the organisation.

The Council

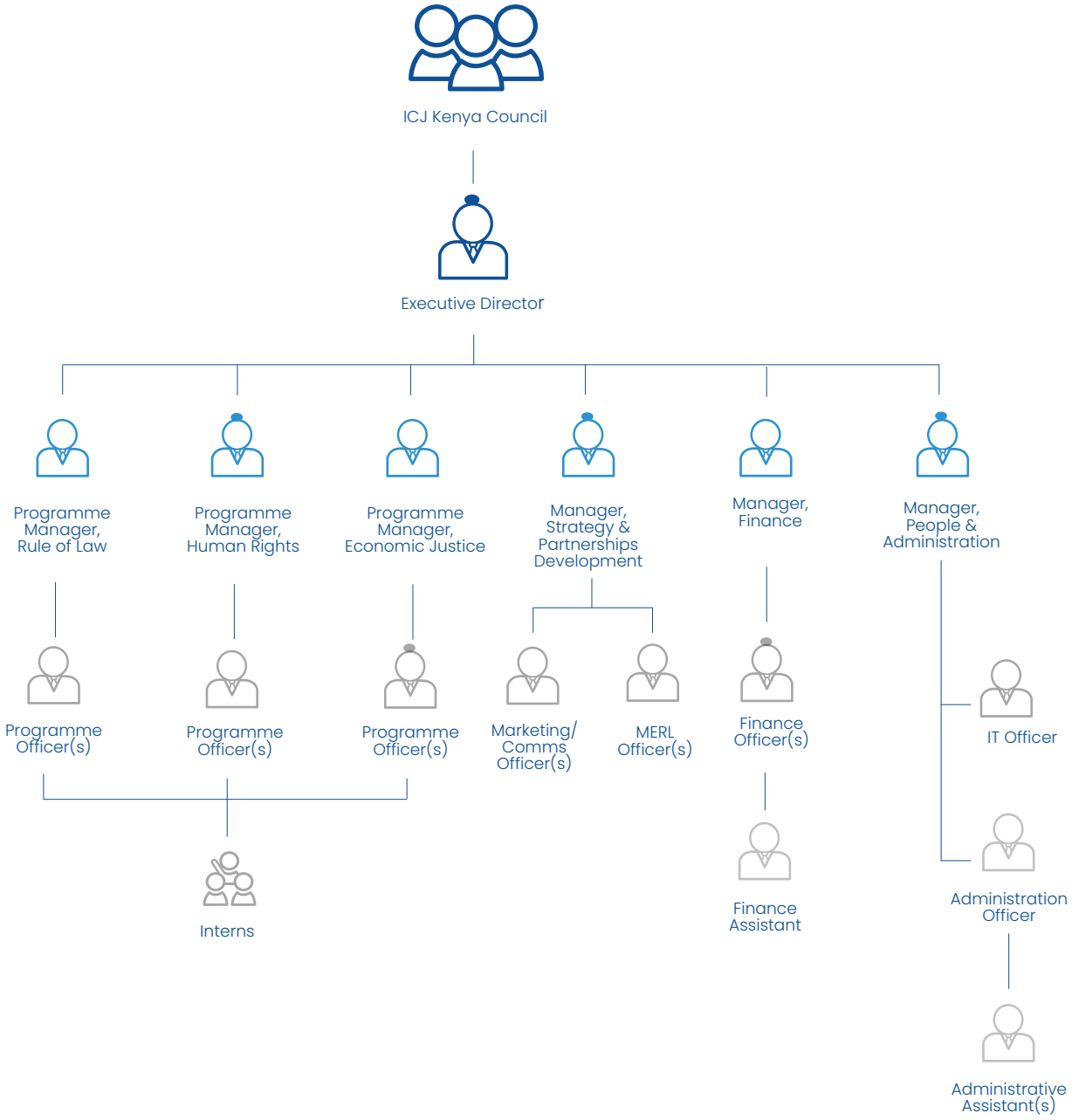
The Council of ICJ Kenya is elected by members of ICJ Kenya from among themselves. The principle role of the Council is to provide a strategic framework within which the ICJ Kenya secretariat executes programmes/ projects. The Council thus offers strategic leadership and is responsible for the development of ICJ Kenya vision, strategies, structures, and policies. Council members offer their skills, competencies, and services to ICJ Kenya on a voluntary basis. The Council members have a two-year term limit and meets at least once every two months to discharge its mandate.



The Secretariat

The ICJ Kenya Secretariat is headed by the Executive Director who oversees the daily operations and management of the organisation. The secretariat especially executes the vision, strategy, policies and programmes as determined by the Council. The secretariat is made up of professionals employed on equal opportunity basis.

5.3 Organisation Structure



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