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International
Commission
of Jurists

KENYAN SECTION | Since 1959

Newsletter

The Second (II) Edition of 2022



CHAIRMAN'S NOTE

Protas Saende

Dear Partners,

It is my great pleasure to extend heartfelt greetings to you and introduce the second issue of ICJ Kenya's newsletter. This newsletter will serve as a tool to keep you informed on the organisation's activities, progress, and achievements that we have attained during this quarter.

I want to thank the Secretariat and commend their efforts to ensure elections preparedness through partnerships with the relevant actors that are key to delivering a fair, credible, and free election and seeking to build public confidence of electoral processes through monitoring activities.

As Kenya draws to its General Election, ICJ Kenya has had numerous opportunities to engage the government and telecommunication companies such as Meta on the need to "Keep the Internet On" and make information superhighway accessible. We have also engaged with the relevant stakeholders such as the Judiciary, Independent Electoral and Boundaries Commission (IEBC), the Office of the Director of Public Prosecutions (ODPP) and the National Police Service (NPS) and urged them to continue executing their mandate per the rule of law without fear or favour and guided by facts, evidence, and the law.

I would like to thank the members for supporting ICJ's vision and my Council Members who have worked as a team. It is an honour to serve alongside you.

In solidarity,
Protas Saende,
ICJ Kenya Chairman.

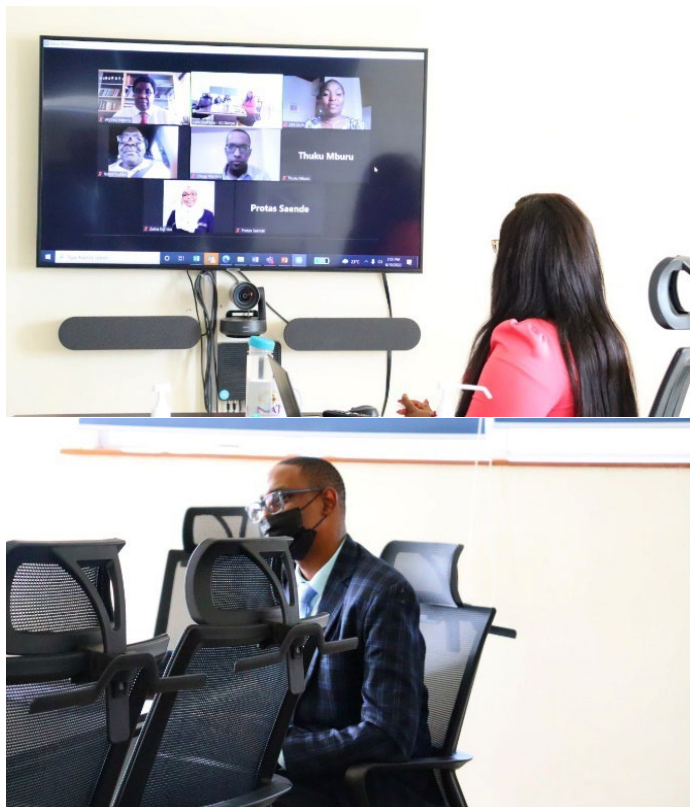
ICJ KENYA MEMBER'S CORNER

This is what our members have been up to this second quarter of the year.

WORKING GROUPS

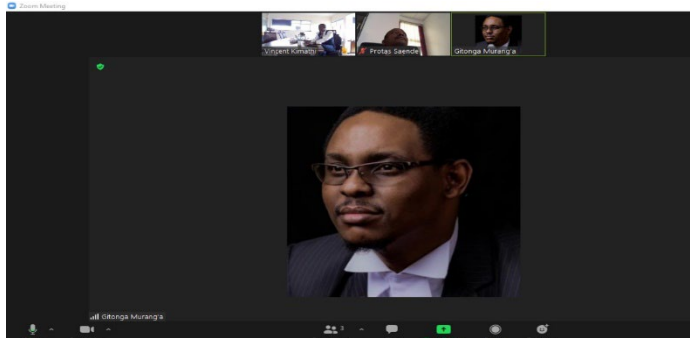
Judicial Reforms and Strengthening and Constitutional Reforms and Implementation.

The Judicial Reforms and Strengthening and Constitutional Reforms and Implementation working group met for their first consultative forum on 10 June 2022. The portfolio holders, Thuku Mburu and Julie Matheka, took the members through an overview of the portfolios, presentations of the Terms of Reference (TORS) for the Member Working Group.



Security Sector Strengthening & Reforms

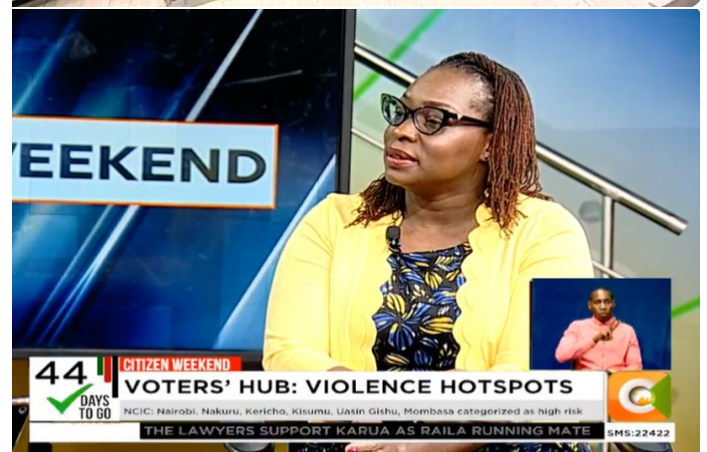
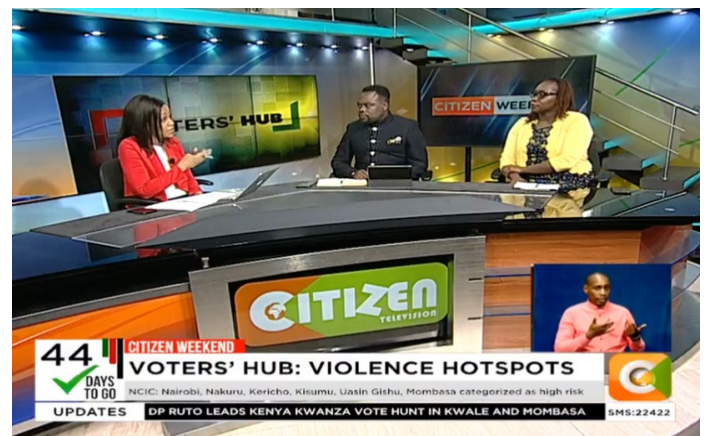
The Security Sector Strengthening and Reforms Portfolio holder, Vincent Kimathi, met with the members in the working on 20 June 2022. In the meeting, they discussed an overview of ICJ Kenya Portfolios and the TORs of the group.

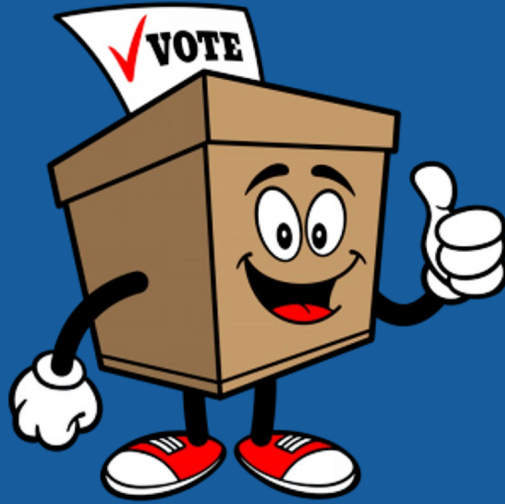


Citizen TV Interview on Violence Hotspots

Our Council Member and Human Rights Lawyer, Ms Christine Alai, was hosted on Citizen TV [Citizen Weekend] to discuss election-related sexual gender-based violence.

Link: <https://twitter.com/ICJKenya/status/1541378094862372866?s=20&t=MDx8cy-PHNBi88kO6RfbpQ>





ELECTIONS WORK

17 Intersex persons accredited as election observers in Kenya's General Election

ICJ Kenya is proud to have 17 accredited Intersex Persons as Electoral Observers. Led by our Programme Officers Thuku Mburu and Vincent Kimathi, we presented Election Observer Badges to Kenya National Commission on Human Rights (KNCHR) Commissioner Dr. Dennis Wamalwa, Ms. Jessica and Mr. Taibu. The team shared their election preparedness and the steps they have made.

In 2019, Kenya made a milestone by recognising intersex persons in its census. Three years later, in February 2022, Members of Parliament approved Dr Dennis Wamalwa nomination as KNCHR Commissioner.

In 2020, our Jurists of the Year was Commissioner Jedidah Wakonyo Waruhiu. The award was based on her work on Intersex Persons, Alternative Justice Systems and as a Paralegal Champion.

Twitter Thread: <https://twitter.com/ICJKenya/status/1554490283764637696?t=a1Xij-66ietHmqMWP4WzF-w&s=19>



The National Election Conference

The National Elections Conference provides an opportunity for various duty bearers in the electoral process to reflect on their preparedness for the forthcoming elections. This year's theme was "Moving Towards a Stronger Democracy" and focused on the centrality of our electoral process towards realising the goal of democratic governance, a core aspiration of the 2010 Constitution. ICJ Kenya was honoured to share insights on the Legal Framework for the Elections and give recommendations for a free, fair and credible election.



Human Rights and Elections Discussion on ODPP Café

Our Programme Manager Julie Matheka was hosted at the ODPP Café on Friday 15, 2022, alongside SADPP Deputy Head at the Office of The Director of Public Prosecutions (ODPP) Tabitha and AG Director Complaints and Legal Services at the Independent Policing Oversight Authority (IPOA) Festus Kinoti. The discussion revolved around lessons learnt from 2007 post-election violence (PEV) and the level of preparedness from an ODPP perspective, Civil Society (ICJ) and IPOA.

Link: <https://youtu.be/6CYvJ3uVWOU>



Civil Society Meeting with The Office of The Director of Public Prosecutions (ODPP)

ICJ Kenya convened members of The Angaza Movement and the National Integrity Alliance for an engagement with the ODPP on the state of election preparedness. The meeting tackled the prosecution of election offences, human rights violations and corruption cases. The ODPP shared their election strategy and partnered with the CSOs to ensure free, fair and credible elections.



Multi-Agency Training on Election Offences in Kisumu.

The training brought together all the security agencies in Kisumu, the office of the Director of Public Prosecutions, the Attorney General's office and the National Cohesion on Integration Commission. Through the Training, ICJ Kenya was able to develop and maintain a shared understanding of the tasks, processes, principles, roles and responsibilities of the different stakeholders whose mandate is to handle and safeguard the integrity of the Kenyan election.

Long Term Monitoring Training.

The Angaza Movement rolled out its long-term monitoring training for Nairobi and Kajiado Counties. As part of the Angaza Movement, ICJ Kenya has been involved in Election Monitoring and recognises that Election observation is a valuable tool for improving the quality of elections.

Link: https://twitter.com/ICJKenya/status/1547258498865668101?s=20&t=Np503vmclOW-z8MgxAqn_Hg



JUDICIAL REFORMS AND STRENGTHENING

Media Breakfast on Judiciary's Preparedness on 2022 August Elections

ICJ Kenya supported the Judiciary in hosting a media briefing to discuss and review the state of preparedness by the Judiciary to hear and determine electoral disputes efficiently and effectively during the 2022 electoral cycle.

Link: https://twitter.com/ICJKenya/status/1532612473131610113?s=20&t=4ztUf_FKBSwWUjMpbdb-BqQv



Supreme Court Symposium on Election Dispute Resolution.

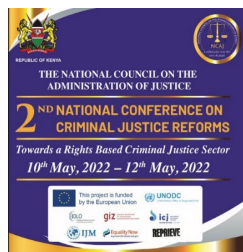
ICJ Kenya, in conjunction with Judiciary Committee on Elections (JCE), Kenya Judiciary Academy (KJA) and other development partners, conducted a three day Election Dispute Resolution (EDR) training for Supreme Court judges. The training featured themes such as election technology.



Participation at the 2nd National Council on Administration of Justice - National Conference on Criminal Justice Reforms.

ICJ Kenya, a member of the National Criminal Justice Committee, significantly contributed to the planning and convening of the 2nd National Conference on Criminal Justice under the theme *Towards a rights-based criminal justice sector*, from 10th to 12th May in Naivasha. The conference brought together more than 200 state and non-state actors working within the criminal justice chain.

We facilitated the panel promoting accountability for electoral offences to ensure a free and fair election and explained its work on constitutionalism. Further to the panel on electoral justice, ICJ Kenya participated as panellists in *The Rights-based Approach to Sentencing-Examining Indeterminate and Non-Custodial Sentences*. In the panel, ICJ Kenya explained the petty offences campaign and popularised the Principles of decriminalising petty offences in Africa.



Support towards the Southern African Chief Justices Forum.

Kenya hosted the Southern African Chief Justice Forum (SACJF) Management Committee Meeting and Judicial Symposium on Digitisation & Internet Governance in Nairobi on 21st and 22nd April 2022. The forum provided an ideal opportunity for the Chief Justices and other distinguished Jurists from across the region to share experiences, ideas, and perspectives on the administration of justice and the question of Digitization and Internet Governance.

ICJ Kenya was appreciated for its work on Judicial Independence and was invited to the SACJF meeting slated later in the year to discuss Judicial Accountability.

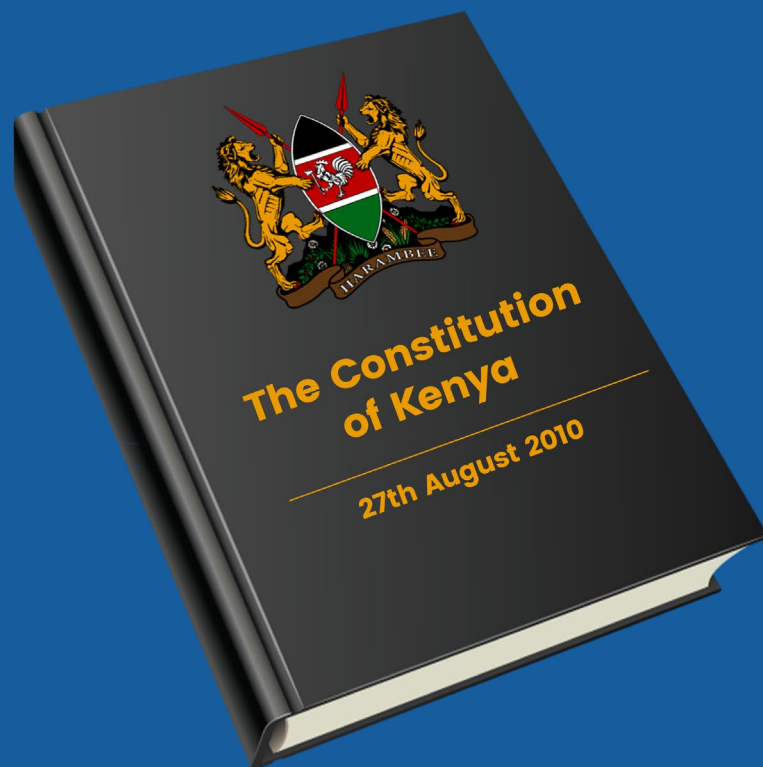


Support towards the Election Dispute Resolution Training for Magistrates.

On 9 May to 20 May, ICJ Kenya was invited to partner with the UNDP, Judiciary Committee on Elections (JCE), and Kenya Judiciary Academy (KJA) to train Judicial officers gazetted to listen to election offences and election dispute resolution matters. The training of the 120 magistrates will be key to ensuring they are well versed in handling election offences.



Figure 2: Right: UNDP Magistrates training held at Simba Lodge, Naivasha, from 9th to 13th of May, 2022

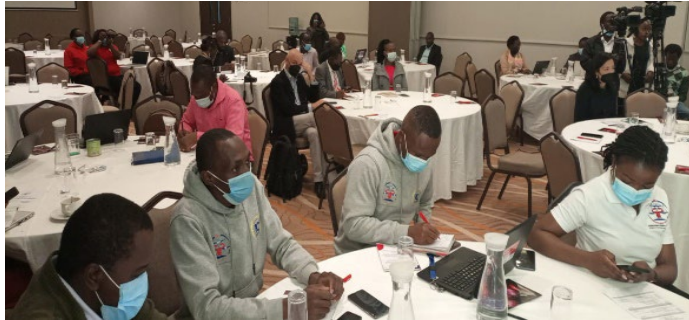


CONSTITUTIONAL REFORM IMPLEMENTATION

SECURITY SECTOR STRENGTHENING AND REFORMS.

The Launch of the Joint Civil Society Organisations (CSO) Shadow Report in response to the Third Periodic Report by Kenya to UN CAT

ICJ Kenya was invited to participate in a Half Day Symposium and launch organised by The Independent Medico-Legal Unit (IMLU) on Monday, 27 June 2022. During the launch, Our Programme Officer Vincent Kimathi participated in a panel discussion on the review process, including the implementation of recommendations.



The International Day in Support of Victims of Torture

Every year on 26 June, the world commemorates the International Day in Support of Victims of Torture. This year, ICJ Kenya simplified its recommendations to the UN CAT in messages and disseminated them across our social media platforms.



SabaSaba Day

In Commemoration of Saba Saba Day, ICJ Kenya joined a peaceful protest organised by Social Justice Centres #SabaSabaMarchForOurLives, demanding an immediate response on lowering food prices.

Link: <https://twitter.com/ICJKenya/status/1544977791078334466?t=d1d0bG5pnfofSYjp6u-zwjQ&s=19>



Missing Voices Journalists Training in Eldoret

Missing Voices Coalition organised five days of Media Training on Election Security, Ethical Dilemmas in Covering SGBV, Police Accountability and Journalists' Safety. The training targets 50 journalists from the Rift, Western, and Nyanza regions starting from 3, to 8 July 2022, at Boma Inn Hotel in Eldoret.

ICJ Kenya was represented by the Executive Director, Ms Elsy C. Sainna and Communications Officer, Susan Kendi. Ms Elsy Sainna gave the closing statements on behalf of the Missing Voices Directors.

The media covered the event across various mediums: TV stations such as Citizen TV and Inooro TV, Radio -Classic 105, East FM and Homeboyz and print media such as The Star.

Links:

Print Media: <https://www.the-star.co.ke/news/2022-07-06-proposed-ipoa-laws-to-tighten-noose-on-rogue-cops/>

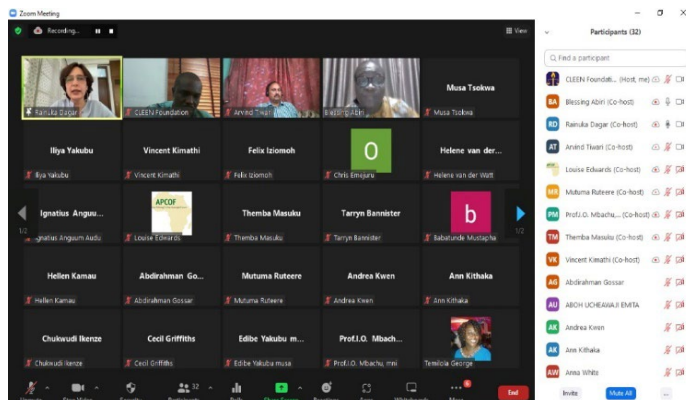
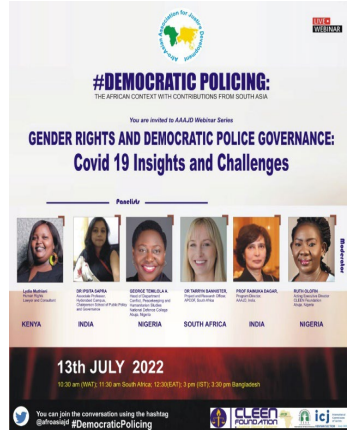
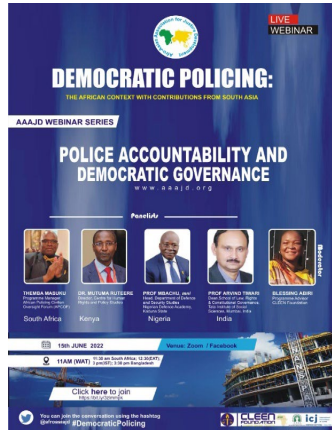
Radio Coverage: <https://media.datumaccesske.com/story/view/e/Jgoy6EDa5ZBk93pa>

Twitter: <https://twitter.com/ICJKenya/status/1544240949106204672?t=e5tlOgC4ljXPQj6CzX-qFpQ&s=08vcc>



AAAJD webinar series on democratic policing.

ICJ Kenya is a member organisation of the Afro-Asian Association for Justice Development (AAAJD), which is a partnership of non-governmental organisations working on police and justice reform working in the continents of Africa and Asia. On 11 June and 13 July 2022, ICJ Kenya assisted in coordinating webinar series two and three. The discussions were spotlighted on our social media platforms.



Thread: https://twitter.com/ICJKenya/status/1524321587842985985?s=20&t=UAR-2L_yfSUJGtN_wseh

CRIMINAL JUSTICE REFORMS

The African Seminar on the Abolition of the Death Penalty

Our Programme Officer, Joanne Mutonga, had an opportunity to be part of a panel and present on the status of the application of the death penalty in Kenya at the African Seminar on the Abolition of the Death Penalty.

Link: <https://twitter.com/ICJKenya/status/1531174655289085952?s=20&t=35CweFv1QY10Z7JZxw3nA>



Participation in the Third Periodic Review of Kenya's Report Under the United Nations Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (UNCAT)

The United Nations Committee Against Torture convened its sessions from 9th -13th May in Geneva. At the session, the UN Committee reviewed the Third Periodic Report of the Republic of Kenya between 2016 and 2020. ICJ Kenya contributed to reviewing the State Report to the United Nations Committee Against Torture. In partnership with the World Coalition Against the Death Penalty (WCADP) and the Advocates for Human Rights, ICJ Kenya developed and submitted a CSO Joint Shadow Report to the UNCAT.



Statement on the release of petty offenders from Prison.

On 28 April, ICJ Kenya issued a statement commending the commitment by the government to release 5000 petty offenders from Prison. In the statement, ICJ Kenya, while acknowledging the release of 3000 petty offenders, noted that the high numbers of petty offenders' who are released and reintegrated into the community presented an urgent need for robust and long-term responses to the continued arrests and imprisonment of petty offenders in Kenya. ICJ Kenya also issued recommendations to the National government, the National and County Assemblies, and the Judiciary.



Link: <https://mobile.twitter.com/ICJKenya/status/1519774982380957696>

Participation in a stakeholder's online discussion on the Alternatives to the mass incarceration of women and the criminalisation of poverty

On 11 May, ICJ Kenya participated as a panellist in the webinar discussion on "Alternatives to the mass incarceration of women and the criminalisation of poverty." The webinar discussion was held at the margins of the catalyst change week- a platform for CSOs to share knowledge, best practices, and lessons on criminal justice-related interventions. ICJ Kenya contributed to the policy and legislative reforms necessary to enhance the protection of women petty offenders within the society.

ATROCITY CRIMES PORTFOLIO

Conference On Election Preparedness And ESGBV

ICJ Kenya, in collaboration with the National Council on Administration of Justice (NCAJ), Kenya National Commission on Human Rights (KNCHR), Federation of Women Lawyers (FIDA Kenya), Utu Wetu Trust and the Office of the High Commissioner on Human Rights (OHCHR), organised a Conference towards election preparedness and election and Election-Related Sexual and Gender-Based Violence (ESGBV) on Thursday 30 June 2022. At the meeting, we shared experiences and knowledge on the subject matter and discussed the potential advocacy avenues we could pursue to enhance the ability of the state to prevent and respond to election-related SGBV effectively should the same occur during this period.



Twitter Space - SGBV during the electioneering period

Our Programme Officer, Joanne Mutonga, was hosted on Thursday, 16 June, for a Twitter space on Sexual Gender Based Violence (SGBV) during the electioneering period and the lessons learnt from Petition 122 of 2013, a public interest litigation case that seeks to hold the Kenyan government accountable for failure to prevent the 2007/2008 post-election violence and that resulted to sexual and gender-based violence.

EQUALITY AND INCLUSION

The First Annual Alternative Justice Conference(AJS)

The first Annual Alternative Justice System(AJS) Conference was held on June 21 and 22, 2022. ICJ was one of the partners of the conference. Our Executive Director Ms. Elsy C. Sainna, Programme Manager Ms. Julie Matheka and our member Jedidah Wakonyo Waruhiu. Our Paralegals from Trans Mara, Meru, Laikipia, Kwale, Taita Taveta, and Kitui counties had an opportunity to participate in the discussions.



Media Coverage:

KBC: Embrace traditional mechanisms to expedite justice delivery, Koome rallies judges - <https://www.kbc.co.ke/embrace-traditional-mechanisms-to-expedite-justice-delivery-koome-rallies-judges/>

The Star Newspaper: "Use alternative justice to cut case backlog, Koome tells judges."

Link: <https://www.the-star.co.ke/news/2022-06-21-use-alternative-justice-to-cut-case-backlog-koome-tells-judges/>

Launch of Access To Justice Manual For Persons With Mental Illness

On 6 May 2022, ICJ Kenya launched and disseminated the access to justice manual for persons with mental illness. The launch provided a platform for experience sharing by sector stakeholders on the barriers and best practices in access to justice for persons with mental disabilities. The manual includes an overview of the current policy and legal framework for persons with mental disabilities, including regional and international instruments that provide for their rights and outline state obligations. It also documents the challenges faced by persons with a mental disability in the criminal justice system and identifies the symptoms of the different forms of mental conditions.¹

Link: <https://icj-kenya.org/downloads/launch-of-the-access-to-justice-manual-for-persons-with-mental-illness/>



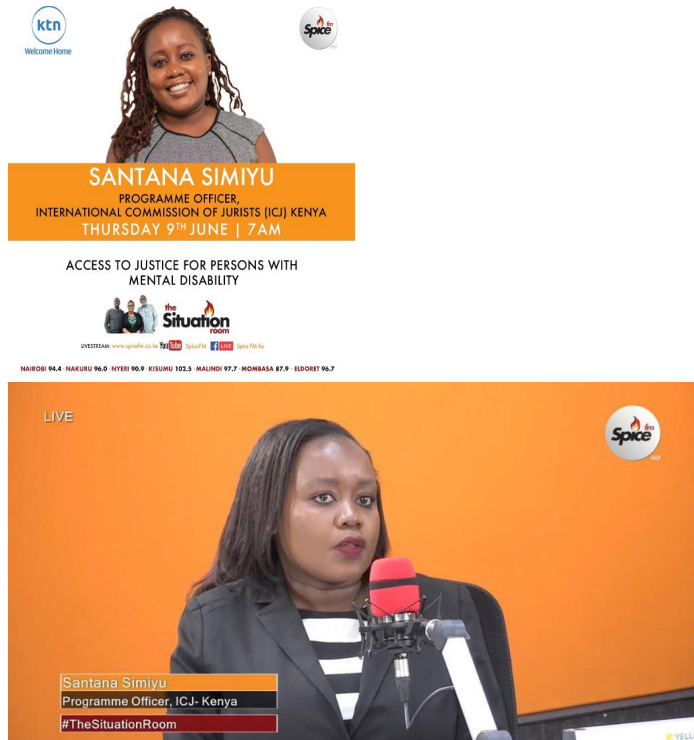
¹ Link to the launch: <https://youtu.be/uxLFi2r2Wlw>

https://twitter.com/ICJKenya/status/1522493258294775813?s=20&t=URc5P6_VrPvMwH9W30U4sQ

Spice FM Interview

ICJ Kenya Programme Officer Santana Simiyu was hosted in the Situation Room on Spice FM to discuss Access To Justice For Persons With Mental Disability.

Link: <https://youtu.be/KZjaAaHVDdY>



Link to the publication: <https://icj-kenya.org/wp-content/uploads/2022/05/A-Cost-Benefit-Analysis-of-Legal-Aid-in-Kenya.pdf>

Thread: <https://twitter.com/ICJKenya/status/1531339805711384576?s=20&t=SFGEM6phPjw-DeGmghaYO-Q>

A Cost Benefit Analysis of Legal Aid in Kenya

ICJ Kenya launched a study on the cost-benefit analysis of legal aid. The study is premised on the fact that the government of Kenya is faced with challenging budgetary environments and is always under increased pressure to show the most cost-efficient allocation of government funding. Policymakers will use this document better to evaluate the economic impact of legal aid services and make informed decisions on addressing the justice gap and allocating funding most efficiently and effectively.



Partnership with the Kenya School of Law

Our Programme Officer Santana Simiyu was invited to deliver a two-hour lecture for the soon-to-be graduates in the paralegal training program on the opportunities for paralegals in the NGO sector. This served as a mentorship program for the opportunities that they have in hand once they graduated. In addition to this, the partnership created awareness in the existence of ICJ Kenya's six paralegal networks. The students were encouraged to be part of the networks.

https://twitter.com/ICJKenya/status/1541816944541720577?s=20&t=WD-TaSc_DHEHdNXVzdcnnQ



Meeting with Meta

Meta is the parent organisation of Facebook, Instagram, and WhatsApp, among other subsidiaries. With data protection still relatively new in the Kenyan ICT ecosystem, citizens and politicians barely understand their data rights and responsibilities. On 30 March 2022, ICJ Kenya, represented by our Programme Officer Santana Simiyu, met with Meta Public Policy Managers Farai Morobane and Hellen Yosef to discuss their work on women, and digital safety, among other possible areas of collaboration.



ECONOMIC JUSTICE

CORPORATE AND PUBLIC SECTOR ACCOUNTABILITY

Community validation meetings

ICJ Kenya partnered with its trained community monitors and conducted four community validation forums in Machakos county on the 28th and 29th of April 2022 and Nairobi County on the 3rd and 4th of May 2022². We interacted with approximately 160 community members in Matuu and Kathiani wards in Machakos county and Kariobangi and Kawangware wards in Nairobi county. The participants committed to furthering engagements on open contracting and access to information as tools to enhance transparency and accountability in the procurement processes and public project implementation.

Machakos:<https://twitter.com/ICJKenya/status/151963165555764224?s=20&t=AW85pvqh-P3D-a3NbwHIAKA>

Nairobi:<https://twitter.com/ICJKenya/status/1521411789677907968?s=20&t=AW85pvqh-P3D-a3NbwHIAKA>



Feedback Meetings with Public County Officials in the Education and Health Sector In Machakos.

ICJ Kenya met with County Officials in the Education and Health Sector in Machakos between August 3 to 5, 2022. The meeting focused on open contracting, access to information and disclosure of information in public procurement, and areas of collaboration in Machakos County.



²<https://twitter.com/ICJKenya/status/1519655121814265857?t=3a5tdLb7OgF-Paf-UvenLoA&s=03>
<https://twitter.com/ICJKenya/status/1519971374479163393?t=bB-zlrJCS7cyt-fLFfREYig&s=03>
<https://twitter.com/ICJKenya/status/1521874088704229376?t=ViEBa7kutR-0BQAPg4V6qiQ&s=03>
<https://twitter.com/ICJKenya/status/152181084808333120?t=f8N6iLVy-ula-3p4UcSngkA&s=03>



ICJ Kenya met with County Officials in the Education and Health Sector

ECOSOC RIGHTS

Unpacking Health Rights for Accountability to facilitate Access to Health Services in Kenya Project

ICJ Kenya is implementing a project titled 'Unpacking Health Rights for Accountability to facilitate Access to Health Services in Kenya.' The project's overall objective is to improve Kenyans' access to health services at the national and county levels. Along those lines, ICJ Kenya organised roundtable meetings with Civil Society Organizations and Community Health Volunteers (CHV) across Kenya to discuss the fundamental issues on law and policies that inhibit the access and enjoyment of the right to health in Kenya.



CIVIC SPACE, DIGITAL RIGHTS, AND INDEPENDENT MEDIA



East and Central Africa Privacy Regional Engagement

ICJ Kenya was happy to participate East and Central Africa Privacy Regional Engagement Webinar. The discussions revolved around data privacy and protection, the regulatory framework, consent, processes, storage, and third-party access in the East and Central Africa.

Our Programme Officer, Santana Simiyu, was one of the speakers in the East and Central Africa Privacy Regional Engagement Webinar.

EAST & CENTRAL AFRICA PRIVACY ENGAGEMENT

TOPIC: WHAT YOU NEED TO KNOW ABOUT YOUR DIGITAL TRAIL: PRIVACY IN THE ERA OF DATAFICATION

FRIDAY, 5TH AUG **02:00 PM (EAT)**
01:00 PM (CAT)

Organised by: **UNWANTED WITNESS** **Sorathmore University** Center for Intellectual Property and Information Technology Law

In partnership with: **PI PRIVACY INTERNATIONAL**

SPEAKER

MEET SANTANA SIMIYU
Programme Officer, International Commission of Jurists, Kenya

COUNTRIES

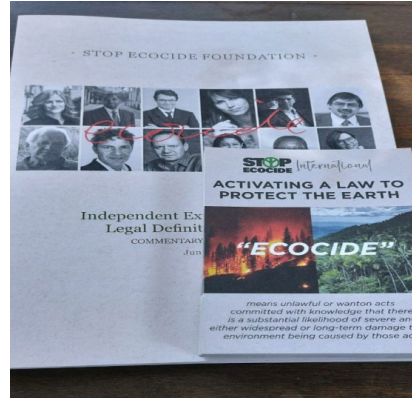
BURUNDI, COMOROS, DRC, ETHIOPIA, ERYTHRA, MADAGASCAR, MALAWI, MAURITIUS, MOZAMBIQUE, REUNION, RWANDA, SEYCHELLES, SOMALIA, TANZANIA, OMAN, UGANDA, ZAMBIA, ZIMBABWE, CAMEROON, CENTRAL AFRICAN REPUBLIC, CHAD, CONGO REPUBLIC, BRAZAVILLE, DEMOCRATIC REPUBLIC OF CONGO, EQUATORIAL GUINEA, GABON, SAO TOME & PRINCE



ENVIRONMENT, NATURAL RESOURCES, AND CLIMATE JUSTICE

A meeting with Stop Ecocide International

ICJ Kenya was invited to participate in a meeting with Ecocide International, a global campaign to establish a law of ECOCIDE, making large-scale & systematic destruction of nature an International Crime. The meeting discussed the gaps in understanding ecocide and the need to create awareness across the board.



World Environment Day 2022

The World Environment Day is celebrated annually on 5 June. This year's theme was 'Only One Earth', which emphasised human beings' role in living in perfect harmony with nature and protecting it.



Kenya Climate Change Working Group Quarterly Meeting

We participated in the KCCWG Gender and Capacity Building Thematic Working Group meeting convened on 21 March 2022. We discussed the subsequent quarter activities from April – to September 2022, including a possible webinar to elucidate climate change issues as a follow-up to the COP 26 held in November 2021 in Glasgow, Scotland. ICJ Kenya is working with other organisations to develop advocacy activities for 2022.



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