

## KITUO LAUNCHES M-HAKI



Carolyne Abong, Hon. Esther Passaris, Board Chair Anthony Mulekyo, Marielle Geraedts from the Royal Netherlands Embassy, Executive Director Gertrude Angote, AGM member Mwambi Mwasaru and Faith Ochieng prepare to cut a cake during the M-Haki launch

Kituo Cha Sheria on 16th December 2016 launched an innovative programme dubbed M-Haki.

With the theme ‘SMS your way to justice’, M-Haki employs the use of mobile phone text message (SMS). This innovation permits citizens to use mobile phones to send queries and receive a confirmation message that the query has been received and an answer is delivered to the person seeking the advice by the legal aid lawyers.

The innovation offers basic legal aid services to the poor and marginalized people by reducing the logistical costs associated with trying to access information through other means such as face to face interactions hence reducing the cost to legal services.

The launch that took place at Amber hotel in Nairobi came after M-Haki Market research that was conducted by Kituo to find out the opportunities and challenges of accessing justice among the poor and marginalized people and to explore the attitudes and perceptions of people using M- Haki application.

While giving a report on the M-Haki research survey, Dr. Agol, M-Haki Consultant mentioned Cost, Distance and time, Corruption, Lack of information and Illiteracy as the Common challenges people face when trying to access justice.

On behalf of the Royal Netherlands Embassy, Marielle Geraedts, Deputy Head of Mission, assured Kituo of their support towards the initiative. “Justice is expensive and most people cannot afford legal fees for legal representation. The embassy is very supportive in this initiative and would like to encourage participation from local partners who can help fund this initiative.” Said Marielle.

In her remarks, Kituo executive director Gertrude Angote stated that the platform will help promote legal awareness on human rights and access to justice issues and strengthen the existing strategies of ensuring that the poor and marginalized people get access to justice. She also added that that M-Haki will also strengthen the justice centres of Kituo in the different parts of the country and advocate for policy change using the data collected through the M-Haki Platform.

Gertrude Matata, a member of the ICT committee of the LSK while giving a Presentation on Changing Dynamics in legal Practice, advised layers to embrace the use of technology platforms such as M-Haki to assist members of the public as the courts are not adequate to deliver services in Kenya.

Hon. Esther Passaris urged the Kituo fraternity to create more awareness so that more people could be reached.

## KITUO CONDUCTS A COURT USERS COMMITTEE (CUC) TRAINING



Participants pose for a group photo after the Court Users Committee (CUC) Training in Meru County

Kituo Cha Sheria through the Forced Migration Programme held one day Court Users Committee (CUC) training on 17th November 2016 at Alba Hotel in Meru. The event was a sensitization forum on refugee rights, emerging issues as well as access to justice for refugees and asylum seekers.

Kituo trained a total of 20 participants by engaging them in discussions that revolve around current issues concerning refugees and asylum seekers. Participants included Meru High Court Judges Justice Francis Gikonyo and Roselyn Wendo as well as magistrates from Meru.

Court Users Committee remains a Key Avenue through which Kituo Cha Sheria promotes accessibility of courts, efficient and friendly service delivery to refugees and asylum seekers. The CUC was conducted through a combined effort of Kituo Cha Sheria, the International Rescue Committee (IRC), REFUGEE CONSORTIUM OF KENYA (RCK) and the Kenya Magistrates and Judges Association (KMJA).

## Access to Justice Day in Kodiaga Prison



Kituo's Faith Ochieng and Nyando Justice Centre paralegals present gifts to the inmates

Kituo Cha Sheria joined female inmates and their children in celebrating Access to Justice day in Kodiaga Prison, Kisumu County.

Faith Ochieng a program officer together with paralegals from Nyando Justice Centre presented gifts to the inmates during the celebrations.

## The 6th Africa Leadership Awards



Kituo cha Sheria's awarded the Africa NGO Leadership Award in Mauritius



## KITUO LAUNCHES TWO PRISON JUSTICE CENTERS AFTER PRISON PARALEGAL TRAINING



A group photo of Kituo staff, Prison warders and inmates after the paralegal training in Nyeri GK Prison

In its mission to enhance strong networking and collaboration with Kenya Prisons Service, Kituo successfully launched two prison justice centers, one at Nyeri Main (Kingongo) GK Prison and another at Kakamega G.K. prison to advance access to justice.

The launches came after Kituo officers and volunteer advocates trained prison paralegal from the two prisons on fundamental human rights, the Bill of Rights, the Criminal procedure Code and other relevant self representation sections of law in the criminal approaches.

Kituo conducted one week training both in Nyeri Main (Kingongo) GK Prison and Kakamega G.K. prison from 13th to 20th and 16th to 22nd December respectively. Graduation

20th and 22nd of December, 2016 marked the graduation dates for the participant as prison paralegals both from Nyeri and Kakamega G.K. prison respectively. 24 inmates and

11 prison warders from Kakamega G.K. Prison and 41 inmates and 7 prison warders from Nyeri G.K. prison were empowered with legal education on, Basics of Paralegalism, Introduction to Human Rights and Bill of Rights, Criminal Procedure Code Cap 75 Laws of Kenya, Powers of the Judiciary, Bail and Bond Guidelines, Trial procedures before Subordinate and High Court, Sentencing policy and Execution of judgments, Appeals process in the Lower courts and High court, Self-representation in criminal matters, Power of Mercy Act, The Prisons Act and Community Service Order and Provisions relating to criminal investigations and mode of taking and recording evidence during trial.

The Occasion was graced by Ms. Gertrude Angote, Executive Director KCS who congratulated the graduands and urged them to offer legal aid to their fellow inmates. Ms. Angote also presented law books for the Justice centre.



The Executive director presents a certificate to one of the participants after the training

## Key Upcoming Activities Jan - Feb 2017

1. Organizational Development (OD) process Jan - Feb
2. Client legal advice and representation Jan - Feb
3. Legal aid clinics within Nairobi and Mombasa Jan - Feb
4. Pro bono lawyers training on refugee laws Feb
5. FMP staff fraud training by UNHCR - Feb
6. Public interest litigation caucus in Malindi - Feb
7. Radio Talk show in Kwale - Feb
8. SGBV forum in Kwale - Feb
9. Registration of general election observers - Feb
10. Follow ups on the registration of prisoners as voters - Feb
11. Serving of clients at M-Haki platform - Jan Feb
12. Setting up of dhobi kiosk at Kileleshwa covenant church - Feb

## KITUO TRAINS POLICE OFFICERS ON REFUGEE LAW



Some of the Police Officers during the training in Thika, Kiambu County

Kituo Cha Sheria through our Forced Migration Programme (FMP), in collaboration with the Refugee Affairs Secretariat, the International Rescue Committee and UNHCR KENYA in 2016 conducted police officers' training on refugee law in various parts of the country.

The first training was undertaken at the Al Yusra Hotel in Moyale, Marsabit County on 1st of

December 2016. A similar training was also conducted on 7th December 2016 at the Cravers Grill Hotel in Thika.

The trainings were meant to build the knowledge and capacity of police officers on how to handle forced migrants. This noble endeavor involved officers drawn from different police units including; the Kenya Police, GSU, DCI and Administration Police.



Attentive Officers during the training in Moyale, Marsabit County

## Kituo and Lang'ata Women Prisoners celebrate Access to justice



Inmates who took part in the Access to Justice day celebrations

Philosopher and Human rights activists Dr. Mohammed Abad said “Denying access to justice is injustice”. For most people in developing countries, Kenya being among them, access to justice is often denied due socio-economic challenges especially for poor people who cannot afford to seek legal services of lawyers and advocates as well as go through court proceedings.

It is for this reason that Kituo Cha Sharia has been in front position in ensuring access to and restorative justice for all citizens.

Friday, 25th of November, 2016 marked Access to Justice Day for KCH. Kituo joined the Lang'ata Women's' Prison Justice Center to commemorate this day. This year's event Kituo celebrated the achievements made by Kituo's paralegals and the prison justice center in ensuring justice for all.

Kituo took the platform to interact

with the inmates by listening to some of the challenges they face when lodging appeal. Members of the prison community including children took part in celebratory activities which included singing and dancing, cat walking and face painting.

The Inmates were also empowered on various ways of accessing quick dispensation of justice with emphasis on fundamental human rights, legal representation and the judicial procedures.



The Executive Director delivers stationery to Paralegal inmates for use in the Prison Justice Center

## Kituo Cha Sheria's Annual general Meeting 2016



Members of the AGM and Kituo staff pose for a group photo after the meeting

Kituo held her 2016 Annual general Meeting (AGM) on 15th December, 2016, at the Amber Hotel, Nairobi. The annual event brought together Members of the Kituo AGM including the Board of Directors, Program heads and representatives of staff.

Led by the Board of Directors chair, Mr. Anthony Mulekyo, the Members were taken through programmatic as well as financial reports. The financial Audit of the previous year was also

presented to the members. They lauded the effort put in by Kituo members of staff and the Board of Directors throughout the year.

During the event Mr. Morgan Mutwiri, from the Security Department was awarded, the “Staff of the Year Service Award 2016”. The Executive Director presented to the members the African NGO leadership award given to the organization in a ceremony held in Mauritius.

## KITUO participates in 16 Days of activism



Kituo Lawyer Maureen Thuo addresses participants during the International day for persons living with disabilities

Kituo took an active role in the 16 days of activism campaign running from the 25th of November to 10th of December 2016.

The theme announcement for the 16 days of activism is: “Orange the World: Raise Money to End Violence against Women and Girls” Kituo created awareness by engaging the public to take action and participate at whatever level you can to appreciate and acknowledge survivors of sexual gender based violence (SGBV). Colossal awareness was created during this period though our Haki blog featuring informative articles about Sexual Gender Based Violence.

Kituo also shared two videos on rape featuring an explanation on rape and going through different excuses on rape. Kituo challenged the public to watch the two clips dubbed #takeastand and “let's set the record straight” by giving their comments about the lessons they have learnt from the video, and how we can reach them to promote and live in a world that is free from SGBV.

### International day for Persons living with Disabilities

Kituo converged together with persons living with disabilities on the 9th of December at Mukuru Kwa Njenga to celebrate the international day for person with disabilities. The activity brought together over 200 participants comprising adults, children and persons with disabilities drawn within the slum settlements of Mukuru.

Kituo worked towards ‘Achieving Goal 17 for the Future we want’ which was this year's theme by creating awareness on the goal 17 which talks of inclusivity of the disadvantaged people in the society as a way of achieving the millennium development goals.

To initiate discussions on the possibility of a coordinated campaign for inclusion as means of achieving goal 17, Kituo thought it wise to build on the participants' expertise in the field of the disability and equip the disabled with additional strategies and relationships to position disabled involvement in any matters of governance.

Kituo also sought to explore possibilities for the development of countrywide campaign to end stigmatization of the persons living with disabilities

### Candle light Dinner with Survivors of S.G.B.V

The 14th of December marked the conclusion of the 16 days of activism for Kituo Cha Sharia. On this day Kituo had an evening Candle light dinner for SGBV Survivors at Amber hotel Nairobi, a ceremony that symbolizes continuity of life and a sign of hope for the Survivors.

The theme for this day was to acknowledge the suffering and re-ignite the hope. The event brought together guests and other stakeholders including Hon. Esther Passaris, Jaqueline Mutere - Founder and CEO of Grace Agenda, Kwamchetsi Makokha - Journalists for Justice, Nelly Warega - ICJ, Shatikha Shivusia - Commissioner KNCHR who appreciated and showed their immense support to SGBV survivors.



Hon Esther Passaris and other invited guests hold candles as a sign of hope to SGBV survivors during the Dinner

## Kituo launches a Film and Comic book on IDPs



Participants during the Kinamba film and Comic book launch at the Panafric Hotel, Nairobi

On 2nd December 2016 at the Panafric Hotel-Nairobi, Kituo cha Sheria launched 'Just How Long'- a Short film on IDPs and 'Real Talk-This can happen to anyone of us' a comic book.

The launch was made possible with support from the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH and the Civil Peace Service-ZFD Ziviler Friedensdienst who also on the same day presented an informative report on internal displacement in Kenya.

'Just How Long' is a short film about Internally Displaced Persons (IDPs) in Kinamba, Laikipia County-Kenya. The Film has been nominated for the German Human Rights Film Awards 2016. This documentary tells an extraordinary example of solidarity and kindness in Kenya in the aftermath of the 2007/08 post-election violence. Kinamba residents led by their chief from Laikipia County rescued 800 IDPs offered them shelter and food disregarding their ethnic affiliation while fighting was happening elsewhere on the basis of ethnicity.

The launch brought together stakeholders from the human rights field, the judiciary, academia, the government and host communities who candidly gave their thoughts

on internal displacement in Kenya. The launch brought together Kituo board of directors and staffs led by ED Gertrude Angote and board members Joy Asiema and John Chigiti. Government representatives from National Disaster Operation Center (NDOC), National Consultative Coordination Committee on Internal Displacement ("the NCCC") and the Laikipia County government were also represented. Representation from the Kenya National Commission on Human Rights (KNCHR), Danish Refugee Council (DRC), GIZ- Portfolio manager Denis Dressel, Prof. Ben Sihanya, an academic and the Kinamba community representatives led by their chief were also present. The day's keynote address was made by Lady justice Hellen Wasilwa who emphasized the willingness of the Judiciary to deal with cases on internal displacement in a short time once they are presented for determination.

To close the colorful event there was a panel discussion that addressed the prevention of displacement and durable solutions as well as each representative's role in assisting affected communities to access justice.



Kituo Program Officer Jodomo Mwebi introduces the Comic Book during the launch

## Success Story of Alex Mmera Mwalati



# SUCCESS STORY

Alex Mmera Mwalati from Kakamega worked as a radio producer at Sauti Ya Rehema (Sayare RTVN) for seven years until October 2015 when he voluntarily chose to resign and pursue other things. He duly followed the process required in terminating one's employment by giving a notice period and diligently completing his tasks as he'd always done.

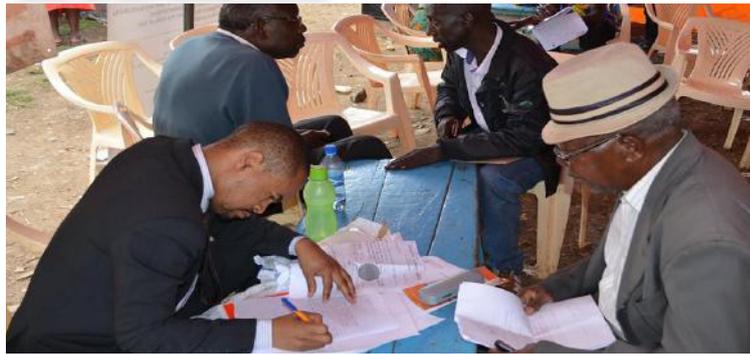
At the end of the working relationship with Sayare RVTN, Mmera requested payment of his outstanding arrears something which he got verbal commitments from the network management but which was not forthcoming. After several unfruitful attempts to get his dues, he decided to seek legal assistance. He approached the Milimani Commercial Court in Nairobi. "The Courts are where justice resides", he said. At the Commercial Court he was directed to Kituo Cha Sheria for further assistance.

He walked through the gate at Kituo Cha Sheria, an organization he'd heard about but never interacted with before, in April 2016. Mmera was registered as a new Kituo client and given legal advice on the actions he needed to take to get his arrears. This was done before he was given another date to come and see a lawyer with all the relevant documents.

On 25th May, 2016 Mr. Mmera presented all the relevant documents (appointment letter, resignation letter and bank statements) necessary for his claim to Ms. Christine Obiero, a Kituo lawyer who advised the client, drafted demand letters and pleadings in pursuit of his claim. The employer remained non-committal to all communication from our client until the matter was filed in Nakuru-the nearest labour court to where Mmera was working. On being served the employer finally acknowledged the employee status of Mr. Mmera and the amount owed in arrears. After negotiations an agreement was put in place giving the formula of payment with Mmera receiving a cheque of Ksh. 138,000-the first installment in September 2016. The employer is expected to clear the balance by December 2016.

A beaming Mmera received the cheque as reward for his labour and persistence in pursuing his rights; he urges people to follow-up their issues where they feel deprived but as a good journalist warns that patience is key. He remains grateful to the team at Kituo for their work in giving hope to the poor and marginalized that they too have rights safeguarded in law that deserve to be pursued.

## Kituo Conducts Free legal aid clinics in Korogocho and at the Head Office



A Kituo volunteer advocate attends to clients during the clinic at Korogocho

**H**on. Jeremy Corbyn, leader of Labour party of the U.K ones said that “Legal aid is fundamental to giving everybody in this country access to Justice”.

Kituo is driven to offer free legal aid which is essential to guaranteeing equal access to justice for all. Kituo has conducted various free legal Aid clinics where Kituo invites volunteer advocates and various practicing lawyers to convene so as to offer legal aid services to clients who otherwise find it expensive to engage a lawyer in their quest for justice.

The lawyers attend to all the clients regardless of their gender, economic status, age, and ethnicity by interviewing and offering appropriate advice.

### 23rd - 25th November 2016

Kituo held 3-days free legal aid clinic at Korogocho Community Justice Centre. The Clinic aimed at providing free legal aid services to the community as well as educating them on the justice system.

Kituo Advocates and Paralegals attended to a total of 182 Clients (79 female and 103 male) who sought and got legal advice on various issues.

Kituo was glad to host the OCS



Clients who attended the free legal aid clinic waiting to be served at the tent at the Kituo Head Office

from the Kamukunji Police Station who explained the role of the police in the justice system to the participants. The activity was also attended by representatives from; International Justice Mission (IJM), National Organization of Peer Educators (NOPE), Local Administration, Ward Administrators, Probation office Makadara, Nyumba Kumi (Security at the village level) and the resident association.

### 8th December 2016

In line with Kituo's overall objectives of assisting the poor and marginalized to access justice Kituo conducted a one day free public legal aid clinic on Thursday, 8th December, 2016. At Kituo Head Office in Nairobi.

Kituo advocates and volunteer advocates attended to and advised over 130 persons with labor, land, housing and human rights' legal issues.



Kituo Lawyer and a Volunteer Advocate attend to clients during the free legal aid day at the Head office

## KITUO CONDUCTS A MARKET RESEARCH ON THE IMPLEMENTATION OF M-HAKI IN KILIFI



Participants during the Mhaki market research in Kilifi Town, Kilifi County

### About M-Haki

Every Kenyan citizen is entitled to be treated with justice and dignity according to the 2010 Kenyan Constitution. This has not been possible since the country's judiciary system is still largely challenged to fulfill its mandate due to a number of reasons including a lack of capacity.

A number of Kenyan citizens are not fully equipped with knowledge and information to fight for their rights to justice. Kituo is closing the knowledge gap by promoting equitable justice particularly amongst the poor people by exploring the use of mobile phones to provide citizens with information on legal issues.

The innovation christened M-Haki offers basic legal aid services through a mobile phone text message (SMS) permitting citizens to use mobile phones to send queries and receive a confirmation message that the query has been received and an answer is delivered to the person seeking the advice by the legal aid lawyers of KITUO working closely in collaboration with a network of over 500 pro bono advocates from all over the country.

This has reduced the logistical costs associated with trying to access information through

other means such as face to face interactions hence reducing the cost of legal services.

### Marketing Research

To determine the Success application and implementation of M-Haki, Kituo On 17th of December 2016 conducted M-Haki Market research to analyze the current situation with regards to access to justice and to explore the viability of M-Haki's application in Malindi sub-county and Kilifi North sub-county.

Kituo also used that opportunity to conduct M-Haki platform training at the Malindi Rights Forum (MRF) justice center Malindi sub-county and Kilifi North sub-county. Kituo trained over 40 participants from Communities around Mareneni and Kilifi North. The participants were taken through a practicum session on how the M-Haki platform works.

Similar Marketing research has been done in; Nairobi, Mombasa, Kwale, Kitui and Kisumu counties with the objectives of finding out the opportunities and challenges of accessing justice among the poor marginalized communities, explore attitudes and perceptions on the use of M-Haki and to document how M-Haki can be improved to provide better services to the poor marginalized communities



Zedekiah Adika of Kituo addresses participants at Mareneni in Malindi, Kilifi county

## Kituo celebrates Access to justice day at Shimo la Tewa main prison



An inmate paralegal addresses other inmates as a warder looks on during the celebrations

Kituo Cha Sheria on 19th of December, 2016 joined Shimo La Tewa main prison in celebration of Access to Justice day.

Previously Kituo has trained paralegals in the prison who help their colleagues ask questions when need be, draft pleadings and help in the necessary deliberations towards access to justice.

On this occasion, there were several activities conducted in the prison. In the Main prison, the events held included opening and closing celebrations; legal aid; games and artistic entertainment by the inmates. Entirely, the event reached over 1000 inmates.

In her opening remarks Annette Mbogoh, the Coordinator Mombasa Office thanked the Dutch embassy for supporting the partnership and stated the contents of the legal aid Act noting that it will help in improving the position of paralegals and how access to justice will be easier going forward.

Kituo also offered a free legal aid clinic to the inmates. Kituo paralegals and volunteer advocates attended to over thirty inmates who had defilement cases, attempted rape, rape and theft cases. Specifically, there were 9 cases of defilement and 8 cases of attempted rape, four cases of rape, four cases of handling stolen property and three cases of robbery with violence and two theft cases.

There was an array of entertainment that included traditional dances, poems, bouncing castles and face painting. The paralegals and legal experts also played volleyball against the inmates

So far Kituo has trained a number of paralegals in the prison that help their colleagues on legal matters and necessary deliberations towards access to justice.

In the closing ceremony, officers Abu and Inspector Wale praised the partnership between Kituo and the prisons acknowledging the efforts of the paralegals in ensuring access to justice.

The chairperson of the paralegals thanked all parties in the process, lauding the efforts by the Prison Administration,

Kituo cha Sheria and fellow paralegals for their outstanding performances during the year. He called on the partners to proceed with the activity for prosperity of all.

Mr. Zedikiah Adika of Kituo Cha Sheria thanked the Dutch embassy for their continued support, the prison authorities, paralegals and all the inmates for their engagement in the activities of the day. He emphasized that the prison be viewed as a facility for correction. He added that any opportunity available for building of capacity be seized by the inmates.

At the Shimo la Tewa women side, the activities involved were geared towards inclusivity of the whole prison facility and not just the paralegals, this was an opportunity to attract more volunteers to join the paralegals.

There was an array of entertainment, and the prison dance group also gave a traditional Mijikenda dance presentation. The Prison In charge, Madam Corah officially opened the activity by welcoming the participants and the visitors to the justice day celebrations and acknowledged Kituo as a great partner in ensuring access to justice, she acknowledged the support given to the paralegal team through trainings, regular visits and stationery facilitation.

There were presentations from one of the paralegals on the successes and benefits of being a paralegal and she encouraged the rest to join the team. We also had speeches from Alan Nyange who informed the participants of the work Kituo does with the paralegals and the programs at Kituo cha sheria. He also acknowledged the support from the Dutch Embassy.



Entertainment by Shimo la Tewa women inmates during the celebrations

## Success story of Esther Tabitha Monyi



# SUCCESS STORY

At the age of 61 after 22 years of service, Esther Monyi was laid off from where she worked as a house help. Esther started working for senior Ramesh in 10th June 1994 as a house helper and continued to work for his family with diligence and loyalty even after his death.

Her contract was wrongly and unlawfully terminated by Ramesh's son Rohit Ramesh in 19th July 2016 a few years later after the death of Ramesh senior. However upon the termination of Esther's contract, Rohit failed to pay her, her terminal dues that amounted to Kshs. 585, 000.

### Monyi encounter with Kituo

Monyi reported her case to her area chief who called the culprit to solve the matter at the lowest level. The chief's efforts were thwarted after the culprit refused to compensate Monyi as instructed by the chief.

The chief then authorized Monyi to proceed with the case to the higher authorities. This is when Monyi was referred to Kituo by a friend she said had been ones assisted by Kituo advocates.

After going through the screenings at Kituo, John Mwariri Kituo advocate did a demand letter instructing the employer to pay the employee all her terminal dues within twenty one days. In response to the letter, Rohit Ramesh visited Kituo head office where he, Kituo advocate and Monyi agreed to settle the matter outside the courts.

The parties negotiated and Rohit Ramesh agreed to pay a check of 150,000 as a compensation fee.