

NEWSletter



THE 2ND PARALEGAL SOCIETY OF KENYA SUMMIT 2022

The 2nd Paralegal Society of Kenya (PSK) summit took place from 14th to 15th December 2022 at the Tamarind tree hotel, Nairobi. The paralegal summit seeks to bring together paralegals from all parts of Kenya and East Africa to see exchange of best practices, challenges as well as possible avenues of collaboration. The 2022 theme was ‘Towards a robust and vibrant paralegal movement’.

The objectives of the summit included mobilizing paralegals to register as Paralegals Society of Kenya members, building a capacity of Paralegals so as to establish and strengthen the county fora and providing a platform for engagement between paralegals and duty-bearers in the justice sector as well as providing a platform for experience sharing among the paralegals.

Mary Airo, the National Coordinator Paralegal Society of Kenya In her remarks, appreciated the passionate work done by paralegals noting that they wholeheartedly give legal services to the communities to ensure that the poor and vulnerable access justice.

UNDP’s Zainab pointed out that the realization of human rights and access

to justice are crucial aspects of the quest for sustainable development. She also noted that without strong guarantees for access to justice particularly for the poor and vulnerable, choice and opportunity to access resources and participate in governance would remain at risk.

Justus Munyithya, the Chair of the Board of Directors, Kituo Cha Sheria in his remarks, stated that one of the critical goals of sustainable development is to ensure that no one is left behind.

“Article 48 of the constitution of Kenya, guarantees every Kenyan the right to access justice, which is yet to be fully realized due to the state’s political nature.” Said Mr. Munyithya.

Mr. Munyithya added that this right still remains out of reach for many poor and marginalized groups due to barriers to access to justice which are numerous and include the lack of political will to implement laws and policies that promote access to justice, high costs associated with the formal justice system, advocates fees, filing fees and general inadequacy of awareness of human rights.



Paralegals and stakeholders during the 2nd PSK Summit held at Tamarind Tree Hotel in Nairobi Kenya.

THE PARALEGAL SOCIETY OF KENYA (PSK) AWARDS



Award winners pose for a group photo together with the PSK steering committee

The PSK held its award ceremony after the Summit. One of the objectives of the summit was to award paralegals who have fiercely promoted access to justice. The first-place winner of the community award service award was Michael Asao.

The second-place winner for the best prison justice men was Kamiti Maximum Prison and the third-best winner for the best overall community paralegal was Jamia Abdulrahim.



Jamia Abdulrahim being awarded as the best overall community Paralegal of the year

PSK National Awards

- Best Overall Community Paralegal - Jamia Abdulrahim
- Best Community Paralegal - Ibrahim Ogeto
- Best Prison Paralegal - Maurice Bora
- Best Volunteer Advocate of The year - Anthony Mulekyo
- 1st Runners Up Volunteer Advocate of The year - Dan Mulinga Mbaluka
- 2nd Runners Up Volunteer Advocate of The year - Huldah Ochieng
- Post Humus Award of the year Volunteer Advocate of The year - Christine Mwikali Kipsang
- Most Promising Young Volunteer Advocate of The year - Maureen Kemunto
- Best Social Justice Centre (Community) - Nyando Social Justice Center
- Best Prison Justice Centre Men - Kamiti Maximum Prison
- Community Service Award - Michael Asao
- Best prison paralegal - Mathews Okwesio



It was a great pleasure and an honor to have Carolyne Among Senior Policy Advisor - Political Affairs, Human Rights, Rule of Law at Embassy of the Netherlands in Kenya attends the Summit.

Kituo appreciate our development partner Embassy of the Netherlands in Kenya for their relentless support that has substantially contributed towards achievement of our strategy of strengthening access to justice for the poor and marginalized and promoting human rights.



Maurice Bora, paralegal officer from Kakamega Main prison receiving his award as the Best Prison Paralegal.



Kituo Staff and Health rights advocates in Nairobi pose for a photo shortly after the meeting.

STAKEHOLDERS ENGAGEMENT ON RIGHT TO HEALTH

Kituo Cha Sheria on 17th January 2023 had a fruitful engagement with stakeholders and health rights advocates in Nairobi during a caucus that aimed to brainstorm over challenges facing the health sector in Kenya and role of lawyers as strategic partners.

More often KITUO receives clients whose health rights have been violated. This includes Clients who have been detained in hospital wards because they were unable to clear the hospital bill and others who seek legal assistance to secure compensation for medical negligence. The enjoyment of the highest attainable standard of health is one of the fundamental rights of every Kenyan as enshrined in the Constitution of Kenya 2010.



Kituo Staff and Health rights advocates in Nairobi during the meeting

Global Strategic Litigation Council Convening on Strategic litigation for refugees rights.



Kituo Cha Sheria staffs together with the members of the Global Strategic Litigation Council.

The Global Strategic Litigation Council on 31st January 2023 convened at the University of Nairobi, School of Law, Parklands Campus, for a regional consultation on strategic litigation for refugee rights.

The East Africa in-person convening brings together key litigators, advocates, refugee leaders, and organizations working to advance human rights in the region through strategic litigation and legal advocacy to foster knowledge-sharing, collaboration, and the identification of new strategic litigation to support.

Kituo Cha Sheria is a founding co-chair of the Global Strategic Litigation Council (‘the Council’), which was founded in September 2021. In order to strengthen the rights of refugees and migrants, the Council facilitates advocates and organizations—including those with a history of forced evictions knowledge sharing, jointly identifying priorities, and carrying out litigation and legal advocacy strategies.



Kituo Cha Sheria staffs together with the members of the Global Strategic Litigation Council convening at Nairobi University



High Court Judge, John Chigiti facilitating a session on Intersex refugee children during our engagement meeting with stakeholders including government officials, civil society and refugee led organizations.

CAPACITY BUILDING FOR REFUGEE-LED ORGANIZATIONS

Kituo cha Sheria, through the Forced Migration Programme conducted a 2-day capacity building for Refugee Led organizations (RLOs) at Waridi Paradise Hotel in Nairobi. The training that took place on 21st and 22nd Nov. 2022 covered basics in Comprehensive Refugee Response Framework (CRRF), the Refugee Act 2021, Durable solutions as provided for in the Act in relation to RLOs operations, Financial management, Advocacy strategies and Principles of corporate governance.

Through the support of Open Society Foundations Kituo continues to build the Capacity of the refugee-led organizations to enhance meaningful participation, collaboration and protection of refugee rights.

All over the world, people are fleeing persecution on the basis of their sexual orientation and/or gender identity. Intersex refugee children face discrimination, violence and exclusion. It's our duty as human rights defenders to create awareness on Intersex refugee children's rights.

Conversations inform policy and reminds the state that they have an obligation to enforce positive rights. All human beings should be treated with respect and dignity and should be able to live without fear no matter who they are.



Group photo of the takeholders including government officials, civil society and refugee led organizations.

KITUO PRESENTS A PETITION TO MOMBASA COUNTY GOVERNMENT ON PERSON'S WITH DISABILITY RIGHTS



Members of the Civil Society Network during the procession

Kituo Cha Sheria in collaboration with Coast Civil Society Network for Human Rights 3rd November 2022 conducted a procession from Bima Towers building in Mombasa to Governor's office.

Kituo shared a petition with the Representative for Treasury, National Government, the County Assembly of Mombasa and the Governor, Mombasa County.

The Petition related to the inaccessibility of Government buildings in Mombasa, which has subsequently denied services to PWDs.

The Governor committed to follow through the issue with urgency. Noting he wouldn't stop at evacuating Mombasa staff from Bima Tower, should the national government fail to take action on accessibility of the building.



Abdulswamad Shariff Nassir Governor Mombasa County addressing the Civil Society Network for human Rights Group at Bima Building in Mombasa County



Kituo Cha Sheria staff together with the Talitha Kum Cordinators when they visited Kituo head office in Nairobi

KITUO HOSTS TALITHA KUM AFRICAN COORDINATORS

Kituo Cha Sheria on 22nd November 2022 hosted Talitha Kum African coordinators, who paid a courtesy call on a mission to strengthen the work on human trafficking and smuggling in Kenya.

The team commended Kituo's work especially Kituo's collaboration with Religious Against Human Trafficking (RAHT) that focusses

on sensitization and mitigation on issues around Human trafficking and smuggling in Kenya.

Kituo is committed to continued efforts in regard to protection in the areas of human trafficking and smuggling especially along the border points as the victims' transit to South Africa.

The Talitha Kum team is in Nairobi for their first-ever in-person continental meeting that focuses on how to continue fighting human trafficking in Africa, through the sharing of good practices and experiences.

KITUO'S PARALEGAL AT THE COP27



Evans Muswahili Ladema, Kituo's paralegal from Vihiga Community Justice Centre pose for a photo at the UN Climate Change Conference COP27

Community paralegals can come in to address the environment and Climate In Justices faced by communities. As reservoirs of information, community paralegals can create awareness at the community level on issues of climate change and make communities aware of the need to tackle Climate Change. Paralegals can carry out advocacy work on climate change thus help organize communities to demand change.

Evans Muswahili Ladema, Kituo's paralegal from Vihiga Community Justice Centre who is so passionate about the environment

and Climate Justice participated at the UN Climate Change Conference COP27 that started on 6th and stretched through to 18th of November in Egypt, courtesy of generous funding from the Global Alliance for the Future of Food and UN Climate Change accreditation facilitated by Kituo Cha Sheria and Namati Kenya.

COP27 presents an opportunity for all stakeholders to come together to find concrete solutions to the global climate emergency, including mitigation, adaptation and resilience, loss and damage, and climate finance.

Evans spoke on behalf of the poor and marginalized in Kenya seeking climate justice. His presentation touched on three key issues; relationships between food systems and climate change, scaling regenerative food systems as a climate solution, and gender issues in food systems and climate action. He looks forward to having the ambitious goals and commitments set by UN member states in reducing global warming put into practical action.

STAKEHOLDERS ENGAGEMENT MEETING ON THE IMPLEMENTATION OF THE LEGAL AID ACT 2016



Civil Society Organization members pose for a group photo after the engagement meeting

Kituo Cha Sheria in collaboration with UNDP Kenya Amkeni Wakenya | UNDP and the Paralegal Society of Kenya (PSK) on 7th November 2022 conducted a 2-day Stakeholders Consultative forum at Nairobi Safari Club.

The forum sought to provide a platform for Civil Society Organisations (CSO) to discuss the progress and challenges in the implementation of the Legal Aid Act 2016 and to develop an advocacy strategy to push for full implementation of the Act including the accreditation of training curriculum as well as paralegals.

The meeting also provided an opportunity for CSOs to present their issues to State agencies during the course of the workshop and it is expected that some actions will be agreed upon that will push the agenda of accreditation and other arising issues forward.

Kituo would like to thank all our partners (state and non-state actors) who attended the

KITUO ENGAGES STATE ACTORS ON MANDATORY DEATH PENALTY, SUPREME COURT DIRECTIONS



Kituo team together with the representatives from Kenya National Assembly, office of the AG, DPP, KLRC and members of the civil society.

Kituo Cha Sheria on 10th November 2022 held a breakfast engagement meeting with key representatives from Kenya National Assembly, the office of the Attorney General, Kenya Judiciary, Office of the Director of Public Prosecutions Kenya, Kenya Law Reform Commission (KLRC) and members of the Civil Society to discuss the status of implementation of the Supreme Court directions on the matter of the mandatory death penalty.

The meeting aimed at establishing the progress achieved in the process of implementation of the Francis Muruatetu judgement and to deliberate on advocacy strategy for amendment of the Penal Code. Kenya has not carried out an execution for over 30 years. Thousands however remain on death row and continue to be sentenced to death due to the automatic nature of the death penalty.

In December 2017, the Supreme Court of Kenya declared the mandatory death penalty unconstitutional. The death penalty is the ultimate violation of human rights.

It is a violation of the fundamental right to life, which the Government has pledged to protect under the Constitution and other international human rights instruments that it has ratified. Similarly, the death penalty amounts to cruel, inhuman and degrading treatment, which contravenes provisions of the 2010 Constitution.

Kituo holds the position that abolition of the mandatory death penalty would contribute to the enhancement of human dignity and the protection of human rights.

Kituo continues to enhance access to justice for the poor and vulnerable persons in the Republic, including those in correction facilities, and to advocate for necessary reforms in this endeavor.



Participants during the breakfast meeting



Hon. Murugara George Gitonga, Justice and Legal Affairs Committee Chairperson giving address to the audience.



Civil Society Organization members during their engagement meeting on the implementation of the legal aid Act 2016

KITUO INKS MOU WITH RIARA UNIVERSITY



From left, Mr. Justus Munyithya, KITUO BoD Chairperson, Prof. Robert Gateru, VC Riara Law School, Dr. Annette Mbogoh Kituo ED and DR. Victor Lando exchange the signed MOU.

Kituo Cha Sheria and Riara University (Law School) on 2nd September 2022 signed an MOU that aims to strengthen the joint cooperation towards promoting access to justice and students' mentorship. The two parties will collaborate to provide clinical legal education and conduct community legal outreach activities such as legal aid clinics and civic education, all aimed at responding to societal legal challenges.

Speaking at the signing of the MOU, Kituo Cha Sheria Executive Director Dr. Annette said that collaboration will not only provide in-house externship, pupillage, volunteer and or internship opportunities for the students but also expose them to practical experiences on the application of the law and support the school's mentorship programme for

the students.

The MOU was formally signed by Mr. Justus Munyithya, BOD Chairperson Kituo cha Sheria and Prof. Robert Gateru, Vice Chancellor Riara Law School and witnessed by, Dr. Annette Mbogo and Dr. Victor Lando.



From left, Mr. Justus Munyithya, KITUO BoD Chairperson, Prof. Robert Gateru, VC Riara Law School and Dr. Annette Mbogoh Kituo ED and sign the MOU.

Congratulations Kituo FC, You made us proud!

KITUO FC emerged as number 2 overall under football category in the 2022 LSK Justice Games that was conducted on 23 October 2022 at the parklands sports club in Nairobi. The team maintained the lead to the final. However, they narrowly lost 2 – 3 to their rival LSK South East Branch on sudden death post-match penalties. Thanks to all who turned up and supported the team for a worthy cause.



Kituo Staff led by Dr. Annette Mbogoh, Executive director receiving a trophy from Ms. Faith Odhiambo Vice-President, Law Society of Kenya

KITUO HOSTS A TEAM FROM THE GLOBAL LEGAL EMPOWERMENT NETWORK



Kituo team together with the members from the Global Legal Empowerment Network.

Kituo Cha Sheria hosted a team from the Global Legal Empowerment Network for an exchange visit on 5th October 2022. The Legal Empowerment Network delegation from the North America, Latin America, South East Asia, East and West Africa was led by Abigail Moy, the Director, Legal Empowerment Network. The Network team was received at our Head Office by our Executive Director Dr Annette Mbogoh among staff and community paralegals.

While making her opening remarks, Abigail emphasised on the importance of the network responding to the needs of its members, building capacities and partnerships in enhancing legal empowerment globally. She stressed on the need to enhance the engagement of members especially at grassroots levels, sharing successes and models and advocating for financing for legal empowerment.

On her part, Dr Annette highlighted the milestones that Kituo cha Sheria had achieved as the East Africa Regional Anchor. She added that the core group consisting of members from East and Southern Africa had actively led advocacy initiatives at the African Commission for Human and People's Rights and the NGO Forum. The core group had also centered its conversation on learning around impact at individual and community levels.

In addition, the core group had began reflecting on legal recognition and financing models for community paralegals in Africa. Thereafter the Kituo programmes teams, community based paralegals and the Network Team had an opportunity to share their experiences.

It was agreed that there was a need to enhance and tap on key areas for synergy between network members. access to justice Namati Kenya



Dr. Annette Mbogoh addressing the team.

KITUO LAUNCHES JUSTICE CENTRES IN UASIN GISHU AND TRANS NZOIA



Kituo Paralegals from Uasin Gishu together with the GIZ team and Kituo staffs pose for a photo after the launch of the justice centre.

Kituo has launched two community justice centres in Uasin Gishu and Trans Nzoia Counties as a way to decentralize legal empowerment and peace building initiatives through the use of Alternative Justice System (AJS) mechanisms.

The two AJS justice centres that were launched on 21st October 2022 in Kitale and 14th October 2022 in Eldoret are a culmination of groundwork and training on legal knowledge and skills. The centres will be run and managed by paralegals trained on basic laws, mediation and non-violent conflict resolution.

Dr. Tim Bunke, the Coordinator GIZ/CPS, our development partners, while delivering his remarks stated that the centres will be instrumental in providing legal advice, conducting AJS hearings and community outreach activities on AJS as well as engaging with AJS stakeholders including the Court Users Committee (CUC) and local



Dr. Tim Bunke, the Coordinator GIZ/CPS, addressing the participants during the launch ceremony



KITUO LAUNCHES REFUGEE COMMUNITY IN NAIROBI TRAINS REFUGEE AS PARALEGALS



Paralegals of refugee community and refugee led organizations pose for a photo with their certificates upon successful completion of the training

Kituo Cha Sheria through the Forced Migration Programme conducted a 5-day training for paralegals of refugee community and refugee led organizations at Waridi Hotel Nairobi. The training that took place from 26th October to 1st November 2022 aimed at empowering refugee led organisations and the refugees in particular on approach to justice for the vulnerable in the refugee community and promoting intercultural diversity for peaceful engagement in conflict situations among the refugee and host community.

The paralegals among the refugee community and refugee led organizations will also be sensitized on mental health and psychosocial support into peace-building efforts and building cohesion.

Upon successful completion of the training, Kituo officially launched a justice centre in Nairobi under the Youth Voices Community as a way to decentralize legal empowerment and peace building initiatives to the refugee communities.

Kituo's Executive Director Dr. Annette Mbogoh who officiated the opening of the justice centre and graduation ceremony welcomed this timely partnership. She stated that Kituo has been receiving overwhelming cases from the refugee community on police harassment, general lack of knowledge of refugee issues, negative and discriminatory attitudes from local populations and barriers to foreign qualifications recognition.

She encouraged the refugee paralegals to use the knowledge gained to empower their fellow refugees and asylum seekers by providing guidance on their rights and obligations as well as information regarding their asylum application and their refugee status, offering advice on their cases, making referrals and following up on cases.

Kituo handed over administrative support material including a laptop, Printer and tonners to Youth Voices Community (YVC) Refugees Justice Centre to facilitate the processing of legal documents at the centre. All these were made possible through the support of Open Society Foundations and Ziviler Friedensdienst / GIZ



Paralegals from the Youth Voices Community receiving administrative support materials including laptop and printer from Dr. Annette Mbogoh, Kituo's Executive Director.

ACE-AJ AND ITS REGIONAL AND INTERNATIONAL PARTNERS CONVENE TO DISCUSS AND DRAFT ACTION PLAN FOR THE HIGH-LEVEL POLITICAL FORUM 2023



Members of the African Centre of Excellence for Access to Justice (ACE-AJ) together with the regional and international partners in community justice

Members of the African Centre of Excellence for Access to Justice (ACE-AJ) together with the regional and international partners in community justice on 19th October 2022 convened for a 2-day participatory meeting in Nairobi to discuss and draft an action plan in preparation for the High-Level Political Forum 2023 (HLPF) side event.

The action plan will clarify the necessary resources, formulate a timeline, and detail the necessary tasks to be completed to ensure a successful event. A key focus for HLPF2023 will be on financing. A possible topic for consideration is the 'Challenges and opportunities around financing community-based justice.'

This Side-event of the HLPF, held outside the official programme provides a great opportunity to discuss the theme and SDGs under review at the HLPF2023, identify new and emerging issues, and help spread greater awareness of the 2030 Agenda and the SDGs.

While African governments have made commitments under goal 16 of the

Sustainable Development Goals (SDGs) and Agenda 2063/2 of the African Union to ensure access to justice for all, in reality, a significant number of people from the continent lack access to justice. Building momentum towards key 2023 "moments" will to help hold governments accountable to SDG16+, and to pressure them to make more concrete commitments to action by showcasing civil society action around SDG16+ through "Storytelling" efforts, to highlight the leading role that civil society is playing to advancing SDG16+ ACE-AJ will continue to mobilize support across civil society for SDG16+ action and commitments around key 2023 "moments", including the 2023 SDGs Summit and "Summit for the Future". Additionally, ACE-AJ will mobilize resources to support grassroots actions around SDG16+ at the national and local levels, to build out more localized movements led by key civil society partners.



Members of the African Centre of Excellence for Access to Justice (ACE-AJ) together with the regional and international partners in community justice conducting a group discussion

THE AFRICA AND MIDDLE EAST REGIONAL MEETING



Open government champions and stakeholders from the region and key international partners pose for a group photo at the Meeting.

The Africa and Middle East Regional Meeting was officially opened on 1st November 2022 and stretched through to 3rd November 2022 in Marrakech, Morocco.

The event brought together open government champions and stakeholders from the region and key international partners to raise collective ambition, energize the community, and generate new political support to make governments more transparent, accountable and responsive to citizens.

Kituo cha Sheria was represented by the Executive Director, Dr Annette Mbogoh who on the second day of the event participated in a panel discussion on enhancement of access to justice through alternative justice systems. The comparative lessons focused on the models on alternative justice systems that have proven successful at people-driven justice.

The panelists illustrated the manner in which the Open Government Partnership has been an appropriate mechanism to strengthen the access to justice mechanism. Recommendations were drawn for implementation in respective countries.

The panel comprised of Dr. Annette Mbogoh (Kituo cha Sheria), Hon Justice Sergon (Judiciary of Kenya), Shahid Korjie (justice Action Coalition- Sierra Leone) and Aimee Ongeso (Moderator)



Open government champions and stakeholders from the region and key international partners at the Meeting.



Kituo Team together with Langata paralegal pose for a photo with their certificates after their graduation ceremony held at Langata prison Nairobi

KITUO CONDUCTS REFRESHER TRAINING FOR LANGATA AND KISUMU PRISON PARALEGALS

Refresher trainings for prison paralegals are important given that new legal issues keep emerging and some prison paralegals leave, and new ones join the team. Kituo conducted a 6-day refresher training for 25 inmates and 5 officers from Langata Women Maximum Security Prison and Kisumu Maximum prison from 17th – 22nd October 2022 and 5th to 10th December 2022 respectively.

The training aimed at equipping prison paralegals with the necessary legal knowledge to confidently represent themselves in court, offer legal advice and educate other inmates, and also guide the other inmates on how to confidently represent themselves in court and empower the entire prison community.

The training covered various topics including the criminal trial process, drafting of pleadings and self-representation as well as efilling system procedures among other topics.

Speaking during the paralegals' graduation event held at Langata Womens Prison, Mr. Justus Munyithya, BoD chairperson, Kituo Cha Sheria, said that most of the inmates lack access to legal aid and services which have led to most of them being jailed for minor offenses, which they could easily defend and secure release if they had the right knowledge and skills.

Dr. Annette Mbogoh said the partnership between Kituo and the prisons Justice Centres will enhance the capacity of inmates and prison staff so as to achieve

equal access to justice, adding that more successful appeals by inmates will help decongest the prisons in the long run.

Upon completion of 6-days prison paralegals refresher training, Kituo handed over administrative support material including a laptop, Printer, tonners, printing papers, and other stationeries to Langata Women Maximum Security Prison and Kisumu Maximum Security Prison to facilitate the processing of legal documents at the Prison Justice Centre. Through support from the Embassy of the Netherlands in Kenya, Kituo continues to support the prison justice centres and provide technical assistance in legal matters.



Kituo's Volunteer Advocate Ms. Ericka Bilha conducting a training for prison paralegals in Kisumu Maximum Prison



Kituo team handing over administrative support material including a laptop, Printer, tonners, printing papers, and other stationeries to Kisumu Maximum Security Prison



High Court Judge John Chigiti addressing the participants During the commemoration of the the International Intersex Awareness Day held at Highridge primary school in Nairobi.

Kituo Cha Sheria in collaboration with Gmat Resource Centre and Legal Resources Foundation - LRF 26th October 2022 commemorated the International Intersex Awareness Day held at Highridge primary school in Nairobi.

Senior counsel John Chigiti who graced the event emphasized on the importance of educating the public and raising awareness of intersex persons. He stated that raising awareness of the experiences of people within the intersex spectrum, will help people better understand the kinds of challenges that intersex people face and how they can be supported and respected.

Senior counsel noted that children born intersex also suffer suspicion, mostly treated as victims of a curse, shameful dark spell or as less humans. He expelled the backward beliefs stating that they are anchored on ignorance and

unsubstantiated superstitions cemented by ignorance.

“It is important that we have honest conversations in relation to intersex, where all shall be informed and educated on the topic, where many more will champion for the rights and recognition of intersex persons in the society.” Said Senior counsel Chigiti

Intersex people are now recognized as Kenya’s third gender with an ‘I’ gender marker in response to the Children Act 2022. The new law requires intersex children to be treated with dignity and have equal access to basic services like medical treatment and education, in addition to social protection services as a special need. It also requires the accommodation of intersex children in child protection centers and other facilities.



Participants During the commemoration of the the International Intersex Awareness Day held at Highridge primary school in Nairobi.



Kituo team together with the members of the Mombasa law society

Kituo Cha Sheria in collaboration with Mombasa law society on 27th October 2022 conducted the inaugural Greening justice workshop. This year’s theme being celebration of the Environment and land Court decade anniversary.

The meeting brought together different actors in the justice system to reflect on the unique land and environmental challenges affecting the region as well as how alternative justice system can be used in protecting land rights.

STAKEHOLDER ENGAGEMENT FORUM IN MOMBASA



Participants following the proceedings

Kituo Cha Sheria in collaboration with National steering committee on implementation of Alternative Justice Systems policy on 1st November 2022 conducted a two-day multi-sectoral stakeholder engagement forum in Mombasa.

The participants were taken through human rights framework and the operationalization of AJS in areas like Kajiado, Nakuru, Isiolo and Othaya. This was done in view of learning and reflecting on how they can localise the concept in their daily engagement. The forum was supported by GIZ-CPS Kenya.

KITUO TO PROVIDE FREE LEGAL AID AND REPRESENTATION TO AN 84-YEAR-OLD GRANDMOTHER WHO WAS HIGHLIGHTED IN LOCAL PRESS APPEALING TO THE GOVERNMENT OR ANY WELL-WISHER FOR LEGAL ASSISTANCE



Kituo Cha Sheria team team when they paid a visit to Mary at her home in Chuka to assess her financial situation | Photo by: Samfelix Randa

Exclusive legal representation is one of those necessities that the poor can only dream of, especially when confronted with serious legal issues that must be resolved in courts of law. Due to the high costs of legal services, most indigent people in Kenya are unable to have their legal needs met.

Ms Mary Ciambaka, an 84-year-old grandmother from Kathigiri in Chuka town, Tharaka Nithi County, is not unique. She had sold all of her property, including trees on the land where she had lived for 18 years, to pay for legal services in a land dispute with his first-born son, which was before the magistrate's court.

Kituo Cha Sheria first learned about Mary's legal representation request from a local newspaper (Daily Nation), where she was featured pleading with the government or any well-wisher to assist her in hiring a lawyer because she is unable to represent herself in court.

Mary had successfully defended her case against her son, and a ruling in her favor had been issued. The court ordered her son, Alex Kinyua, to leave the suit land, but he appealed the decision. She was concerned that if her appeal was successful, she would lose her land parcel.

Due to a lack of funds, she was unable to

hire a private lawyer. Kituo's legal team paid a visit to her Chuka home to assess the granny's financial situation. The team confirmed that the granny is too poor to afford a private lawyer. Taking into account her plea and financial situation, Kituo cha Sheria provided her with the necessary legal aid and representation for FREE.

Kituo through their Legal Officer, Mr. Boniface Muinde also confirmed that the appeal case will be heard at the Environment and Lands Court in Chuka town on January 31, 2023. Kituo will represent her and accompany her until justice is served.

Background

Mary's fight for justice began in 2004. Lilian Karioki, her deceased daughter, paid Ksh. 160, 000 for a plot of land measuring 25 points. Mary, a single mother of five, shared this plot of land with Lilian and the other children. Lilian first made a Ksh. 131,000 deposit. However, she died before she could pay the remaining Kshs. 29,000 balance. The land vendor, Patrick Nthiga Nabea, the 2nd respondent in this case, stated unequivocally that Lilian could not be buried on the property until the remaining balance was paid.



the first respondent, to clear the balance on behalf of his deceased sister. Alex, on the other hand, conspired with Patrick and had the property registered in his name (Alex's name). Alex did not disclose that he was so registered in order to hold the property in trust for Lilian's minor daughter Maureen Mwende Mwamba (Plaintiff).

Mary approached Patrick after Lilian was buried and asked for the land title deed. Patrick informed her that the title had been assigned to Alex. Mary desired that the land be registered in the name of Maureen, Lilian's daughter, or Alex to hold the land in trust for her. Alex and Patrick both declined the request. Mary then moved to the DC, where she organized a series of meetings with the parties and the land board; however, Alex and Patrick purposefully did not attend the meetings.



From right: Mr. Jared Nyakundi, an officer at Kituo Cha Sheria, Mr Boniface Muinde, Legal Officer at Kituo Cha Sheria, Ms Mary Ciambaka, Ms. Damaris Nduisia Musiemu, Kituo's Volunteer advocate and Mr. John Munene, Mary's younger brother at Chuka law court.

Mary moves to court

Alex, according to Mary, threatened to kick them off the property and sell it. For the time being, the land is still registered in Alex's name. Mary filed a motion in court to have the land transferred from Alex to Maureen (Lilian's daughter), who she claims is of legal age and can own and manage her deceased mother's property.

The Judgement

Mary received a favorable judgment from the Chukka Chief Magistrates Court on November 1st, 2022. (ELC CASE NO. 20 of 2019). The court issued an injunction prohibiting Alex from selling, alienating, or transferring the property or interfering with

the plaintiff's use, enjoyment, occupation, and possession of the land in any other way. The court also stated that Maureen is the legal owner of the land and issued an order directing Alex to execute all relevant instruments and the Meru registrar to register all such instruments in order for Maureen to be registered as the proprietor of the parcel of land. In the alternative, Patrick, the land seller, be ordered to refund the purchase price plus interest at bank rates beginning September 4th, 2004 until payment in full.

Alex's Appeal

Mary can finally breathe a sigh of relief after Kituo cha sheria agreed to provide her with

free legal advice and representation in the contentious case involving her and her son. Mary explains how Kituo's intervention is timely with a joyful expression on her face. "God bless Kituo!" The appeal case will be heard on January 31st, 2023. I thank Kituo Cha Sheria for offering to represent me for free and for promising to walk with me until justice is served."

By: Samfelix Randa

A SESSION ON THE ROLE OF COMMUNITY-BASED PARALEGALS IN ENHANCING ACCESS TO JUSTICE IN AFRICA



The Pathfinders, African Centre of Excellence for Access to Justice and the Open Government Partnership having a session on the role of community-based paralegals in enhancing access to justice in Africa.

The Pathfinders in collaboration with the African Centre of Excellence for Access to Justice and the Open Government Partnership on 3rd November 2022 hosted a session on the role of community-based paralegals in enhancing access to justice in Africa.

The session focused on the role of community-based paralegals, their impact and the challenges that they experience. The African Centre shared the initiatives it had undertaken in advocating for matters relating to the legal recognition of paralegals and the urgent need to increase their financing. The advocacy initiatives have been regional through the NGO Forum and African Commission's ordinary sessions and global through the High Level Political Forum and SDG Summit. The Centre has also conducted research to document the work of community based paralegals. The conversation also tackled the question

of financing for community based paralegals. Focus was placed on the Legal Empowerment Fund which has thus far noted the demand for legal empowerment funding.

The Fund also seeks to demystify grant making so as to make it more accessible for grassroots justice defenders. The session involved experience sharing from Government representative from Sierra Leone who detailed the support the state has made towards the Legal Aid Board.

The government in Sierra Leone was also working closely with civil society organizations who worked with community based paralegals. The panel session elicited responses from experts in the field with many agreeing that indeed more recognition and financing ought to be extended to community based paralegals in Africa. The panelists were: Atieno Odhiambo

(Director, Legal Empowerment Fund), Shahid Korjie (National Coordinator, A-G's office Sierra Leone) and Annette Mbogoh (African Centre of Excellence and Director, Kituo cha Sheria). The session was moderated by Eleanor Thompson, Namati Sierra Leone.



A selection of members from the Pathfinders, African Centre of Excellence for Access to Justice and the Open Government Partnership pose for a photo.