Concept note

17th and 18th August 2020

Coastal and Northern Region

Improving the capacities of PLEAD partners to ensure access to justice for the vulnerable populations and communities in Kenya

Introduction and Background

The Constitution of Kenya, 2010 in Article 27 has made clear provisions that outlaw discrimination based on one’s health status, marital status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth. The Constitution also provides a more expansive and progressive Bill of Rights that has provisions that can be relied on by vulnerable populations.

Though the Constitution provides for the legal and structural framework to addressing human rights abuses, this framework does not have adequate implementation mechanisms to intervene on behalf of the large majority of those abused. Many vulnerable groups are not aware of the useful provisions in the Constitution and how to utilize them to have their rights respected and promoted by the government and other duty bearers. For example, the HIV Tribunal which is a special court that was specifically set up under the HIV & AIDS Prevention and Control Act, 2006 to address the violation of the rights of people living with HIV (PLHIV) remains under-utilized due to lack of knowledge of their rights or the available mechanisms and frameworks for reporting human rights violations as well as the inaccessibility of the HIV Tribunal which currently only seats in Nairobi.

Despite the growth of our legal and policy environment on access to justice there still exist numerous cases of human rights violations against vulnerable communities. The said violations go unreported due to a myriad of reasons and duty bearers disregard or are not aware of their roles in safeguarding the rights of the vulnerable and guaranteeing access to justice. It should be noted that a study on the state of human rights in Kenya found that 1 out of 10 Kenyans say that their rights have been violated and point to duty bearers such as police, national and county government officials and staff at health facilities as the main offenders. In this same study, it emerged that over 70% of Kenyans expressed trust in human rights activists, Non-governmental Organizations and Community organizations when it comes to addressing human rights. With that in mind, it is apparent that to promote access to justice for the most vulnerable communities it is imperative that civil society organizations understand the rights of the communities they serve and ensure they are aware of the various rights violation reporting mechanisms to enable the most vulnerable communities’ access to justice.

Justification

It is against this background that KELIN with support from UNDP seeks to enhance the capacities of various PLEAD partners from the Coastal, Western, Northern and Nairobi regions to enable them to promote human rights and ensure access to justice for PLHIV, AGYW’s, Key Population’s, PWUD’s and prisoners. We aim to educate and raise awareness among PLEAD partners on the existing legal and policy framework on access to justice and how they can tap into these mechanisms to guarantee the rights of the communities that they serve. By addressing the knowledge gaps among partners

and members of their target communities as well as the structural barriers of access to justice we can improve and secure access to justice and ensure that there exists an enabling legal environment that is sensitive to the unique experiences the target communities have with the justice system.

In view of the foregoing, KELIN will be conducting two day capacity building forums for Amkeni Wa Kenya Grantees on HIV and Health related rights for Women, AGYW’s, PLHIV, PWUD’s and Prisoners. Each capacity building forum will be preceded by a capacity assessment which will enable us to gauge whether the target communities within each region have adequate access to justice and legal services and identify knowledge gaps with respect to human rights.

**Specific objectives of the forum**

a) To raise awareness amongst the vulnerable groups on their rights and how they can access justice in the event that these rights have been or are likely to be violated.

b) Improve access to legal aid services among vulnerable communities in Kenya

c) Improve the legal environment and increase in reporting of HIV violation cases

**Expected output**

Improved knowledge and strengthened capacities of PLEAD partners to enable them to improve access to justice for PLHIV, AGYW’s, Key Population’s, PWUD’S and prisoners.

**Methodology**

The following methodologies will be utilized to facilitate information sharing:

a) Power point presentations

b) Panel discussions

c) All presentations will be provided in soft copy at the end of the workshop

**Dates and venue**

The two-day forum will be held virtually on 17th and 18th August 2020 from 9:00am to 2:00pm.