



ANNUAL REPORT 2020

**GLOVES OFF IN 2020:
A YEAR OF UNPRECEDENTED
(GLOBAL) HEALTH CHALLENGES**

List of Abbreviations

ADR	Alternative Dispute Resolution
AGYW	Adolescent Girls and Young Women
AJS	Alternative Justice System
CA-HC	County Assembly Health Committee
CBO	Community Based Organisation
CEC	County Executive in Charge of Ministry
CSO	Civil Society Organisation
CUC	Court Users Committee
CHMT	County Health Management Team
CHV	Community Health Volunteers
CREAW	Centre for Rights Education and Awareness
DFPA	Danish Family Planning Association
EAC	East Africa Community
FHOK	Family Health Options Kenya
FP	Family Planning
GBV	Gender Based Violence
GVRC	Gender Violence Recovery Centre
KLA	Kenya Land Alliance
KMA	Kenya Medical Association
L4C	Learning for Change
LPR	Land and Property Rights
LSA	Law of Succession Act
LSN	Legal Support Network
M&E	Monitoring and Evaluation
MNCH	Maternal New-born and Child Health
MTGP	Moving the Goal Post
PSC	Project Steering Committee
RH	Reproductive Health
RMNH	Reproductive Maternal New-born Health
SRHR	Sexual and Reproductive Health and Rights
SRH	Sexual and Reproductive Health
SGBV	Sexual and Gender Based Violence
TSC	Teachers Service Commission
WLPR	Women Land and Property Rights
DREAMS	Determined, Resilient, Empowered, AIDS-Free, Mentored, and Safe women.

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Welcome Note

In a year of unexpected extremes presented by the COVID-19 health pandemic the work of KELIN has been amplified in advocating for the health-related human rights for all.

The COVID-19 inequalities in health and social economic rights areas has illuminated the thrust of KELIN's work over the years and played a key role in enhancing our mandate captured by the hashtag #Justice2Health.

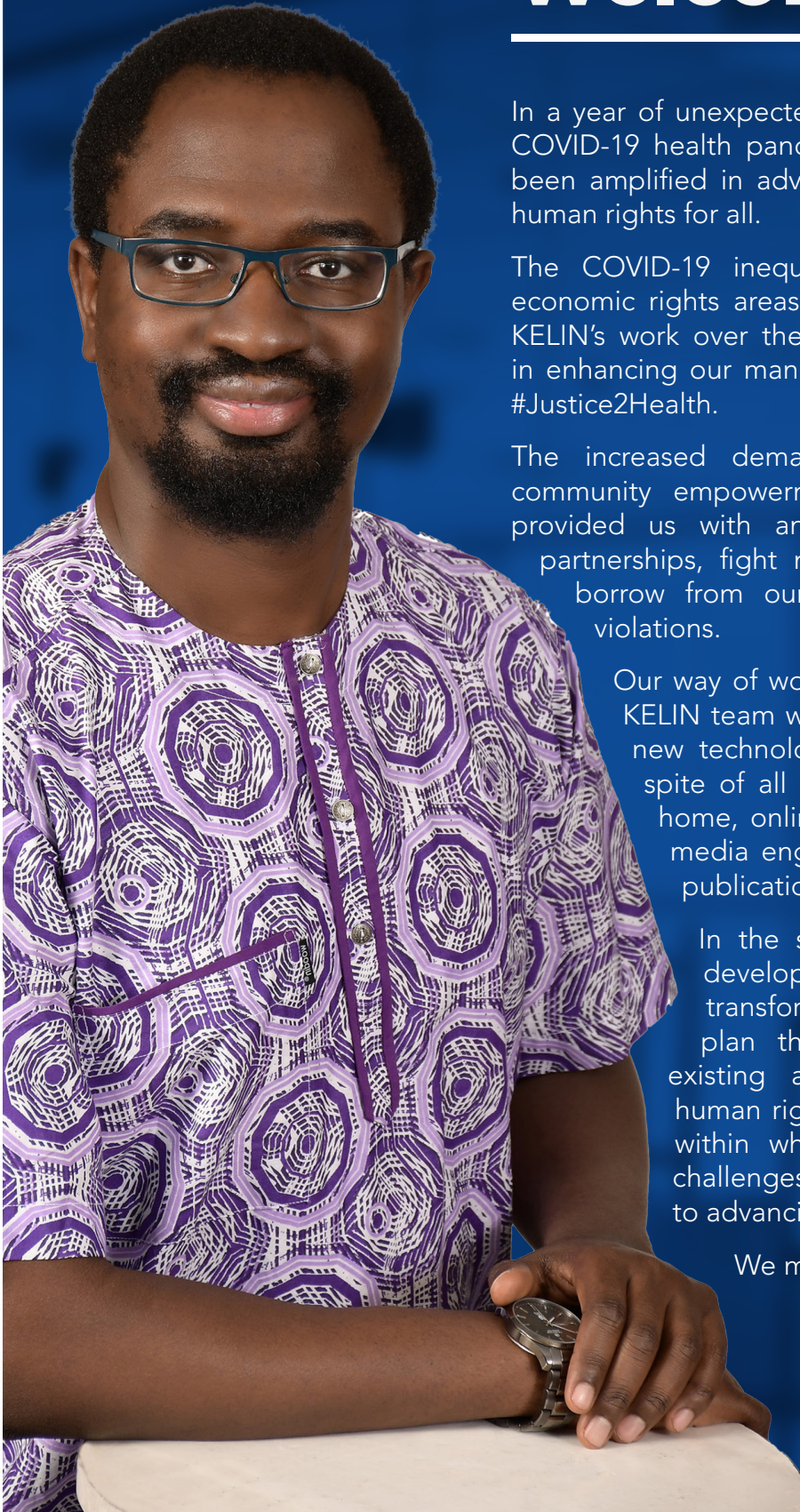
The increased demand for advocacy, litigation, community empowerment and informing policies provided us with an opportunity to build new partnerships, fight new battles and meaningfully borrow from our previous work on HIV, TB violations.

Our way of working was challenged and the KELIN team was up to the task and applied new technologies to remain on course in spite of all the challenges. Working from home, online campaigns, court hearings, media engagement and contributing to publications.

In the same year, we collaboratively developed an inclusive and transformative 2021-2024 strategic plan that takes cognizance of the existing and emerging health-related human rights and provides a framework within which KELIN can engage with challenges and opportunities in relation to advancing the right to health.

We marched on, gloves off!

Allan Maleche
Executive Director



A portrait of Mr. Ambrose Rachier, a Black man with glasses, wearing a dark suit, light blue shirt, and patterned tie. He is smiling and looking towards the camera. The background is a blurred interior with wood paneling and a red curtain.

Foreword

In a most overwhelming season, globally, the KELIN board of directors played an instrumental role in guiding and encouraging the staff to remain on course. This cannot be taken for granted, and I convey special thanks to my fellow board members for playing their part ever so ably.

The KELIN staff not only doubled their efforts to deliver on annual plans and goals, but also sacrificially offered over time to respond to specific emerging issues around COVID-19 advocacy. This level of resilience and commitment is what makes KELIN stand out as a true advocate for human rights! I applaud the staff and the KELIN management team for driving and championing health related human rights advocacy within the conditions that were.

The “Gloves off” approach to advocacy would not have been possible without our partners and donors who held us up by financing the work and engaging deeper to address the emerging issues that called for immediate input from the respective thematic teams. Your continued partnership is a resource that speaks of true humanity and unwavering commitment to the noble cause of reclaiming rights and rebuilding lives. Thank you for keeping us strong on the battlefield!

Overall, 2020 was a year of unprecedented global health challenges that revealed our strength, reconfirmed our mission, and renewed our partnerships!

Mr. Ambrose Rachier
Board Chair

Overview of strategic outcomes in 2020

Outcome 1:

Health policies, laws and operational frameworks at the county and National Government levels that are protective of human rights and have embraced the rights-based approach.

We provided key insights and content to 18 key Legal and policy frameworks and legal discourses in Kenya:

- 7 Legal and policy frameworks on Sexual and reproductive health rights
- 3 Legal and policy frameworks on Women land and property rights
- 2 Legal and policy frameworks on HIVTB-Key and affected populations
- 5 Legal and policy frameworks under the health and governance thematic area

Outcome 2:

Persons experiencing health related human rights violations have access to legal services

In 2020, KELIN filed 4 public interest litigation cases on COVID-19.

KELIN provided legal advice and representation to over 170 clients with the support of its internal legal counsels, pool of pro-bono lawyers and. We worked with a cohort of elders trained on rights-based approaches to facilitate alternative dispute resolution for 60 women to reclaim their land.

Outcome 3:

Persons communities are empowered on health-related human rights.

KELIN was at the fore front in empowering communities to know and demand their rights.

- Over 450 widows and other women were sensitized on their women land and property rights.
- Development and dissemination over 700 copies of the DREAMS curriculum
- Trained 298 Adolescent girls and young women in Homa Bay and Kisumu.
- 5,000 AGYWs with SRHR information which has led to increase access to SRHR services in the health facilities
- 75 Community based organizations played a key role as grassroots mobilizers, key messengers and key change agents at community levels

Outcome 4:

KELIN is initiating and participating in strategic partnerships for better delivery of its mandate, the organization

KELIN was at the fore front in empowering communities to know and demand their rights.

- Over 150 meaningful partnerships anchored on shared understanding aligned goals were created.
- KELIN coordinated Over 50 CSOs under the #CovidRBA Platform that was specifically set up to promote the use of a rights based approach during the COVID-19 pandemic.



Defying the odds

The year 2020 has been unprecedented with the advent of the Novel Coronavirus (2019-COV) declared a global pandemic by the World Health Organization (WHO). On the 11th of March 2020, the WHO declared COVID-19 a pandemic after about 118,000 people in 114 countries had contracted the virus, and 4,291 had died from it.¹ On the 12th of March 2020, Kenya confirmed its first case of Coronavirus.² As at November 9th, 2020, over 50 million confirmed cases of Coronavirus and 1,257,523 deaths have been reported to WHO globally.³ As of December 2020, there were 96,458 confirmed cases in Kenya, out of which 1,670 died.

In addition to the loss of lives, loss of jobs and livelihoods came from containment measures, including curfews and lockdowns in some areas of the country. Inefficiencies in disaster preparedness and response were exposed. Therefore, ensuring that quality healthcare services are available to the communities we serve has become even more urgent and the work we do even more meaningful. The pandemic has brought the importance of healthcare strengthening and the need for a responsive, transparent and accountable government.

People living with HIV and those affected by TB and other key populations in the country have been disproportionately affected by the pandemic. Poor availability and access to treatment in healthcare facilities coupled with the heightened risk of infection by PLHIV and those on TB treatment has placed them in a more vulnerable state.

The pandemic saw a marked increase of SRHR violations, increased opposition activity within the SRHR space; fragmentation of the health system; and SRHR services' inaccessibility.

Despite the disruption brought about by COVID 19, the team at KELIN found innovative ways to continue implementation and created new spaces and avenues for the impact of our work to be felt. This was made possible by developing an accelerated work plan by M&E, which was used to fast track our activities and adjust to the current situation by leveraging digital technologies and virtual data collection. Thankfully, we saw the return of physical meetings and activities as the movement and social gathering restrictions were relaxed.

¹'WHO Director-General's Opening Remarks at the Media Briefing on COVID-19 - 11 March 2020' <<https://www.who.int/dg/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19---11-march-2020>> accessed 12 October 2020.

²'FIRST CASE OF CORONAVIRUS DISEASE CONFIRMED IN KENYA - MINISTRY OF HEALTH' Ministry of Health (13 March 2020) <<https://www.health.go.ke/first-case-of-coronavirus-disease-confirmed-in-kenya/>> accessed 14 October 2020

³'WHO Coronavirus Disease (COVID-19) Dashboard' WHO (10 November 2020) <<https://covid19.who.int>> accessed 10 November 2020

Our Thematic Areas

01

HIV ,TB, Key & Affected Populations



Promoting and protecting sexual and reproductive health rights for all through access to safe and legal abortion, adolescent sexual and reproductive health and rights; opposition monitoring and mitigation; sexual and gender based violence; movement building; litigation; and research and advocacy to advance SRHR in the continent.

02

Sexual Reproductive Health & Rights



Promoting and protecting sexual and reproductive health rights for all through research and advocacy to advance SRHR in the continent

03

Women Land & Property Rights



Empowering women by promoting and protecting social health for women by ensuring that land and property rights are respected and access to justice where these rights are infringed.

04

Health & Governance



Advocating for transparent, accountable and rights-based system of delivery and the full enjoyment of the right to health by all.

05

Strategic Litigation



Litigation as a tool for social change to address violation of human rights especially those that are health related; to ensure that individuals and communities have to justice.

Each thematic area played a key role in making 2020 the success it was.

1



HIV, TB, KEY & AFFECTED POPULATIONS

At the start of 2020 a strategic decision was made to merge The HIV and TB thematic with the key & affected populations thematic area for better synergy in safeguarding rights for the affected communities.

Outcome 1: Legal and Policy Issues

- The thematic area reviewed the draft HIV and AIDS Prevention and Control (Privacy) Regulations (2019) developed by the National AIDS Control Council (NACC).
- We documented a [report](#) that established that the Data Protection Act and The Constitution provide a strong basis for the protection and promotion of privacy rights of these populations.
- Protested the non-inclusion of community voices in the development processes of the Kenya AIDS Strategic Framework II, leading to increased levels of engagement with CSOs in the process.
- Jointly conducted a legislative dialogue with 15 members of the Kisii County Assembly and County Executive to advocate for a County Gender-Based Violence law culminating in the development of a draft Bill to be adopted by the County.

Outcome 2: Persons experiencing health-related human rights violations

During the year, we continued to provide legal information, advice and representation to people experiencing health-related human rights violations. Through an emergency support grant, we worked with other organizations to provide emergency legal support for cases in Kenya and Tanzania involving sex workers and key populations.

- Supported seven young men in Tanzania who had been arrested on suspicion of acts against the order of nature.
- Supported twenty-four (24) sex workers who had been arrested and quarantined for violating State directives meant to combat spread of Covid-19 in Kenya.
- Provided 15 people with legal advice on various issues including breach of the right to privacy, testing without consent, loss of employment due to status and SGBV.
- A positive judgement in a case seeking

redress for violation of right to privacy. In the case, [GSN v Nairobi Hospital & 2 others \[2020\] eKLR](#) the court found that a hospital and an insurance company breached the right to privacy when they disclosed HIV status of the petitioner to a third party, the petitioner's employer. The Petitioner was awarded general damages of Ksh. 2,000,000/-

Outcome 3: Empowering Communities on Health-Related Human Rights

We conducted several sessions to build capacity among communities of people living with HIV, people affected by TB, key populations and civil society organizations working with the thematic communities.



Among the trainees were people living with HIV, people affected by TB, key populations, adolescents, young people, HIV and AIDS Tribunal members and community-based organizations working on access to justice.

TB

40

TB champions trained from four counties (Homa Bay, Kisumu, Mombasa and Nairobi) on TB and human rights and empowered the champions with information to monitor the provision of TB services at the community level and promote the rights of people affected by TB.

993

community health volunteers reached through health talks in health facilities, community sensitization forums, and dissemination of IEC materials.

HIV

50

CBOs drawn from Nairobi, Mombasa, Nakuru, Garissa, Wajir, Mandera, Lamu, Tana River, Isiolo, Kisumu and Marsabit and Uasin Ngishu, trained on the current legal and policy framework on human rights and access to justice, as well as on facilitating access to justice for people living with HIV.

30

organizations hosted to a cross-learning meeting with the National Legal Aid Service, Law Society of Kenya and the HIV and AIDS Tribunal.

- As a result of the training, the organizations resolved to include HIV related work in their programmes and include reporting on HIV related rights violations.
- Through the development and subsequent dissemination of IEC materials on "Know Your Rights and access to justice", KELIN provided tools to assist the organisations to improve access to justice for the poor and vulnerable with a focus on legal aid.

10

members members (including newly appointed members and staff) of the HIV and AIDS Tribunal sensitized to improve their knowledge and strengthen their capacities on HIV, human rights and the law and enable them to adjudicate on HIV-related cases competently.

90

community members representing people living with HIV and key populations from Nairobi and Kisumu counties sensitized on the right to privacy, to advocate effectively for the development of data protection policies that safeguard health-related data and the right to privacy. The report on [enhancing privacy and confidentiality in public health data management](#) was disseminated.

KEY & AFFECTED POPULATION

63 representatives of key population organizations trained on opposition monitoring and countering opposition narratives and equipped them with a communications manual we developed.

40 community members composed of people living with HIV, adolescents, young people and key populations trained on universal health coverage (UHC) on what an ideal UHC for vulnerable populations looks like and the responsibility of the government.

25 Empowered communities and the media in Kisumu, Kakamega, Nairobi and Mombasa counties on monitoring, transparency and accountability in the implementation of the right to health.

90 people including county health management teams from Kisumu and Mombasa counties, sensitized on the need for transparency and accountability in the provision of health services.

Outcome 4: Partnerships

Continued efforts to strengthen its relationship with key stakeholders including the HIV and AIDS Tribunal, NACC, NASCOP, Ministry of Health, NEPHAK, Network of TB Champions, CREAM, National Legal Aid Service (NLAS) Law Society of Kenya, Paralegal Support Network (PASUNE), as well as county health management teams. These institutions and organizations were central to our work and we will continue to leverage our shared expertise to ensure that the work we undertake is meaningful, holistic, and impactful.

2



HEALTH & GOVERNANCE

Health and Governance is a new thematic area under the Strategic Plan 2021–2025, born of the recognition that good governance in health is necessary for the fulfilment of health-related human rights. Under its disease-specific work in HIV, tuberculosis (TB), and sexual and reproductive health and rights (SRHR), KELIN continually noted common governance challenges including lack of meaningful public participation in health policy and budget-making processes; rampant corruption and inaction to hold relevant institutions accountable; among others. Beyond KELIN's work, governance and leadership are widely recognized as central to improving health sector performance. The thematic area advocates for health and governance systems that are more accountable, transparent and fit for purpose for those made most vulnerable by the same systems.

We do this by working towards enhancing the availability, accessibility, acceptability and quality of health services for marginalized and vulnerable groups at national and county levels; strengthening rights holders' ability to monitor transparency and accountability in health governance, which includes health financing, financial systems, operations, procurement, etc.; and enhancing public participation in health governance at the county level.

Outcome 1: Legal and Policy Issues

During the year, the thematic area worked to influence legal and policy issues around the pandemic response.

- At the onset of the pandemic, KELIN established and coordinated a network of multi-stakeholder and multi-sectoral partners advocating for transparency and accountability in the COVID-19 pandemic response. We started this with an [Open Letter to the Cabinet Secretary of Health: A Rights-Based Response is Critical in Dealing with COVID-19](#) issued to the Cabinet Secretary (CS) Health on 13 March 2020, one day after the first confirmed case was reported in Kenya. The letter was a response to the Government's laissez-faire attitude to preventing entry of the virus into the country, and that the government only took meaningful action after court intervention. The letter urged the National Emergency Response Committee on COVID-19 (NERC) to take a more active role in sharing accurate information on preventing infection and spread, and the government's state of preparedness to the response.
- KELIN mobilized over 60 civil society organizations, community-based organizations, professional bodies, and economic and governance experts to collaboratively develop an [Advisory Note on Ensuring a Rights-Based Response to Curb the Spread of the COVID-19](#) dated 28th March 2020. The

advisory note, which sought to provide guidance on ensuring a rights-based response to COVID-19, was shared with key government officials, development partners and media houses. This multi-sectoral response was the launchpad to the collaborative actions under the banner COVID-RBA that KELIN facilitated.

Some of the open letters, request for information letters and advisories we wrote to government agencies advocating for a pandemic response that is rights-based, transparent and accountable are accessible in the table below:

13th March 2020

[Open Letter to the Cabinet Secretary of Health: A Rights-Based Response is Critical in Dealing with COVID-19;](#)

28th March 2020

[Advisory Note on Ensuring a Rights-Based Response to Curb the Spread of the COVID-19](#)

6th April 2020

[Open Letter on Implementation of Mandatory Quarantine in the COVID-19 Response](#)

9th April 2020

[Memorandum to the Senate Ad Hoc Committee on the COVID-19 Situation: A Call to the Senate to Ensure a Rights-Based Response to Curb the Spread of COVID-19](#)

15th April 2020

[Protest Letter against the Undignified Sendoff of the Late James Oyugi: Request for Information](#)

17th April 2020

[Open Letter and Request for Information on Provision of Support to Health Care Workers in the COVID-19 Response](#)

18th April 2020

[Urgent Open Letter and Request for Information Regarding the Arbitrarily Extension of Quarantine Period beyond 28 Day](#)

22nd April 2020

[Request for Information Pharmacy and Poisons Board](#); This was a request to ensure transparency and accountability in the procurement of life-saving medicines and other medical supplies in the wake of COVID-19 to protect us against price gouging of drugs, and other goods and services required to protect citizens and health workers from COVID-19 infection (such as hand sanitizers, masks, gloves).

24th April 2020

Letter to United Nations Support to Covid-19 Interventions in Kenya: A Call to Stand Up for Human Rights

27th April 2020

[Open Letter and Request for Information on use of Quarantine as a form of Punishment and Criminalization of COVID-19 Response](#)

28th April 2020

Letter to the Ministry of Health on the COVID-19 RMNH Guidelines: A Kenya Practical Guide for Continuity of Reproductive, Maternal, Newborn and Family Planning Care and Services in the Background of the COVID Pandemic

4th May 2020

[Petition to the Senate Committee on Health on Accountability and Transparency of COVID-19 Fund Expenditure](#)

Table 1: List of open letters and requests for information submitted to government agencies

- Analyzed one law and three regulations developed in response to the pandemic by making our submission to the Office of the Attorney General and the Senate as follows:
 - The Pandemic Response and Management Bill: The Public Health (Declaration of Formidable Epidemic Disease) Order, 2020;
 - The Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) Rules, 2020; <https://www.kelinkenya.org/wp-content/uploads/2020/04/THE-PUBLIC-HEALTH-PREVENTION-CONTROL-SUPPRESSION-OF-COVID-19.pdf>

Unfortunately, none of our views were taken into account.

- To appreciate how the law addresses issues of labelling, and restrictions on marketing foods and non-alcoholic beverages to children, we reviewed the Constitution of Kenya, The Health Act 2017, The Consumer Protection Act, The Food, Drugs and Chemical Substances Act, The Children Act, The Public Health Act, and regulations under these laws on nutrition.

As a result of the review, we developed two policy briefs on [nutrition labelling](#) and on [restrictions on marketing foods and non-alcoholic beverages to children](#). KELIN intends to use the policy briefs to advocate for the adoption of these policy measures to promote healthy diets and prevent non-communicable diseases (NCDs).

Outcome 2: Persons experiencing health-related human rights violations

KUPATA HAKI MSIMU HUU WA COVID-19

Piga simu bila malipo:
0800-720-721

SMS:
40091

Barua pepe:
complain@kelinkenya.org

Je, haki zako zimedhulumwa au ulishuhudia ukiukaji wa haki au tukio la ufisadi wakati wa COVID-19?

CREAM
Changing the Environment of
Children and Young People

icj
International
Commission
of Jurists
KENYAN SECTION | Since 1998

KATIBA
INSTITUTE

TRANSPARENCY
INTERNATIONAL
KENYA

KELIN
Advocating Rights, Resolving Issues

Moja ya mashirika haya yatatoa ushauri wa kisheria bila malipo.

Figure 1: KELIN and partners provided access to legal aid services to support victims of COVID-19 injustices

In recognition of the rampant health-related human rights violations being reported following government directives to prevent the spread of COVID-19, KELIN partnered with Transparency International–Kenya, Katiba Institute, Centre for Rights Education and Awareness (CREAW) and International Commission of Jurists–Kenyan Chapter to [provide legal advice](#) to people experiencing violations including marginalized and vulnerable individuals. We created an SMS hotline (40091), toll-free number (0800-720-721) and email address (complain@kelinkenya.org) to enable people to report health-related rights violations.

21

complaints received, all concerning the deplorable living conditions, lack of information around quarantine protocols and forceful exorbitant costs for quarantine facilities. KELIN, working with other stakeholders, responded by trying to engage the government through advisories, open letters and requests for information, which are included in table (on page 16)

- In addition to the open letters, we proceeded to file an urgent petition, [Petition No. 151 of 2020](#), at the Constitutional and Human Rights Division of the High Court in Nairobi, challenging the manner in which mandatory quarantine was implemented.
- Filed an urgent Constitutional petition, [Petition No. E295 of 2020](#), on forceful detention of COVID patients for failure to pay costs of COVID treatment.
- Filed a constitutional petition, [Petition No. 218 of 2020](#) at the Constitutional and Human Rights Division of the High Court in Nairobi, concerning the right to access information during a pandemic.
 - This resulted in the petition being filed by KELIN and 12 other petitioners namely; Erick Okioma, Esther Nelima, Chris Owalla, CM, FA, KB, MO, EL, who are represented by KELIN; Katiba Institute, Kenya Section of the International Commission of Jurists (ICJ Kenya) Transparency International Kenya (TI-Kenya) and Achieng’ Orero, Staff Attorney at Women’s Link Worldwide (WLW).

Outcome 3: Empowering communities on health-related human rights

33 people representing CSOs, CBOs and communities of people living with NCDs trained on legal and policy strategies to prevent NCDs through the promotion of healthy diets. The participants were equipped to advocate for inclusion in laws and policies of the following policy measures to promote healthy diets: nutrition labelling, restrictions on marketing of foods and non-alcoholic beverages to children, physical activity and fiscal measures. From this session, participants were mobilized to take part in the NCD Strategic Plan 2021–2025 development process.

Participated in a UHC advocacy project with other stakeholders under the banner Peoples’ Health Movement (PHM). We sensitized 200 people on their right to participate in the UHC national roll-out, including in the priority setting process.

- This created information-sharing platforms for rights-holders and duty-bearers to discuss the successes, challenges, and lessons learnt in implementing the UHC roll-out; and their expectations for the national roll-out.



Figure 2: KELIN and partners hosting a Universal Health Coverage dialogue with key stakeholders under the banner ‘People’s Health Movement’

- Our COVID advocacy work has created knowledge around the trends of health-related human rights violations during public health emergencies.
 - Through the COVID-RBA platform, we conducted rapid surveys on health workers’ occupational safety and health in the COVID response that documented several labour rights violations against health workers.

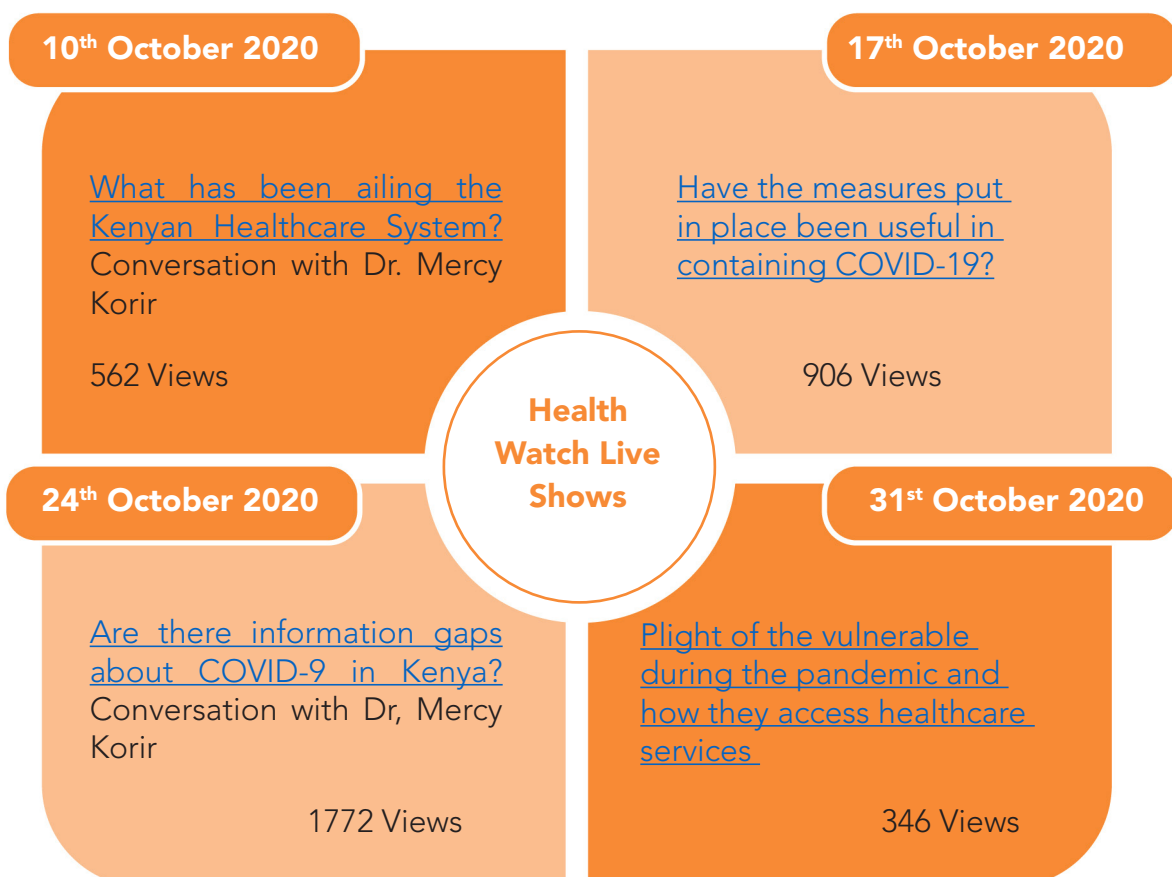
- Built the capacity of 45 community health advocates to collect data on human rights violations faced by vulnerable and marginalized communities in accessing health services.

Outcome 4: Partnerships

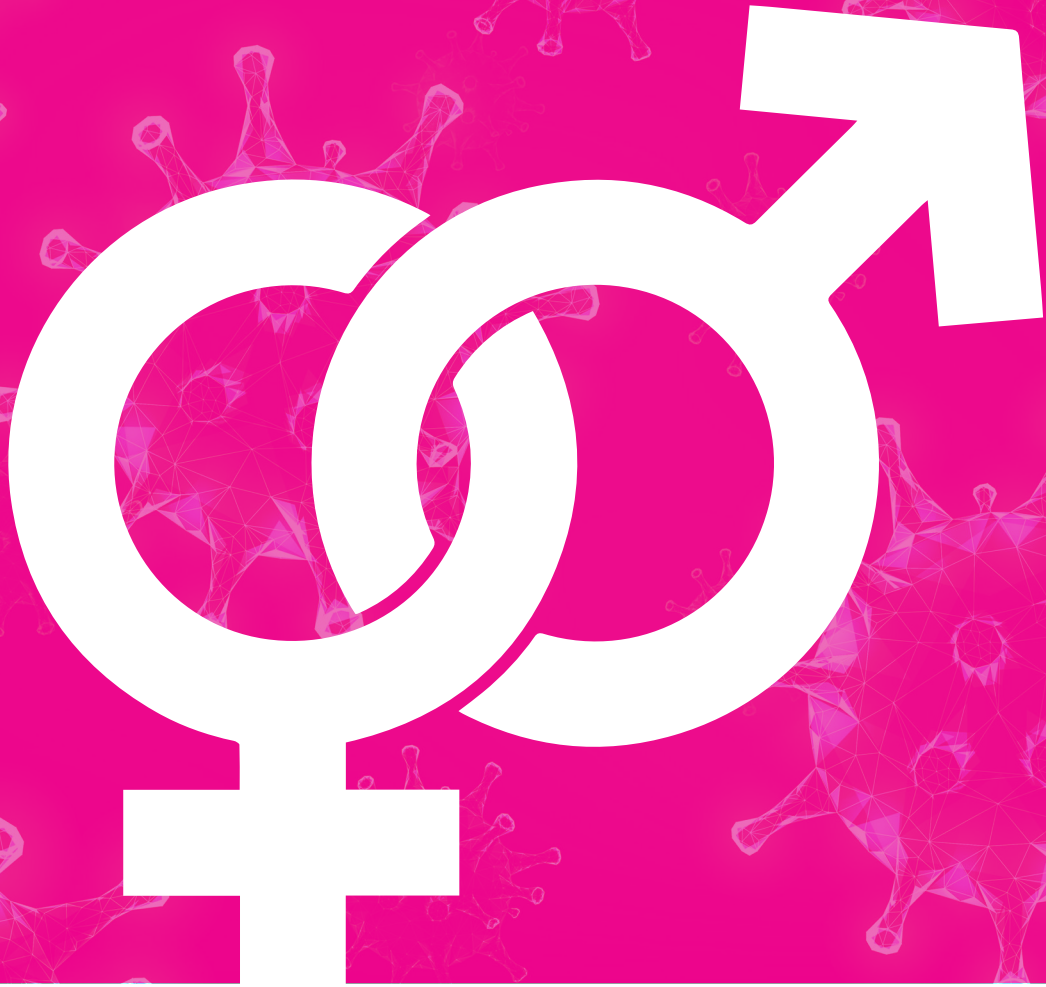
Through our COVID advocacy work, we engaged over 50 partners from civil society working in health and/or governance; economists; and unions and professional associations. In addition, we strengthened partnerships with several CSOs and professional bodies, including TI-Kenya, Amnesty, White Ribbon Alliance, Katiba Institute, Kenya Union of Clinical Officers (KUCO), National Nurses Association of Kenya (NNAK) and Kenya Medical Practitioners, Pharmacists and Dentists Union (KMPDU)

- The programme contributed to an increase in coordinated multi-sectoral advocacy for a rights-based response to the COVID pandemic. Through this multi-sectoral approach, we jointly engaged in media advocacy.

KELIN partnered with the Standard Group to co-create four weekly shows for a segment called Health Watch Live. Co-creation of the shows meant that we participated in conceptualizing the weekly topics for discussion and identified experts to be interviewed on the show. The segments aired in October with KELIN working with TI-Kenya, KMPDU and community champions as experts for interviews:



3



SEXUAL AND REPRODUCTIVE HEALTH & RIGHTS



Figure 3: Community bonfire meeting with Adolescent Girls and Young Women

Outcome 1: Legal and Policy Issues

- Developed a memorandum highlighting support for the Reproductive Health Bill and provided technical support to the sponsor of the Bill and supportive lawmakers across Senate and the National Assembly. The Bill was withdrawn from the Senate floor after a protracted misinformation and disinformation campaign by anti-SRR and anti-gender groups in civic and political spaces.
- Drafting of the East Africa Community Sexual Reproductive Health Bill, alongside 30 CSOs from EAC member states. We developed minimum asks highlighting key SRHR components to be included in the redraft of the Bill.
- As co-convener of the Homa Bay county Gender technical working group (TWG) we conducted a final review of the Draft Homa Bay SGBV Policy before its adoption by the County government of Homa Bay.
- Contributed to the revision of the Nakuru MNCH Bill 2019 alongside Nakuru County government post public participation.
- Developed a draft bill for the County Reproductive Health Model Law alongside Kisumu county assembly and county health department, a process to be continued in 2021.
- Contributed towards contextualized provisions for the County Reproductive Health Model Law for Homa Bay County, borrowing from the Reproductive Health model Law.

Submitted a memorandum under the KELIN COVID-RBA Advocacy group to the Ministry of Health, highlighting the need to align the RMNH Guidelines to the national legal and policy framework.

Outcome 2: Persons experiencing health-related human rights violations

16

clients represented across SGBV and abortion related cases

Through our four litigation funds, the thematic area provided legal advice and legal representation to 16 clients across SGBV and abortion related cases. The funds link indigent clients to pro bono lawyers whose capacities on these SRHR aspects have been built consistently by KELIN. This support also encompasses psycho-social support.

Guided & contributed to

6

public interest litigation cases

Guided and contributed towards the conceptualisation and case management of six public interest litigation cases. All the cases contribute towards protecting the Constitutional gains made in entrenching SRHR under the Bill of Rights.

Instituted litigation proceedings under petition

218 of 2020

asking the court to determine the state’s obligations to publicize life and health saving information including reproductive health care as part of the COVID-19 response and provided technical input towards KELIN’s supporting an [affidavit for Petition 428 of 2018](#).

Outcome 3: Empowering Communities on health-related human rights



Figure 4: Deliberating on avenues discussing for GBV with women fisher folk at Karachuonyo in Homa Bay County

Awareness raising
among

298
AGYW

on the linkages between SRHR, HIV and LPR in Homa Bay and Kisumu counties.

- These trainings resulted in action plans supported by respective CBOs through peer-to-peer sessions in their communities.

720

[DREAMS training curriculum manuals](#)

on SRHR, HIV, LPR and access to justice, developed, designed, printed and distributed to 298 AGYW and 75 CBOs in Kisumu and Homa Bay counties.

Outcome 4: Partnerships

KELIN entered a strategic partnership agreement with GVRC and FHOK for a two-year project funded by DFPA. This marked the joint implementation with both partners working in Homa Bay county towards the prevention and response to SGBV incidences.

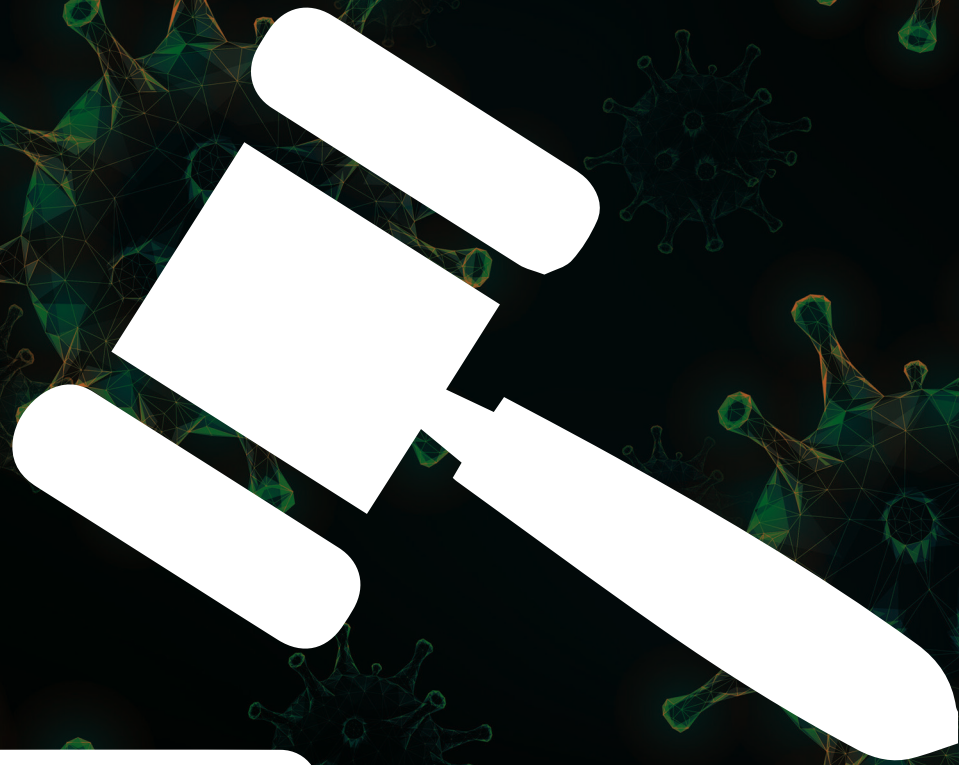
Other key strategic partnerships this year saw the team meaningfully contributing to the SGBV management and response strategy by the national government and CSOs, through the National GBV sub-sector working group hosted by the State Department for Gender Affairs.



Figure 5: DFPA site visit in Homa Bay County

Our civic strengthening work on the legal and policy framework on SRHR at the EAC level with the EAC regional task force resulted in the development of a minimum asks document detailing key provisions that the EAC countries would like to have incorporated within the revised EAC SRHR Bill.

4



STRATEGIC LITIGATION

While we continued to pursue cases already in court, we pursued additional litigation for the protection of the right to health and life of the most vulnerable communities. This was a most challenging year in two respects. First, was the emergence of the COVID-19 pandemic in March 2020. The state's response to contain the pandemic included various measures taken to curb its spread, such as mandatory quarantine, forced isolation in public health facilities at cost. There was inconsistent messaging around the measures taken by the state, as well as little to no information that would enable Kenyans to remain adequately apprised of government interventions, or with which they could safeguard their rights to life and health. In sum, the state response was fraught with violations to the right to life, health and dignity. Second, the emergence of the pandemic saw the then Chief Justice stop all court operations for one month due to fears of spreading infection. This resulted in a delay in the progression of all court matters as the Judiciary set up measures for online court attendance.

Litigation

KELIN entered a strategic partnership agreement with GVRC and FHOK for a two-year project funded by DFPA. This marked the joint implementation with both partners working in Homa Bay county towards the prevention and response to SGBV incidences.

Other key strategic partnerships this year saw the team meaningfully contributing to the SGBV management and response strategy by the national government and CSOs, through the National GBV sub-sector working group hosted by the State Department for Gender Affairs.

Litigation Challenging The State's Response To Covid 19

Petition No E295 of 2020

KELIN & Others V
The Attorney General
& Others

Summary of the Case

The petition, filed in September 2021 challenges the forceful detention of patients for failure to pay for costs of testing and medical treatment of COVID 19 while in isolation in Kenyatta University Teaching, Referral and Research Hospital (KUTRRH) and the failure of the state to cater for costs for testing and medical treatment of COVID 19 patients in public health facilities. It also challenges the State's attempt to compel people admitted to public health facilities for isolation and treatment of COVID-19 to pay the costs.

Status Update

On 17th December 2020, the Court dismissed an application by the 1st and 2nd petitioners, which had asked the court to safeguard the privacy and confidentiality of their health information by allow them to take forward Petition E295 of 2020 using their initials. These petitioners have since instructed KELIN to appeal this ruling and seek directions from the Court of Appeal in relation to privacy of health information for litigants. In order to allow the appeal proceed, the High Court has stayed proceedings in this petition and directed that the appeal first be determined.

<p>Petition No 218 of 2020</p> <p>Erick Okioma & 12 others vs Mutahi Kagwe, Cabinet Secretary for Health & 8 others</p>	<p>Filed on 2nd July 2020, 13 Petitioners sued several government agencies for failure on their part to provide the information sought from them in accordance to Article 35 of the Constitution of Kenya, 2010 and the Access to Information Act, 2016 in the context of the COVID-19 pandemic responses in Kenya.</p>
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By the end of 2020, the Attorney General had yet to file a response to the petition. The Court has directed that the AG file its response and that the petition come up in March 2021 for highlighting of submissions.

<p>Petition No 151 of 2020</p> <p>CM & 8 Others v the Attorney General & Others</p>	<p>The Petition, filed on 6th May 2020 by seven people who were under mandatory quarantine seeks to enforce constitutional protections in mandatory quarantine and demonstrates to the court that the way the state enforced quarantine is unlawful, inappropriately punitive, violates human rights, and creates public health risks.</p>
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Due to the continuing urgency of the petition, the court directed the Petitioners to file written submissions on the Petition and serve these on all parties after receiving the submissions of the Attorney General. The Court has directed that the AG file its response and that the petition come up in March 2021 for highlighting of submissions.

Table 3: List of cases handled by KELIN in 2020 challenging the State’s response to COVID-19

Despite the challenges occasioned by the pandemic, particularly regarding moving forward existing court cases, a majority of our cases have court dates and did progress. These had been filed prior to the year under review:

Outcome 4: Partnerships

- Through our work we cemented partnerships with like-minded civil society organisations, including Katiba Institute, Transparency International and the International Commission of Jurists (Kenya Chapter), alongside who we conceptualised and filed the cases challenging state response to the pandemic.
- We have also continued to work closely with ISLA and Human Rights Watch (HRW) with whom we have filed an application to allow the Supreme Court to have us intervene in a petition concerning Article 45 of the Constitution.
- The Legal Support Network of KELIN and the SRHR Think Tank convened by KELIN has also been instrumental in giving useful feedback on cases on sexual and reproductive health rights and have continued to support KELIN in its work.

As a result of these key partnerships, KELIN staff participated in high level speaking engagements alongside local and international stakeholders. Among these included:

<p>a) 51st Union World Conference on Lung Health</p>	<p>Community Connect in October 2020 where the Legal Counsel engaged in discussions during a workshop on Activating a Human Rights Response to the Tuberculosis Response and the Role of Litigators in addressing the needs of people affected by TB</p>
<p>b) Africa Regional Litigation Lab on Detention, Torture and the Right to Defend during COVID-19 – 18th November 2020</p>	<p>convened by the Open Society Foundation (OSF)</p>
<p>c) Global Litigation Lab On Detention, Torture And The Right To Defend In Times Of COVID-19 – 9th – 11th December 2020</p>	<p>convened by the Open Society Foundation (OSF)</p>
<p>d) A panel discussion on the at the Hybrid and Virtual Forum on Enhancing Access to Information in Times of Crisis</p>	<p>convened by Transparency International in October 2020.</p>

Litigation to Protect The Rights of Persons Living With HIV

Petition 606 of 2014

LAW & Anor vs. Marura Maternity and Nursing Home & Others Petition

The Petition challenges the forced sterilisation of a woman living with HIV who unknowingly underwent a medical procedure known as tubal ligation without her informed consent.

The court scheduled 21st January 2021 as the date when oral hearing shall conclude.

Petition 605 of 2014

SWK & Others vs. MSF France & Others

Year: 2014

This petition challenges the forced & coerced tubal ligation of four women living with HIV in private and public health facilities.

Oral hearing of the petition took place concluded on 8th December 2020. The court directed the parties to make available their written arguments on facts and law to enable the court arrive at a conclusion.

Litigation to Safeguard Reproductive Health Rights

Petition No. 428 of 2018

Network for Adolescents and Youth of Africa vs Jackline Mary Karanja The Network of Adolescent v Kenya Medical and Practitioners Board and others

The case challenges the Kenya Medical Practitioners Board (KMPDB) ban on Marie Stopes Kenya, preventing it from providing all forms of abortion services and the decision of the Kenya Films and Classification Board to order a cessation of broadcasting of information on sexual and reproductive health information. KELIN was admitted as the 6th Interested Party in 2019 and will make submissions to the court on how these bans impede information on sexual and reproductive health and undermine public health interventions to prevent unsafe abortions.

In 2020, KELIN filed its affidavit in court and we are awaiting court directions on how to proceed with hearing.

Litigation Challenging The Criminalisation Of Key And Affected Populations

Civil Appeal No 536 of 2019

Eric Gitari v Attorney General & Others

(Being an appeal from Petition 234 of 2016 consolidated with PT 150 of 2016

John Mathenge & others v Attorney General)

In this appeal, the appellants challenge section 162 (1) (c) and 165 (c) of the Penal Code that criminalise same-sex consensual sex. KELIN is the 17th Respondent.

In 2020, we filed our submissions in which we demonstrate how criminalisation of same-sex consensual sex exacerbates health care provision for men who have sex with men. We are now waiting for the Courts directions on hearing of the appeal.

Petition 447 of 2018

EM & 6 Others v The Attorney General and the Director of Public Prosecution

This case challenges the constitutionality of section 26 of the Sexual Offences Act which makes it an offence to deliberately infect or expose another person to HIV or any other life-threatening sexually transmitted disease.

This petition was affected by the closure of courts due to COVID-19. It was initially to come up for hearing on 31st March 2020, but was instead mentioned on 20th July 2020 when it was listed for hearing on 4th January 2021.

5



WOMEN LAND & PROPERTY RIGHTS

12 years on, the thematic area has continued to lead in promoting women land rights and other related issues through both formal and informal systems. The focus has been access to justice for the most vulnerable women within various land regimes including private and community land.

Outcome 1: Legal and Policy Issues

- Responded to the gazette notice on the review of the Law of Succession by the senate committee on justice Legal Affairs and Human Rights (JLAHRC) and submitted our memorandum and policy brief for consideration. As a result, we engaged in the shaping of the draft Law of Succession Act amendment which takes into consideration the human rights principles of equality, equity, non-discrimination and equal protection of the law.
- Responded to the gazette notice by the Taskforce on Alternative Justice Systems to share memoranda on the Alternative Justice Systems (AJS) policy, which aims to operationalize article 159 (2) (c) of the Constitution of Kenya 2010 which promotes the use of Alternative Dispute Resolution Mechanisms (ADR) to access justice.
- We held a one day meeting in February with pro-bono advocates, paralegals, elders and widows drawn from the sub counties that we implement the cultural structures project and developed key provisions that take into consideration the lived experiences of vulnerable widow from our work in the western region.
- We thereafter participated in the western region public participation meeting on the developed draft policy. As a result, we have a policy launched that is currently being implemented by the task force in various counties in Kenya.
- We have been part of the stakeholders sharing the possible impact of the policy on the lives of vulnerable youth, women and marginalized communities.

Outcome 2: Persons experiencing health-related human rights violations

The thematic area undertook key activities that resulted in provision of legal support of vulnerable widows whose property rights had been violated. As a result of COVID the courts and registries were closed which resulted in delayed access to justice especially since the major objective for the year was to ensure acquisition of relevant documentation for vulnerable widows.

- Through the Luo council of elders, we supported 40 widows living with HIV and orphans to facilitate access to justice for property related violations



- Through the network of pro bono lawyers that we work with in the western region, we supported a total of 27 widows in accessing justice through the courts.

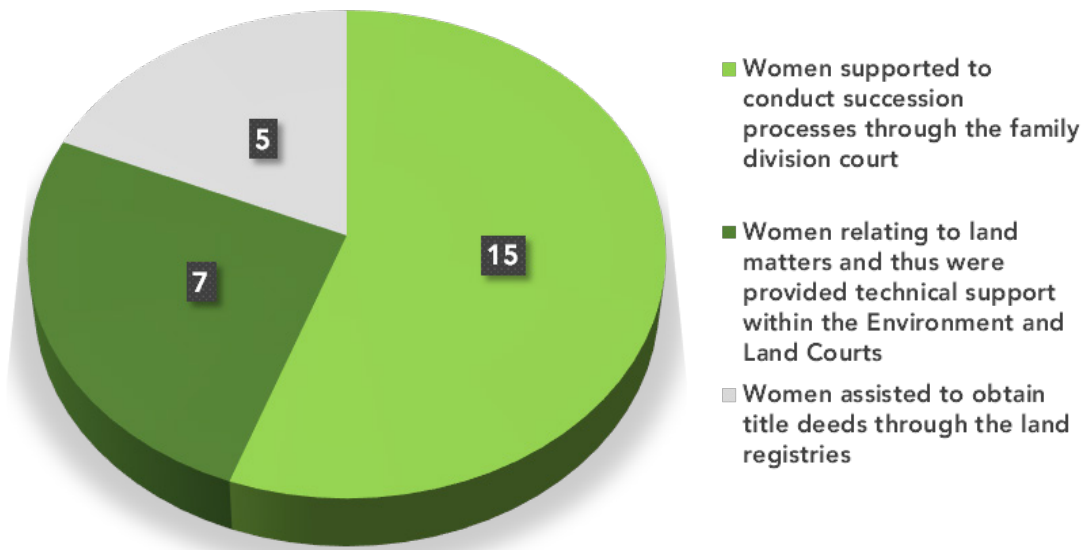
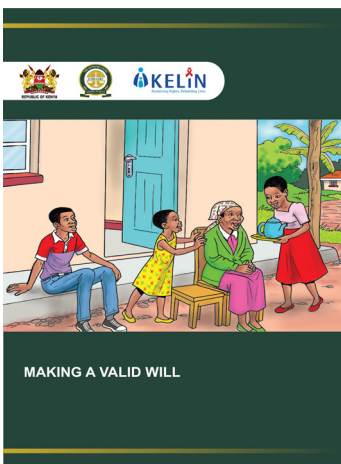


Chart 1: The number of women supported in western region in accessing justice through the courts

Outcome 3: Empowering communities on health-related human rights

We partnered with a research institute to conduct a survey on the key messaging impacting on women land tenure and as a result identified the key messages that impact on women land tenure in Kenya. It is from these that we developed information education and communication (IEC) materials to respond to the knowledge gap and enhance access to land management structures. The materials developed include:



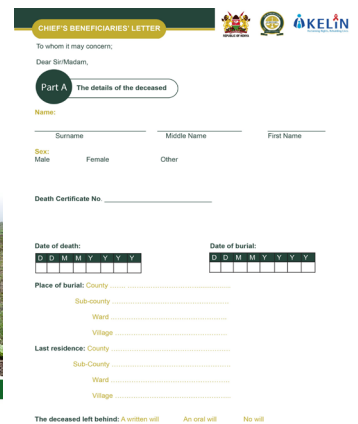
a) A handbook on [Making Valid Wills](#)



b) A guide on [Registration of Marriages](#)



c) A booklet referred to as [Know Your Land Rights](#)



d) The [Chief's Beneficiary Letter](#) that supports duty bearers in guiding community members on specific information required in the succession process.

e) **400** people reached through a one month [community radio engagement](#) activity on Sky FM promoting key messages on women land tenure across local media stations.

f) **460** women were sensitized on key emerging issues on land and property rights including operationalization of alternative justice system, rights of women within community land and extractives.

o As a result of the sensitization forum,

10

cases were referred for dispute resolution during the reporting period

15

obtained title deeds

14

commenced the process of succession

5

registered their marriages.

We rolled out the implementation of the Securing Your family's Future project with 200 women to improve their knowledge, attitude and practice on women land tenure that are both formal and informal in nature.



Figure 6: SYFF graduates in Rachuonyo East Community

As a result of the series of trainings, there was an increase of knowledge from 30% to 80% recorded. Specifically,

22

cases were referred by the trained women for resolution

7

women were assisted in obtaining title deeds

3

commenced the process of registering their marriages during the training

Outcome 4: Partnerships

- Partnered with the judiciary to develop key materials on inheritance launched on International Widows Day, 23rd June 2020
- Our partnership with Nation Leadership Forum and Kenya Land Alliance was instrumental in sensitizing citizens on matters of inheritance rights through television discussions on the legislative environment for women's property rights in Kenya.
- KELIN's contribution to the report on "how to use treaty bodies concluding observations to advance WLPR" was recognized following our participation in a call with the Policy and Legal Officer, Global Initiative for Economic, Social and Cultural Rights.
- Partnered with the Court Users Committee of Kisumu and Homabay in dissemination of the developed IEC materials on wills and the succession steps.
- Joined the Kenya Land actors in providing content to the research on "how to use treaty bodies concluding observations to advance WLPR" which led to our participation in a follow up webinar organized by Global Initiative for Economic, Social and Cultural Rights to validate our contribution.
- Partnered with various media outlets to enhance our efforts in awareness creation and information dissemination. These included: Nation Leadership forum, in collaboration with Kenya land Alliance, Ebru TV, Y254 TV, Voice of America.

6



COMMUNICATION

Our communications department was instrumental in leading media advocacy efforts across various media platforms.

- Engaging in social media advocacy and information sharing through campaigns all aimed at informing a human rights-based approach to COVID-19 response was a key outcome in 2020. Communities, both rural and urban were empowered with information and channels to file complaints or seek legal counsel where their rights were violated. An anchor theme we run by in celebrating KELIN's 26 years was dubbed "26 days for 26 years", where the global days were commemorated by linking them to the efforts KELIN had put in, while highlighting the lessons learnt from the work on HIV and TB.

2020 closed with a Twitter following of **8,245** among whom **1312** were new

Top indicative themes of the year were:

- **Rights**
- **Privacy**
- **Women**
- **Access**
- **Healthcare**

Top hashtags in 2020 were:

#RightToHealth

1,264,045 impressions; reaching

1,242,482

#BreakingTheBarriers

110,340 impressions

#SRHRisEssential

202,348

impressions; reaching

60,615

- Mainstream media engagement was managed through press releases, invitation of media to information sharing webinars where KELIN provided factual evidence of regular monitoring reports around COVID-19 injustices to healthcare workers, and other citizens. Various thematic representatives made media appearances as experts discussing the rights-based approach to the COVID-19 response, with lessons borrowed from our work in HIV and TB. A sample of media appearances are accessible in the table below:

	<p>Laws governing HIV and TB treatment</p> <hr/> <p>Link: https://youtu.be/oNriduZYmjg</p>
	<p>Zero Discrimination Day</p> <hr/> <p>https://www.switchtv.ke/watchshow/3502-Full-Circle-Zero-Discrimination-Day</p>
	<p>Feature story of Mother and Child - World TB Day</p> <hr/> <p>https://www.pd.co.ke/news/hidden-casualties-of-tuberculosis-disease-29406/</p>
	<p>Patients reeling in agony - World TB Day</p> <hr/> <p>https://www.standardmedia.co.ke/article/2001365378/patients-reeling-in-agony-as-kenya-marks-world-tb-day</p>
	<p>COVID-19 and TB injustices in TB isolation centres</p> <hr/> <p>https://www.youtube.com/watch?v=Zv6MFx60Czc</p>
	<p>Equality and justice when containing and combating Covid-19 in Kenya. Is the Govt doing enough?</p> <hr/> <p>https://www.youtube.com/watch?v=reDzg-uqydl</p>
	<p>Rights groups deplore conditions in Kenya COVID-19 quarantine facilities</p> <hr/> <p>https://www.voanews.com/a/science-health_coronavirus-outbreak_rights-groups-deplore-conditions-kenya-covid-quarantine/6187345.html</p>
	<p>https://www.zimbabwestar.com/news/264639727/rights-groups-deplore-conditions-in-kenya-covid-quarantine-facilities</p> <p>https://www.johannesburglife.com/news/264639727/rights-groups-deplore-conditions-in-kenya-covid-quarantine-facilities</p> <p>https://www.sierraleonetimes.com/news/264639727/rights-groups-deplore-conditions-in-kenya-covid-quarantine-facilities</p>

	<p>Concerns rise over state of quarantine facilities in Kenya</p> <p>Link:https://citizentv.co.ke/news/concerns-rise-over-state-of-quarantine-facilities-in-kenya-329607/</p>
	<p>Concerns raised by people in quarantine centres</p> <p>https://www.youtube.com/watch?v=mhvp8Z1LzY</p>
	<p>Public measures against Covid-19 in Kenya</p> <p>https://www.youtube.com/watch?v=WPYHTaXZT9o</p>
	<p>Level of nurses' preparedness to respond to COVID-19</p> <p>https://www.youtube.com/watch?v=nCzJOa-uVAA</p>
	<p>Level of nurses' preparedness to respond to COVID-19</p> <p>https://www.kenyamoja.com/video/58-health-workers-havent-been-trained-response-coronavirussurvey-kelin-reveals-kutv-243290</p>
	<p>Using Quarantine as a punishment</p> <p>https://www.ghettoradio.co.ke/ngo-questions-ministry-of-healths-decision-to-use-quarantine-as-punishment-for-kenyans/</p>
	<p>Impact of COVID-19 on the family</p> <p>https://www.facebook.com/watch/?v=3119871688074966</p>
	<p>Kenyan medics 'forced to reuse gowns and masks'</p> <p>https://www.ghanaweb.com/GhanaHomePage/africa/Kenyan-medics-forced-to-reuse-gowns-and-masks-939733</p>
	<p>Health care workers site lack of PPEs</p> <p>https://www.the-star.co.ke/news/2020-05-04-82-health-workers-cite-lack-of--ppes/</p>
	<p>Use of quarantine as punishment</p> <p>https://www.the-star.co.ke/news/2020-05-06-7-from-quarantine-lobbies-sues-the-state-for-punitive-exercise/</p>
	<p>What is widow cleansing? Struggles widows go through in Kenya</p> <p>https://www.youtube.com/watch?v=lkovZkT1wh4</p>
	<p>International Widows day draws attention to the plight of widows</p> <p>https://www.youtube.com/watch?v=Opn7Hj7oyZQ</p>
	<p>The invisible women: Discussing the plight of widows in Kenya</p> <p>https://www.youtube.com/watch?v=LkIRMLorFho</p>

Table 4: List of some key media appearances in 2020

As KELIN continued being a leading voice in addressing issues around justice to health during the health pandemic, our Executive Director, Allan Maleche; Deputy Executive Director, Nerima Were and Program Associate, Tara Imalingat were key contributors to pertinent conversations, published in some international journals listed below:

- Petrie-Flom Centre: [Kenya's growing anti-rights public health agenda during COVID-19](#)
- Verfassungs blog: [Excessive law enforcement in Kenya](#)
- Havard: [Kenya global responses](#)
- The Lancet: [The right to health must guide responses to COVID-19](#)
- The Lancet: [Access to life-saving medical resources for African countries: COVID-19 testing and response, ethics, and politics](#)
- The Lancet: [Legal agreements: barriers and enablers to global equitable COVID-19 vaccine access](#)



**MONITORING
EVALUATION
AND LEARNING**

The monitoring and evaluation department has been key in supporting learning and reflection against core interventions to inform future programming.

A major contribution in 2020 was in the thematic area’s routine monitoring of COVID-19 level of preparedness of healthcare workers to provide services to patients. The routine monitoring offered insights into actual experiences by healthcare workers, the challenges they faced and their major concerns in responding to the pandemic.

Findings of the surveys indicated the preparedness to respond to COVID 19 was inadequate given the multiple challenges faced by healthcare workers.

This data was used to provide multilevel recommendations, advisory notes, and letters to ensure a rights-based approach at the forefront in designing approaches used to manage the pandemic. Recommendations were given to the National assembly and county assemblies, the key law-making structures in Kenya.

Specific assessment reports from each routine monitoring conducted are available here:

Meeting Conducted	1. Online dialogue with clinical officers	2. Online dialogue with nurses	3. Online dialogue with Kenya Medical Practitioners, Pharmacists and Dentists Union
Report	Assessment report on level of preparedness in response to COVID-19 assessment among clinical officers	Assessment report on level of preparedness in response to COVID-19 assessment among nurses	Assessment report on level of preparedness in response to COVID-19 assessment among healthcare workers

Table 5: Links to reports on routine monitoring around readiness of healthcare workers to respond to COVID-19 conducted by the M&E team

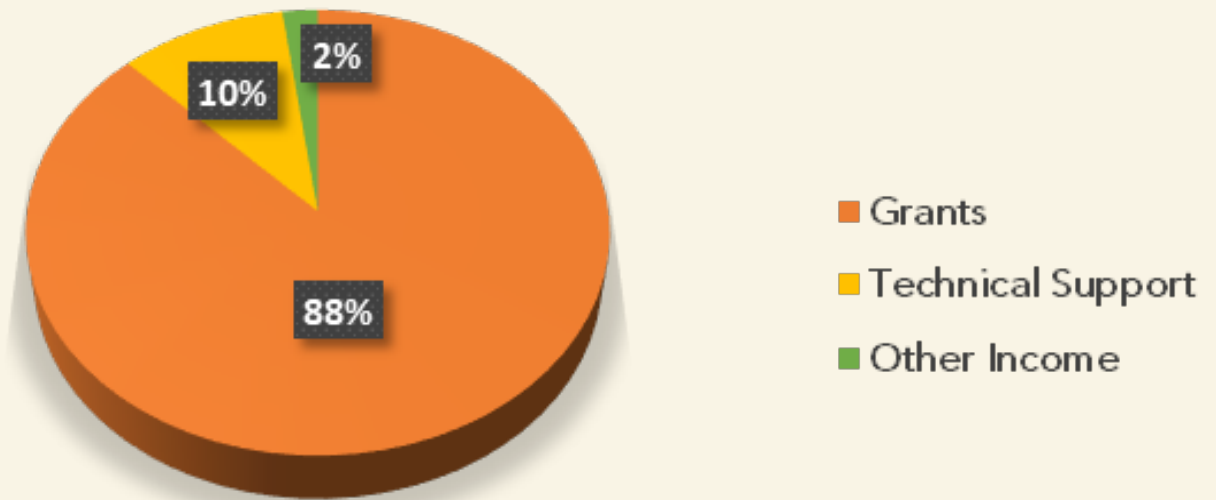
8



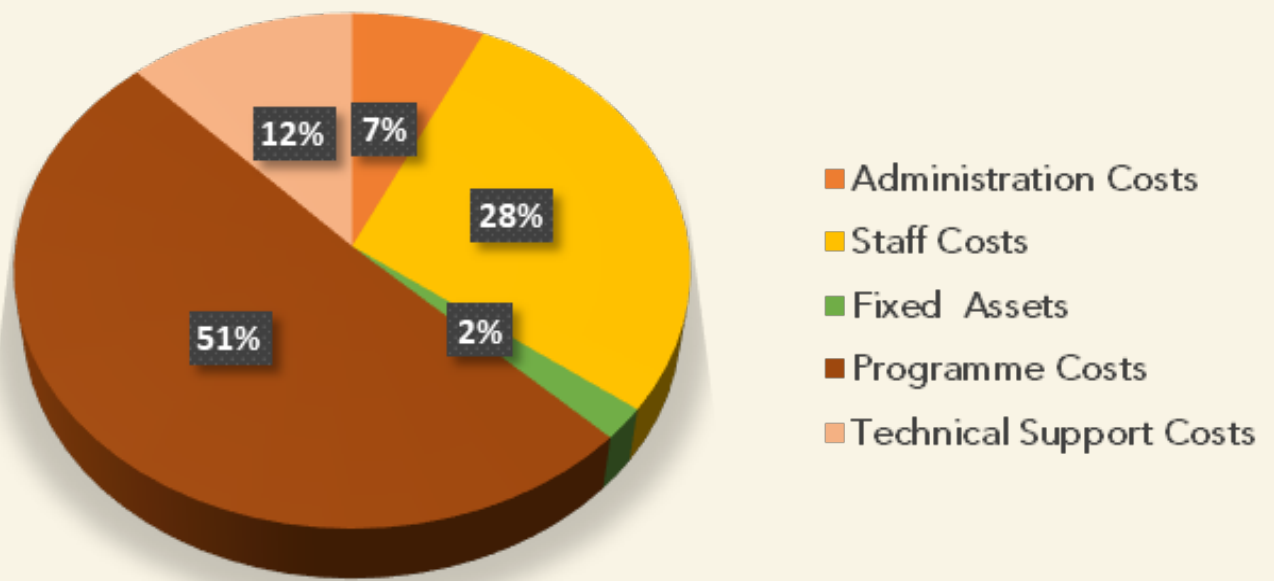
FINANCE & ADMINISTRATION

Despite the challenges in 2020, our partners entrusted their resources to us by funding the projects in all our thematic areas. Through their support we were able to continue the work towards reclaiming rights and rebuilding lives.

INCOME = KES. 241,863,283



EXPENDITURE = KES. 204,889,410





LOOKING INTO THE FUTURE

01

HIV ,TB, Key & Affected Populations

The thematic area will focus on supporting empowered communities to sensitize their members to participate in county health processes, and to monitor, document and report health-related human rights violations against people living with HIV, people with TB and key populations.

02

Health & Governance

We intend to consolidate information around the work we have and continue to do in advocating for transparency and accountability to develop a shared understanding across the thematic areas; and inform the sort of cross-thematic work we can do on health governance issues.

03

Sexual Reproductive Health & Rights

For the year 2021, the SRHR team will strengthen our advocacy approaches within the #NewNormal of COVID-19. This is to enable us to address arising exacerbations of existing SRHR violations. The team will also keep the communities at the centre of our interventions to promote and protect SRHR for all.

04

Strategic Litigation

In the coming year, we look forward to continuing litigation to ensure access to justice for those who have had their health related rights violated. In particular, we expect to conclude hearing in the cases that challenge forced and coerced sterilisation of women living with HIV. As the pandemic continues, we shall continue to complement the efforts of the Health and Governance thematic area as we take forward litigation to ensure that the state adopts an approach that promotes and protects the right to life and health in its effort to curb the spread of COVID-19. We will do this by engaging the State in Court to ensure that it remains responsive and accountable to Kenyans.

05

Women Land & Property Rights

We will seek to respond to emerging issues on women's land tenure by exploring rights within community land tenure informed by the enacted Community Land Act 2016 and also move to promote the natural resource rights for women within the extractive industry.

06**Monitoring & Evaluation**

In 2021, the M&E department will seek to establish and strengthen a sustainable monitoring evaluation accountability and Learning (MEAL) and research system that enhances evidence based action and decision making.

07**Communication**

2021 will be a year of strengthening partnerships and creating new ones through increased collaboration and enhanced advocacy through various channels.

Thank you to our partners!





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