

RECLAIMING RIGHTS,  
REBUILDING LIVES



2021

ANNUAL  
REPORT



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## Message from Board Chair

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Another year into the pandemic and the pressing need to enjoy health-related human rights deepened. Injustice continued to show its face at a time when not only health was at risk, but, the economic and social lives of people experienced significant shifts as they dealt with the effects of the pandemic.

The KELIN board of directors has been an invaluable resource in achieving key outcomes that have contributed to the year's success.

We are into our first year of the KELIN strategic plan 2021 – 2025, and it is clear that we have the right team that has continued to demonstrate passion and professionalism in implementing their work.

We remain committed to the fight for #Justice2Health.



**Ambrose Rachier**



## Message from Executive Director

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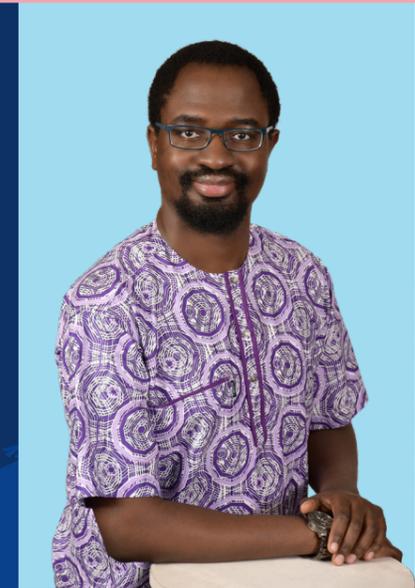
Dear Partners

We are pleased to share our 2021 Annual Report.

Having dealt with a crisis in the pandemic year where there was a lot of firefighting and responding to the country's fast-changing health and rights environment, we upheld our #Justice2Health motto in delivering on our mandate.

In 2021, we celebrated big and small wins and mulled over the heart-wrenching stories of some of the people we interacted with, as we sought justice on their behalf. We were in court to represent our clients, provided free legal advice, engaged in collaborative discourse with parliamentarians and the police service, and trained community members on their rights. We urged ourselves on as we focused on realizing a better existence for the country's vulnerable, marginalized, and discriminated populations.

This report highlights what we achieved in the year across our focus areas. You will hear the voices of some of the widow champions we have empowered through our community structures work. You will meet some TB champions who



continue to create awareness and provide support to their community members who are affected by TB. In the report, you will also read about our groundbreaking work as we initiated the expansion of our programs in equitable land tenure and in nutrition.

All this would not have been possible without the commitment of our partners, the communities that we serve and donors. We keep up the fight because we have your support. Thank you!

#TeamKELIN keeps bringing their A-Game in delivering on our mandate, and it remains an honour working with each of you to promote and protect health-related human rights.

We invite you to continue on this journey with us in 2022. Our commitment to reclaiming rights and rebuilding lives remains resolute as we look into the future.



**Allan Maleche**



# Reclaiming Rights, Rebuilding Lives

Since the confirmation of the first COVID-19 case in Kenya on 13<sup>th</sup> March 2020, KELIN has partnered with other civil society organizations to monitor and advocate for a rights-based, transparent and accountable COVID response.

While it seemed that COVID-19 was the only pandemic being fought, there was a lot more to be addressed as far as human rights violations are concerned.

On 27<sup>th</sup> April 2021, People living with HIV woke up to the news that KEMSA ‘broke the ARV stalemate’ by releasing toxic ARVs that were phased out in 2019.

Inequities and inequalities in health further exposed that the real pandemic includes the constant human rights violations and

continued lack of transparency and accountability by the government. The persistent corruption in the health sector is an issue that pre-dates the COVID pandemic, but it thrives in crises when oversight is weak, and public trust is low.

Beyond the health sector, we continued to address matters around sexual and gender-based violence (SGBV) as well as access to contraceptives for adolescent girls. Further, women and widows have continued to be victims of disinheritance and loss of livelihoods due to the discriminatory aspects of patriarchy in many communities.

We worked tirelessly to address the real pandemic within the COVID-19 pandemic and while we are not yet there, we have made some strides in the right direction towards Justice2Health.

# Results in Numbers

16

## Media Appearances and interviews

- [International women’s day on KBC](#)
- [International Women’s day on Ebru TV](#)
- [International Women’s day on NTV](#)
- [World TB Day in Standard Newspaper](#)
- [World TB Day story in the People Daily](#)
- [Success story on Securing Your Family’s Future in People Daily](#)
- [Patricia Asero, A PLHIV Advocate speaks up on the ARVs issue on Citizen TV](#)
- [What the health? A look at Kenya’s health situation](#)
- [A widow’s battle for her husband’s property](#)
- [The rights of widows](#)
- [#InternationalSafeAbortionDay](#)
- [Kisumu Recognizes the Importance of Family Planning in This Year’s World Contraceptive Day](#)
- [Women’s property and inheritance rights](#)
- [Men’s inclusion of their wives in the will](#)
- [From a life of crime to the pulpit, pastor shares his turning point](#)
- [Securing Your Family’s Future: KELIN campaign to help more women in Kenya enjoy land rights](#)

6

## Publications

- [What lies ahead for the next Chief Justice](#)
- [The missing link in Kenya’s universal health coverage experiment: a preventive and promotive approach to SRHR](#)
- [An investment case: the role of advocacy in addressing discrimination of vulnerable and marginalized populations at risk for HIV in sub-Saharan Africa](#)
- [Digital health rights: initial analysis](#)
- [Digital health and rights: context in three countries: Ghana, Vietnam and Kenya](#)
- [COVID-19 in Kenya a Year Later: A Case of Déjà Vu](#)

## Social Media Reach

 **738,612**

 **9,507**

10

[Cases currently in the High Court, 1 Case concluded](#)

34

[Cases handled by the Luo Council of Elders](#)

# Breaking New Ground

In 2021 KELIN spearheaded various initiatives in nutrition labelling, equitable land tenure and digital technologies. Through these initiatives, the organization solidifies its position as a trailblazer in advocacy.

## Nutritional Labelling to prevent Non-Communicable Diseases (NCDs)

We developed two policy briefs: [Nutrition labelling as a policy tool to promote healthy diets and prevent NCDs in Kenya](#) and [Marketing of foods and non-alcoholic beverages to children](#) to serve as an advocacy tool toward an enabling legal and policy environment for Non-Communicable Diseases (NCDs) prevention. During an event where we unpacked the essence of the policy briefs, we arrived at key take-aways:

The need for increased sub-regional cooperation on nutritional labelling,

Building on lessons from civil society in supporting conducive legal environments to promote healthy diets.

The virtual meeting sessions are accessible here:

- [Preventing NCDs in Kenya – Session 1](#)
- [Preventing NCDs in Kenya - Session 2](#)
- [Preventing NCDs in Kenya - Session 3](#)

This event sparked conversations around the ethics of marketing, branding and advertising of food products targeting children, and provoked policy makers to prioritize legislation on nutrition labelling and marketing. Moving forward, KELIN endeavors to participate and contribute to policy development processes on the two areas, including the ongoing process to develop Front of Pack Nutrition Labelling Standards.

## Equitable land tenure – extractives

KELIN hosted the National Land Commission (NLC) in meetings along with stakeholders in the Western region to facilitate the promotion of gender-transformative intervention in land tenure. Discourse among the participants resulted in identifying the most common land issues in the County, including encroachment and compulsory acquisition, investments along the lake, untimely compensation and setting aside land for investors. These discussions laid the foundation for strategies to engage the Lake Basin Development Authority in addressing the protection of public land. This has been forecasted as one of our [key commitments](#) for the coming year.

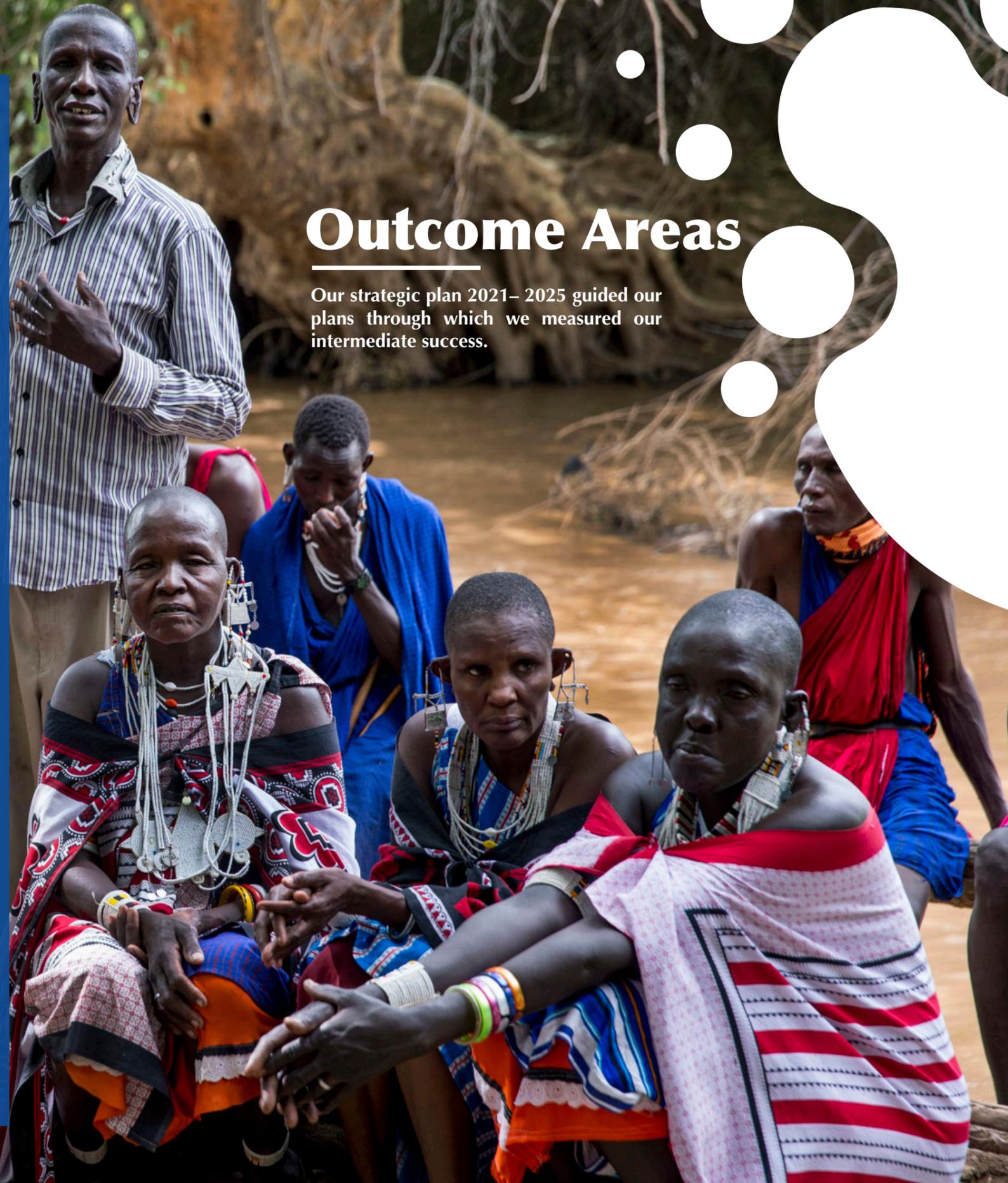
## Digital technologies

In partnership with Transform Health, KELIN conducted a landscape analysis on the legal and policy environment for UHC and digital health in Kenya. The research set in motion the work of Transform Health Kenya Coalition comprising of seven civil society organizations to advocate for increased use of digital technologies to achieve universal healthcare (UHC) in Kenya.

The coalition's mission is to work with partners to influence governments to establish the proper regulation, legislation, policies and funding to create the right environment for achieving their UHC commitments by 2030.

# Outcome Areas

Our strategic plan 2021–2025 guided our plans through which we measured our intermediate success.





# Outcome 1

**A rights-based, gender transformative and enabling legal and policy environment on health at the global, regional, national and county levels is promoted and strengthened**

The protection and promotion of access to justice is our priority as KELIN. Our leadership in reviewing laws and policies to ensure that they align with the constitution (2010) and contribute to an enabling legal environment continues to impact lives both nationally and regionally. In 2021, we reviewed twenty-two (22) laws and policies and identified gaps that either bear negative implications on rights holders or have failed at the implementation level by duty bearers.

## 22 Laws Reviewed

### The Homa Bay Sexual and Gender Based Violence Bill

Worked with the County Executive Committee of Homa Bay for **3 Years** to build their capacity and develop strategies for SGBV in the County.

### The East African Community Sexual and Reproductive Health Bill

Hosted **33 CSO's** from EALA in Malindi to discuss strategies to ensure the Bill is promoted by the members.

### The East African Community HIV Law

Informed the **33 CSO's** from EALA of the existence of EAC HIV and AIDS Prevention and Management Act, 2012.

### The Law of Succession Act

**80%** of our recommendations calling for the inclusion of a gendered approach were adopted and incorporated into law.

## Homa Bay SGBV Bill

According to the Kenya Demographic Health Survey (KDHS 2014), 47% of women aged 15-49 reported that they had experienced either physical or sexual violence, 33% have experienced Physical violence only, and 3% have experienced sexual violence only. The survey found that Nyanza region in Kenya, where Homabay County is situated, has the second-highest rate of Sexual Gender-Based Violence.

KELIN has worked with the County Executive Committee of Homa Bay for 3 Years to build their capacity and develop strategies for eliminating sexual and gender-based violence (SGBV) in the County. Three years later, the Governor passed and assented to the [Homabay SGBV Bill](#). In a colourful launch ceremony the [SGBV map and Directory](#) were disseminated to provide a model referral SGBV pathway service for the county.

Through multi-sectorial engagements, KELIN facilitated dialogues that resulted in the development of strategies and a coordinated response toward the desired elimination of SGBV in the county. The combined responsibility and accountability of the community and the county office in reporting cases, protecting survivors and prosecuting perpetrators is a key result of the revised policy's thrust.

## EAC SRH Bill

KELIN hosted a high level meeting in Malindi with thirty three (33) civil society organizations (CSOs) from Kenya, Burundi, Rwanda, Uganda, South Sudan and Tanzania to discuss strategies they can adopt during the national consultations to ensure the Bill is promoted by EALA members. The participants developed six essential strategy briefs highlighting diverse, novel, and revamped advocacy strategies to strengthen civic engagement with EAC mechanisms to protect and promote health-related human rights.

## EAC HIV and AIDS Prevention and Management Act, 2012

KELIN brought to the attention of the 33 CSOs who attended the Malindi meeting that there exists an EAC HIV and AIDS Prevention and Management Act, 2012. This regional law was ratified by all

EAC Member States and became operational in 2016. Lessons learned by HIV movement in advocating for the adoption of this law were shared with participants, to inform current advocacy initiatives towards the EAC SRHR Bill. Further, participants agreed to establish the status of implementation of the EAC HIV law in their respective countries, advocate for its implementation, as well as utilize it where their national laws have gaps noting that the EAC HIV law supersedes inconsistent national HIV laws.

## The Law of Succession Act

The Law of Succession Amendment Bill 2019 (Now the Law of Succession (Amendment) Act 2021) provides for registration of marriage as a requirement to claim spousal beneficial interest in succession. This biased provision limits widows who remarry from keeping their inheritance was not reviewed. In responding to this, KELIN presented [recommendations](#) before the Senate Committee on Justice Legal Affairs and Human Rights (CJLAHR) concerning the [Law of Succession Act](#). 80% of the recommendations calling for the inclusion of a gendered approach to its implementation, among other issues raised, were adopted and incorporated into the final document, which is now law.

## Alternative Dispute Resolution Bill and the Alternative Justice System

Through sensitization activities, KELIN promoted the implementation of the alternative justice system (AJS) in collaboration with the national implementation committee resulting in **52 successful mediation cases** undertaken in 2021. There is evidence of increased knowledge and community acceptance of the informal justice system.

We **trained 87 chiefs** in Kisumu and Homa Bay counties to promote women's land and property rights in legal frameworks. The result was a significant improvement in collaboration between chiefs and elders whose harmonious interaction has enhanced mediation.



## Outcome 2

**Transparent and accountable governance in health is enhanced for the implementation of quality, accessible and comprehensive services and protection of health related human rights**

Transparency and accountability are pivotal to the protection and promotion of health related human rights and the realization of UHC. In 2021, KELIN worked alongside various partners to advocate for quality, accessible and comprehensive health services through various initiatives.

### Outstanding highlights in our transparency and accountability work:



### Promoting transparency and accountability in the health sector

In partnership with the Commonwealth Foundation we developed a [media brief](#) to inform and empower Civil Society and the Media to promote transparency and accountability in the health sector. We held a virtual dissemination forum to promote discourse on the media brief, reaching over 30 stakeholders among policy makers in the health sector.

### Advocating for the utilization of TRIPS Flexibilities

We mobilized CSOs from East Africa to advocate for the adoption of the TRIPS WAIVER in response to issues around vaccine inequality and access to medicines. We facilitated a three-day dialogue in Machakos County, hosting 30 people comprising government representatives, private sector specialists, CSO representatives and communities. Discussions were aimed at strategies for increasing access to essential medicines in the East African region and increasing the use of TRIPS flexibilities.



Panel discussion during the TRIPS Flexibilities regional dialogue

The recommendations included the need for solid coalitions to involve the private sector in pertinent discussions, for progressive CSO agendas on the issues to be tackled and for more local production of essential medicines within our respective countries. KELIN thereafter released a [Civil Society statement](#) calling upon government ministries and agencies to address issues that emerged from the various discussions held.

Based on the success of the initial convening, we were requested to co-convene the Africa regional consultation on intellectual property (IP) and access to medicines which was held

virtually. The consultation brought together communities of people living with or affected by HIV and TB, civil society representatives, academics, experts and their allies to reflect on current IP related issues. The discussions sought to inform the Global Summit on IP and access to medicines under the theme, “Doha Declaration @20: Re-imagining Access”.

The three-day dialogue was the culmination of a collaboration between KELIN and the Centre for Health Rights and Development (CEHURD). Together, we were able to conduct various activities under the three-year grant and pool resources and technical expertise to:

- Mobilize a key group of participants to attend the dialogue;
- Develop a research report and policy brief;
- Hold consensus meetings with the Southern Africa Programme for Access to Medicines (SAPAM) and the AIDS Rights Alliance for Southern Africa (ARASA) to discuss how to harness the TRIPS flexibilities to promote access to medicines;
- Convened trainings for CSOs and communities of PLHIV in order to empower them with the knowledge needed to advocate and demand an increase in essential medicines in both Kenya and Uganda.

### Public participation to enhance accountability

In 2021, we trained an estimated 130 members of grassroots communities in Nakuru County across all 11 sub-counties. The community members formed community action cells and developed memoranda specific to SRHR budgetary gaps.

As a result of the training, we recorded positive impact where sub county-specific asks were included in the budget. A Budgetary toolkit was designed, dubbed “Effective Citizen Participation in Budget processes.”

“Before the project, I knew that abortion is a crime. However, after the project I was trained and shown in the constitution of Kenya 2010 that accessing health services is a right. It is then that I knew that abortion is not a crime because it can be performed by a registered nurse or a qualified doctor. However, when I got the information regarding safe and unsafe abortion and how to demystify the myths and misconceptions on abortion by RHCO on 20th April 2021 I was able to understand these subjects. I understood that abortion is not a crime and a person who desires to have an abortion can have the procedure done by a professional. I also understood that the constitution on Article 26 supports that abortion is not permitted unless, in the opinion of a trained healthcare professional. I currently a champion in my ward and I play a leading role with other people where we provide sexual education to the groups of young girls. We advocate for safe abortions and also deal with the theme, “Children by Choice, not by chance”. The results were significant because at first the teenage girls had dropped out of school because of unwanted pregnancies. They also did not have the knowledge about contraceptives this led to many of them getting pregnant. I also believe that the outcome was important because it changed my life. I helped the lives of other young girls because they had knowledge about their health rights.”

**Closing the gap: Advancing SRHR in Africa through research, advocacy and litigation project**

“One of the changes is that we could boldly speak to the community because we have been empowered through the training, we got from KELIN. We were able to reach a lot of girls with age appropriate and valid information since we would handle the forums by ourselves as opposed to hiring a speaker who would only do it for the money. We were also trained on networking with our partners and so we were able to identify people we could network with and also how to come up with referrals. We started targeting the elders who have a voice in the communities since most people would run to them for advice. Initially people thought that Wajibu was financially stable since we would donate basic needs to the community not knowing all we were trying to do was help.”

**Closing the gap: Advancing SRHR in Africa through research, advocacy and litigation project**

### Land Rights for People Living with Disabilities

We empowered 35 marginalized and vulnerable people with disabilities (PWDs) in Manyatta Kisumu with knowledge and information education and communication (IEC) materials to equip them with knowledge of their rights and give them the confidence they need to actively participate in championing for these rights.

Out of our capacity-building efforts, two land dispute cases and successful arbitration via alternative dispute resolution mechanisms were recorded.





## Outcome 3

**Communities and community structures are empowered to demand and promote social justice for health and to hold government accountable for delivering on the right to health**

Building the capacity of community members and providing information to promote social justice for health-related human rights has continued to be an effective tool for advocacy among communities.

### Highlights

[#SavingEsther](#)

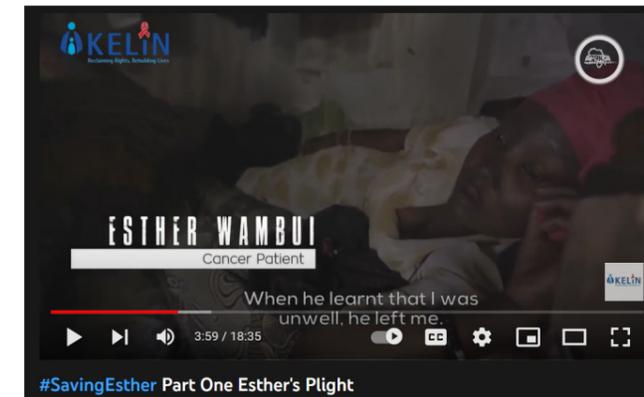
[#TheRealPandemic](#)

Promotion of health transparency and accountability

[#SecuringYourFamillysFuture](#)

[#WorldTBDay](#)

### #SavingEsther



We developed a three-part investigative documentary video in partnership with Africa Uncensored on the Managed Equipment Services (MES) scheme where the National government usurped the constitutional powers of county governments and purchased medical equipment on their behalf. The three-part documentary video is a must-watch. It exposes the struggles of many citizens in accessing healthcare, explains the violation of rights, and sheds light on the protection of the right to health of the vulnerable through calling for transparency and accountability in the health sector.

- [Saving Esther Part 1](#)
- [Saving Esther Part 2: Broken Promises](#)
- [Saving Esther Part 3: Saved at last](#)

### #TheRealPandemic

In response to the continued violations throughout the pandemic, we conducted a media advocacy campaign in collaboration with our COVID-19 rights-based approach (RBA) partners. The campaign dubbed [#TheRealPandemic](#) called for an accountable COVID-19 pandemic response in Kenya. Conversations arising from the campaign illuminated the myriad human rights violations; punitive measures against citizens, lack of transparency and accountability by the government, and exclusion of civil society in the design of the pandemic response. With close to one million people reached on social media platforms, communities were informed about their rights and empowered to understand how to demand their rights.

### #SecuringYourFamillysFuture

Social norms are shared beliefs about the rules and expectations for people's behaviours that influence how we go about our lives, including how we dress, interact with others, spend our money, and who we allow to control and manage land etc.

Breaking negative social norms is a community effort that KELIN has since 2020 implemented within the cultural structures project. Through the securing your family's future (SYFF) curriculum,





Participants of the Securing Your Family's Future men's training – graduation in March 2021

we trained over three hundred men and women. In 2021, the SYFF project expanded to include the online community by developing a resource website alongside social media platforms on Twitter and Facebook.

The in-person trainings and legal aid camps continued impacting over 193 men, resulting in the creation of gender-transformative land and the development of property rights champions in Kisumu and Homa Bay counties. The change in social norms has positively affected the promotion and protection of women's land and property rights. Specific results from the SYFF work include:

- **4** Legal aid clinics providing free legal advice to over **150** persons who are marginalized and vulnerable in the community.
- Provision of legal advice to **50** persons (**35 women and 15**) men on the process of succession leading to **5** men jointly registering land with their wives.
- Launch of the **SYFF website** with over **300** hundred visits barely a month into the launch. The website is a repository for our advocacy materials, including IEC materials, videos, articles and an interface for beneficiary feedback.

### #WorldTBDay

[Remember Patrick and Daniel?](#) Pioneers in the campaign against the criminalisation of TB. We reconnected with them and some of our TB champions as we commemorated [World TB Day on 24th March in Kapsabet](#). Community members came together to [reflect on the progress](#) made in eliminating TB through taking precautions and adhering to treatment. We visited with Patrick and Joseph, our clients and pioneers in shaping TB rights.



KELIN team visiting the TB Champions in Kapsabet on World TB Day

### DREAMS Project

Partnering with communities and community based organizations has time and again proved to be an effective way of facilitating access to justice. Our work in the DREAMS project focused on the sexual and reproductive rights for orphaned and vulnerable adolescent girls and young women (AGYWs) in Kisumu and Homa Bay counties. Through the delivery of a robust training curriculum, KELIN has spearheaded the mentorship of AGYWs. Complementary to the training sessions, bon fire conversations, inter-generational dialogues with AGYWs and duty bearers from among the police service, ministry of health and community leaders were conducted to strengthen the approaches required

to promote social justice on SRH issues.

Through the various structured interventions employed, it is on record that majority of the AGYWs are now seeking various SRHR services which majority seeking Family planning services, HIV testing and counselling services, STI treatment, ANC services as well as post abortion care services. The Ministry of Health data shows the number of Post Abortion Care services have also increased compared with the same period last year. As we celebrate these wins, research conducted informed us of gap areas to be addressed through collaborative mechanisms.





## Outcome 4

**Policies, practices and programs are informed by expanded, improved and available evidence**

Research forms an integral part of our advocacy work, as we are keen on evidence-based action and advocacy to inform policy and address violations.

### Key studies we undertook in 2021:



Research on the impact of dowry conducted at the national level



Research on the Impact of Luo Culture on WLPR

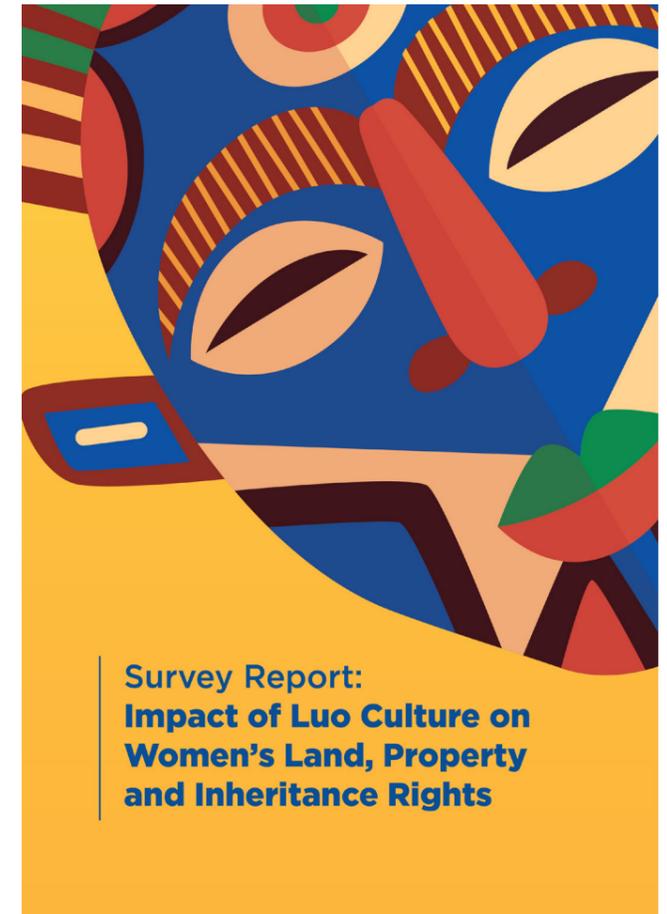


### Research on the impact of dowry conducted at the national level

The findings of the study are that dowry practice has been misconstrued, and the token is viewed as buying price; thus, women's right to land and property is hindered based on that notion.

### Use of Digital Technologies among youth

KELIN is currently part of a [Digital Health Rights Advisory Group \(DRAG\)](#) that consists of global and national health and human rights experts and researchers. In collaboration with DRAG, we are studying digital technologies among youth in different countries across Africa. Our research explores how young people who use mobile applications, the internet and social media for health experience and manage risks to privacy, autonomy and equality. In



### Research on the impact of Luo Culture on Women Land and Property Rights

The research findings were; that culture is generally biased against women; due to lack of proper channels of passing down cultural practices, the practices are distorted between generations and that Luo culture is supportive of women's land and property rights.

Kenya, our focus is on how these digital technologies are used to access sexual and reproductive health information and services. During the research period, which ran from 4<sup>th</sup> November 2021 to 19<sup>th</sup> November 2021, 4 key informant interviews with industry experts and professionals and eight focused group discussions were held with **76** young women and men from Nairobi and Kisumu. In total, **80** participants were interviewed on digital health and rights in Kenya.



## Outcome 5

**KELIN’s institutional capacity to deliver on its core mandate is strengthened and sustainability enhanced**

For the KELIN team to live up to the mantra of reclaiming rights and rebuilding lives, investment in capacity building and cross learning is key.

### Highlights

**Women’s Socio-Economic Rights - Initiative for Strategic Litigation in Africa (ISLA)**

**“Due Diligence Standard in cases of Violence Against Women” - ISLA**

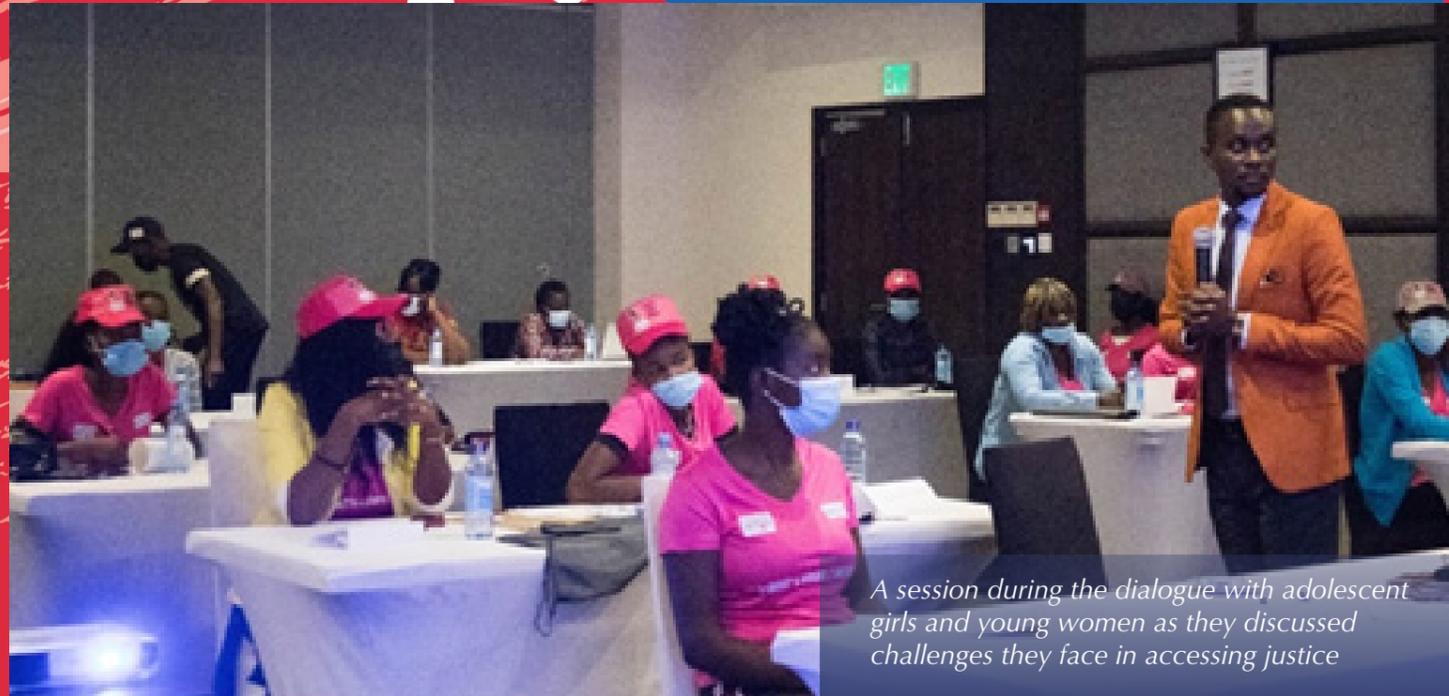
The capacity of legal counsel to litigate on cases involving violence against women and access to women to land and property has been increased through attending learning and development exercises on violence against women and the two litigation institutes. Through these exercises, we have been able to incorporate new perspectives to the briefs that we have drafted, and which have been filed in court.

- Legal Counsel from KELIN attended the Women’s Socio-Economic Rights (WSER) litigation institute, a two-week training institute hosted by the Initiative for Strategic Litigation in Africa aimed at strengthening the capacity of lawyers in the region to litigate Women’s Socioeconomic Rights cases at domestic, regional and international levels. A few tweets that capture some moments of the two day institute are available here: <https://twitter.com/ISLAfrica/status/1416005343818227713?s=20>
- KELIN was represented in yet another institute hosted by ISLA, with the theme, “Due Diligence Standard in cases of Violence Against Women”, which is a standard through which the state must act with due diligence to prevent, protect, prosecute, punish and provide adequate remedies for all forms of violence against women. During the institute, participants interacted with partner lawyers and experts to enhancing knowledge on strategic litigation in women’s rights.

# Pictorial



The Kisumu County governor discussing status of land in Kisumu during the strategic meeting with National Land Commission and KELIN



A session during the dialogue with adolescent girls and young women as they discussed challenges they face in accessing justice



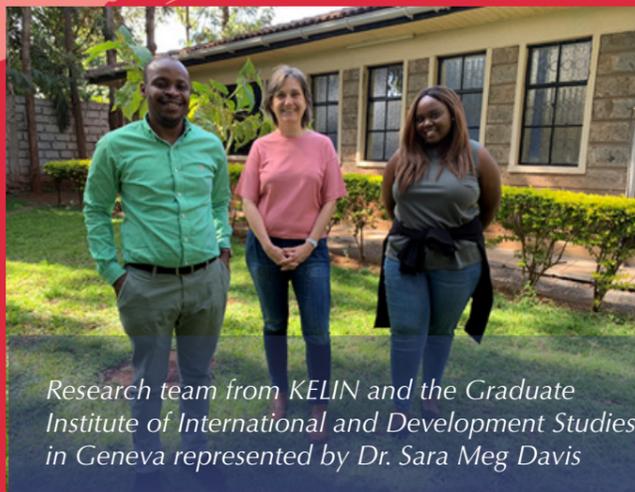
Capacity strengthening of Elders and Chiefs in Homa Bay County to promote access to justice



Strategic meeting on gender transformative interventions for land tenure



Legal counsel Valentine Nyokabi and Executive Director Allan Maleche attend a virtual court hearing



Research team from KELIN and the Graduate Institute of International and Development Studies in Geneva represented by Dr. Sara Meg Davis



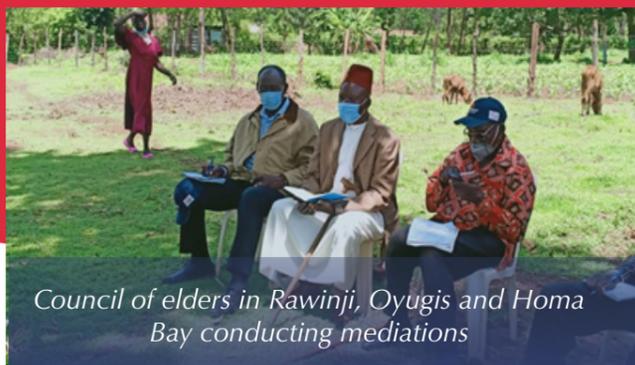
Elders from Muhoroni and widow Maria Siangla holding her title



A session at the Securing Your Family's Future men's training



Legal aid camp in Kisumu in collaboration with Law Society of Kenya, FIDA and Transparency International Kisumu



Council of elders in Rawinji, Oyugis and Homa Bay conducting mediations



Peaceful SRHR protests in Nairobi calling for the realization of a progressive environment for #SRHR



Peaceful SRHR protests in Nakuru calling for the realization of a progressive environment for #SRHR



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