

JUSTICE²HEALTH

A view from the frontline

KELIN Newsletter: June - July 2023



Welcome from the Executive Director

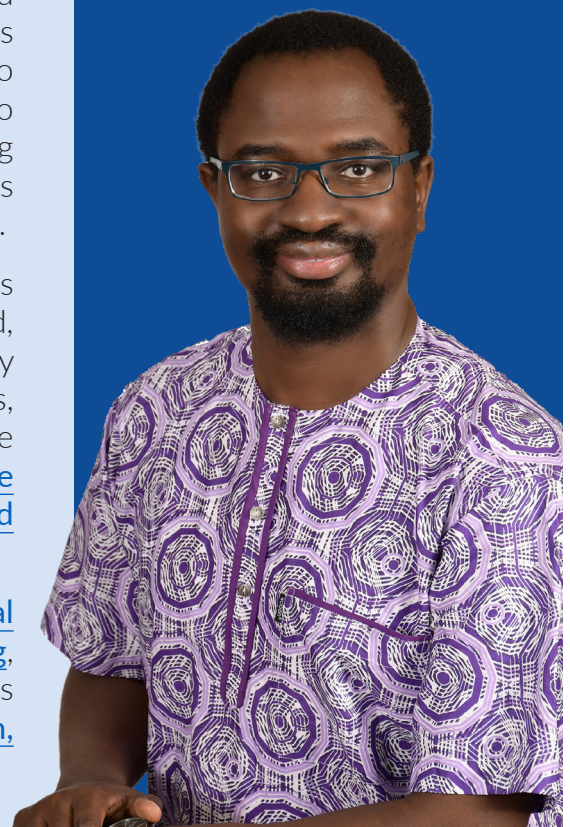
Dear Partner,

It feels good to be back after my brief time away from directly connecting with you all. Thank you for keeping up the fight with us, and with all those that lean on us for support to reclaim their rights and rebuild their lives.

As we find ourselves in the middle of 2023, I am pleased to share with you the remarkable strides we have made as a team, and with your support, in our collective mission to advance health and human rights in Kenya. This year has so far been one of resilience, determination, and unwavering commitment as we continue to confront the challenges posed by the health inequities in our country and beyond.

Over the past few months, KELIN has intensified its efforts to ensure that the rights of people living with HIV are upheld, and that stigma and discrimination are dismantled at every level. Through strategic advocacy and legal interventions, we have continued to tackle critical issues such as the [rights of marginalized populations](#), [corruption in the health system](#) and litigation work addressing [sexual and reproductive health and rights injustices](#).

Moreover, we are thrilled to have [hosted the UN Special Rapporteur on the Right to Health, Dr. Tlaleng Mofokeng](#), during a side event where she shared key recommendations from her latest thematic report [Digital Innovation, Technologies and the Right to Health](#).



A lot has taken place over the past few months and specifically in the month of June. You will read all about it here. For now, as we take on the remaining half of the year in the face of a changing landscape, KELIN remains adaptable and responsive.

Thank you for your continued support, as we work towards a brighter, more equitable future for all.

Allan Maleche
Executive Director



KELIN and partners with the UN Special Rapporteur on the Right to Health at the side event in Geneva Graduate Institute



Gender equality, social norms and access to justice

The Constitution of Kenya 2010 and various national statutes, protects women's rights to land and property. However, in practice, women continue to be disadvantaged and discriminated due to customary laws and practices, that continue to exclude women from owning or inheriting land and other forms of property. Customary norms and practices in Kenya generally grant women secondary rights to land, through their relationships to a male relative. This can be either a father, brother, or husband. Women are rarely able to inherit land in their own right, and without hostility from their male counterparts within the community. Further, women are often displaced from matrimonial land or land that they inherited from their paternal homes. Some of the causes of the inequalities women face include lack of proper documentation of their land, poor planning for future of families by making a will, jointly registering land, registering their marriages and

openly discussing land and property ownership as family units.

To add to this, gender-based violence is rampant, and women are still underrepresented in decision-making processes at all levels, including in matters land and property ownership. In some cases, women are forced to transfer the proceeds from farm income to their male counterparts without discretion on spending. This is demeaning.

When women attempt to resolve the mentioned inequalities they face, they are often unable to meet the high judicial costs and opt for informal institutions to settle their land disputes. Observations from our community work reveal that, while alternative systems may provide local solutions to local challenges, they continue to suffer from deeply rooted social norms that are biased and uphold patriarchal ideologies that deny women their right to access or own land.



A Glimmer of Hope for Access to Justice in women land rights

One of the core principles laid down in the Constitution of Kenya, 2010, to guide the administration of justice and the exercise of judicial authority, is the requirement to embrace alternative forms of dispute resolution, including traditional dispute resolution mechanisms. This requirement is a fundamental shift from the approach to the idea and concept of justice, especially to our Kenyan context.

Additionally, Kenya is a signatory to several international and regional human rights instruments that promote access to justice for all. These include the Universal Declaration of Human Rights (UDHR); the International Covenant on Civil and Political Rights (ICCPR); Convention on the Elimination of All Forms of Violence Against Women (CEDAW); International Covenant on Economic, Social and Cultural Rights (ICESCR); the African Charter on Human and People's Rights (Banjul Charter); Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol); the Convention on the Rights of the Child (CRC). The Constitution of Kenya, 2010 makes it clear that not only do general rules of international law form part of the laws of Kenya but so does any treaty or convention ratified by Kenya.

Kenya's communities have, for generations, developed their own justice systems that have and continue to hold societies together. While justice dispensed by the Courts has occupied

the centre-stage in the administration of justice, the reality is that the vast majority of disputes (the Policy estimates around 90 percent) among Kenyans are resolved through justice systems that are outside the formal Court process. Therefore, the constitutional guidance to embrace and recognize Alternative Justice Systems is located within a wider frame of response that addresses, holistically, the concept of justice in the Kenyan context.

Notably, AJS is a necessary component of access to justice and its' principal objective is to give effect to Article 159(2)(c), which mandates the Judiciary, as a State organ, to promote AJS. The Judiciary in fulfilling its mandate, developed and launched the alternative justice system policy to animate the Article. Further, National Steering Committee on the Implementation of AJS (NaSCI-AJS) was established to oversee the implementation of the policy. NaSCI-AJS has led the establishment of county specific models based on the justice questions and dominant typology for the counties. Additionally, it has hosted two national conferences on AJS in 2022 and 2023 led by the Chief Justice to promote implementation. At a global level, AJS is a mechanism to provide access to justice under the United Nation's Sustainable Development Goal 16, which obliges its signatories to 'promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

Alternative Justice System as Culture and Innovation



The team at MOU signing event

In June, KELIN officially signed a Memorandum of Cooperation (MoC) with the National Steering Committee For Implementation of Alternative Justice Systems that saw us [co-convene the 2nd Annual Alternative justice system conference on culture and innovation](#) at Tangaza university between 26th-28th June. The conference themed, **Culture and Innovation in Accelerating Social Transformation through Access to Justice**, brought together over 650 participants drawn from the Judiciary, civil society, paralegals, elders, scholars and students, among others. The Conference objective was to showcase the sustainability of alternative justice within the axis of culture and innovation.

KELIN hosted twenty-five (25) community partners, who presented papers during the conference. As participants in the policy development process, the conference provided an opportunity for them to share their experiences on the progress of the policy implementation at the community level.

As KELIN, we have witnessed improved understanding of the policy priorities and better quality of decisions within the traditional justice systems.

KELIN has continued to lead and provide legal assistance to many women and widows whose rights are violated.



Judge of court of appeal Justice, Prof. Joel Ngugi and KELIN ED - MOU signing



Remarks by the Chief Justice Martha Koome during the 2nd National AJS Conference 2023



Chief Justice, Judge of Supreme Court Justice Wanjala, Judge of Appeal and Chair of NaSCI-AJS Justice Ngugi, NaSCI-Vice Chair and KELIN stakeholders and partners at the annual national AJS conference 2023.



KELIN affiliated Elders addressing delegates at the 2nd National AJS Conference



Elder Van Obura (middle) and elder Felix Okal (Right), some of the KELIN community partners attending the conference



KELIN team members during the conference

Commemorating International Widows' Day 2023



MINISTRY OF LABOUR AND SOCIAL PROTECTION
STATE DEPARTMENT FOR SOCIAL PROTECTION AND SENIOR CITIZEN AFFAIRS
DIRECTORATE OF SOCIAL DEVELOPMENT

INTERNATIONAL WIDOWS' DAY 2023

23 JUNE



THEME: INNOVATION AND TECHNOLOGY FOR GENDER EQUALITY



**SABAKO AIC
KISUMU WEST-SUB-COUNTY**

ACTIVITIES:

CELEBRATION OF WIDOWS, LEGAL AID CLINIC, FREE MEDICAL CHECK UP AND EYE SCREENING



International Widows Day is a day of action to address the injustice faced by millions of widows and their dependents. Observed every year on 23rd June, this year's theme was **Innovation and Technology for Gender Justice**.

To mark the day, KELIN joined global stakeholders in celebrating the strides widows have made in reclaiming their rights and rebuilding their lives, while sharing information to support widows who need information. **This year's celebration was pitched at Kisumu West where over 600 widows and stakeholders convened to celebrate the milestones made in Kisumu County to promote and protect widows' rights.**

KELIN rolled out a series of community interventions including media engagement, legal and awareness clinics in the community to ensure that no widow was left behind.



KELIN stand at the legal aid camp on International Widows Day in Kisumu County, 2023.

Radio Talk Shows

Radio Africa

On 23rd June, KELIN participated in an online interview with Radio Africa where we shared our experience in supporting women, especially widows at the margins of the society through provision of access to justice. Digitization of court processes has enabled widows represented by KELIN advocates to access justice timely without having to cover the long distances to the court stations. We also highlighted the positive impact of digitization of Ministry of Lands process such as: avert historical problems of missing documents, loss of documents, duplication of titles, secures landowner since they are prompted to approve any transaction on

their account, cost friendly since the account owner does not need to travel to the lands office and lastly, increased transparency since the land owner is able to track the transaction progress. Digitization will promote the widows quest to reclaim their land and protect them based on the verified database of records established. In addition, the implementation of the progressive laws on land ownership will be enhanced, taking into account the economic status of widows, and peer norms that should be debunked. This will lead to a gender justice in the community. **Our glow for this year's celebration is the over 226 women who have been supported by KELIN from January to June 2023 to access justice, write wills, register property and conduct succession processes.**



Join us LIVE on **Radio Nam Lolwe, 97.3FM**, as we discuss

International Widows' Day

Thursday, 22nd June 2023 **7.30pm - 8.30pm EAT**

Moderator:
Radio Nam Lolwe
97.3FM

Guest:
Kenneth Otieno Akach
Programme Officer,
WLPR, KELIN



Radio session at Nam Lolwe for the international widows' day celebrations

Radio Nam Lolwe

In addition to the Radio Africa talk show, KELIN was also represented at Radio Nam Lolwe by our Women Land and Property Rights officer, Ken Akach. He focused on the efforts made within the Western regions to enhance access to justice for women during the pandemic. During the interview, Ken spoke of KELIN's work in promoting community led monitoring and strategic messaging informed by media monitoring and research. This approach recommended key messages for right holders and steps to take to increase duty bearers or enablers to act and protect women's rights. The interview provided an opportunity for listeners to call in with questions on land justice, all of which were responded to from a gender lens addressing peer norms that hinder enjoyment of rights. KELIN continues to focus on community radio as a medium of reaching the society and amplifying their voices based on our experience.



Legal aid and awareness clinic at the community

Kenneth Otieno engaged stakeholders during the legal aid clinic in Kisumu

As part of movement building and empowering widows, KELIN offered legal aid services in Kisumu County to **over one hundred and four (104) widows; and disseminated 3000 information, education and communication materials** on Women Land and Property Rights.

In order to reach a diverse target, KELIN hosted two virtual discussions on 21st and 22nd June, ahead of the International Widows Day. This discussion focused on [Constitutional Provisions on WLPR](#), and Succession, aimed at protection of widows' rights.

Advocating for Women's Economic Rights in Business

As part of global advocacy, KELIN attended the World Bank conference in Washington DC held between 4th and 5th June. KELIN showcased experience in building the economic rights of women within the support groups and the opportunities for investment and engagement especially in amplifying the violations meted on women based on their economic status. As a result of the conference, we have restructured our economic rights interventions to align to global practices while capturing the World Bank 2023 position on women in business for sustainable economies.

Quick Highlights

1.

Advocating for key populations in Uganda

KELIN and partners shared an [East African Community civil society statement](#) expressing disappointment in Uganda's assent to the Anti-Homosexuality Act, 2023, raising concern on the negative impact such legislation will have on the LGBTQIA+ Community to access health services in Uganda.

2.

The fight against continued health corruption in Kenya

Corruption in the health sector diverts resources, causes inequitable access, compromises healthcare quality, and weakens health systems. It creates disparities that make healthcare unaffordable. Information revealed through the exposé raises the need for urgent action, including holding those involved to account and undertaking reform in the way NHIF operates. KELIN and partners, in response to the expose, submitted [a statement calling on authorities to investigate, provide a public report and issue a copy of the intergovernmental agreement](#) to streamline the health sector signed by the Cabinet Secretary for Health, Nakhumicha S. Wafula and Chair Council of Governors, H.E Anne Waiguru, among other demands.

Just in case you missed our annual report 2022, you can catch it here: [Breaking the Barriers](#)

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