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NEWSLETTER OF THE PROGRAMME FOR LEGAL
EMPOWERMENT AND AID DELIVERY IN KENYA – PLEAD

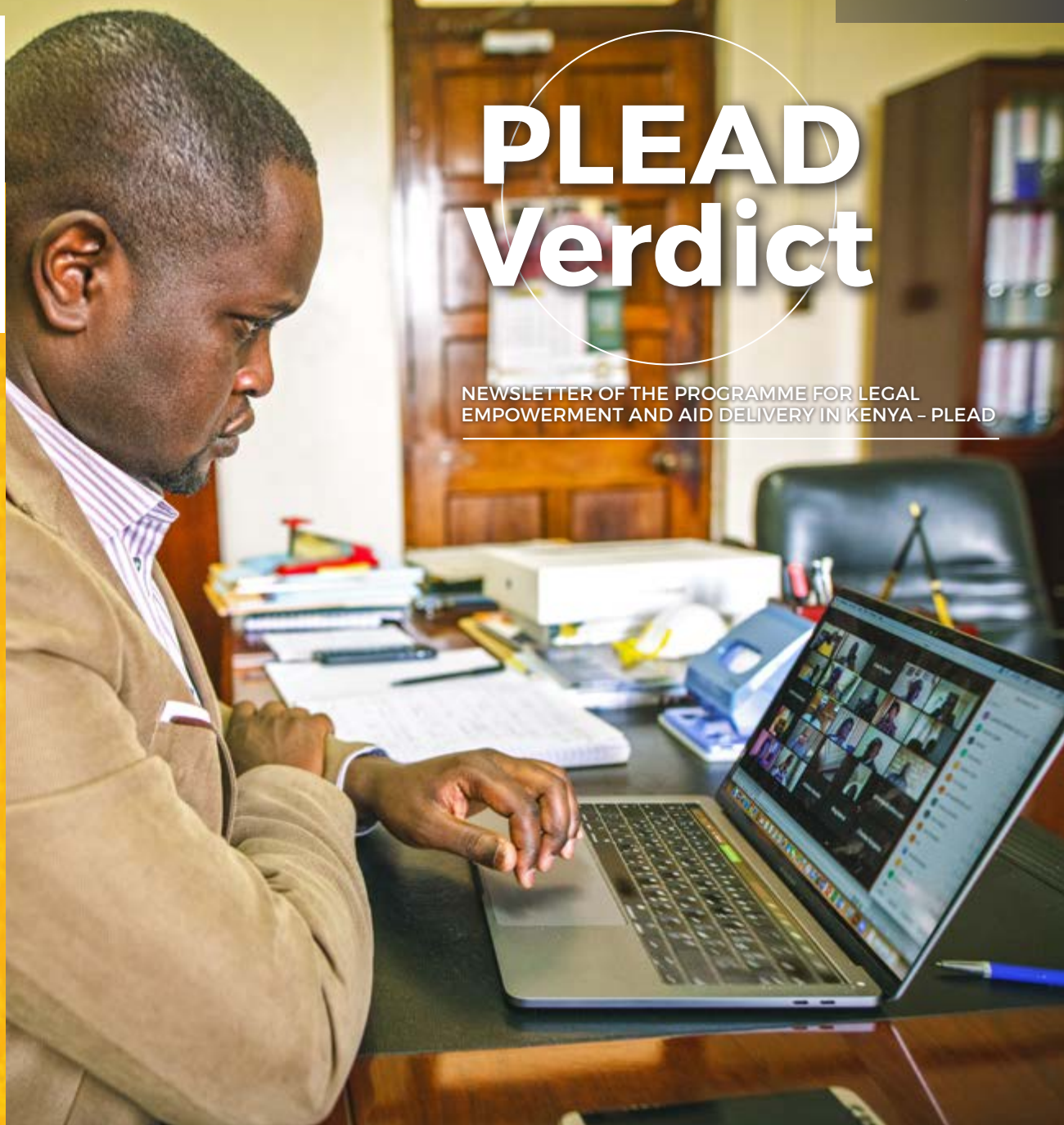


Photo: Allan Cichigi/UNODC

How Kenya's justice sector is continuing service delivery during the COVID-19 pandemic

In this issue

Solidarity in justice sector's COVID-19 pandemic response	1
UNDP strengthening governance and promoting access to justice amid COVID-19	6
PLEAD: responding to COVID-19 across Kenya	7
Bail and bond in focus	9
PLEAD Partner Voices: International Women's Day Celebrations in Nakuru County	11
Strengthening data collection and use	12
PLEAD prose	13
PLEAD briefs	13
National conference postponed	15

Solidarity in justice sector's COVID-19 pandemic response



The National Police Service and Kenya Prisons Service will benefit from reshaped PLEAD support

The justice sector was quick to act following the first reported case of COVID-19 in Kenya on 12 March 2020: within three days, Chief Justice David Maraga had chaired a meeting of the National Council on the Administration of Justice (NCAJ) to bring institutions together to determine ways the sector could adapt, collectively and individually.

Wide-ranging measures were agreed under an Administrative and Contingency Management Plan to mitigate COVID-19 in the justice sector, which recognized the critical need to protect members of staff and the public from infection and to prevent the spread of this virus. The Plan took account of a National Emergency and Response Committee directive as well as the experience of other countries.

From the very next day, court activities were scaled down for an initial two-week period to allow time for further consultations, including with the Ministry of Health. All new arrests, except serious cases, were to be dealt with at police stations. Judges were to review 19,000 prison files, in a bid to release inmates with less than six months to serve and

decongest prisons. An ad-hoc, inter-agency NCAJ COVID-19 Sub-Committee was formed to advise NCAJ on further precautionary measures, with the President of the Court of Appeal, Justice William Ouko, appointed to lead it.

Among other measures, all conferences, workshops and trainings for the justice sector were suspended until further notice. As a result, the United Nations Office on Drugs and Crime (UNODC) and United Nations Development Programme (UNDP) postponed all forthcoming events for March, April and May that were due to take place through the Programme for Legal Empowerment and Aid Delivery in Kenya (PLEAD). (See also 'National Conference postponed' p.15).

Moreover, UNODC and UNDP – as co-implementers of PLEAD – set about prioritizing immediate and longer-term support for the programme's government and civil society partners, arranged in consultation with them as well as the European Union. The discussions also considered further updates emerging from virtual meetings of the NCAJ and its COVID-19 Sub-Committee. An agreement was reached in early April, which detailed the implementation of new interventions and fast-tracking of existing activities through PLEAD.

"Given the urgent nature of this crisis, it was necessary to reshape support for PLEAD partners to reflect the changed reality and their new priorities while remaining focused on the programme's main objectives, not least improving quality, efficiency and coordination in the criminal justice system," the Head of UNODC's Crime Prevention and Criminal Justice Programme in Eastern Africa, Ms Charity Kagwi, said.

Partners have expressed their gratitude for the European Union's flexible approach in supporting the individual and coordinated response of justice institutions to the COVID-19 pandemic.



About PLEAD:

The Programme for Legal Empowerment and Aid Delivery in Kenya (PLEAD) is a partnership involving the Government of Kenya, European Union, United Nations and civil society in improving the delivery of justice services, settlement of disputes and use of alternatives to imprisonment. The KSh 4.2 billion programme runs until 2022 and is funded by the European Union.

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On the cover: Acting Chief Executive of Kenya's National Council on the Administration of Justice (NCAJ), Dr Conrad Bosire, during a virtual meeting of the NCAJ COVID-19 Sub-Committee on 17 April 2020.
Photo: Allan Gichigi/UNODC

“The revisions made to PLEAD support were necessary to protect and cement the progress achieved so far, while empowering all partners to accommodate the government’s nation-wide pandemic response measures and specific changed arrangements for the delivery of justice services,” the UNDP Programme Manager for PLEAD, Wambua Kituku, said.

As the national pandemic response has geared up in Kenya, implementing agreed measures for the justice sector has not been without issue. The response of law enforcement agencies to enforcing stringent measures – which include a curfew, travel restrictions and mandatory wearing of face masks – has all too often been characterized by violations of human rights, including extra-judicial violence, excessive use of force and misuse of firearms.

Pandemic prompts innovation



Lady Justice Achode and Ambassador Mordue launch a Judiciary public health poster

A visit to Milimani Law Courts on 30 April was an opportunity for the European Union Ambassador, Simon Mordue, to hear more about the Judiciary’s service delivery innovation in response to the pandemic, and view a judge using Skype to conduct court proceedings.

The ambassador met with the Chief Registrar of the Judiciary and NCAJ Secretary, Hon. Anne Amadi; Principal Judge of the High Court, Lady Justice Lydia Achode; Justice Stephen Riechi; UNODC’s Regional Representative for Eastern Africa, Dr Amado Philip de Andrés; and Head of UNODC’s regional Crime Prevention and Criminal Justice pillar, Ms Charity Kagwi.

In a remarkably short time, the Judiciary has embraced virtual court hearings to dispense justice. **“We won’t go back. What we want to do is build on the benefits of using technology, including the recording capabilities,”** Lady Justice Achode explained.

With the prospect of having their matters heard and finalized despite the crisis, parties are participating in online hearings from various locations, including prisons.

“The aim will be to turn the pandemic into an opportunity to pilot new ways of working digitally which we can maintain after the crisis with support through PLEAD, albeit still with the possibility for human interaction,” Ambassador Mordue said.

In commending Hon. Amadi for the leadership shown by NCAJ, Dr de Andrés said the justice sector was arguably the fastest acting, most forward-thinking sector in Kenya in terms of how institutions responded. **“As UNODC looks to the future with our partners, one of the positives emerging from the pandemic I believe will be improved efficiency in the country’s justice system through technology, and this is something we are committed to supporting,”** he said.

The visit included the launch of a Judiciary poster showing the correct way to wear a face mask. Designed by the Judiciary and produced with PLEAD support, the laminated posters are destined for indoor and outdoor display at 126 courts across the country.



PROBATION AND
AFTERCARE SERVICE



UNODC
United Nations Office on Drugs and Crime



Justice Stephen Riechi during a virtual court hearing at the Supreme Court of Kenya

In the confusion brought by COVID-19, misinformation has unfortunately thrived: one false notion being that justice institutions have ‘closed shop’. Chief Justice Maraga emphatically rejected this in an NCAJ statement on 21 April, saying: “Court operations have never, and will never, be closed. Since the pandemic began, the courts have delivered judgements on email and heard matters using video conferencing. This shall continue.”

Key elements of revised PLEAD support

■ Enhanced support for NCAJ and Council members

The pivotal role of NCAJ has come to the forefront since the crisis began. A key factor for realizing an effective COVID-19 response by the justice sector is the coordination role of NCAJ in overseeing the implementation of agreed measures. UNODC is ramping up its support for the NCAJ and its Secretariat, including strengthening the overall response coordination mechanisms and assistance with regular COVID-19 response planning and coordination virtual meetings.

The National Police Service (NPS) and Kenya Prisons Service have not been direct beneficiaries of PLEAD, yet there is a strong need to support their respective roles in the response. This will be done under the NCAJ umbrella. For instance, due to the pandemic, all petty offences are being dealt with at the police station level.

The Inspector General of Police has also been directed by the NCAJ to release suspects on cash bail or police bond. Such measures have created an urgent need for training, for example so police can consider pre-charge diversion in line with Kenya’s new Diversion Policy.

■ Innovative civil society grassroots responses

Engaging, supporting and training civil society organizations (CSOs) to promote access to justice through legal aid and assistance, as well as empowering marginalized communities on their human rights through advocacy and awareness, form UNDP’s mandate as a co-implementer of PLEAD. Given these interventions are normally conducted on-the-ground through outreach activities, creative and innovative solutions are necessitated by conditions during the COVID-19 pandemic. PLEAD CSO partners are being encouraged to embrace digital, social distancing-compliant solutions and are receiving additional specialist support to continue their operations. (See story p. 6).

■ Fast-tracked procurement of ICT equipment

UNODC is part-way through a comprehensive assessment of equipment needs of the field offices of the Office of the Director of Public Prosecutions (ODPP), Probation and Aftercare Service, Witness Protection Agency and the Judiciary in the 12 PLEAD focal counties. The assessment will identify the most critical equipment needed for effective operations, taking into account specific conditions in marginalized areas. While this assessment continues, UNODC will fast-track

the procurement of ICT equipment, primarily to enable all required parties to participate in virtual court proceedings and furnish the court with necessary documentation electronically.

■ **Online training for the National Police Service**

The NPS has welcomed the opportunity to develop and roll-out online training for police officers in conjunction with NCAJ and UNODC. This will include refresher training for police on: human rights approaches to crowd control and public order management; bail and bond administration; and pre-charge diversion.

Building the capacity of frontline officers is even more crucial due to crime trends identified by the ODPP in March, such as: sexual violence, especially in relation to children; domestic violence heightened during the curfew; fraud and the sale of counterfeit items including substandard sanitizers. Through PLEAD, ongoing technical support, training and sensitization will continue. This will include supporting wider use of diversion and plea bargaining as alternatives to imprisonment to help decongest the prisons, regarded as high-risk environments for virus outbreaks. Active case management (ACM) will be another focus area for training.

■ **Personal Protective Equipment (PPE) and supplies**

Many in the criminal justice sector continue to perform vital frontline roles where they are

vulnerable to infection and transmission. These workers include prosecutors, probation officers, police officers, children officers and staff in places of custody. Stocks of PPE, such as protective clothing, gloves and face masks, as well as soap, hand sanitizers, disinfectant, thermometers and mattresses will be funded through PLEAD and distributed to NCAJ member agencies, including the NPS and Kenya Prisons Service.

■ **Crisis communications**

UNODC will upscale its communications support for NCAJ and assist in enhancing collaboration among Council members to achieve a proactive, consistent approach to communicating the sector’s COVID-19 response. Additionally, PLEAD partners will be supported to produce COVID-19 information materials, and UNDP is working closely with civil society PLEAD partners to ensure that grassroots sensitization campaigns around social distancing and pandemic hygiene are both accurate and engaging.

■ **Psycho-social support**

As criminal justice officers continue to play their respective roles, the pandemic may take a toll on their emotional and physical wellbeing. In this regard, psycho-social support will be provided through professionals who offer online therapy and telephone counselling services.

For more information on the justice sector’s COVID-19 response please visit: www.ncaj.go.ke



Infographics produced as part of access to justice sensitization campaigns during the pandemic by PLEAD civil society partners Kenya Community Support Centre (KECOSCE) and Human Rights Agenda (HURIA), based in Tana River and Mombasa counties respectively

Safe Hands Challenge



© Julie Marks/UNODC



© Judiciary

Handwashing station at Kitui Law Courts

Following directives from the Ministry of Health in March aimed at curbing the spread of COVID-19, justice institutions took immediate action, ranging from providing ready access to hand sanitizers and handwashing areas, to monitoring the temperature of officers and clients at probation hostels and other facilities.

For instance, the Office of the Director of Public Prosecutions (ODPP) introduced portable hand washing stations at its offices. Further, to help raise awareness of preventive measures, the Director of Public Prosecutions, Mr Noordin Haji, accepted the #SafeHandsChallenge issued by the World Health Organization. UNODC filmed his safe handwashing video in English and Kiswahili at ODPP headquarters. The videos were subsequently shared on social media and are available on the NCAJ YouTube site.



© PACS

PACS officers in Nakuru practicing social distancing and safe hygiene

The provision of additional PPE and supplies through PLEAD will enable key criminal justice institutions to continue their efforts to safeguard the health of their staff and the public while keeping the wheels of justice turning as part of the NCAJ-coordinated response.

- Kenya's Director of Public Prosecutions #Safehands challenge video: https://www.youtube.com/watch?v=zNB_m9unsDE
- Hamjambo jina langu ni Noordin Mohamed Haji na mimi ni mkuu wa mshtaka kwa jamhuri ya Kenya: <https://www.youtube.com/watch?v=KCNUoxY8J4Y&t=6s> 📺

UNDP strengthening governance and promoting access to justice amid COVID-19 in Kenya



COVID-19 testing in progress at Kenyatta National Hospital, Nairobi County

Recognizing the urgency of the COVID-19 pandemic, UNDP together with development partners, the Governments of Finland, Italy and Sweden, have reprogrammed close to US\$3 Million towards supporting COVID-19 response efforts. These funds will be invested in interventions under the joint Devolution programme implemented by UNDP and other UN agencies in Kenya. COVID-19 is already affecting delivery of critical public services – from provision of regular healthcare, to education, all the way to the running of courts. Urgent and robust measure are needed to ensure continuity of operations both in the public and private sphere.

As part of UNDP's leadership role in strengthening the governance systems in the country, through our *Amkeni Wakenya* and the PLEAD partnership, we working to adapt to not just the current fast-evolving situation brought about as a result of COVID-19, but to ensure that we invest in interventions that address future recovery and stabilization efforts post COVID-19.

Our immediate support to the Government of Kenya is aimed at ensuring that both national and county communication systems are strengthened so that the public is adequately informed and sensitized about COVID-19 through all available platforms. UNDP has also facilitated the speedy deployment of UN Volunteers (UNVs) with medical experience to support county-level response to the pandemic. The socioeconomic impact analysis of COVID-19 on Kenya that was developed with the leadership of UNDP has established several linkages in the way this crisis is affecting the economic and social activities in the country.

It is imperative that advocacy to promote access to justice for all under PLEAD continues in spite of COVID-19. At UNDP, the *Amkeni Wakenya*

project through which PLEAD is implemented in partnership with local civil society organizations (CSOs) has refocused its operations in response to the conditions obtaining as a result of COVID-19. For example, partners are both encouraged and assisted to transition from outreach work and community forums to digital content production and radio sensitization campaigns.

Across Kenya, our PLEAD CSO partners are being encouraged to embrace digital, social distancing-compliant solutions and are receiving additional specialist support to continue their operations: In Kisumu, CSO-Network have started an online facility to provide legal assistance and psychosocial support to victims of sexual and gender-based violence (SGBV). In Mombasa, Human Rights Agenda (HURIA) have highlighted potential human rights violations by police in enforcing curfews, conducted a survey to assess concerns of their target populations in light of COVID-19, and have produced information material to show demonstrate basic but essential hygienic practices important in the fight against COVID-19.

In the capital city Nairobi, Legal Resources Foundation (LRF) have set up video links between jail and the courts, resulting in several bond reviews and successful cash bail reductions. These and other interventions planned will ensure that there is minimal disruption in the discharge of justice and that human rights, especially of marginalized and vulnerable groups are not violated in the wake of this pandemic that is already pushing these population groups to more risks and untold suffering.

UNDP is working closely with PLEAD partners the Government of Kenya, the European Union and UNODC to address COVID-19, which is not just a health crisis, but one that is affecting every aspect of human existence. This crisis is the largest humanity faces after the Second World War – it has potential to limit country's ability to achieve the Sustainable Development Goals (SDGs) and reverse development gains made so in Kenya. With schools closed, economic activities stalled, movements of people restricted, and an overwhelmed healthcare system, it is critical that adequate measure are put in place to ensure that conditions of already marginalized populations – women, youths, people with disabilities, people living with HIV and AIDS, and prisoners among them – are not made worse as a result of COVID-19. 🙏

PLEAD: responding to COVID-19 across Kenya

Support to civil society organizations (CSOs) is a cornerstone of the PLEAD partnership – by providing legal aid and assistance to poor and vulnerable communities, PLEAD CSO partners are at the forefront of promoting access to justice. This mission has come into greater focus and become of greater need during the COVID-19 pandemic, which has so far magnified existing issues around marginalization and created new barriers to justice.

CSOs are engaged to support the mission of PLEAD through the UNDP Amkeni Wakenya programme. The following is a selection of PLEAD CSOs combatting COVID-19 and the targeted interventions they are taking to continue the work of PLEAD in promoting access to justice for all during the pandemic.

KISUMU

■ CSO-Network

■ Keeping Alive Societies Hope (KASH)

- Set up online link to deal with legal aid and Gender-Based Violence (GBV) issues arising from COVID-19.
- Radio awareness campaign around increasing Sexual and Gender-Based Violence (SGBV) during pandemic.
- Established an online mental health support tool for the community.
- Toll free lines for reporting and documenting SGBV on key populations.

NAKURU

■ Centre for Enhancing Democracy and Good Governance (CEDGG)

■ Egerton University

- Use of local radio on public awareness building on access to justice, human rights and COVID-19 safety practices.
- Documentation of cases of state excesses/human rights violations relating to implementation of COVID-19 directives.
- Development of interactive website and newsletter around COVID-19 response.

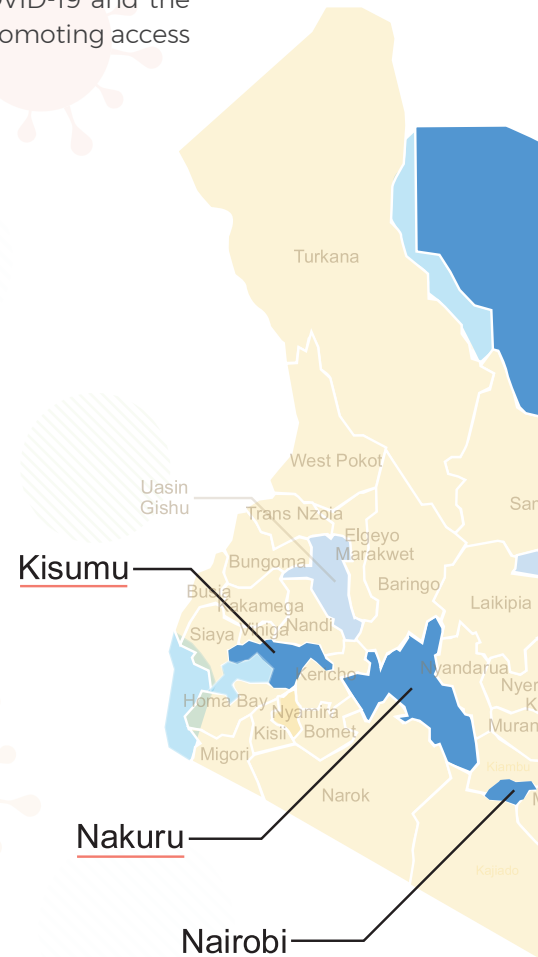
NAIROBI

■ Centre for Rights Education and Awareness (CREAW)

■ Legal Resources Foundation (LRF)

■ Law Society of Kenya (LSK)

- Providing on-line legal support and psychosocial support.
- Radio shows and bulk SMS outreach, sharing the importance of social distancing and government guidelines to stop the spread of COVID-19.
- Piloting guidelines on conducting virtual interviews with prisoners and access to courts virtually. This has seen real-time trial proceedings as well as provision of legal information to accused persons.
- Facilitating case follow-ups by paralegals within prison for pre-trial detainees at Thika and Nairobi Courts, which are conducting mentions, case, bail and bond reviews and hearings.
- Production and dissemination of informational materials.



MARSABIT

■ Alliance of Local Communities in Hardship Areas (ALCHA)

- Monitoring of possible human rights violations due to directives in Marsabit.
- Civic education on COVID-19 by ALCHA paralegals in Moyale.

WAJIR

■ Raia Development Initiative (RDI)

- Monitoring of GBV during crisis in collaboration with the gender desk and the police reports.
- Radio show outreach on COVID 19 awareness and sensitization on GBV.

GARISSA

■ Supreme Council of Muslims in Kenya (SUPKEM)

- Creating awareness on COVID through paralegal outreach.

TANA RIVER

■ Chana Chena

■ Kenya Community Support Centre (KECOSCE)

- Undertaking radio and social media outreach to sensitize communities on COVID-19 best practices.
- Designed information materials on access to justice during the pandemic.

LAMU

■ Muslims for Human Rights (MUHURI)

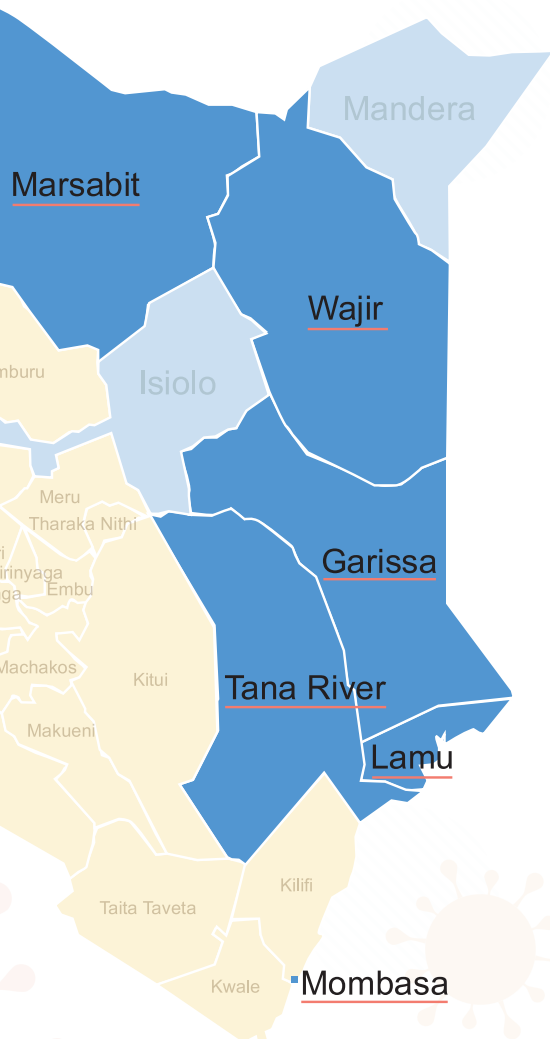
■ Kyunga Youth Bunge (KYBI)

- Mass sensitization on accessing justice during COVID-19, and outreach work with communities in need.
- Monitoring of public spaces and of the responses of duty bearers.
- Posting online informational material, fact sheets and news on COVID-19.

MOMBASA

■ Human Rights Agenda (HURIA)

- Human rights monitoring & documentation of abuses.
- Community sensitization through social media and offline/online fact sheets.
- Online survey of communities key concerns during the pandemic
- Has set up hotline to offer legal advice and assistance, designing flyers to spread awareness on the services offered.



Bail and bond in focus



The High-Level Dialogue featured debate on advances and remaining challenges for the administration of bail and bond. Inset: Lady Justice Lesiit

Standardizing and streamlining the application of bail and bond by the courts, police and other agencies is seen as central to reforming Kenya’s justice system. Since 2015, this effort has been spearheaded by the Bail and Bond Implementation Committee, a multi-agency NCAJ committee.

At a High-Level Dialogue on Bail and Bond, held in Nairobi on 13 February 2020, the committee’s extensive outputs were launched by the Chief Justice and NCAJ Chair, Hon. David Maraga, and handed over for use by all criminal justice agencies concerned with the administration of bail and bond. These included updated Bail and Bond Policy Guidelines; a popular version of the guidelines (pocket book); Bail and Bond Trainers’ Guide and Trainees’ Manual; draft legislative proposal on bail and bond; Bail and Bond Digests; communication materials in English and Kiswahili; a Monitoring and Evaluation Report, and End of Term Status Report.

The committee’s term concluded in January 2020. In introducing their End of Term Report, Chairperson Lady Justice Jessie Lesiit stated: “It highlights the challenges and gaps that exist and need to be addressed, successes achieved, as well as opportunities and best practices that can be adopted going forward in improving service delivery with regard to matters bail and bond”.

Incorporating data gathered by the committee from 30 prisons and other sources, the Monitoring and Evaluation Report reveals positive gains amid persistent issues impinging on bail and

bond administration, such as disparities in decision making by Judges and Judicial Officers, unaffordability of bond terms leading to congestion in remand facilities, and absconding by accused persons. While bail and/or bond was granted automatically in most court stations, factors such as poverty or lack of relevant security documents prevented accused persons from meeting the terms.

In commending the committee, the Chief Justice Maraga declared the training instruments will be critical in sustaining bail and bond learning and in ensuring that standardized capacity building for key actors is maintained across relevant agencies.



The Constitution of Kenya 2010 recognizes the right to bail and bond for all arrested and accused persons, regardless of the offence committed, unless it is shown there are compelling reasons not to grant bail or bond. The committee's legacy extends to the fight against corruption by discouraging unscrupulous actors within the justice sector, such as 'professional sureties', who too often prey on disadvantaged citizens. Courts and police have been called upon to adopt a cashless system for payment of cash bail.

The Deputy Head of Delegation of the European Union to Kenya, Ms Katrin Hagemann, said positive results for administering bail and bond were evident from the integrated approach taken by PLEAD.

"I note that close to 120 justice actors, including, police, prosecutors, probation officers and prison officers have been equipped with skills and knowledge to effectively administer bail and bond. While much has been achieved within a short space of time, our key take-away will be the day we hear testimony from Kenyans that the judicial system is working well; that they can access justice and legal aid; and that their cases are not being endlessly postponed," Ms Hagemann said.

Also speaking at the launch, the Head of UNODC's Crime Prevention and Criminal Justice Programme in Eastern Africa, Ms Charity Kagwi, acknowledged the leadership of Lady Justice Lesiit and committee Secretary Mr Clement Okech of the Probation and Aftercare Service.

"It's been a great privilege for UNODC to assist the committee in realizing its mandate. The challenge is to maintain the considerable momentum they have created and ensure the full and effective implementation of bail and bond matters. It's important to be reminded how our collective will is needed to address the inequities that remain in our criminal justice system," Ms Kagwi said.

Areas for attention include prioritizing enactment of the draft Bail and Bond Bill, further training of officers in various justice institutions and ongoing sensitization of citizens on bail and bond matters.

Transnational crimes – such as terrorism and piracy – are emerging issues that the justice system is expected to deal with regarding the administration of bail and bond.

For more information visit the NCAJ Bail and Bond campaign web page: www.ncaj.go.ke

PLEAD support



The committee's actions and outputs supported by the European Union and UNODC through PLEAD since 2018 include:

- Bi-monthly Executive Committee meetings and four retreats
- Technical assistance to the committee and Judiciary Training Institute to develop and validate training course and produce the guide and manual
- Bail and Bond training workshops, including forming a pool of 30 bail and bond champions who will continue to train other actors and the public in 2020 and beyond
- Production of information and display materials explaining bail and bond (28,000 materials printed)
- Arrangements for the High-Level Dialogue.

The committee also received support from the International Development Law Organization.

Implications of COVID-19 pandemic

Among the preventive measures adopted by NCAJ members in March, Judges and Judicial Officers were instructed to review and revise bail and bond terms for petty offenders to make them more affordable so that more offenders could be released while awaiting trial.

PLEAD Partner Voices: International Women's Day Celebrations in Nakuru County



More than 60 women from marginalized communities within Nakuru County attended the workshop, held by PLEAD partner Egerton University, which focused on Human Rights Approaches and Alternative Dispute Resolution methods

On 6 March 2020, the Egerton University Faculty of Law Legal Aid Project undertook a special legal aid and assistance outreach event to mark International Women's Day, by organizing a forum for the training of key women leaders from different informal settlements and marginalized communities within Nakuru County. The training, which was opened by Mr. Wambua Kituku from UNDP Amkeni Wakenya, involved more than 60 women and focused on human rights-based approaches and alternative dispute resolution methods.

To ensure a holistic and inclusive approach to the dialogues, the Faculty of Law worked in conjunction with the University's Institute of Women, Gender and Development Studies: Ms. Susan Njogu, a lecturer at the institute, distilled key gender issues and explained them in a relatable manner. Dr. Ruth Aura built upon that foundation, introducing various aspects of human rights as enshrined in Kenyan law. Part of this was a discussion around the fact that for many years women in slums and marginalized communities have not always been fully cognizant of their human rights or had these rights respected.

The participants also engaged panelists in a series of practical questions, demonstrating the growing need for awareness on legal issues. Ms. Wambui Kinuthia, from the London Estate in Nakuru, voiced that she felt the law often favours men, with this perspective shared by many women participants. However, through open discussion these challenges were demonstrated to be issues

related to understanding and enforcement of the law rather than the legislation itself.

Experience sharing by the participants revealed that many women in poverty-stricken areas are not aware of their rights and many have accepted clear violations as a norm. One participant, Ms. Margaret Ndungu, singled out the rights of single mothers, inheritance from parents and rights after a husband's death as some of the key issues that bothered women in the area. Another topic that was raised several times was a lack of clarity around rights to joint ownership of property.

Overall, the day was an inclusive and high-energy opportunity to shed light on many misconceptions and give fresh perspectives on how and why we must take legal aid to the people. The forum resulted in empowerment of key women at the grassroots level, some of whom sought guidance on how to empower others who had not gotten a chance to attend, creating a potential for many more in their areas to be reached with assistance. At the closing, the Legal Aid Project gave out a telephone contact through which all those in need could be able to channel their concerns.

Legal aid, which has too often eluded the poor marginalized, has now been brought closer to them: the participants were pleased to work with UNDP Amkeni Wakenya and the EU-supported PLEAD project for making such initiatives a reality. 🙌

Contributed by: Robert Mutembei of the Egerton University Faculty of Law Legal Aid Project (Edited for brevity/clarity)

Strengthening data collection and use

The collection and use of reliable data and statistics within the justice sector in Kenya is an important, emerging focus area.

UNODC has been assisting three PLEAD national partners– the Judiciary, Office of the Director of Public Prosecutions (ODPP) and Probation and Aftercare Service (PACS) – to refine their data collection tools to produce data and statistics which accurately portray the number and nature of cases their officers are handling, situation of victims, institutional performance and, among other topics, the use of alternatives to imprisonment. One beneficiary of the data collection workshops was ODPP Statistician Mr Musa Sere. At ODPP the use of accurate statistics is seen as essential to obtain its strategic objective of injecting accountability, transparency, public confidence and quality control into its prosecuting operations by having an overall understanding of crime in the country.

Mr Sere said he appreciates the different phases of data collection and that teamwork is key. “Data collection doesn’t only involve the statistician, but also officers in IT, prosecutors, management and even records management,” Mr Sere emphasized.

The redesigned tool is now used by the ODPP to collect data on criminal cases being prosecuted in various courts across the country. The data collection tool, known as the Prosecution Case Diary, is a computer matrix – similar to an Excel spreadsheet – that collects information and enables prosecutors to analyse crime numbers and trends.

For instance, using this tool, a spike in sexual offences in cases registered in courts following the preventive measures undertaken by the government in response to the COVID-19 pandemic was first noted on 16 March. Data supplied by ODPP concerning cases registered in courts has been an important ongoing information source for NCAJ members.

According to Mr Sere, the current data collection tool will enable a prosecutor to have a concise picture of how their cases are progressing. This will allow for proper case management right from pre-trials to adequate preparation of witnesses and final submissions, ultimately ensuring prosecution efficiency and effectiveness.

Mr Sere hopes to see ODPP further improve and use data collection not only to analyse, but predict

trends in future crimes as well as outcomes of cases the ODPP prosecutes. “We are collecting data from different stations. Currently, w’are not operating at the level we would wish to because of the capacity constraints, but we are collecting as much data as we can,” Mr Sere said. “We have streamlined our data collection systems. We want to collect data about the victim and the accused person on their gender, age, as well as court processes including appeals and other applications. This will inform the Office on the crime prevalence including vulnerability trends in terms of age and other factors.” 🙌



PLEAD support

Kenya has received technical support from UNODC as a pilot country for implementing the International Classification of Crime for Statistical Purposes (ICCS), a framework for producing statistics on crime and criminal justice, formally endorsed in 2015. The ICCS is a tool to improve quality of data at the national level and to support government monitoring of Sustainable Development Goals’ targets in the areas of public security and safety, trafficking, corruption and access to justice.

In 2019, three PLEAD-supported inter-agency workshops involved a review of existing data collection tools of the Judiciary, ODPP and PACS, that resulted in better understanding of systemic issues and the benefits of a more harmonized approach through the ICCS. This was followed by on-site piloting of the ODPP and PACS data collection tools.

PLEAD briefs

Landmark first County Legal Aid Unit opened



In a historic first for legal aid and assistance in Kenya, PLEAD CSO partner Human Rights Agenda (HURIA) and the County Government of Mombasa jointly opened the nation's first County Legal Aid Unit in Mombasa on 10 March 2020. Joined by a high-level delegation led by HE the Deputy Governor as well as representatives from the EU and UNDP, the opening saw a commitment by the County Government to sustain the Unit to offer paralegal services by qualified practitioners.

HURIA works to promote human rights as the foundation for legal aid and access to justice for vulnerable and poor communities in Mombasa County. The opening of the County Legal Aid Unit follows the signing of a memorandum of understanding between the County Government of Mombasa and HURIA in November 2019.

UNDP in Kenya is investing in local CSOs like HURIA in an effort to ensure effective and efficient delivery of legal aid and access to justice for vulnerable and marginalised communities in some of the country's underserved and underdeveloped regions. 🇰🇪

PLEAD prose

LET'S A-Z

Let's all hold hands
And sing merry songs
Around the fiery red night fire
That blazes amidst us

Let's all dance
To the same beat created by the
oriental drum
And the occidental guitar

Let's all draw each other's faces
In the sand and pray
To the sun god that our days
May be as beautiful as summer
And as calm as the tropical rain

Let all creatures great and small
Made by the magnificent Diety
Come together and acknowledge

The one universe, one tribe
That we are

The scientist says A
The creationist says B
The Atheist says C
Different people say D-Z
Let us smile and realize
We are all
Part of the same alphabet
That justifies our existence
Whatever my letter,
Whatever your language
You, me and them
Are all one in spirit and in truth
We are A-Z

#LetsFightTogetherInThisWar
#A-ZminusCOVID19
#TogetherAgainstCOVID19

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PLEAD briefs cont.

Raising awareness of witness protection



The Witness Protection Agency (WPA) operates in a covert manner as it pursues its mission of promoting the rule of law by offering efficient witness protection services in Kenya. Yet it is imperative for WPA to raise awareness of its mandate and functions, for example so that people in possession of important information who are facing potential risk or intimidation due to their cooperation with law enforcement agencies can access WPA services. To boost the visibility of WPA at justice service weeks and other public events, UNODC has assisted with producing information materials and banners, and procuring branded shirts and folders. 🇰🇪



Animated video released



A new video provides a unique overview of PLEAD. Using clever animation, the video explains the programme's context and how the partners are working to achieve four main outcomes for the benefit of all Kenyans. It was created by UNODC, UNDP and production company Media HQ in Nairobi with funding from the European Union.

View the video in English on YouTube:
www.youtube.com/watch?v=FzWzWXOdOUw

The Kiswahili version will be available from May. 🇰🇪

Calendar highlights probation



The Probation and Aftercare Service (PACS) is a vital link in Kenya's justice chain, yet its objectives and functions are not widely understood. For example, did you know PACS is driven by the desire to reform and cause positive change in the lives of offenders?

Among new initiatives to achieve breakthroughs in awareness of their services and support for their work, PACS has produced a 2020 wall calendar. The calendar features photographs depicting different aspects of their work and is now on display at their offices, hostels and other justice facilities across the country. It was produced in partnership with UNODC. 🇰🇪

National conference

POSTPONED



A major National Conference on Alternative Justice Systems (AJS) has been postponed by the Judiciary due to the COVID-19 pandemic. Originally planned for late March in Nairobi, the PLEAD-supported conference was due to feature the unveiling of Kenya's first AJS Policy in the presence of 300 delegates.

The Constitution of Kenya 2010 provides for the use of alternative forms of dispute resolution mechanisms, including traditional means, and places an obligation on the Judiciary to promote AJS. The policy's development has involved a participatory process led by the Taskforce on Traditional, Informal and Other Mechanisms for Dispute Resolution in Kenya, or AJS Taskforce, led by the Presiding Judge at Nakuru High Court, Justice Joel Ngugi.

The taskforce will reschedule the conference as soon as feasible and is advancing its work in the meantime. "The taskforce leadership continues to work with a UNODC consultant who is assisting with the popular version of the AJS Policy and with Implementation

Guidelines for the policy," the AJS Taskforce Vice Chair, Dr Steve Ouma Akoth, explained.

"It's regrettable that the confinement, and multiple frustrations occasioned by the COVID-19 pandemic, seem to cause and trigger multiple conflicts. As AJS is also about preventing conflict, we continue to explore how AJS can be developed and utilized in conflict prevention during these moments," Dr Akoth said.

To enable further public participation, the taskforce is also developing a mobile application and a website – www.ajskenya.or.ke – expected to go live in May.

The national taskforce draws its membership from the Judiciary, Law Society of Kenya, Councils of Elders, National Police Service, Kenya National Commission on Human Rights and civil society organizations, among others. The Judiciary Training Institute has provided secretariat services to the taskforce with technical assistance from UNODC through PLEAD. 🙌

Useful links

PLEAD government partners

Department of Justice	www.statelaw.go.ke
Judiciary	www.judiciary.go.ke
National Council on the Administration of Justice (NCA)	www.ncaj.go.ke
NGOs Coordination Board	www.ngobureau.go.ke
Office of the Director of Public Prosecutions (ODPP)	www.odpp.go.ke
Probation and Aftercare Service (PACS)	www.probation.go.ke
Witness Protection Agency (WPA)	www.wpa.go.ke



PLEAD expected outcomes:

1. Enhanced access to justice especially for the poor and vulnerable;
2. Strengthened court administration and case management;
3. Increased quality and efficiency in the criminal justice system; and
4. Improved coherence and cooperation throughout the justice sector.