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Final Steering Committee appearance for Justice Maraga

All partners in the Programme for Legal Empowerment and Aid Delivery in Kenya (PLEAD) were represented at the virtual PLEAD Steering Committee meeting on 30 October, presided over by the Chairperson of the National Council on the Administration of Justice (NCAJ), Hon. Justice David Maraga. It was Justice Maraga’s final such appearance prior to his retirement.

The meeting enabled the partners to review progress with programme activities, mutual priorities for justice sector reform and emerging issues. Updates were provided by each implementing partner: the United Nations Office on Drugs and Crime (UNODC) was represented by the Head, Crime Prevention and Criminal Justice in Eastern Africa, Ms Charity Kagwi-Ndungu; the United Nations Development Programme (UNDP) by Project Specialist, Civil Society Democratic Governance Facility-Amkeni Wakenya, Ms Gertrude Angote; and the National Legal Aid Service (NLAS) by PLEAD-NLAS Team Leader, Dr Gerassimos Fourlanos. As direct support for State-provided legal aid through NLAS and the Department of Justice is the newest PLEAD component, this was an important opportunity for all partners to learn more (see p.9).

In her opening remarks, the NCAJ Secretary and Chief Registrar of the Judiciary, Hon. Anne Amadi, said: “I want to take this opportunity to appreciate the support that we continue to receive from the European Union, UNODC and UNDP. It’s not something we take for granted.”

For the European Union Head of Development Cooperation in Kenya, Mr Hubert Perr, the meeting was an important opportunity to hear from, and thank, all partners. “In a nutshell, we see this programme as a success story. What we would like to achieve as the EU here in Kenya is a partnership. And a partnership means that we would like to see from the development cooperation side that we do something relevant and transformative. I think this programme ticks both boxes,” Mr Perr said.

“Here we see a partnership between policy makers, politics and grass roots. We are very pleased with all the partners with the implementation and let’s try to address the few bottlenecks swiftly,” he added.

Senior representatives of partner institutions also shared their perspectives on PLEAD implementation,
The meeting also enabled the partners to pay tribute to Justice Maraga for his leadership in making PLEAD – the largest criminal justice partnership in Sub-Saharan Africa – a reality, having been instrumental since the programme’s inception and subsequent launch in March 2018.

“Chief Justice, I was told that if it wasn’t for your championship and your dedication to the reform process in the justice sector, and as well to PLEAD, we would not be where we are now. I want to thank you on behalf of the European Union for what you have brought to the table,” Mr Perr said.

“I want to thank the European Union for identifying the weak in our society, the marginalized and illiterate who are unable to afford legal services. Knowledge is power. When the marginalized groups realise they can get somebody to voice their legal challenges or get assistance, it goes a long, long way. It also tells the perpetrators of crime that they cannot get away with some of those crimes that they commit, especially against the poor. So I’m very pleased to say that, as a result of this, we have increased public confidence in the Judiciary.

“This programme has gone a long way to not only support capacity building but equipment, and I am happy you have purchased even vehicles for transport. With the assistance we have received from you, with the handover of laptops, we are very happy to report, especially the Court of Appeal has been able to hear many, many appeals digitally and the prisoners are very happy.

“I have gone to a few prisons and the prisoners themselves have assured me that they have no problem whatsoever having their appeals heard digitally. And with the plans under way to have video conferencing kits in various prisons funded through PLEAD, that is a very welcome gesture.

“In short, this programme has had a huge impact. What it has done is marvelous. Quite a number of the agencies will be able to operate with the assistance that you have given. On behalf of these agencies, I want to thank you most sincerely and ask you to continue.”

Excerpts from Justice Maraga’s remarks at the Steering Committee meeting
The Justice Advisory Centres are centres established under the Legal Aid Act 2016, to make legal aid accessible to the poor and marginalized. Under the Act, the justice advisory centres are to be in every county towards a further decentralization and improved access to legal aid and justice to the sub-county and ward levels. These centres may be manned by paralegals supervised by staff of the National Legal Aid Service, Advocates appointed by the Service or accredited legal aid service providers.

The Starehe Justice Advisory Centre in Nairobi City County is one such outstanding example of the role of the centres in promoting alternative dispute resolution mechanisms, a key component of legal aid. The justice centre was established in 2019 following training of community paralegals conducted by the Legal Resources Foundation Trust (LRF) with funding from UNDP through Amkeni-Wakenya facility. Under the PLEAD, UNDP supports Justice Centres by offering technical assistance and resources including stationery and case documentation materials.

The case of Jennifer Kilonzo and Ann Mutindi exemplifies the role of these grassroot centres. The two have for a long time lived as peaceful neighbors in Mashimoni, a low-income neighborhood in Nairobi. In 2019, a dispute arose between them following failure by Jennifer to settle a debt owed to Ann. Sometime in July, Jennifer visited Ann and borrowed Kes 16,000 to resolve a pending obligation. Ann offered to take an emergency loan from a self-help group to assist Jennifer. Jennifer agreed to refund the money in instalments within three months, which she failed to honor. In August, Ann reported the matter to area chief of Mlango Kubwa, one Mr Githinji. The matter was not settled and proceeded to St Maria Gorreti Small Christian community moderator madam Petronilla Ndari in which the two are members. Again, there was no resolution.

The matter was subsequently referred to Starehe Justice Advisory Centre, where the paralegals successfully conduct a mediation between Ann and Jennifer to an amicable settlement.

Mediation is an important element of alternative dispute resolution mechanisms. The paralegals, in offering legal aid, have a duty in appropriate case to facilitate out of court settlement. During mediation, it was established that Jennifer could not pay the whole amount at once as she had lost her job due to the COVID-19 pandemic. At the close of the mediation, it was agreed that Jennifer would pay Kes 500 per month, effective 7th November 2020.

UNDP continues to animate the provisions of legal aid in communities through justice advisory centres, which goes a long way to strengthen the paralegal approach and support for use of alternative dispute resolution envisaged under Article 159 (2)(c) of the Constitution, the Alternative Justice policy and attendant laws-towards access to justice for all.
Offering relief for sexual and gender-based violence victims in Nakuru County: Egerton University Faculty of Law Legal Aid Project

Globally, there has been a significant increase in gender-based violence (GBV) and more so within the domestic sphere attributed to public health restrictions put in place by the government to contain the COVID-19 pandemic. With lockdown measures, school-going children and their parents have been staying at home with significant socio-economic impact. In Kenya, the situation is worse amongst the poor and marginalized groups, whereby sexual gender-based violence (SGBV) has disproportionately continued to affect teenagers in poverty-stricken areas, going by the number of cases reported through Egerton University’s Faculty of Law legal Aid Project (Egerton) and from the media. Further reports have also been provided by civil society actors working under the umbrella of PLEAD.

It is based on the foregoing that Egerton University reprogrammed, with the reality of the rising number of SGBV cases reported in Nakuru County. The project has rolled out various response initiatives to address this challenge, including a practical multidisciplinary approach involving legal and gender experts.

While adhering to the COVID-19 public health guidelines, the project organized sensitization forums through public gatherings and the media to empower women in identifying violations and claiming their rights. The targeted forums were held to sensitize and encourage women to report and respond to the SGBV and other forms of violence meted on them and their community members. Reports from such forums lend credence to the success of sensitization and empowerment in preventing violence against women and girls.

To respond to the rising teenage pregnancies, the project further reached out to over 100 girls between July and September 2020, empowering them with knowledge on law on sexual offences and how to identify and report these violations. The facilitators were quick to notice the reluctance and nervousness with which the young girls spoke about sexual violations. In one of the forums, a teenager in attendance wondered what steps she would take if she knew her friend had been sexually violated. In the end, the girl and other teenagers expressed that they felt confident and empowered.

FOLLAP has realized that cases which previously went unreported are being highlighted and some of them followed up for redress through provision of appropriate legal assistance under the Project. Often hurting parents and relatives have also found relief after realizing that there is a place they can run to seek justice for their girls. Married women who have suffered under abusive husbands have equally found reprieve. A mother of two in such a predicament for instance, benefited from the services of pro bono advocates after she visited the embedded legal aid clinic organized under the project. The project is also using mediation to resolve some cases of domestic disputes for example in provision of child support and resolving succession matters.

Another beneficiary of the embedded legal aid clinic is a father to a minor who was reportedly defiled by an aide to the area Member of Parliament in one of the constituencies in Nakuru County. The perpetrator was arrested but released on cash bail. With this news, the family of the survivor became apprehensive that the alleged perpetrator would interfere with investigation and the case. When the father of the survivor visited FOLLAP offices for legal assistance,
he lacked factual details of the case and efforts to find out in court registries had hit a snag. Court procedures in Kenya can be complex to lay persons and this was not an exception. He requested FOLLAP to provide an advocate who would watch brief in the case and pursue justice for his beloved daughter. FOLLAP engaged one of the pro bono advocates who has taken up the case. The case is going on and the father to this innocent girl, though pained, is relieved that time will not only bring healing but also justice.

This assistance has been made possible under the PLEAD programme supported by European Union and UNDP though the Amkeni Wakenya, the democratic governance facility which seeks to respond to enhance access to justice especially for the poor and vulnerable, focused on legal aid. This is achieved through collaboration with the Department of Justice through implementation of the new legal and regulatory framework on legal aid; and, engaging Civil Society Organisations (CSOs) to provide complimentary legal aid services including raising awareness of the Legal Aid Act 2016, training legal aid providers, public legal education and establishing legal aid information centers. This generous support ensures FOLLAP's vigilance in the fight against SGBV and with these interventions, the beneficiaries are eternally grateful for the invaluable support received from the EU and UNDP under PLEAD.

Community action during COVID-19: key in enhancing access to justice in Kenya’s frontier

The outbreak of COVID-19 pandemic has brought on numerous challenges on access to justice in Kenya. At the onset of the pandemic, the National Council on the Administration of Justice (NCAJ) advised on the scaling down of court activities through a press statement that laid out administrative and contingency management plan to mitigate COVID-19 in the Justice Sector, greatly affecting dispensation of justice across the country. However, the narrative is different for communities in the frontier counties who have for decades struggled with a myriad of hurdles to access justice.

Among the most evident challenges and contextual issues in the frontier region includes low level awareness of their most basic rights, lack of awareness of the laws and institutions put in place to defend them, Paralegal services are inadequate and therefore minimal referral mechanisms to national justice institutions. Limited access to legal services is also evidenced by absence of law firms in the region, few local-based legal professionals and law courts. Economic barriers such as low affordability to access advocates and court fees as well as cost of presenting witnesses in courts. High level of corruption that negatively influence court decisions is another major constraint in accessing legal services.

It’s against this background that the PLEAD in Kenya, a partnership between UNDP, United Nations Office on Drug and Crime (UNODC), Government of Kenya and European Union was launched in March 2018.

Major milestones in the FCDC region have been achieved since the launch of PLEAD notably, the CSO interventions towards access to justice for the poor and marginalized in the region. This is through creating awareness on the Legal Aid Act 2016, engaging paralegals, opening of legal aid centers, promotion of alternative dispute resolution mechanisms and policy.
engagement with the relevant county governments in the promotion of justice and human rights.

At the onset of the COVID-19 pandemic, civil society organizations refocused their support to tackle the direct and indirect impacts of COVID-19, innovating to digitize legal aid assistance. Through diverse interventions, partners supported by PLEAD through UNDP Amkeni Wakenya are at the forefront of grassroots’ support to their communities.

In Isiolo County, Samburu Women Trust (SWT), an indigenous women organization that champions the rights of indigenous women and girls among the pastoralists’ communities, has been at the forefront of creating awareness on COVID-19, government measures and avenues to access justice during the pandemic. SWT has trained elders on alternative dispute resolution (ADR) that has seen the handling and successful management of 17 cases in Oldonyiro ward and 22 in Ngaremara ward in Isiolo county regarding land and communal conflicts.

In Marsabit County, Alliance of Local Communities in Hardship Areas (ALCHA) has embarked on talk shows in local radio reaching to more than 80,000 residents across Northern Kenya with messages on COVID-19 and access to justice. They also facilitated Bulk SMS services to disseminate vital information to multitude of mobile subscribers and escalated support to women and young girls who have been faced with violence of diverse nature. As such, more than 10 girls were rescued from early marriages. The organization installed CCTV camera in Moyale Law courts to digitalize Court processes for transparency and curbing corrupt practices and facilitated courts with airtime packages to carryout e-Court proceedings during the pandemic.

In Wajir County, Wajir Women for peace (WWFP) has launched a strong campaign against violence meted on women and girls in the county. During this pandemic, WWFP has monitored and documented violations, which have been on the rise. In July 2020 alone, WWFP filed and followed up more than 34 cases. Of importance, WWFP is closely working with the county government in the operationalization of the GBV Bill and the establishment of a Gender Recovery Center to cater for the plight of the vulnerable women and young girls.

In Mandera county, Nomadic Assistance for Peace and Development (NAPAD) through the ‘Haki kwa Wote Project’ has collaborated with the County Government in ensuring that the public were sensitized on the COVID-19 measures, developing local language prevention and control messages. NAPAD engaged and worked closely with local radio stations in the dissemination of the same to communities and opening legal aid centers in Mandera. Braille translation for the blind and low vision on government measures and access to justice has also been prioritized, targeting the visually impaired.

Despite the rampant challenges in the region, the untapped opportunities within the marginalized frontier communities is unparalleled; exploring the alternative dispute resolution mechanisms in place. Additionally, the recently launched Alternative Justice Systems (AJS) Policy is a great boost in the application of the traditional dispute resolution mechanism that exist within the communities of the northern frontier.
Children on probation shine in national art competition

Congratulations to all 651 children who entered the ‘Probation: A New Beginning’ Art Competition.

By sharing their experiences of Kenya’s juvenile justice system through art and writing, these children on probation captured the hearts and imagination of thousands of people. They also educated the public about probation, offender rehabilitation and the importance of giving young offenders a second chance in life.

The event was live-streamed to hundreds of children and PACS staff at probation hostels and stations across the country.

While every entrant received a certificate of participation, this ceremony served to recognize the efforts of the first, second and third prize winners who each earned a trophy, art book and certificate. The second and third place winners were presented with their prizes virtually, and received them afterwards once delivered to their respective county locations.

In her remarks, Mrs Hussein said the art competition proved to be an important initiative during the COVID-19 school break. “The objective was to divert them from anti-social behaviour while expressing their experiences on the justice system and services offered by the Probation and After Care Service. Through this art competition I now appreciate the issues that confront and push children to get into conflict with the law. I commit to ensure that my department will critically analyze all the issues expressed in the artwork and to ensure that programmes and strategies are developed to address them,” Mrs Hussein said.

Dr de Andrés said the art exhibition had exceeded his expectations. “UNODC fully supports giving meaningful opportunities to young people who find themselves in conflict with the law so that a new beginning in life is possible, and that’s why we’re a proud partner not only in this impressive art project but in providing wide-ranging technical assistance to the department.” Dr de Andrés said.
The winners announcement incorporated the handover of 12 four-wheel drive vehicles to PACS (see cover). The vehicles were procured in response to research and consultations by UNODC which revealed that a lack of suitable work vehicles was affecting service delivery by Probation Officers.

Ambassador Mordue said that 2020 had been a challenging year with the pandemic but that staging this unique art exhibition and handing over the vehicles meant ending the year a high note. “I commend all of the entrants for sharing their creative talent and personal perspectives of the juvenile justice system. Through this exhibition, I’m inspired and better informed about what it means to be a young person on probation,” Ambassador Mordue said.

“The European Union is committed to ensuring professionalism in the supervision and rehabilitation of offenders of all ages. It’s my hope the 12 vehicles I handed over today will boost the mobility of probation officers as they deliver services in the community, contributing to improved efficiency in the administration of justice,” he added.

Visitors to the Kioko Art Gallery were invited to vote for the People’s Choice Award. On the final day of the exhibition, this special award was won by a 17-year-old boy for his drawing, A Dream of Corona, which also won second prize in the 15-17 years category.

**Background**

The art competition was the first of its kind. Entry was open to all children on probation in Kenya. They could choose from four sub-themes – Change, Lessons learnt, Yourself in the future and COVID-19 – with a limit of two entries per child. They were also asked to tell the story of their artwork by providing a written description. Their original grammar was retained in the description panels displayed at the gallery. To safeguard their privacy, only the gender and age of each child was revealed.

**THE 10 MAJOR PRIZE WINNERS**

**8-11 years category**
- 1st - Boy, 10, Kimumu Junior Probation Hostel; artwork: My Future (collage)
- 2nd - Boy, 9, Kimumu Junior Probation Hostel; artwork: COVID-19 (painting)
- 3rd - Boy, 10, Shanzu Boys Probation Hostel; artwork: My Future (painting and collage).

**12-14 years category**
- 1st - Boy, 13, Kimumu Junior Probation Hostel; artwork: Seeds Of Gold (collage)
- 2nd - Boy, 14, Shanzu Boys Probation Hostel; artwork: Changes Realized (coloured pencils drawing)
- 3rd - Boy, 12, Shanzu Boys Probation Hostel; artwork: Lessons Learnt (painting)

**15-17 years category**
- 1st - Girl, 17, Nakuru Girls Probation Hostel; artwork: Showers of Prosperity (painting with glitter)
- 2nd (tie) and People’s Choice winner - Boy, 17, Kangundo Probation Station; artwork: A Dream of Corona (drawing)
- 2nd (tie) - Boy, 15, Ruiru Probation Station; artwork: Say No To Drugs (lead pencil drawing)
- 3rd - Boy, 15, Kangundo Probation Station; artwork: A New Beginning (coloured pencils drawing)

**Thanks to the judges**

Mr Adam Masava, Mukuru Art Club; Ms Amina Darani, UNODC Graphic Designer; Ms Annitah Wairimu Nderitu, Artist and Designer, Sahihi Interior Designers; Mr Francis Macharia, Artist and Art Mentor; Mr James Mutugi Wangechi, Artist and Art Mentor; Ms Joyce Njoki, Boundless Creations; Ms Maria Koutroloukou, European Union Delegation to Kenya; Dr Nyawira Kuria, University of Nairobi; Mr Samuel Kinyua, Artist; and Ms Vanessa Kaniaru, UNODC Youth Team.
Overview of National Legal Aid Service component

The latest addition to the PLEAD family is the Technical Assistance Project entitled, Support to the National Legal Aid Service of the Department of Justice, or PLEAD-NLAS.

This project is supporting the Department of Justice (DOJ) and the National Legal Aid Service (NLAS) to ensure implementation of the Legal Aid Act, 2016 and the regulatory framework that flows from it.

The support to NLAS will be implemented partly through direct management, when it comes to the provision of expertise on demand as requested by NLAS, and indirect management, delegated to the Government of Kenya, through a Programme Estimate, which has an operational implementation phase that runs from 1st April 2020 to 31st July 2024.

The Programme Estimate – the total budget of which is KES 289.4 million (EUR 2.6 million) – reflects the indicative implementation and financial scheme. It sets out the estimated budget, financing and management arrangements, as well as a rationale for achieving programme objectives through activities and sub-activities in support of the advancement of legal aid in Kenya.

In light of this, the first order of business was to recruit the Programme Management and Facilitation Unit (PMFU) staff to assist DOJ in planning, monitoring, reporting, procurement and financial management. Following the formation of the PMFU, an extensive sequence of procurement of supplies and services will follow, as laid down in the Programme Estimate.

One of the activities under the Programme Estimate is to identify, establish and equip local legal aid offices in each of the 12 PLEAD focal counties. The PLEAD-NLAS Project will support NLAS to expand its capacity and broaden its reach and ability to provide quality and accessible legal aid services to indigent Kenyans.

PLEAD-NLAS at a glance

1. Focuses on the following PLEAD outcome:
   - Outcome 1: Enhanced access to justice especially for the poor and vulnerable, focused on legal aid

2. Implemented by SOFRECO

3. Expected results:
   - Access to legal aid, particularly in the marginalized and high-risk counties, is improved
   - Effectiveness of legal aid enhanced
   - Kenyans are aware of their legal rights and how to access them
   - Operation of NLAS under the Legal Aid Act, 2016 is supported
   - Efficiency and effectiveness of Alternative Dispute Resolution is improved.

4. PLEAD-NLAS is a result of the Financial Agreement signed between the Government of the Republic of Kenya and the European Commission under the 11th European Development Fund on 7th August 2017
I had no option but to change,
Due to risks and dangers that occurred,
More than a hundred times if I can remember,
Found myself in jail,
God had mercy on me

I lost my good and bad friends to say,
Some were stoned to death,
Others were burnt to ashes,
Yet others were shot dead,
I witnessed them all with my naked eyes,
God had mercy on me

I feel sorry to mention,
Some did not deserve to die,
I am ready to tell the court,
What happened on that fateful day,
I pray on justice to prevail,
for bad people to be punished,
For they will never defeat justice system
God had mercy on me

I express my gratitude to you all,
Sisters of Mercy, Crime si Poa Project,
Faraja Trust and probation programs,
For giving a helpful hand in changing my future.
God had mercy on me

I still express my feelings,
Especially to the young generation,
That crime does not pay and experience teaches the fools,
Please change before change changes you.
God had mercy on me.

James was a judge for the PLEAD-supported 'Probation: A New Beginning' art competition. His unique perspective as an ex-offender and artist enriched the judging process.
Kenya blazes brave path with Alternative Justice Systems policy

“As we launch this policy, I am especially proud that Kenya is blazing a new, brave and innovative path,” Chief Justice Hon. David Maraga declared at the unveiling of the Alternative Justice Systems (AJS) Baseline Policy and Policy Framework at the Supreme Court in Nairobi on 27 August.

Symbolically the launch of this major policy to mainstream customary, or traditional, forms of justice took place on Katiba Day – the 10th anniversary of the promulgation of the Constitution of Kenya. The Constitution 2010 obligates the Judiciary to promote traditional methods of dispute resolution.

Through PLEAD over the past two years, the EU and UNODC supported the Judiciary and its multi-stakeholder Task Force on the Traditional, Informal and Other Mechanisms for Dispute Resolution in Kenya (AJS Task Force) with formulating the judicial policy and determining the viability and concrete means of mainstreaming AJS.

“The policy marks an important milestone in Kenya’s endeavour towards the fulfilment, respect, observance, promotion and protection of the right to access to justice,” Justice Maraga said.

“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, as much as 90 per cent, among Kenyans are resolved through justice systems that are outside the formal court process. This policy is, thus, a critical output for the future of administration of justice, and specifically, the manner in which judicial services can be offered while taking cognizance of the wider justice processes in the country.

“The policy has also identified useful and immediate steps to be taken in order to animate this important aspect of the administration of justice including identification of matters to be brought under AJS, regulation of practitioners of AJS, appropriate procedures and processes in AJS, appropriate interventions, and resource allocation to support the process,” Justice Maraga explained.

Kenyans from all walks of life contributed to shaping the AJS Baseline Policy, including Councils of Elders, Civil Society Organisations and Court Users’ Committees, and are expected to be instrumental in operationalizing it, with ongoing technical assistance from UNODC and UNDP through PLEAD.

Speaking at the ceremony live-streamed on national television, the EU Ambassador to Kenya, Mr Simon Mordue, said he hoped the AJS Policy would have far-reaching consequences in fostering effective access to justice for all Kenyans.
“What’s being launched today is a cornerstone policy for Kenya, one that will ultimately bring customary and traditional means of dispute resolution from the periphery into the mainstream and recognize the legitimate place of alternative systems in contemporary justice administration in this country. I urge decision makers to put the necessary structures in place to ensure the success of AJS mechanisms and processes, as envisioned in the Constitution and underscored by the Taskforce,” Ambassador Mordue said.

As key partners in the policy’s development, support from the EU and UNODC included: engaging expert consultants who reinforced the Task Force and assisted with the policy and framework drafting processes; staging more than eight working retreats and discussion forums; and enabling a national conversation on AJS through video production, graphic design and printing services.

“It’s been a privilege for UNODC to partner with the AJS Task Force and the EU in the complex process of developing the baseline policy and framework. In upholding international standards and norms, UNODC has taken great interest in the policy’s intent and content, for example, on aspects such as protection of the most vulnerable and the nature of cases AJS can hear, including sexual and gender-based violence,” the UNODC Regional Representative for Eastern Africa, Dr. Amado Philip de Andrés, said.

“The process of mainstreaming AJS has received a boost today, but much remains to be done to ensure that the strategic objectives and overall recommendations of the task force are addressed. UNODC remains committed to supporting the full adoption of the policy,” Dr. de Andrés added.

Other speakers at the ceremony included AJS Task Force Chairperson, Justice (Prof) Joel Ngugi, Task Force Vice-Chair, Dr Steve Akoth, Samburu Elders Council Chairperson, Mrs Joyce Nairesia Lesegi. The entire launch programme lasted three hours with online panel discussions before and after the main ceremony coordinated by Lawyers Hub and facilitated by Jemimah Aluda, Tim Mwichigi, Teresa Mutua and Linda Bonyo.

See www.ajskenya.or.ke and testimonial video series on NCAJ YouTube.

About AJS in Kenya

- Alternative Justice Systems (AJS) are defined as the administration of justice by the people using their culture, customary law, practices and beliefs to resolve disputes.

- As a form of restorative justice, AJS aims to ensure social inclusion and is generally more affordable, participatory and expeditious than court processes.

- Alternative justice processes help reduce the burden on courts and are meant to strengthen the links between formal and informal justice systems rather than replace the reliance on courts.

- One PLEAD target is to achieve a 50 per cent reduction in the backlog of criminal cases in the courts by 2022. By dealing with appropriate disputes quickly and more cost effectively, AJS is seen as an effective mechanism for reducing case backlog.
Impact profile: police grow through training

One of the training graduates is Inspector Mugo Ndung’u, Critical Infrastructure Protection Unit (CIPU), Isiolo County. “With this pandemic, we may not have gotten the chance to go to our colleges, but having this kind of learning which is online and you can access it whenever you want, wherever you are, it’s one of the best things the Inspector General thought of. At the end of the day, our service is to the people of Isiolo, and of this nation. Now you have the knowledge, you’re able to deal with Kenyans in a better way, other than holding onto the earlier learning we did.

‘Kenyans are changing. Times are changing. So with those changes we need to keep up, and the only way we can achieve such is through the learning,” Inspector Ndung’u explained.

The training is ongoing and is supported by UNODC and the EU through PLEAD in conjunction with the UNODC Global eLearning platform based in Vienna.

By 31 December 2020:

- 22,804 NPS officers enrolled
- 6,441 NPS officers graduated

January 2021
25-29 January – Regional Conference on Legal Aid, Dar-es-Salam

February 2021
NLAS staff training, Mombasa
Validation workshop organized by Legal Resources Foundation Trust towards finalization of the Amendments to Prisons Act and the draft Kenya Prison Service Legal Aid Policy
Outreach by Paralegal Support Network (PASUNE) geared towards recruitment of members and sensitization of paralegals on new strategic plan of PASUNE
Project Steering Committee Meeting – to adopt the Annual Workplan of 2021
Roll out of community strategy for the the development of the Kisumu County Access to Justice Policy by CSO Network

March 2021
7-12 March – Probation A New Beginning Virtual Art Show, UN Crime Congress, Japan
9 March – 3rd anniversary of PLEAD launch
A consultative caucus organized by Kituo cha Sheria (KCS) with the Justice and Legal Affairs Committee of the National Assembly to lobby for legislative amendments relating to abolition of death penalty in Kenya
Launch of the “Pata Haki” mobile app by Keeping Alive Society’s Hope (KASH) in Kisumu
Annual Review Meeting of PLEAD Partners organized by Amkeni Wakenya project management unit, to take stock of progress made in 2020 and reflect on way-forward

Key dates

January 2021
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The first eLearning course for Kenya’s National Police Service (NPS) was launched on 29 July 2020, seeking to address the unique challenges faced by police officers in enforcing law and order during the COVID-19 pandemic. This tool comprises seven modules that officers complete at their own pace on a computer, tablet or smart phone.
**PLEAD briefs**

**Handover benefits children**

The donation of 14 laptops to the Department of Children Services (DCS) on 7 October would directly impact the department’s ability to ensure cases involving children are heard in a timely manner. This was according to the Cabinet Secretary, Ministry of Labour and Social Protection, Hon Simon Chelugui, who received the laptops plus 1,120 litres of hand sanitizer, 840 bars of soap and 170 books from the Deputy Ambassador of the European Union to Kenya, Ms Katrin Hagemann, and the Head of UNODC’s Crime Prevention and Criminal Justice pillar in Eastern Africa, Ms Charity Kagwi-Ndungu.

Destined for use at the 14 Children Remand Homes managed by DCS, including in Eldoret (pictured) the supplies are part of extended COVID-19 support to NCAJ members via the PLEAD partnership.

‘UNODC supports all steps to make the justice sector more child-friendly so that children are treated with sensitivity, respect and dignity. Our staff didn’t hesitate to donate new and used books to boost reading material available for the children,’ Ms Kagwi-Ndungu said.

**Call to donate books**

**BOOK DONATION DRIVE**

There’s a shortage of reading material for children at remand homes across Kenya. Staff at PLEAD partner institutions, their family and friends are invited to contribute a new or used children’s book.

“Reading is to the mind what exercise is to the body”
– Joseph Addison

Following the positive response from DSC and many of the children and youth in their care to the first consignment of 170 donated books (see above), UNODC and the European Union are appealing to the staff, family and friends of PLEAD partners to donate more books suitable for teenagers. The aim is to provide more reading options for leisure and learning. The closing date for donations is Friday 12 February 2021, ahead of the books being distributed to the 14 Remand Homes across Kenya, along with PLEAD-funded bookshelves that will house libraries at each remand home.

To arrange collection of books, please email plead-unodc@un.org.

**Tana River breakthrough**

The PLEAD-NLAS Team Leader, Dr Gerassimos Fourlanos, and the Acting CEO of NLAS, Ms Flora Bidali, visited Tana River County in October for a meeting with the Deputy County Commissioner, Mr William Nasongo, who offered NLAS office space to establish a legal aid office. The new legal aid service will operate from the Ministry of Interior and Coordination of National Government premises in Hola.

The project team also visited a number of other counties in 2020, including Kisumu and Nakuru, to meet with stakeholders, and purports to intensify such visits in the future, provided the COVID-19 pandemic situation allows for it.
The protection of threatened witnesses received a boost on 27 October with the handing over of three vehicles, three office safes and 10 digital voice recorders to the Witness Protection Agency (WPA).

“We operate in rough terrain and these vehicles will ease our work, in terms of transporting our witnesses to court, in terms of moving our witnesses to safe areas, and at the end of it helping these witnesses to access justice,” the WPA Director and Chief Executive, Mrs Alice Ondieki, said.

“We operate covertly and our equipment and data is very critical, so the safes will ensure they are well-secured. The recorders will enable us to record the statements of witnesses for posterity and, where possible, these recorded statements can also be used in helping us do risk assessments,” Mrs Ondieki explained.

UNODC research identified mobility – specifically a lack of suitable work vehicles – and gaps in equipment as factors impeding the delivery of witness protection services in the community. In response, the four-wheel drive pick-ups and office equipment were funded by the European Union and procured through PLEAD by UNODC.

“It’s satisfying for the European Union to provide these vehicles given the direct impact they will have on the mobility of Witness Protection Officers as they go about supporting their clients,” the EU Ambassador to Kenya, Mr Simon Mordue, said.

“Forty Agency staff have recently benefited from training under PLEAD on standard operating procedures. But we’ve also been supporting the use of digital technology in these COVID times to make sure that witnesses who are at threat or under protection can also give their testimony digitally which is contributing to more efficient court proceedings,” Ambassador Mordue said.

The UNODC Regional Representative for Eastern Africa, Dr Amado Philip de Andrés, said that as one of two dedicated witness protection services in Africa, WPA deserved greater recognition. “The idea is that through PLEAD, the WPA in Kenya becomes a regional centre of excellence on how standard operating procedures can link up different jurisdictions in protecting witnesses,” Dr de Andrés said.

Operating since 2008, mandate of WPA is to provide special protection, on behalf of the State, to persons in possession of important information and who are facing potential risk or intimidation due to their cooperation with prosecution and other law enforcement agencies. Visit www.wpa.go.ke.

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**Useful links**

**PLEAD government partners**

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