



# FIDA KENYA

*Promoting Gender Equality*



# 2019 ANNUAL REPORT



## VISION & MISSION STATEMENTS

### Vision:

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A society that respects and upholds women's rights

### Mission:

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The promotion of women's individual and collective power to claim their rights in all spheres of life

## LIST OF ACRONYMS

ADR	Alternative Dispute Resolution
CoK	Constitution of Kenya
CS	Cabinet Secretary
CBO	Community Based Organization
CUC	Court Users Committee
DANIDA	Danish International Development Agency
FGM	Female Genital Mutilation
FIDA	Federation of Women Lawyers
GBV	Gender Based Violence
H.E.	His / Her Excellency
ICPD	International Conference on Population and Development
IEBC	Independent Electoral and Boundaries Commission
IEC	Information, Education and Communication
KENWOG	Kenya Network of Women Governors and Deputy Governors
KEWOPA	Kenya Women Parliamentarians Association
MTI	Mediation Training Institute International
NGAAF	National Government Affirmative Action Fund
SDG	Strategic Development Goals
SMEP	Small and Micro-Enterprise Program
TWG	Technical Working Committee
UNFPA	United Nations Population Fund

## ACKNOWLEDGEMENT

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The continued support of our development partners, like-minded organizations within the Civil Society space, and key national and county government actors allows FIDA-Kenya the opportunity to continue offering key services to women and girls in Kenya. We remain grateful for the continued trust and belief that these entities continue to place in FIDA-Kenya.

The milestones documented in this report are as a result of dedication and hardwork of FIDA-Kenya Staff, Members, and the oversight role of Board comprising of; Chairperson - Josephine Wambua Mong'are, Vice-Chairperson - Nancy Ikinu, Secretary - Faith Mony Odhiambo, Treasurer - Betty Achieng, Coast Representative - Caroline Mboku, Western

Representative - Roselyn Odede, Board members Caroline Oduor, Jemima Aluda and Christine Kungu.

We appreciate DANIDA for the financial support towards the publication of this report, and to Office 2000 Plus for the design and printing of the report.

We celebrate the courageous women, children and their families who trusted that FIDA-Kenya would aptly defend their rights. We salute you. As we look forward to the future, we are particularly looking forward to the marking of 35 years of delivering justice to the women and girls in Kenya.

**Mrs. Josephine W. Mong'are**  
**Chairperson, FIDA-Kenya**  
**2018-2020**



# FOREWARD

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The impact witnessed in 2019 stems from undeniable passion, dedication and deep conviction in the mission and vision of the organization.

FIDA-Kenya remains positioned as the leading women's rights organization due to the invaluable support of all who believe in our ability to champion and advocate for the protection of the individual and collective rights of women and girls in Kenya.

The journey to the full realization of the dreams espoused in the Kenyan constitution (2010) and the various international treaties ratified at the national level remains the major driving force for the FIDA-Kenya staff and Management. In complete recognition of the task at hand, we remain committed to the cause and celebrate the milestones achieved thus far.

In 2019, FIDA-Kenya co-hosted the Civil Society Organizations (CSO) roundtable meeting as a precursor to the 12th Women Affairs Ministerial Meeting (WAMM) held in Nairobi, Kenya. Having been drawn from most Commonwealth countries, FIDA-Kenya remains etched in history as the channel through which the world got to understand the issues dragging progression for women globally. We also partnered with the country's first lady, Margaret Kenyatta in her Beyond Zero medical camp. Interact with the details of these and more activities, while exploring the impact and the endless opportunities presented through our efforts.

As we anticipate the future, we remain focused to create a society that respects and upholds the rights of women in all spheres of life. Both individually and collectively.

**Anne W. Ileri**  
**Executive Director, FIDA-Kenya**

## HIGHLIGHTS OF THE YEAR 2019

### FIDA-KENYA FAMILY MEDIATION CENTRE

In the bid to strengthen families, FIDA-Kenya advocates for mediation as the first step to dispute resolution for family matters. As the number of families facing economic hardship in the country continues to increase, the numbers of those seeking Mediation for dispute resolution has been on the rise as well, some of the reasons being; there are minimal costs incurred for the process, the process is not as long as that of a typical court case and the parties reach amicable solutions favourable to all of them. The year 2019 saw a steady increase in the number of mediation cases at FIDA-Kenya; from 613 cases in 2018 to 730 cases in 2019 which necessitated further training to widen the pool of professional mediators. In support of the work done by FIDA-Kenya and to cater for the rise in demand and limited office space within the FIDA-Kenya premises, the Nairobi Women's Representative Hon. Ester Passaris through the National Government Affirmative Action Fund (NGAAF) donated a container to the organization for use as a Family Mediation Centre. This was launched on 2<sup>nd</sup> December, 2019.

Working in collaboration with Mediation Training Institute International, an accredited training institute recognized by the Kenyan Judiciary to train professional mediators, FIDA-Kenya has become a one-stop shop for affordable, quality training, mentorship and practice. This has greatly increased the pool of mediators available for both FIDA-Kenya mediations and the Court Annexed Mediations to handle the growing demand for family mediation.



*Family Mediation Centre at FIDA-Kenya supported by NGAAF*

# PUBLIC INTEREST LITIGATION / STRATEGIC IMPACT LITIGATION

## Women's Land Rights:

### *Six Sisters' PIL Case*

Women are still faced with a myriad of challenges when it comes to the enjoyment of their land and property rights. The challenges of patriarchy as well as cultural beliefs have made it difficult for women to acquire and own land. FIDA-Kenya has actively supported women to realize their land and property rights. The organization continues to use different mechanisms including litigation, engaging with stakeholders as well as conducting advocacy on women's land and property rights across the country. One such landmark case in 2019 involved six sisters who had been disinherited from their land in Kericho County. Their father had given land to them, but upon his death, their two brothers ejected them from the land and proceeded to subdivide it between themselves. The sisters approached FIDA-Kenya, who went to court on their behalf, obtaining orders that secured their rights on the land. FIDA-Kenya further engaged with the Ministry of Lands to process and issue title deeds in the respective names of the sisters, as per the will of their deceased father. This case has a ripple effect across the country, and will set a precedent in jurisprudence, ensuring that women are able to secure their rights to land and property in Kenya which are fundamental to financial independence.



*FIDA-Kenya Chair 2019, Ms. Josephine Mong'are at the title deed issuance ceremony*

## Sexual and Reproductive Health Rights:

### ***Reinstatement of Standards and Guidelines for Reducing Morbidity and Mortality from Unsafe Abortion in Kenya (2012 Standards and Guidelines) and the National Training Curriculum for the Management of Unintended, Risky and Unplanned Pregnancies (Training Curriculum)***

Unsafe abortion continues to be one of the leading causes of maternal deaths in Kenya. Despite a Constitutional provision under Article 26 (4) that expands the circumstances under which a safe abortion may be procured, backstreet abortions continue to lead to serious health complications and deaths amongst girls and women in the country. The existence of penal provisions relating to the procurement of abortion do not have the effect of preventing abortions being procured rather it continues to force girls to seek the services from backstreet clinics or use unsafe methods to

induce abortion risking their health and at times lives. The Government of Kenya, through the Ministry of Health National Guidelines on the Management of Sexual Violence in Kenya, 2<sup>nd</sup> Edition, 2009 (2009 National Guidelines), made pursuant to section 35 (3) of the Sexual Offences Act, allowed termination of pregnancy as an option in case of pregnancy occurring as a result of rape. The withdrawal by the Director of Medical Services of the 2012 Standards and Guidelines for Reducing Morbidity and Mortality from Unsafe Abortion in Kenya (2012 Standards and Guidelines), and the National Training Curriculum for the Management of Unintended, Risky and Unplanned Pregnancies (the Training Curriculum) on 3<sup>rd</sup> December, 2013 and 24<sup>th</sup> February 2014 respectively undermined the right to access safe legal abortion services, therefore leading to women and girls to secure unsafe abortions from unqualified and untrained persons.

In one such case, JMM, a 14-year-old girl was defiled by an older man in 2014. The sexual abuse resulted in a pregnancy and JMM was forced to procure an unsafe abortion and later died from complications arising thereof in 2018. While reinstating the 2012 Standards and Guidelines for Reducing Morbidity and Mortality from Unsafe Abortion in Kenya (2012 Standards and Guidelines) the five bench Constitutional Court held, *"It is also our finding that by withdrawing the 2012 Standards and Guidelines and the Training Curriculum, the Director of Medical Services in effect disabled the efficacy of Article 26(4) of the Constitution and rendered it a dead letter. That action, which in our view constituted a limitation of the rights under Article 26(4), derogated from the core or essential content of the right. In our view, it was clearly not justifiable, was prejudicial to the petitioners, and violated the rights of the petitioners and other women and adolescent girls of reproductive age whose interest they represent to the highest attainable standard of health guaranteed under Article 43(1) (a). Since, this is a right that inures to women and girls only, the unjustifiable limitation amounted to the violation of their right to non-discrimination as well as the right to information, consumer rights, and right to benefit from scientific progress. We therefore find that the directive by the DMS created an environment in which survivors of sexual violence cannot access safe quality services despite the clear constitutional provisions."*

There is still need for more advocacy on SRHR issues and the introduction of age-appropriate comprehensive sexuality education in Kenya's curriculum to ensure that adolescents and women are able to make informed choices on their SRHR needs. (More details highlighted in page 9.)

## ADVOCACY AND POLICY INFLUENCING

### Femicide Vigil

The year 2019 witnessed a spike in cases of Gender Based Violence (GBV) in Kenya. The first six months of the year saw many women killed by their male partners. Cases of femicide were detailed in the media every single day, making for very grim statistics. FIDA-Kenya and other partners conducted advocacy against gender based violence and violence against women and girls in Kenya. The Organization, with other Civil Society Organization (CSO) partners, organized a femicide vigil dubbed "EndFemicideVigil" at the University of Nairobi grounds, bringing together Parliament, the Judiciary, law enforcement and civil society. The Chief Guest, Interior Cabinet Secretary Fred Matiang'i committed to set up a Directorate within the Police Service specifically dealing with GBV cases in Kenya. FIDA-Kenya is following up on this commitment to see its realization. The vigil was a watershed moment for the country as it raised acute awareness on the cases of femicide and therefore ensured that the public was able to address the cases as they emerged. The vigil stirred public debate on the causes of femicide, with the President calling on Kenyans to be more tolerant, and committing that the government would bring perpetrators to book.





*Justice NjokiNdungu, IG Hillary Mutyambai and Governor Waiguru at the event.*

### **Commonwealth Women's Affairs Ministerial Meeting**

The Ministry of Public Service, Gender and Youth Affairs and FIDA-Kenya co-hosted the 12<sup>th</sup> Commonwealth Women's Affairs Ministerial Meeting in Nairobi in September 2019. The Ministerial Meeting whose 2019 theme was *"From Commitment to Action: Accelerating Gender Equality and Women's Empowerment for Sustainable Development,"* brought together Ministerial delegations from 54 countries in six Commonwealth regions. The conference aimed at turning the words and aspirations expressed by leaders at the 2018 Commonwealth Heads of Government Meeting into more leadership positions for women in private and public sectors; more political engagement at all levels; more economic and entrepreneurial opportunities, and more strides towards creating a world where gender equality is truly a reality. FIDA-Kenya co-hosted the Civil Society Roundtable, alongside the Commonwealth Foundation, where thirty-six (36) CSOs across the globe converged in Nairobi to discuss issues affecting women around four critical areas of Women's Leadership, Women's Economic Empowerment, Ending Violence Against Women and Girls as well as Gender and Climate Change. The Roundtable ensured civic voice collectives across the Commonwealth effectively communicated policy priorities. It presented an opportunity to give recommendations to governments on accelerating results for the delivery of SDG 5 while focusing on economic empowerment, and addressing the intersectionality of gender for sustained engagement of civic voice collectives across the Commonwealth in the Women's Affairs Minister's. An outcome statement was issued calling for governments to be more deliberate in enacting and implementing policies that enhanced women's rights.



*FIDA-Kenya staff pose for a photo with delegates during the 12th Commonwealth women's ministerial meeting in Nairobi*



## DEPTH OF ACCESS TO JUSTICE – REACHING WOMEN AT GRASSROOTS LEVEL

### Community Based Organizations (CBOs)

FIDA-Kenya in 2019 supported sixty (60) Community Based Organizations (CBOs) spread across the country. The CBOs were supported to advocate for women's rights and increase access to justice at the grassroots level. The CBOs have been very instrumental in ensuring that women's rights are realized, and have been able to offer paralegal services to grassroots women, as well as offering referral services where necessary. The CBOs have benefitted from FIDA-Kenya's capacity strengthening initiative whose main objective is to provide paralegals with knowledge, skills and resources to enable them champion for women's rights, increase access to justice and promote good governance.

### SELF-REPRESENTATION TRAINING IN KENYA'S WOMEN'S PRISON FACILITIES

True to FIDA-Kenya's Strategic Plan 2018-2022 to further integrate special women's groups into the organization's programs; in 2019, the organization achieved a great milestone rolling out a training program on Self-representation for female remandees in Kisii, Nairobi and Nyeri counties. With the majority of these women being lowly educated, the court process can be intimidating and the legal jargon confusing. The self-representation training enabled the female remandees to understand the Court process better and be able to articulate themselves without fear before the Courts. This not only restored their dignity but placed them at a position where they could realize and enjoy their rights as accused persons.

# 1. ACCESS TO JUSTICE PROGRAM

The Access to Justice Program has the objective of enabling an increased number of women and girls in Kenya have an opportunity to access justice with ease without the hindrance of the high prohibitive costs of accessing justice in Kenya. Consequently, this opens doors which allows women and girls realize their individual and collective rights, thus, lead more productive and fulfilling lives. This is made possible through the traditional services offered within Access to Justice Program portfolio, which are: Legal Advice and Litigation, Strategic Impact Litigation / Public Interest Litigation, Pro-bono Lawyers' Scheme, Self-representation, Alternative Dispute Resolution (ADR) (Mediation and Traditional Justice System) and Psychosocial Support.

Every year, FIDA-Kenya handles thousands of cases across its three regional offices located in Kisumu, Mombasa and Nairobi, which receive clients from all corners of the country. In 2019, the organization attended to a total of 21,544 clients through its various access to justice programs. Most of FIDA-Kenya's legal aid clinics clients include those that come directly to the organization's offices (walk-ins) and referrals from state and non-state partners. On the other hand, other clients of the legal aid clinics are direct or indirect beneficiaries of FIDA-Kenya's advocacy projects and programs which have been running at the national, county and grassroots level.

The following is a snapshot of the top four case categories handled in the course of the last two years:

Case Category	Number of Cases		
	2018	2019	Total
Custody and Maintenance of Children	6,278	6,733	13,011
Matrimonial Issues (Divorce and separation, division of matrimonial property, wife eviction, etc.)	1,296	1,185	2,481
Succession	998	807	1,805
Land	659	470	1,129

As is clearly depicted above, in times of adversity, women and children suffer the most. By far and large, the highest number of cases at FIDA-Kenya are on custody and maintenance of children. Some of the key contributing factors to this scenario are: the increasing economic hardships many persons and families have been facing leading to an upsurge in the number of those unable to meet their parental responsibilities. Alcohol and substance abuse, which have been on the rise in many parts of the country, have over time eradicated the sense of duty and responsibility of some parents.

However, the drop in numbers seen at the organization's legal aid clinics in matrimonial, succession and land matters can partly be attributed to the extensive work FIDA-Kenya has been doing at the grassroots level by sensitizing communities on women's rights in general and more specifically on women's land and property rights. Building the capacities of CBOs and local leaders, such as chiefs and Councils of Elders on gender sensitive and responsive ADR and from a human rights perspective for resolution of civic matters.

## 1.1. LEGAL ADVICE AND LITIGATION

Legal advice and litigation involves screening clients to determine the most suitable intervention to use for legal redress. FIDA-Kenya legal counsel ordinarily advise and undertake actual litigation on selected cases on behalf of the clients. Other cases are referred to State and Non-State actors such as the Police, Children's Department or other agency.

Legal services continue to be sought after as courts of law are still perceived as the mainstream avenue to accessing justice in Kenya. The number of women and girls attended to by FIDA-Kenya has steadily increased over the years due to increased legal awareness among the populace.

Despite the budgetary cuts to the judiciary experienced in 2019, FIDA-Kenya recorded an increase in the number of women seeking legal aid. This is attributed to efforts FIDA-Kenya has put to increase its visibility and awareness through various channels, such as the media, public forums. Working together with community based organizations widened the scope of FIDA-Kenya's reach as more women could get initial assistance from the CBOs then further referral to FIDA-Kenya's offices. FIDA-Kenya has also worked towards the increase in awareness of women's rights through dissemination of publications and Information, Education and Communication (IEC) materials.

Below is a breakdown of the number of women reached through various services / interventions given at the legal aid clinics across the three offices that FIDA-Kenya runs.

	2018	2019	TOTAL
Cases taken up and files opened	1,149	967	2,116
Cases filed in court	199	517	716

### Success Story 1

#### ***Thika ELC No. 581 of 2017: EGK& 2 others vs MMK and 3 others***

This case involved a dispute over a parcel of land owned by FIDA-Kenya's client, MMK's late husband on which her matrimonial home was built on. Upon the demise of her husband, MMK's brothers' in-law attempted to take over the land and evict her. They sued MMK before the Environment and Land Court in Thika for a portion of her matrimonial property and eviction orders. The in-laws claimed that MMK was not married to their brother hence they had a right over his property. Meanwhile, one of the deceased's brothers had gone ahead to sub-divide the portion of land under dispute and procure several new Title Deeds in the names of his brothers.

After a lengthy court battle, the court dismissed the suit filed on the ground that the application for eviction was not merited.

### Success Story 2

#### ***CMCC 772 OF 2019 NLB vs RB***

FIDA-Kenya's client, NLB, 60 years of age, approached the organization citing that her in-laws, more specific, her brother in-law was denying her the opportunity to not only bury her husband, who had passed away on 14<sup>th</sup> May, 2019 but also from viewing his body. MMK was from Lesotho and had lived more than half her age with her husband in Kenya, having been married in 1980. The Defendants wanted to bury the deceased as per customs and alleged wish of the deceased. FIDA-Kenya obtained interim orders restraining the Defendants from removing the body from the hospital so that MMK could view the deceased. The court held that MMK was the closest person as per law to the deceased and since the Defendant's customs were repugnant and the wishes of the deceased was not proved before court then the Plaintiff, FIDA-Kenya's client, had the right to bury her husband in Ngong. All parties were free to attend the burial if they wished.

FIDA-Kenya celebrates the fact that widows are now being given cognizance before the law and repugnant customs have no place in the face of the promulgated constitution of Kenya, 2010.



### Success Story 3

#### ***Kisii High Court Succ Cause No. 296 of 2014, In the matter of the Estate of the late Nyang'ate Nyang'ate (Deceased)***

PNN, a 60-year-old unmarried lady visited the office for the first time in the year 2013 seeking legal assistance with inheritance of her late father's estate when her brothers were at the verge of evicting her from the only home she knew all her life. FIDA-Kenya filed citation in her late father's estate, which citation was allowed whereby she and her daughter were allowed to jointly take out letters of administration intestate in her late father's estate.

Upon filing summons for confirmation of the grant, her brother filed a protest against confirmation insisting that they were the only rightful beneficiaries of their late father's estate despite having already been awarded their respective portions when their father was alive. After hearing oral testimonies by witnesses and considering the submissions the Judge on 14<sup>th</sup> November 2019 bequeathed the entire deceased's estate to PNN. Ownership by transmission was successfully registered and the property is now in PNN's name.

#### **1.2. STRATEGIC IMPACT LITIGATION**

FIDA-Kenya continued to engage in various strategic impact litigation matters. The organization continued to watch brief for the family of the late Sharon in Criminal Case No 46 Of 2018: Republic Vs. Zachariah Okoth Obado & 2 Others. FIDA-Kenya filed an affidavit for the deceased's mother opposing bail application for the accused persons and only the 1<sup>st</sup> accused who is the Governor was given bail on very strict conditions.

FIDA-Kenya seeks to protect women and girls by ending harmful cultural practices. In Petition no. 8 of 2017: Dr. Tatu Kamau vs. AG & 2 others & 10 interested parties FIDA-Kenya joined as the 3<sup>rd</sup> interested party. In this matter, the Petitioner urges the court to find that outlawing FGM goes against cultural practices and values which are protected by the Constitution. The matter is ongoing.

In Petition 401 of 2017; FIDA Kenya Vs Speaker the National Assembly and 3 Others, FIDA-Kenya continues to seek the implementation of the 2/3rds gender rule.

Whereas in Petition 3 of 2019 LAS (Suing as next friend of Baby Samantha Pendo) Vs. Inspector General of Police and Others FIDA-Kenya continues to seek justice for the untimely demise of Baby Pendo following the 2017 electoral violence.

Through strategic litigation, FIDA-Kenya continued to seek for legislation reforms to protect and advance the rights of women. This report highlights two strategic impact litigation matters that were concluded in 2019.

##### **I. Petition Number 266/2015:**

FIDA-Kenya & 3 Others –Versus- The A.G, C.S, Ministry of Health, The Director of Medical Services; 7 Interested Parties & 3 Amici Curiae

The case involved a 14-year-old girl ('JMM') who procured an unsafe abortion after being defiled by an older man. She developed post abortion complications and was moved from one hospital to the next in Nyamira and eventually ended up at Kenyatta National Hospital. Unfortunately, the intervention came too late and by that time the girl's kidneys had failed. She passed on in 2018 at the age of 19.



*Advocates and members of the public at the Milimani Constitutional Court on 12<sup>th</sup> June, 2019 eagerly awaiting Judgment*

Judgment in this matter was delivered on 12<sup>th</sup> June, 2019. The constitutional court held, briefly, that:

- The right to the highest attainable standard of health, right to non-discrimination, right to information, consumer rights and right to benefit from scientific progress for JMM and the 2<sup>nd</sup> & 3<sup>rd</sup> Petitioners as women of reproductive age and other women and adolescent girls of reproductive age whose interest they represent have been violated and/or threatened.
- The letter and Memo issued by the Director of Medical Services withdrawing the Abortion Standards & Guidelines and Training Curriculum for health practitioners in post abortion care were unlawful, illegal, arbitrary, unconstitutional, and thus null and void ab initio and thereby quashed.
- That pregnancy resulting from rape and defilement, if in the opinion of a health professional poses a danger to the life or health (physical, mental and social well-being) of the mother may be terminated under the exceptions provided under Article 26 (4) of the Constitution of Kenya.
- KES 3,000,000/- as compensation to JMM's mother for the physical, psychological, emotional and mental anguish, stress, pain, suffering and death of JMM.

The **big win** in this case is the reinstatement of the Abortion Standards & Guidelines which will enable women to have access to reproductive health services as per the guidelines, thus setting them on the trajectory of quality and affordable health care systems as envisioned by the Constitution. The eventual impact of the judgment will be the expected saving of women and girl's lives that will come as a result of access to quality health care.

## **II. Kakamega H.C C.P. No. 17 Of 2014**

### FIDA-Kenya & Ano. Vs- Ag & Another

This was a matter filed against the Registrar of Births on the discrimination of children born to single mothers during issuing of birth certificates. Apart from the requirement of the father's National Identification Card to include him in the Birth Certificate which was addressed by Hon. Mumbi Ngugi in a different matter, FIDA-Kenya challenged the provisions of Sec.24 (3) of the Children's Act in relation to the acquisition of parental responsibility by the father of a child where the mother is burdened with parental responsibility until the father opts to acquire the same as provided for under Sec. 25 of the said Act. FIDA-Kenya contended that the use of the terms "child born out of wedlock and unmarried mother" in the Children's Act are discriminatory terms. And secondly, that "acquisition of parental

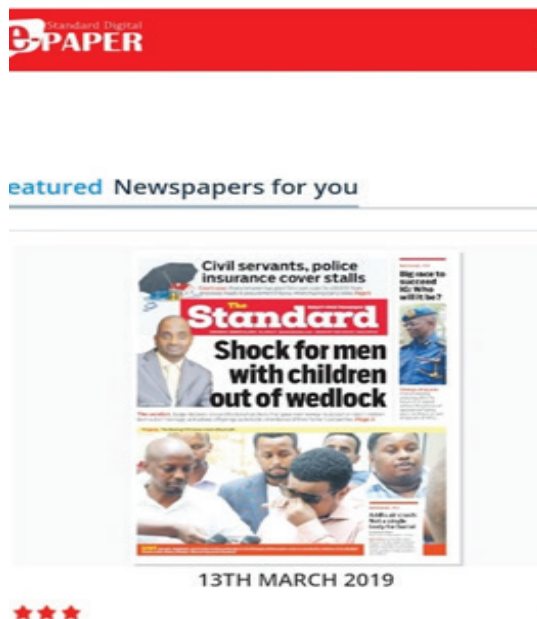


responsibility" gives the father an opportunity to "choose" to accept responsibility whereas a mother automatically bears responsibility. The father's "economic status" is also given consideration. This goes against the Constitution on the equality in parental responsibility.

The judgment was delivered on 7<sup>th</sup> February, 2019. With the said sections of the Children's Act being declared unconstitutional. The court declared THAT:

- Parental responsibility for a biological child is automatic and self-activating on both parents. A father cannot have lee-way to "acquire parental responsibility".
- On section 94(1) on what the court considers when making an order for financial provision for a child born out of wedlock, the court declared that the section was discriminatory as a parent cannot opt out of parental responsibility whether they are married to each other or not, and whether the father has acquired parental responsibility is immaterial.
- Sections 3(2) and 3 (3) of the Law of Succession Act were held to be inconsistent with the Constitution in so far as a child born out of wedlock is regarded as a child if the father ...has "expressly recognized or in fact accepted as a child of his own or for whom he has voluntarily assumed permanent responsibility." The court emphasized that parental responsibility is not discretionary.

This is a **big win** for single mothers seeking child maintenance for their children. Biological fathers will no longer hide under the affidavit of means since the declaration that parental responsibility is automatic and one does not have to prove means. It will also pave the way to dropping discriminatory labelling of children.



*Media highlight of the case handled by FIDA-Kenya's Kisumu office.*

### 1.3. PRO BONO LAWYERS SCHEME

The Pro-bono lawyers scheme engages the services of lawyers, on a pro-bono basis, to provide legal representation to clients who may not afford to pay for legal services. The scheme has been active since 1997. The year 2019 saw 75 Advocates join our pro bono scheme. With this increase in the number of pro-bono lawyers, FIDA-Kenya is now able to reach clients in some localities that were not previously covered. The impact of this is that clients who would otherwise not be able to afford the services of a lawyer can now receive free representation in court and thus be better placed to access justice. The following two being stories of change as justice is secured through FIDA pro bono advocates.

## **I. CMC Sexual Offence 10/2018 R. Vs Lawrence Frank Wanyama and Another**

FIDA-Kenya's client, WA was a rugby fan and a performing artist during rugby matches. She came to FIDA-Kenya seeking legal help and counselling following gang rape by one Frank Wanyama and his friend Alex Olaba who played for Kenya Harlequin FC. Her allegation was that the two took turns in raping her as she fell in and out of consciousness on her birthday. She was confirmed pregnant from the ordeal upon visiting the medical facility a month later. At the moment she approached FIDA-Kenya, many did not believe her story, while others claimed that the two accused were intoxicated as thus, may not have had control of their actions. They also claimed that she had consented. She was also apprehensive of the effectiveness of the criminal justice system.

*"More than a month later I found out I'm pregnant from the ordeal, pregnant not by choice but by rape. Reporting a case now will not have any impact because the way the system is set up, it helps the rapist, never the victim."* **W.A, social media, 31<sup>st</sup> March, 2018**

FIDA-Kenya, through the Pro Bono Lawyers and Membership Schemes watched brief for the complainant under the Victims' Protection Act until the matter was heard and the two found guilty and sentenced to 15 years in jail for the offence of rape. She was also offered psychosocial support throughout the proceedings.

The **big win** in this case is that it sets precedent to uphold the protection of women in instances of date rape. It also reinforces the lack of consent where the victim is not conscious.

## **II. Kericho High Court Succession Cause No. 297 of 2015**

*In The Matter of the Estate of the late Joel Cheruyoit Korir (Deceased) between JKC and RCK [2017] eKLR*

FIDA-Kenya's client, RCK hailed from a family of six sisters and two brothers. When her father passed away, the two brothers took all his property and divided it amongst themselves. Five of the daughters were married. This meant that RCK was disinherited and left without decent abode. She approached FIDA-Kenya for help. Through the Pro Bono Lawyers and Membership Scheme, RCK was represented in court in a succession case seeking a share for herself and her married sisters in her late father's Estate.

On 24<sup>th</sup> July 2019, Mumbi L.J upheld the non-discrimination principle by ordering equal distribution of the deceased's estate among his eight children, two male and six female. In her reasoning she pointed out that **"there is no basis in law for discriminating against the children of a deceased person on the basis of their sex or their marital status."**

The **big win** in this matter is upholding the equality principle on women's land and property rights. It also sets precedent on the voidability of a will that purports to disinherit some of the beneficiaries.



Highlight of the case in the organization's social media platform and by mainstream media.

#### 1.4. SELF-REPRESENTATION

FIDA-Kenya, through the self-representation program empowers women to be able to access justice in the formal courts. The women selected for self-representation training are the ones who are able to articulate themselves and whose matters are on custody, maintenance and divorce which are family law disputes. It is a comparatively cost-effective approach thus allowing FIDA-Kenya's clients to represent themselves as many times as their rights may be infringed. With the increase in number of custody and maintenance cases, this was reflected in the growth of the number of self-representation clients during the reporting period, from 1,529 in 2018 to a total of 1,922 in 2019.

	2018	2019	TOTAL
Cases filed on behalf of self-representing clients	561	583	1,144
Cases concluded by self-representing clients	286	236	522
Cases successfully completed by self-rep. clients	99	216	315
Cases unsuccessfully completed by self-representing clients	9	20	29

#### Success Story 1

##### N.A TCC 389 of 2019

The client reported her matter to FIDA-Kenya in 2018. She had a custody and maintenance issue with her ex-husband who was working in Saudi Arabia at the time. When she filed suit, she was not able to serve the defendant and struggled to provide for the children single handed until her ex-husband came to Kenya in September 2019. FIDA-Kenya tried to serve the defendant but he evaded service.

The organization then filed a certificate of urgency and obtained orders that he should not leave the jurisdiction of the court until the matter pending in court is resolved. However, he tried to leave but was stopped at the airport. The following day he came with a lawyer and the court proceeded to hear the matter. After they were heard, the parties reached a consensus and recorded a favourable

consent to FIDA-Kenya's client. She is currently receiving maintenance for the children, with the defendant now paying school fees for the minors.

## Success Story 2

### **FIDA/KSM/MAT/5360 CC no. 28 OF 2018 ANS vs BOA**

ANS came to us seeking legal assistance for custody and maintenance of her children. She was trained on self-representation in Court and advised to go through the court process. She represented herself well and finally the court granted her request. She was given legal and actual custody of the children and the father of the children was ordered to be paying KES 12,000/- per month towards education needs and food. He was also ordered to take care of medical needs as they arise.

*"I did not know that I could speak in court, let alone have the courage to directly address my partner until I attended self-representation training at FIDA-Kenya. This boosted my confidence levels and restored my self-esteem."* **Self-representation client, Mombasa, 26<sup>th</sup> November 2019**



*Self-Representation Client demonstrating how to present her case in court during training at FIDA-Kenya Kisumu*

## 1.5. ALTERNATIVE DISPUTE RESOLUTION

Alternative Dispute Resolution (ADR) refers to any means of settling disputes outside of the courtroom such as mediation.

Article 159 (c) of the Kenya Constitution provides for promotion of alternative dispute settlement mechanisms. FIDA-Kenya works together with elders in Traditional Justice Systems (TJS) and conducts mediation in order to secure justice for women outside of the ordinary litigation process.

### I. MEDIATION

Mediation is an alternative and flexible dispute resolution process. The mediator's role is to guide the parties toward their own resolution. Through joint sessions and separate caucuses with parties, the mediator helps both sides define the issues clearly, understand each other's position and move closer to a resolution. The mediation process strengthens families by giving parties to the mediation an opportunity to reach an amicable resolution as opposed to a court order that may not necessarily reflect their wishes. It is also friendly on the pocket since no litigation costs are incurred during the said process, therefore, it is a dispute resolution process that is much preferred in terms of costs. The time taken for mediation is a much shorter period as compared to the court process. It is for these reasons that FIDA-Kenya has continued to offer mediation.

In 2019, FIDA-Kenya conducted six (6) mediation trainings, each attracting an average of 20 participants in collaboration with Mediation Training Institute International (MTI), which is both a national and international accredited training institute recognized by the Kenyan Judiciary. FIDA-Kenya being a one stop shop for affordable, quality training, mentorship and practice is highly preferred for its mentorship program. This has greatly increased the pool of mediators available for both FIDA-Kenya mediations and the Court Annexed Mediations to handle the growing demand for family mediation.

For family matters, FIDA-Kenya advocates mediation as the first step to dispute resolution in a bid to strengthen families. The numbers and figures in the table below tell the story of mediation at FIDA-Kenya. However, being that the success rate for mediations conducted was at 69% with more than half of the cases concluded within a reasonable time as compared to matters filed in court during the period, we hope that more and more families will opt to resolve their legal disputes through mediation.

	2018	2019	TOTAL
Total number of mediations conducted	613	830	1,443
Successful mediations	466	576	1,042
Unsuccessful mediations	141	254	395
Success rate (%)	76%	69%	72%

## Success Story

After losing her husband who was a landlord in Kakamega town, Joan\* a home maker, who is humble and reserved in nature, received a lot of frustration from her late husband's tenants. They stopped paying rent and became very rude to her. For 3 years, only one out of the four tenants paid her. Joan's brother who works out of Kakamega had used two auctioneering firms on different occasions to help compel the tenants to pay without success. Joan's cousin, who had benefited from sessions at FIDA-Kenya accompanied her to our offices to seek FIDA-Kenya's intervention into the matter. A mediation invite was written and phone calls made to the tenants; they agreed to come over for mediation. The session was very successful and the agreement included a payment plan for the three tenants. From July 2019 to date they have faithfully kept to the payment plan and Joan can now take care of her family without depending on her brother and old parents. In her own words:

*"I thought FIDA-Kenya only handles battered women; I had never known they could help me be able to take care of my children by talking to my tenants. I have also learnt about how to be assertive and firm in life in order to earn some respect from human beings."*

## II. PSYCHOSOCIAL SUPPORT

Mental wellness remains a key component of FIDA-Kenya's interventions. With the support of funding received from DANIDA, the organization was able to offer psychosocial support to 1,072 women. This is a program that empowers women emotionally and psychologically to face life's challenges through determining the best coping strategies for each, that is, life skills coaching.

Individual counselling is offered to clients as they seek legal intervention. In family matters, couple therapy has helped 106 couples to resolve their disputes and forge a way of living together. Group therapy is conducted over a period of six to eight weeks; meetings being once a week. By the end of the program, most participants feel more optimistic, have the ability to develop lasting and healthy relationships, have self-control and can manage anger. They are open/ flexible to change and lastly, they have self-fulfilment.



### Success Story 1 – Individual Counselling

When Maya\* first visited the legal aid clinic early February, she was a very angry person. She felt overwhelmed by her problems and this flared up her emotions at the slightest trigger. She was then initiated on individual therapy to establish the cause of her frustrations. Over four sessions, Maya developed the courage and language to initiate the desired conversations with her former partner and was successful. Maya now copes better with tension, is more relaxed and moved on to pursue the father of her daughter for child maintenance. Group therapy helped her to focus more on her life and started learning how to set boundaries not to fall into another trap.

### III. TRADITIONAL JUSTICE SYSTEM

FIDA-Kenya's presence at a community grassroots level continues to be enhanced through the initiative of engaging with Councils of Elders and local administration on enhancing access to justice through ADR. Most of the matters they handle range from family disputes on land (women's land rights), wife and widow eviction, maintenance and custody of minors, FGM cases, child protection and sometimes rape and defilement which are then referred to chiefs and the police. Matters that exceed their capacity are referred to FIDA-Kenya as well. This partnership through which their capacity on ADR has been enhanced has had the benefit of allowing Clients to easily obtain letters from their Chiefs for the purposes of filing a suit to obtain letters of petition and such, for the many legal processes where one must start off with letters from their local area chiefs.

During this year, 2019, the Gusii Council of Elders added one hundred (100) women to their network of elders. Seven (7) of those women were trained as professional mediators under the FIDA-Kenya-MTI mediation training program. Three (3) have since been accredited as court annexed mediators. During the reporting period, the new women elders were able to mediate and settle thirty-eight (38) cases at community level.

### Success Story

Angelica\* sought legal intervention in a land matter arising from a traditional woman to woman marriage. The property was part of dowry given to her by the woman who had married her. After the death of this said woman's husband, FIDA-Kenya's client wished to inherit the property stating that it was hers by virtue of the property having been given to her as dowry. The intervention of the Akamba Elders was sought and they determined the property to be part of dowry hence, FIDA-Kenya's client was entitled to it.

## 2. WOMEN AND GOVERNANCE

### 2.1. WOMEN'S PARTICIPATION IN LEADERSHIP

FIDA-Kenya continues to carry out advocacy with legislators and other stakeholders to increase the political participation of women and enhance the women's agenda in Parliament by 2022. FIDA-Kenya has supported various convenings and caucuses to strengthen women's political participation. The Organization has also engaged with various stakeholders formally and informally to have them add their voice to the push for increased women's representation. These include bodies such as Kenya Women Parliamentarians Association (KEWOPA), Kenya Network of Women Governors and Deputy Governors (KENWOG), Independent Electoral and Boundaries Commission (IEBC) and the Registrar of Political Parties. During these convenings, several voices have come out in support of increased women's political participation.

*"We are gathered here to demand for increased women's participation. We are grateful to FIDA-Kenya for bringing us together, and as the nation discusses the proposed referendum, women are going for not less than 50:50 representation. Nothing less!"* **Kitui Governor H.E Charity Ngilu at a Convention on 4<sup>th</sup> February 2019.**



*Gender Cabinet Secretary giving her remarks during the Embrace Women's Convention in February 2019.*



*Former Prime Minister addressing the People's Dialogue Forum on the Two Thirds Gender Rule*

FIDA-Kenya also engaged with current women leaders at the grassroots and county levels to enhance political participation at that level. FIDA-Kenya supported women leaders in fourteen counties to address various issues affecting women, and which hampered their ability to engage actively in political participation. Major issues discussed included campaign violence, fundraising, campaign messaging and branding. Out of the capacity building sessions, women leaders in six counties were able to present Bills and legislation to their respective County Assemblies. The Bills aimed at enhancing women's rights and have since been passed.

*"Nothing great was ever achieved without personal sacrifice. Through the training from FIDA-Kenya, my capacity as Chair of the Busia Women's Caucus was greatly enhanced. I have become a great legislator. Out of this, I was able to influence the budget making process in my County to create an allocation of KES 5million that went towards provision of Sanitary towels in the County."* **Chairperson, Busia County Women's Caucus.**

To guide and mentor female leadership at an early age, FIDA-Kenya conducted capacity building sessions for female student leaders from various universities in Nairobi, Meru, Nakuru, Siaya, Nyeri and Uasin Gishu. FIDA-Kenya engaged with the student leaders on topical issues that would catapult them into national leadership. The student leaders were also linked to other national and global platforms such as the Obama led Young African Leaders Initiative (YALI) and the American Spaces to enhance their exposure and help build their networks. Some of the challenges they listed included balancing between school work and childcare for students with children, lack of support services from learning institutions, alcohol and drug abuse among others. Student leaders from Egerton University engaged with the University leadership resulting in the University launching a program to support young mothers (students) by establishing a childcare unit at the university, where students can leave their infants as they attend to their classes. More work still needs to be done in this respect, in a bid to reach more numbers.

*"The forum gave me a chance to be mentored by the female Members of County Assembly in Nakuru County. I have gained immense knowledge on women's leadership and gender advocacy. I have since been able to participate in women empowerment programs, enhancing my passion for gender advocacy work."* **Rebecca Atwita, Student Leader, Egerton University.**



Female student leaders at the Nakuru County Assembly on the 20<sup>th</sup> November 2019



## Women's Leadership Programme – Case Stories



"In 2019, I participated in the Miss Kalenjin competition and came 2<sup>nd</sup> runners-up. This was a learning experience, and as part of the competition process, we were tasked to rally along an issue affecting the society. I decided to champion for the rights of persons with disabilities because my best friend has a disability. From the female students' forum held in Nakuru by FIDA-Kenya, I got more inspired to continue with my advocacy work and since then I have provided six wheel chairs to children with disabilities at Simotwet Special School in Eldama Ravine. I plan to continue creating awareness to the public about the rights of children with disabilities, and mainly advocate for parents and guardians to stop hiding and locking children with special needs. I have just begun, and it is a journey that requires resilience and determination."

**(Rosales Abraham, Egerton University student & 2<sup>nd</sup> runners- up Miss Kalenjin)**



"The forum with the female student leaders from Nakuru County gave me a chance to be mentored by Nakuru County Assembly female legislators, gain knowledge on women leadership and gender advocacy. Hence, I have been able to participate in programs that aim at empowering women and girls in all spheres of life which I am passionate about.

As Margaret Higonet quotes "Can a man implicated in patriarchy speak for a woman constrained by it?" My policy has and is to give voice to women who have been suppressed thus setting a pace for girls and young women to take up their space in the society."

**(Ms. Rebecca Atwila, Student leader, Laikipia University)**



"Losing in a nomination/election is a devastating experience, especially if you vied as a member a minority group and somehow expected to be nominated to represent your group. I vied for Member of Baringo County Assembly in the last general election. I invested so much resources, time and energy and well, I did not succeed. And this was depressing, until I met other female aspirants at FIDA-Kenya's forum. It dawned on me that I was not alone, and having an opportunity to listen to similar experiences was an eye opener and motivational. I have learned to perceive myself as a woman leader, and with or without a political seat, I am committed to serving my community." **(Maimuna Nyambura, Baringo County)**

"I would like to crush the incredibly infantile notion that says in everything a woman does, she is seeking for approval. A woman shares a *selfie*- she is looking for approval; a woman smiles at you- she is looking for your approval; a woman speaks her knowledge: she wants to be smart in order to gain approval; a woman graduates at National Aeronautics and Space Administration (NASA)- she wants to gain the approval of society. (No, it cannot be that she simply dreams of landing on



the Moon.) Why is it? A woman is a person who may do, say, think, feel, and show, as she wishes to. The only time a woman is not seen in such a light, is when she is silent, her body is covered up, she goes around meekly like a lamb or stands idly like a fading flower. Yes, it is true that no person is an island, but what is also true, is that, every person is a living being capable of performing, acting, thinking, showing and feeling, entirely unto their own will and for their own purposes. I want to stand counted as one of the women trailblazers who advocates for women's autonomy as I have seen women excel in different fronts including business, politics, civil leadership etc." **(Hon. Winnie Kabaru, former presidential running mate)**



My name is Hon. Angela Nafula, a nominated member of Busia County Assembly and the chairperson of the women caucus. I am passionate about women's economic empowerment, and I have been very keen to use my position as a woman legislator to enhance the protection of women's rights. I am also happy to state that after the training, the women caucus has actively engaged not only in discussions at the Assembly but also in conducting outreaches at the community that advances the rights of women and girls. Through the trainings from FIDA-Kenya, my capacity as a chair was built greatly. I came out of fear, I became a great legislator and my participation was actively increased and as a result I was able to advocate for an allocation for the Busia Women Caucus of KES 5million in the current budget (2020/21) for mentorship in schools and provision of sanitary towels. Further, I have mastered the courage and confidence and I intend to vie for Member of County Assembly, Malaba Central ward in the next general election.



"The outcome of the training that FIDA-Kenya provided to my colleagues and I (Baringo Women's Caucus) can be summarized in two Bills that I have sponsored and now awaiting assent- The Baringo County Persons Living with Disability Bill, 2019 (Bills No. 27) and The Baringo County Youth, Women and Persons with Disabilities Fund Bill, 2019 (Bills No. 25)".

**(Hon. Elizabeth Kipsang, Baringo County Assembly)**



## 2.2. SEXUAL AND REPRODUCTIVE HEALTH RIGHTS

FIDA-Kenya continues to support stakeholders and legislators for the enactment of various legislations that advance women's reproductive rights. FIDA-Kenya and other partners established a Technical Working Group to formulate the Reproductive Health Bill, 2019. This was to build on the efforts made through the 2014 Reproductive Health Bill which was sponsored in the Eleventh Parliament by former Nominated Senator Hon. Judith Sijeny. The Reproductive Health Bill, 2014 recognized reproductive health rights as stipulated in the Kenyan Constitution, set standards for reproductive health care, and provided for the right to make decisions regarding reproduction free of discrimination, coercion, violence and control. However, the Bill did not see light at the 11th Parliament, despite having been passed in the Senate. FIDA-Kenya convened the Reproductive Health Bill Technical Working Group to review the Bill and give it fresh impetus. The TWG comprises Members of Parliament, CSO Partners, Kenya Medical Women's Association, Department of RMNCH at the Ministry of Health and legal drafters. Currently, the Bill is being sponsored by Hon. Millie Odhiambo and is set for the first reading at the National Assembly.

*"It is our role as legislators to pass legislation that promotes the rights of women. Many women today are affected by the punitive legal environment whenever they want to exercise and enjoy their reproductive rights. This leads to women being exposed to harmful practices that expose them to greater risk. I hope to table this Bill before the floor of Parliament and hope to garner support so that women in Kenya do not have to resort to backstreet services whenever they seek to consult over reproductive health. Healthcare in Kenya needs to be available and affordable for all."* **Suba North Member of National Assembly, Hon. Millie Odhiambo speaking at the Reproductive Health Bill Consultative Meeting at the Intercontinental Hotel.**

FIDA-Kenya continues to conduct advocacy for women's reproductive rights. Having conducted a baseline survey in 2018, FIDA-Kenya published a report detailing the *Status of Safeguarding Constitutional Rights to Safe and Legal Abortion for Girls and Women in Kenya*. The report highlighted the findings of the Survey. With thousands of women still procuring unsafe abortions every day in Kenya, FIDA-Kenya engaged in advocacy efforts to ensure that women would be free to enjoy their Sexual and Reproductive Health Rights across the country. The Organization is using the Baseline Survey report for this advocacy.



*The Chief Guest, Hon. Esther Passaris Launching the Baseline Report*

Similarly, FIDA-Kenya, in partnership with the Wangu Kanja Foundation, through funding from UNFPA developed and launched a mobile App for reporting cases of SGBV in Kenya. The App, SV\_CaseStudy App, is available on Google Play Store and is linked to the Police, therefore enabling quick response to SGBV cases in Kenya. The MobApp will be used to capture the past, present and future injustices, through analysis of the history of the survivor, bio data, their life before, during and after the violation.



*Interior Chief Administrative Secretary, Stephen Ole Ntutu addresses the meeting at the launch of the SV\_Case Study App.*

*“From today henceforth, victims are encouraged to report any sexual assault to the authorities, not only as a way of empowering themselves, but as a way to protect other potential victims. We are thankful to Civil Society such as Wangu Kanja Foundation, FIDA-Kenya and UNFPA for this partnership. We look forward to even greater cooperation.”* **Interior Chief Administrative Secretary, Stephen Ole Ntutu at the launch.**

FIDA-Kenya continues to support duty bearers and stakeholders to eradicate harmful practices against women in Kenya. Police officers were trained on the Anti-FGM Act and on various strategies for prevention of SGBV. The training was given impetus by the President's declaration to eradicate FGM in Kenya by 2022 and by the 12 Commitments of ICPD25 that was held in Nairobi. FIDA-Kenya sought to capacity build duty bears and paralegals with knowledge on case management (gender based violence, female genital mutilation and child marriage prevention, response, referrals and prosecution) to improve gender based violence responsiveness, increase access to accurate and appropriate information services on female genital mutilation, child marriage and management of cases. As a result, increased efforts in eradication of FGM and enhanced stakeholder engagement in the FGM focus counties. It is hoped that with the Nairobi Commitments, many more stakeholders shall join the fight against FGM in Kenya.



*A police officer joins colleagues during the duty bearers training*

FIDA-Kenya also partnered with Ushanga Kenya with funding from UNFPA to produce (Johari) beads with information on ending FGM. This initiative was Anti-Female Genital Mutilation Board's, following the president's declaration to end FGM by 2022. Women from three FGM hotspot Counties of Narok, Kajiado and Samburu were mobilized to work on the prototype Johari beads production. The beads were launched by the President during a high level meeting of elders on 8th November 2019. The initiative will continue to be implemented in 2020 at the county level.



*Women engaging in Johari Beads Production*

### **2.3. WOMEN'S LAND AND PROPERTY RIGHTS**

FIDA-Kenya conducted a number of activities to advance women's economic rights in Kenya. The Organization conducted various public forums and sensitization activities with the public to advance women's land rights in Kenya. Issues discussed during these sensitization events included the provisions of the Marriage Act, the Law of Succession and the Matrimonial Property Act. Discussions also covered the redress mechanisms and the place of alternative dispute resolution in women land and property rights. The forums provided a platform for learning and knowledge sharing in the community and encouraged community-based action. The forums revealed that patriarchy is still rife especially in land control and ownership. Most families do not consider women and girls during division of family property. It was also evident that many people at the grassroots level are not familiar with the process of making wills.





*From left to Right: Irene Wambugu a trained TOT from Embu engaging Wimwaro Radio Host on 8<sup>th</sup> March 2019*



*A section of community members keenly following a training session.*

In Taita Taveta for instance, the paralegals facilitated community discussions on their community land resulting into the development of a Mining Charter. In Vihiga, the paralegals have been able to mobilize themselves to support women who have undergone violations in relation to land and property. FIDA-Kenya has also established that the paralegals have had a renewed energy to advocate for women's rights and to seek legal aid redress for women in their communities. In Taita Taveta, the paralegals were able to intervene in a case where a widow was evicted from her matrimonial home by her in-laws. The paralegals with the assistance of the police had the perpetrators arraigned in court and the matter settled through mediation. The widow is now back in her matrimonial home and is living peacefully with her in-laws who now understand that widows have a right to inherit from their late husband's estate.





*From left to right; Paralegals participating in group work, the Women Representative Hon. Haika Mizighi addressing paralegals during a training that took place in Taita Taveta*

FIDA-Kenya also trained duty bearers on the legal frameworks touching on women land and property rights and on the practice of alternative dispute resolution. From the discussions it was clear that they had not undergone any form of training since they took office and that they relied on their predecessors and on routine practice of previous board members. From the training, it was discovered that some of the boards were not properly constituted as per the legal requirement. Following these trainings, the Registrar of Land in Taita directed that lists of persons seeking to transfer property be shared with the ADR Committees who would verify consent from the spouses. Two more land control boards have approached the Taita Taveta County Government to nominate its representatives to make it operational as per the requirement of the law. It has also been reported that the land control board in Taita has cancelled the transfer of three properties following the revelation that some individuals had masqueraded as spouses to give consent in transactions.

## **2.4. WOMEN'S ECONOMIC AND LABOUR RIGHTS**

In line with FIDA-Kenya's strategic plan and support from DANIDA, seventy-eight (78) women attended economic empowerment sessions across the three offices. When women have increased economic empowerment, incidences of GBV decrease.

FIDA-Kenya partnered with various finance and micro-finance institutions to convene capacity building sessions with women drawn from group and individual therapy clients as well as various project counties the organization had been working in. They gained skills on financial management and start-up of small scale business initiatives such as, cloth dyeing, soap making, peanut butter business and beauty shops.

### **Success Story - Group Therapy and Economic Empowerment**

The January-March 2019 group successful started their table banking club which is now stable and running. They run it by themselves and 5 out of 9 women have taken their first loans from SMEP Kenya.

\*Karen, a FIDA-Kenya client, started a brick manufacturing business from the encouragement she got from the "Believing in Yourself Seminar" and the economic empowerment workshop. She has employed \*Emily from the same group to work with her as well. Karen says prior to coming to FIDA-Kenya, she did not know she could at one time become an employer. From her own words, she came to FIDA-Kenya to teach her estranged husband a lesson but ended up starting a business and now she can take care of her two children.



*From left to right: Beneficiaries of an economic empowerment session at FIDA-Kenya Nairobi offices gain new skills on embroidery. A jewellery shop started by a beneficiary of capacity building on financial management in Kericho.*

The organization intensified activities in the horticultural sector aimed at safeguarding women's labour rights. With projects being implemented in the tea zones of Kericho and the floricultural industry of Thika and Naivasha, focus has been on sensitizing women workers, key stakeholders and the communities around them on their labour rights. Women in the horticultural sector are still vulnerable, with exposure to chemicals which affect their reproductive health and general wellbeing, low wages, long working hours especially during peak seasons, sexual harassment at the work place and forced early retirement. More effort is required from all stakeholders in this sector to ensure it operates as per international standards or the United Nations guiding principles on business and human rights.



*From left to right: FIDA-Kenya's legal aid team preparing for a road show and legal aid clinic in Naivasha on 31<sup>st</sup> August 2019 and the road show Master of Ceremony (M.C) calling on members of the public to attend the road show stops at the market places and legal aid clinic at Moi Gardens Kericho on 22nd and 23rd June, 2019*





*Entertainers performing an educative skit to members of the public at Jerusalem market at a stop during the two-day road show held in Kericho on 22nd and 23rd June, 2019*

## **2.5. ADVOCACY AND POLICY INFLUENCING**

FIDA-Kenya conducted advocacy and policy influencing at various levels to safeguard and enhance women's rights across the Country. With the rising cases of violence against women and femicide in the Country, FIDA-Kenya and other partners held an EndFemicide Advocacy vigil at the University of Nairobi Grounds. FIDA-Kenya and partners came together to organize a Vigil in honour of victims of femicide and gender based violence. The event was held at the University of Nairobi, and university students and members of the public were mobilized to attend. The Chief Guest, Dr. Fred Matiang'i, CS Interior undertook to work with the Police and the Director of Public Prosecutions to ensure that those cases were reduced and perpetrators arrested. The CS committed to set up a Directorate within the Police Service to specifically deal with cases of GBV in Kenya. FIDA-Kenya is following up on this commitment.



*Presenting a petition to Interior CS Dr. Fred Matiangi*

FIDA-Kenya and Kenya Lands Alliance supported six sisters from Kericho County who had been dispossessed of their land through inheritance after their father passed on. FIDA-Kenya supported the sisters through a Court process, which the sisters eventually won. Ultimately the sisters were able to reach the Cabinet Secretary for Lands Hon. Farida Karoney who directed that their title deed issuance be expedited and were able to eventually get their certificates of titles as a celebration of trampling over patriarchy. FIDA-Kenya, Kenya Lands Alliance and partners hosted a joint celebration ceremony of the victory of the six sisters in Kericho County.



*FIDA-Kenya Chair, Ms. Josephine Mong'are at the title deed issuance ceremony*

FIDA-Kenya and Deliver for Good partners in Kenya attended the Women Deliver 2019 Conference which took place from 3rd to 6th June 2019, in Vancouver, British Columbia, Canada. The Prime Minister of Canada Justin Trudeau and H.E the President attended the event. Women Deliver sponsored 15 delegates from the Deliver for Good Campaign Kenya to attend the event. The President of the Republic of Kenya, H.E Uhuru Kenyatta committed to eradicate female genital mutilation in Kenya by 2022. The Conference focused on power and how it can drive or hinder progress and change. It was also an opportunity for the delegates to network and learn from each other, as well as from similar Campaigns in Senegal and globally.



*The Kenyan Delegation, led by FIDA-Kenya Executive Director Teresa Omondi at the Conference.*



## 2.6. INSTITUTIONAL STRENGTHENING

### I. Capacity Strengthening of County Governments

FIDA-Kenya conducted capacity building sessions for County Officials from seven counties on Gender, Gender Mainstreaming and Gender Responsive Budgeting. The county officials trained were from Kisii, Siaya, Tana River, Mombasa, Uasin Gishu, Nyeri and Kilifi Counties. The participants in attendance represented various departments in the county including Chief Officers and Directors. From the discussions, it emerged that the public has little or no basic understanding of gender responsive budgeting. It also emerged that the members of the public in the various counties do not show up for the various public participation forums to interrogate the budgets, and usually affirm what the politicians say without taking time to verify how true these are. There is also minimal participation of women when it comes to budgeting process, and the county officials requested for more support from FIDA-Kenya through empowering the public during the public accountability forums so as to have a more informed citizenry and enhance participation an inclusion of women, youth and persons with disabilities not just in the budgeting process, but also in the public participation processes.



*An official from Nyeri County taking part in the training.*



*International Day of the Girl Child held on 12<sup>th</sup> October, 2019 at Banda La Salama, Kilifi County organized by Kilifi County to address the need for more opportunity for girls and increase in awareness of gender inequality faced by girls worldwide based upon their gender.*

FIDA-Kenya hosted public accountability forums in Nyeri, Nakuru, Meru, Siaya, Kilifi and Uasin Gishu Counties. The forums emphasized on public participation in resource allocation, developmental projects and social-economic and cultural needs of the people. The public used the spaces to discuss issues affecting them and commitment to organizing themselves in groups so as to lobby for financial allocation during the public participation forums. For example, the participants present during the Nakuru's forums, especially those from Shaabab ward reported the issues affecting them as poor drainage and sanitation, lack of street lighting and lack of access to clean water. Participants from this community agreed to turn up in large number during the public participation forum on the 2020/2021 financial year budget making process and lobby for allocation of funds to remedy these issues. Also, group leaders were chosen to guide the residents in the process of developing a memorandum that will be submitted to the Nakuru county government during the next public participation forum on the budget process. The members of the public noted that government officials usually play foul when it comes to prioritizing the needs of the public, usually resorting to corruption and nepotism to influence priorities of their relatives and close friends.



*Round Table Meeting of MCAs, Directors, CECs and Grassroots Women on County Resources  
Allocation Held on 9th October, 2019 At Baobab Sea Lodge*

## **II. Capacity Strengthening of Court Users Committees**

FIDA-Kenya also continued to support the Judiciary through various meetings with the NCAJ and various activities with Court Users Committees. FIDA-Kenya supported the CUC meetings in Kisii, Nyeri, Tana River and Nairobi Counties. Issues pertaining to the delivery of justice highlighting improvements made and areas requiring interventions were discussed at length. The Judicial officers were also requested to assist in making orders for specific treatment requests by the convicts and remandees to secure their right to the highest attainable standard of health. The need to enhance community policing to combat rising crime across the Counties was discussed at length. Also, the need to divert matters involving children in conflict with the law was discussed at length. The team appreciated that diversion serves to protect minors to ensure they are not put into contact with the criminal justice system as part of safeguarding the best interests of the child. While appreciating the support provided by FIDA-Kenya, the team indicated that the workload and the work pressures as well as limited funding makes it difficult for the committee to have regular meetings. Nonetheless, the committee is committed to supporting the judiciary to enhance its delivery of justice. FIDA Kenya then went ahead and convened CUC dialogue meetings with the public. Through these forums, the judicial officers were able to explain how the justice system works, the issuance and denial of bail and bond and the support needed to effectively prosecute criminal matters especially sexual



offences. The team was also able to explain the concept of alternative justice system, its limitations as well as the court annexed mediation. Through this forum the different actors also got feedback on how to improve their services and insights on emerging issues in the area. The Organization learnt that the Nyumba Kumi initiative had brought about discord in the community because of competition among the Nyumba Kumi groups. It was recommended that the groups be included in CUCs to enhance cooperation and their support for access to justice in the region.



*Photo taken during the CUC meeting in Kisii on 29th August 2019*



*Photos taken during the CUC-Community Dialogue Meetings in Tana River*

### **III. Capacity Strengthening of Community Based Organizations**

FIDA-Kenya has been working to strengthen the capacity of community based organizations across the country. This year, forty (40) CBOs have benefitted from FIDA-Kenya's capacity strengthening initiative whose main objective is to provide paralegals with knowledge, skills and resources to enable them to champion for women's rights, access to justice and good governance. This capacity building initiative commenced with a needs assessment which pointed out specific areas where CBOS felt they had gaps. These covered both programmatic and financial management areas. They indicated the need for capacity development as proposal writing, budget development, financial management, writing project reports, monitoring and evaluation. The needs also included equipment such as computers, scanners and printers to enhance their delivery of services and support for the communities they serve.

The needs assessment was followed by targeted trainings for the paralegals. FIDA-Kenya took cognizance of the CBOs different capacities and tailored trainings to take care of both new and seasoned actors. The trainings took place in August (19-22nd) and September (25-27th) providing a platform for networking, learning, reflection and action planning to strengthen internal systems for CBOs, enhance their efficiency and effectiveness and to improve their engagements with duty bearers and right holders.

From the training sessions conducted with the 40 CBOs, we noted that community mobilization was an area that most CBOs felt comfortable and confident they had the skills to do. This was evidenced by the strong networks and working relationships they have with the local administration, such as, local area chiefs and sub-chiefs, county officials, children departments, local area police, religious leaders, political leaders as well as county officials. FIDA-Kenya has enjoyed the strong relationships these CBOs have on the ground, an example being on the 21<sup>st</sup> and 22<sup>nd</sup> of November, 2019 where a team of 16 advocates and counsellors from FIDA-Kenya held two successful legal open days; one in Chuka Township and a second in Kiereini Village, Tharaka Nithi County. On these two days, an approximate of 200 community members received free legal aid services, free psychosocial support services and had the opportunity to engage with local duty bearers in a plenary session.

We also noted that many CBOs are keen to learn new techniques and are enthusiastic, ready and willing to participate in community development. This is seen in how the CBOs are engaging post the trainings. Through a WhatsApp platform, the CBO actors proactively discuss emerging issues on access to justice, seek guidance on legal issues and jointly plan advocacy activities. This was evident during the planning for National GBV Conference, the ICPD+25 Conference in Nairobi and the recent launch of 16 days of activism against GBV. The CBO actors leveraged on the platform provided by FIDA-Kenya to engage with duty bearers and to disseminate advocacy messages during the ICPD25 Conference and at the beginning of the 16 days of activism against GBV. For instance, Magharibi Community Justice Centre, a CBO in Vihiga, organized a match and a dialogue with duty bearers from Kakamega, Kisumu, Vihiga and Siaya to share findings of the National GBV Conference to address gender based violence in Kenya. Similarly, Isiolo Gender Watch CBO mobilized the local community and engaged 'boda boda' riders to disseminate messages during the start of the 16 days of activism against GBV in Isiolo.



*GRB training of Grassroots Women at Red Cross Hall, Kilifi.*



### 3. DEVELOPMENT AND STRATEGIC PARTNERS



Visit by Danish Ambassador on 17th September 2019 to the FIDA-Kenya Kisumu Office.

FIDA-Kenya would like to convey its gratitude and appreciation to our development and strategic partners who provided financial, mentorship and advisory support in 2019. We remain indebted to them and look forward to a continued collaboration as we promote the rights of women and girls in Kenya and beyond.

Special mention goes to:





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## 4. MEET OUR PEOPLE

At the heart of our bold quest to promote individual and collective women's rights lies the people; a formidable team of the board, secretariat, and membership. Thanks to this great team, FIDA-Kenya has continued to be the leading women's rights organization in Kenya and beyond. We welcome you to meet our team through a snapshot of Human Resource activities from the financial year 2019.

### 4.1. GOVERNANCE

#### FIDA-Kenya Board

At FIDA-Kenya, we have a board of nine (9) members, who are elected every two years from the membership. The Board is responsible for overseeing the implementation of FIDA-Kenya policies and ensure effective management of the resources, safeguard the reputation and the long-term functioning of the organization. Sitting Board Members in the year 2019 comprised of the following:

1. Josephine Mong'are – Chairperson.
2. Nancy Ikinu – Vice-Chairperson.
3. Betty Achieng – Treasurer.
4. Faith Mony – Secretary.
5. Christine Kungu – Board Member.
6. Jemima Aluda – Board Member.
7. Caroline Oduor – Board Member.
8. Caroline Mboku – Up Country Representative (Coast).
9. Roseline Odede– Up Country Representative (Western).

The Board has an Executive Council consisting of the Chairperson, Vice-Chairperson, Treasurer, and Secretary. The Board committees includes the Finance & Procurement Committee, Risk & Audit Committee, Human Resource, Membership & Dispute Resolution, Programmes Committee, and Resource Mobilization Committee.

### 4.2. FIDA-KENYA SECRETARIAT

The FIDA-Kenya secretariat is a team of thirty-six (36) talented employees, led by the Executive Director Anne W. Ileri. The Secretariat is charged with the responsibility of the day-to-day running of the organization's programs. The secretariat comprises three offices, Nairobi, Kisumu, and Mombasa, and divided into four departments; Access to Justice, Women & Governance, Knowledge Management, and Institutional Strengthening.

#### Diversity & Inclusion

The organization also maintained its status as an equal opportunity employer. Our goal is to sustain a diverse and inclusive workforce and show care for all our employees. Our workforce is 75% women and three generations working side by side.

Charles Ojwang, our longest serving staff based in Kisumu share his experience, *"FIDA-Kenya has been my employer for the last 22 years. I am glad the organization has always created a conducive working environment for its employees. Often, I have been animated when I see former FIDA-Kenya staff coming back to re-join the organization. I am proud to be a part of this great organization."*

FIDA-Kenya has been on the forefront to advocate for family-friendly workplaces and support for lactating mothers. We believe that families are healthier when their workplace supports women

during pregnancy and while nursing their young ones. In 2019, we revamped and equipped the Nairobi and Kisumu office mother care facilities with funding from NGAAF.

Florence Anyango, a Senior Legal Counsel gives a preview of her experience at FIDA-Kenya, *"I attended the interview while 7 months pregnant. The interview session was normal and focused on work-related issues and offered the job a week after. The organization has a medical with generous maternity package, fully paid 3 months' maternity leave plus 13 days of cumulated flexitime hours, and a welfare token which came in handy in buying more items for the new-born baby."*

She adds *"FIDA-Kenya has a well-equipped mother care lounge that affords nursing mums space to express and to continue with exclusive breastfeeding beyond maternity leave. FIDA-Kenya, to me, then became a human rights organization that truly lived up to its name."*

### **Developing the Next Generation of Women Rights Defenders**

At FIDA-Kenya we are also keen to develop the next generation of women's rights defenders. In 2019, our internship and volunteer program enabled 46 interns/volunteers to develop a broad understanding of roles within the women's rights sector. The program welcomes both local and international applicants and is the pipeline for entry-level. Five volunteers were promoted for fulltime employment.

Eva Macharia, a Legal Counsel in the Nairobi office shares her journey from an intern to an employee. *"The transition from an intern to an advocate was smooth given the skills, case insights and network gained during the internship."*

Laura Macintyre, a second-year law student at the University of Ottawa adds, *"Throughout my time at FIDA-Kenya, I was consistently impressed by the hugely significant impact the organization has on women's lives. FIDA-Kenya provides Kenyan women with a reliable, affordable forum to access justice. I am incredibly grateful for the opportunity to work with FIDA-Kenya, and I hope to return in the future."*

### **Learning & Development**

In 2019, FIDA-Kenya continued to invest in training and capacity development with the focus being on group trainings. 90% of the organization's training needs for the year were implemented. Some of these included effective performance management and leadership for managers and senior program officers; resource mobilization, monitoring & evaluation, and program outcome harvesting. Further, the managerial team and Board participated in leadership discovery insights and effectiveness training.



*Board Effectiveness Training at The Lord Errol Gourmet on 17th January 2019.*





*FIDA-Kenya Management team attending Performance Management Training at Gracehouse Resort in Nairobi on 21<sup>st</sup> & 22<sup>nd</sup> May 2019.*

### **Employees Assistance Programs**

In the words of Henri Ford, "Coming together is a beginning, staying together is progress, and working together is success." FIDA-Kenya has continued to invest in employee wellness, team building and staff debriefing to enhance coping mechanisms for secondary trauma, and bonding among staff members, and help the team remain emotionally engaged to deliver the FIDA-Kenya strategic intents.



*Staff team building activity at Stoni Athi Resort on 28<sup>th</sup> June 2019*

## 5. CALL FOR ACTION

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### 5.1. MEMBERSHIP

From the onset, the founders of FIDA-Kenya had in mind a collective gathering of female lawyers who would voluntarily advance the rights of women and girls.

To capture the spirit and commitment of the membership, periodic gatherings and activities are organized to allow the members interact and brainstorm around matters affecting the wellbeing of women and girls in the country. Through virtual platforms such as WhatsApp and Telegram, and the opportunities under the pro-bono lawyers scheme at FIDA-Kenya, members are encouraged to take up matters that bear great social impact. In a matter concluded in August 2019, a Senior Counsel in FIDA-Kenya's membership, Jemimah Keli (recently appointed as a Judge) took up a matter in which an SGBV survivor, W.A was sexually assaulted by two men. After months of trial, judgement was passed in favour of the survivor.

With expertise in various aspects of law, the membership of the organization elects 9 (nine) representatives to serve in the organization's Board and offer leadership to the secretariat. Currently, the board in place is for the period running between 2018-2020. Elections are held every two years to usher in new leadership at the helm.

It is therefore the clarion call of the organization to have as many female lawyers, advocates and law students in its membership.

Reach out to us on [info@fidakenya.org](mailto:info@fidakenya.org) expressing interest to join the organization's membership.

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