

Engaging Free Professional Legal Services for Victims of Human Rights Abuses

A major obstacle for victims of human rights abuses is gaining access to legal representation in order to file a complaint against the perpetrator. As part of the Access to Justice Project, we shall engage pro bono lawyers who shall assist poor litigants file cases in court as paupers as provided in the Civil Procedure Act Cap 21 Order XXXII Rule 1-18 Laws of Kenya.

Specific Objective: Engaging legal professionals to provide free legal services for survivors of Defilement/Sexual/Domestic torture and ill-treatment and other related human rights violations.

During the project year, a collective of lawyers at the Oscar foundation Free Legal Aid Clinic Kenya will engage its members to pursue cases on behalf of victims of human rights violations free of charge i.e victims of police brutality, torture, sexual violence, corruption etc. National and international laws require an investigation of complaints of ill-treatment, but in the four years since the implementation of the Miscellaneous Criminal Law Amendment Act 2003, no one has been imprisoned for the crime of torture or related human rights violations. A group of lawyers within the Oscar foundation have decided to address this problem from two points—victims willing to press charges and lawyers willing to accept their cases. The Oscar foundation has been training willing Lawyers in prosecuting human rights cases especially torture, including the medical and psychological aspects of torture, documentation skills needed to build a case and knowledge of human rights law.

To encourage victims to press charges, the Oscar foundation intends to advertise their services through a mobile Legal Aid Clinic and encourages victims to come forward using posters stating, “DID YOU KNOW you can file cases in court at no fee?” and Mnyonge Ana Haki (Justice for the Poor). Wakili Bila Malipo (Pro bono Lawyers). Law for the Layman. Say no to Torture. Just phone us,” we provide a 24-hour rapid response hotline numbers **0900 332366** and **0900 555999**. or 0722 525-390, These poster messages shall be displaced in Churches, Mosques, Schools, Colleges, Bus-stops, NGOs offices and at the Offlack Mobile Legal Aid Clinic .

Until recently, there was no tradition in Kenya of legal firms’ offering free services to people in need. The Oscar foundation has created a new tradition, convincing major law firms to donate their legal services and linking them with NGO clients. They have recruited One hundred and fifty lawyers, from some of the largest firms countrywide and offer free services to the poor.

The Oscar foundation is also conducting public interest research on issues of HIV, Human Rights and the Law and provides pro bono legal services to inmates suffering from stigma and discrimination. The foundation’s most successful tactic has been litigating select number of cases with great implications for discrimination in the current human rights context. Rather than litigating every case brought to its attention, the

foundation concentrates on those that address the rights of the accused and prisoners serving sentence and cases directly under UN Minimum Standard Rule for the Treatment of Prisoners. In addition, the influence of these cases allows the foundation to make policy suggestions to lawmakers and influence public policy through advocacy.

Accessing justice to the community

Creative adaptations and mechanisms at the community level will help promote access to rights and justice, provide alternative arbitration models for suspected law offenders, prevent torture and ill-treatment and other related human rights violations and offer a forum for airing human rights grievances.

Specific Objective: To apply alternative arbitration approaches to reduce torture and related human rights violations to increase access to justice.

The Oscar foundation hopes that through ‘Access to Justice Project’ will create a process of community mediation to supplement the criminal justice system and Community Policing. This will help keep suspects from being needlessly arrested or killed through mob-justice and extra judicial execution. Community mediation will be made available to everyone, regardless of age, sex, class or social status. It’s hoped that the process will also greatly reduce the number of deaths and serious injury of suspects of crime.

People’s Tribunal (TP) “Conducting public hearings on Violations”

During the project, a People’s Tribunal (PT) will be launched to promote access to justice and “mobilize victims of human rights abuses”. The PT will conduct hearings on issues ranging from police brutality, Corruption, Sexual offences, torture, discrimination, HIV/AIDS, and the right to health, food and housing. The PT will provide an opportunity for those who do not have access to the regular courts to voice their grievances. The goal is to reduce existing violations, highlight harmful legislation, prevent further atrocities from taking place and advocate for appropriate remedies

IMPROVING SANITARY CONDITIONS AND HYGIENE IN PRISONS

While OFFLACK recognizes the zealous interventions through practical measures by the Prison Department to ensure humane prison conditions, it is apparent that poor hygiene and sanitary conditions have not been adequately dealt with. Aware of the open door policy encouraged by the Prison Department that seeks to build mutually beneficial partnerships between the Prisons Department, private sector and non-governmental organizations, OFFLACK requests your kind consideration of the following services;

- Provision of free fumigation services
- Provision of mouth wash

- Provision of antiseptic creams

OFFLACK further proposes to provide this service on a pilot basis by targeting correctional centers with the most deplorable sanitary conditions such as those with poor prison infrastructure and amenities coupled with a high prison population. Ideally, the target should be representative of gender and age where a male prison, a female prison and a children's detention center should be identified for the purpose. The duration of the proposed intervention could possibly range between 6 and 12 months to allow adequate time for results from the time of inception.

Human Rights Round Table

The Human Rights Round Table Forum will culminate in a 'Declaration of Commitment' to protecting and promoting human rights. This will provide an opportunity for Human rights Defender to show case their challenges, success stories and chat the way forward and we will officially launch the Center for Human Rights Observatory (CHRO) Human rights advocates from a broad background and geographic regions shall come together to build coalitions and networks. This shall be a rare and much-needed opportunity to build relationships across different human rights issues and contexts. This diversity and the dialogue will motivate participants to increase and diversify their networking efforts and human rights advocacy.

Specific Objective: To diversify and dialogue for increased networking efforts in human rights advocacy

The Human Rights Round Table-provides this opportunity to strengthen relationship and share experiences. It has emerged that Networking and alliance building is key to any human rights advocacy group engaged in gender, socio-economic or civil and political rights. During the Access to Justice Project, we intend to host the first ever **Human Rights Round Table Forum** (HRRTF) that will bring together a number of NGOs, state institutions and the diplomatic community to a forum of presentations and reporting on human rights developments in Kenya.

The event will also host international renowned human rights experts

Applying international mechanisms for local change

When the authorities of power at the national level resist change that comes from the local level, we can engage international mechanisms to provide the leverage needed. Citizens can access international and regional bodies established to ensure access to human rights and justice.

Video Advocacy

Using video in human rights advocacy to demonstrate violations can give a powerful witness account of human rights abuses and is an excellent method of advocacy to influence public policy and for sensitizing and motivating public participation for change.

Specific Objective: Using Video in human rights advocacy

During the project, the Oscar Foundation will launch a human rights documentary dubbed KENYA: Democracy, Governance & Rule the Law.

Petitioning for change

In advocacy Petitions have widely been used where authorities refuse to act; and have been successful in advocating for the expansion of the democratic space, influencing public opinion and encouraging citizens' participation in the legislative processes.

Specific Objective: Using petitions to engage government for change and to influence policies

Whether people-driven or government-sanctioned, a lot of lessons can be learned from the creative and effective use of petitions for hunger relief, reparations and building reconciliation and seeking justice. The project will also feature a number of petitions presented to the government to act on issues that have remained pending and reduce public apathy.

In making of the Access to Justice Project a success, We humbly take this opportunity to appeal for your support and participation in any of the above programmes that may interest you. In case you need it, a full project proposal can be submitted at any time.

Thank you again for your continued involvement in human rights and interest in the 'Access to Justice Project'.

For more information about the Oscar Foundation Free Legal Aid Clinic Kenya please visit our website www.oscarfound.org or call 020- 204 1245 or 2731964/5 or email- info@oscarfound.org