



EGERTON UNIVERSITY

FACULTY OF LAW LEGAL AID PROJECT (FOLLAP)

2nd National Legal Aid Conference

November 29 - December 4, 2020



Why this year's legal aid conference is special

Message from the Vice-Chancellor, Egerton University

This year's conference is very special. It focuses on access to justice in crises situations. The theme, "Access to justice for all in a socio-economic crisis: Lessons from a global pandemic, Covid-19", comes at a time when countries are now more concerned with not only containment measures about the pandemic but also building back their economies better.

We are all aware of the ravages caused by Covid-19. The pandemic dramatically impacted and continues impacting on livelihoods across the globe, and in particular, people in the informal sector.

There is a slow-down in economic growth resultant from the pandemic and a pointer that the larger world population could be pushed to extreme poverty. This has greater pitfalls for the poor and the marginalised because of their socio-economic status. Strategies taken to sustain the economy often overlook the needs of those who are marginalised and poor, compounding issues of access to justice for them.

It is at this point that legal aid becomes handy for those who are poor, vulnerable and marginalised, to help them cope with the stark inequalities deepened by the pandemic. They need protection of their legal and human rights as well as needs that are seldom addressed in policy responses. Legal aid services play a pivotal role in protecting the rights of the marginalised and enhancing their access to justice in the various justice systems, formal and informal.

Egerton University Management is proud to be associated with the legal aid services offered by the institution through the Faculty of Law, under the aegis of European Union (EU) and United Nations Development Programme (UNDP), through Amkeni Wakenya Project. Through this support the University was able to reach out to many and facilitated their access to justice during the pandemic through various ways, in collaboration with other stakeholders in the justice sector.

This service is anchored in Egerton University Vision that is a world class university for the advancement of humanity and implemented through the Faculty of Law Legal Aid Project (FOLLAP) that envisions justice and equality for all. I am happy to report that during the pandemic, the FOLLAP was able to make a difference in the lives of many in Nakuru County through legal aid services that involved advice, referrals for assistance, trainings to monitor and report violations, and capacity building, among others. Through this



Prof. Isaac O. Kibwage, HSC

Egerton University Management is proud to be associated with the legal aid services offered by the institution through the Faculty of Law, under the aegis of European Union and United Nations Development Programme.

project, the University is proud of producing responsible graduates that will give back to the society via legal aid. This is what the project inculcates, embracing pro bono work at infancy of training of learning friends.

This conference is another milestone for the FOLLAP. Through support of the EU and UNDP under the Amkeni Wakenya project, the University is co-hosting the second National Legal Aid Conference that started on November 29 and ends on December 4, to deliberate on issues of access to justice in socio-economic crisis in the context of Covid-19 pandemic. This conference is important not only for academic discourse, but also shaping discussions around the direction the country needs to look into in rebuilding the economy.

I wish to thank our sponsors, the European Union and UNDP for the important work they do in promoting access to justice for the poor, vulnerable and marginalised populations through the various programmes they have in the country. Throughout the pandemic, they provided support not only to our project but also to other entities, including government, to respond to the global pandemic to prevent infections and minimise the spread of the disease.

In particular, government interventions such as restrictions of movement, lockdown, and curfews, were imperative to secure life, and maintain the legal order and fundamental rights of citizens. All these measures have implications for access to justice for all. However, the marginalised and poor were disproportionately affected due to their socio-economic status.

As we reflect on the theme of the conference, we should be alive to the fact that the citizens are faced with the hardship resultant from the pandemic and recovery is not instant. Rebuilding the economy after the ravage is an uphill task for both citizens and government to redress the injustices of the aftermath. As citizens, we have a duty to help the government rebuild the economy in many ways, in the spaces we occupy as scholars, practitioners, administrators of justice, policy makers, civil society and private sector.

This conference provides a platform for stakeholders to discuss and provide a road-map that can help the country build back better, both in the short and long term, to ensure that the strategies adopted are people centred and have a human rights lens. I urge those in the justice sector and the development partners, that as we look into strategies for the recovery of the economy, special attention should be given to the impacts of Covid-19 on the most vulnerable and marginalised in society. We must take stock of best practices or guiding principles to ensure equitable access to justice in crisis situations and be well equipped to address such issues in similar circumstances.

Covid-19 is not leaving us soon. We have to learn to live and adapt to its menace. Today, let us have an open discussion on how we can collectively develop innovative strategies to improve the wellbeing of our society and rally support to the citizens and our government to ensure access to justice at all times. I am hopeful that the outcome of this conference will shape policy and legal responses that are amenable to all. This is our collective and primary goal as responsible citizens.

Once again, I thank the EU and UNDP for their continued support to Egerton University Faculty of Law Legal Aid Project and making it possible to host this timely conference.

Finally, I appeal to the organisers and sponsors of the conference to ensure that the dialogue started a year ago and running into its second year, be made annual event for scholars and those in the justice sector to deliberate on access to justice issues to strengthen the collaboration among and between the actors.

Thank You.

Looking forward to concrete solutions to justice challenges

Message from UNDP



Walid Badawi, Resident Representative, UNDP Kenya

Egerton University is hosting the second National Legal Aid Conference (NLAC) with support from the European Union (EU) and the United Nations Development Programme (UNDP) in Kenya, under its flagship civil society support programme, Amkeni Wakenya. Participants have been drawn from the Judiciary, Council for Legal Education (CLE), National Legal Aid Services (NLAS), academia, civil society, legal practice, and the wider justice sector.

This conference provides an opportunity for participants to reflect on and rededicate their commitment to access to justice as a constitutionally guaranteed and internationally recognised right, through innovation-driven justice solutions, operationalisation of the Legal Aid Act and implementation of the Alternative Justice Systems Policy, against the backdrop of the COVID-19 pandemic.

UNDP, through its work under Amkeni Wakenya, has supported 32 Civil Society Organisations (CSOs) and strategic government partners towards access to justice and realisation of human rights under the EU supported Programme for Legal Empowerment and Aid in Kenya (PLEAD).

Working jointly with United Nations Office on Drugs and Crime (UNODC) and implementing partners, PLEAD has offered critical support in promoting people-centred access to justice; conducive regulatory framework for CSOs; and enhanced capacities of civil societies in order to effectively respond to contemporary governance issues. This facility is being complemented by support from the Embassy of the Kingdom of the Netherlands towards enhanced civic space, especially at the county-level.

The theme of the Second National Legal Aid Conference, "Access to justice for all in a socio-economic crisis: Lessons from a global pandemic (Covid-19)", could not have come at a better time. The national reflections

presented by the conference provide one important pathway of realising the goals of the Economic Recovery Strategy and the County Reengineering and Recovery Strategy, both of which are aligned with UNDP's role in responding to this and future global public health crises. Recognising that Covid-19 has been a governance crisis as well, the aim here is to mitigate the impact of the pandemic to both the administration of justice and access to justice infrastructure, in partnership with all stakeholders, to support the hard to reach populations; and supporting innovation-driven solutions for access to justice to protect the rights and dignity of people everywhere.

In its efforts to tackle the impact of Covid-19 on access to justice, UNDP supported business continuity among CSOs, enhancing the justice needs of communities and vulnerable groups such as women and girls, during the pandemic. This has been achieved through continuous legal aid provision, human rights monitoring, toll-free helplines, partnership with county governments to facilitate provision of legal aid and related services, outreach and advocacy, gender-focused interventions and promoting equitable and inclusive digital justice service solutions.

In addition, UNDP has a commitment to support the judiciary, academia and CSOs, to engage on policy discussions in unlocking the potential of alternative justice systems as a means of fostering inclusive, just, and peaceful societies. In line with the principle of leaving no one behind, the perspectives and agency of the most vulnerable women, youth and groups will continue to be incorporated in the responses. We invite participants at the conference to consider partnerships with UNDP's Accelerator Lab, a facility which presents a platform to explore and test home-grown solutions for complex, sustainable, development problems, such as access to justice amid crises.

UNDP looks forward to concrete outcomes from the conference, with a focus on how to enhance the delivery of legal aid in the country in partnership with various actors; how to engage with the National Legal Aid Service infrastructure; and how continue the national conversation for improved access to justice and strengthen cooperation and coordination between and among the various legal aid providers, legal education training institutions, and those administering justice to ensure access to justice for all. It is only then that we will have built concrete pathways that address crisis impacts and the pursuit of social and economic recovery, while addressing resilience in the face of future crises.



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Platform to seek best ways to expand access to justice

Message from the Dean Faculty of Law, Egerton University

Egerton University Faculty of Law, with the generous support from the European Union (EU) and United Nations Development Programme (UNDP), is holding the Second National Legal Aid Conference under the theme, "Access to Justice for all in a socio-economic crisis: Lessons from a global pandemic Covid-19." The conference, which started on November 29, runs until December 4. It is being held at the Lake Naivasha Simba Lodge, Naivasha, Nakuru County.

This a very special conference that focuses on access to justice in times of crisis. The Covid-19 pandemic has caused mass disruption around the world, challenging business continuity and pushing systems, including the justice systems to chart new ways of coping in unfamiliar territory of operations and increased demands for services.

The containment measures against the disease were drastic and have had serious implications for governments, citizens and the private sector alike.

These implications are worthy of reflection and dialogue from different perspectives, to glean from them lessons on how to be resilient to crisis while harnessing its transformative potential. This conference provides a platform for such deliberation on the promise of access to justice for all.

The conference brings together academics, civil society, legal professionals, human rights defenders, policy makers and service providers to:

- Share their experiences and discuss current and potential impacts of Covid-19 on access to justice and justice systems – formal and informal.
- Reflect on the right to health care amidst a pandemic and minimum irreducible standard for right holders and duty bearers.
- Discuss ethical, legal and safety containment measures, disruptions in the economy and its implications.
- Examine the legal conditions under which digitalisation of the justice system has been undertaken



Dr. Ruth Aura; Dean Faculty of Law (Egerton) and Project Lead for the Faculty of Law Legal Aid Project

and the challenges appertained thereto.

- Discuss ongoing and emerging challenges and highlight the much-needed support for the marginalised and vulnerable populations, including people with disability.
- Explore innovative strategies that embrace human rights-based and

people-centered approaches in rebuilding the economy and ensuring access to justice for all.

It is imperative that the pathway for recovery integrates accessible and people-centred justice approaches as a core pillar, as legal and justice services play a major role in restoring economies, social cohesion and confidence in institutions. This is in tandem with Sustainable Development Goal 16, which advocates for peace, justice and strong institutions.

It is hoped that this high-level conference will stimulate discussions that can provide avenues through which society can contend with an economy that is ravaged by the pandemic and still be able to ensure access to justice, particularly for the most marginalised.

We hope that the outcome of the conference can inform and influence legal policies that would safeguard human dignity and fundamental freedoms for the citizens, particularly the poor, vulnerable and marginalised populations whose needs are seldom met to ensure access to justice.

We thank the EU and UNDP for their invaluable support as well as Egerton

It is imperative that the pathway for recovery integrates accessible and people-centred justice approaches as a core pillar, as legal and justice services play a major role in restoring economies, social cohesion and confidence in institutions.

University Management for making it possible to host this critical conference.

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NLAS: How we are making legal service available to the disadvantaged

Remarks by the Acting CEO, National Legal Aid Service

The National Legal Aid Service (NLAS) is proudly associated with the Egerton University, Faculty of Law. NLAS is cognizant of the progress that the faculty has made in promoting access to justice to the indigent, vulnerable and marginalised persons in Nakuru County and its environs.

NLAS is mandated to, among other key functions, provide legal aid to the indigent, vulnerable and marginalised persons in society.

With the advent of the Covid-19 pandemic, our social and economic ways of life were either directly or indirectly affected. This majorly instigated economic challenges, which consequently impacted on service delivery and access to justice, especially to indigent persons.

In combating the Covid-19 pandemic, the legal and policy responses developed by governments (globally) to counter the spread of the pandemic had wide ramifications that affected access to justice.

Further, the loss of jobs and limitation of movement greatly impacted negatively to accessing timely and effective legal services.

From this understanding, the delivery of legal aid was not effectively provided. However NLAS was able to devel-



Flora Bidali, Acting CEO NLAS

op mechanisms to counter and address some of the challenges that hampered access to justice.

Some of the lessons NLAS embraced from the onset of the pandemic include:

- The need to embrace technology in service delivery: This will play a great role in ensuring that people access services from wherever they are.
- The need to build capacities of local authorities – chiefs and village elders – to promote and support community-based dispute resolution, which makes access to justice accessible even during emergencies.

The National Legal Aid Service has been mandated to, among other key functions, provide legal aid to the indigent, vulnerable and marginalized persons in our society.

- Creation of awareness to members of the public on their rights, the importance of embracing technology and dissemination of legal information.
- Embrace alternative dispute resolution mechanism that is easily accessible and affordable to reduce backlog of cases.
- The need to educate the public on emergency measures and what is required of them in case of emergencies.
- The need to create an oversight authority to oversee the implementation of emergency measures to reduce excessive use of power and exploitation of civilians by duty bearers.
- The need to embrace and recognise community paralegals who assist in service delivery at the grassroots level and to also assist in providing

legal aid during emergencies.

- The need for the allocation of adequate funding for legal aid to assist in service delivery and to also develop strategies on how legal aid can be accessed even during health emergencies.
- The need to develop an effective economic support to the indigent, vulnerable and marginalised persons during emergencies to be able to sustain themselves.

As a service, we have been innovative and we employ various ways to assist us in service delivery.

- Use of technology: This includes conducting virtual mediations and also encourage our clients to embrace electronic communications, for instance emails and texts messages. We highlight the importance of technology to our clients and we assist them in creating emails, e-filing, etc.
- We have set up booths, which are being equipped, for clients to access virtual court services.
- We also encouraged our clients to use our toll-free line (0800 720 640) for service delivery rather than coming to the office.
- We engaged the public through radio talk shows on various topics: Family matters, SGBV, child rights,

property and land law, employment, etc.

- We developed a duty rota and also booked clients on appointment basis. This was very effective.

Despite the efforts in place, we note that there is still a lot more to be done. In the meantime, we are working to ensure we advance our services to all deserving persons in Kenya. For this reason, we embrace partnership with organisations dealing in access to justice.

Our presence in this conference signifies NLAS partnership with FOLLAP, who have been key to access to justice in Nakuru County and its environs.

We are grateful for the opportunity to participate in this conference. We thank the FOLLAP team for the invitation.

Thank you.

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