

Hon. Attorney General,
Prof. Githu Muigai
States Law Office, Harambee Avenue
Nairobi, Kenya

4th December, 2013

Dear Sir,

RE: OPEN LETTER CALLING FOR INCLUSION OF LEGAL EMPOWERMENT AS NEW MDG GOAL 2015

We the undersigned organizations do hereby submit this letter calling upon yourselves to support the inclusion of legal empowerment as one of the new set of goals to replace the Millennium Development Goals (MDGs) when they expire in 2015.

The past few years have been critical for the country. They have seen the adoption of the Constitution of Kenya 2010, the establishment of the government sponsored National Legal Aid and Awareness Programme (NALEAP), the establishment of the Paralegal Support Network (PASUNE);¹ the continued provision of legal aid by different civil society organizations; the strengthening of the paralegal movement including the support of their initiatives by government institutions; and more recently, the development of the Legal Aid Bill and Policy 2013. These interventions and laws have also driven a key agenda in reforming and strengthening of key institutions like the Judiciary, police among others. All these are geared towards improving legal empowerment and access to justice for all citizens without which the enjoyment of other rights would be curtailed.

It must be stated, that the mission of a reputable justice system must be to efficiently deliver outcomes that are fair and accessible to all, irrespective of wealth and status. In order to achieve this, barriers that prevent people from understanding and exercising their rights must be eliminated; fair and just outcomes must be guaranteed for all parties; and that these outcomes be delivered effectively and efficiently.

In fact, Kenya's key policy documents already recognise the need for legal empowerment. The National Poverty Eradication Plan 1999 – 2015; the Investment Programme for Economic Recovery Strategy for Wealth and Employment Creation (ERS) 2003 – 2007 and Kenya's Vision 2030 all recognize the important role of access to justice in economic development and poverty reduction. Kenya has been implementing and continues to play a key role in shaping the future of the Millennium Development Goals.

All Around the world, an alliance of people, who use the power of the law to help better the lot of their communities are campaigning for justice to be put at the heart of development. As the Co-Chair of the UN's Open Working Group (OWG) on Sustainable Development Goals it is important for Kenya to take the lead in promoting a new development framework fit for the years ahead. The OWG will meet on the **9th- 13th of December, 2013** in New York. We therefore call upon you to

¹ A coalition of organizations undertaking initiatives towards enhancing access to justice through paralegals.

support the inclusion of this new set of justice goals and targets that will support legal empowerment across the globe:

1. A target for every country to ensure that people have information about the laws that govern their lives. **Illustrative target:** Guarantee the public's right to information and to access government data.
2. The new MDGs must also help people to become legally recognized so they can make the law work for them. **Illustrative target:** Ensure no one suffers from lack of secure legal identity.
3. Legally empowering people means them having a say in the laws that most affect their lives. In particular, the three billion people in the world without rights to their land urgently need secure tenure in the face of a global rush for land. **Illustrative Targets: i)** Increase the amount of land for which communities have secure tenure and for which decisions are taken accountably; **ii)** Ensure the participation of citizens in monitoring essential services, including healthcare, water, and education.
4. People also need to be able to obtain redress when things go wrong. Justice requires fair and timely services from a broad range of institutions, including the police, courts, administrative tribunals, and customary institutions. **Illustrative Target:** Ensure all people have access to justice institutions and legal aid services that are affordable, fair, and timely

Justice targets were left out during the negotiations of the MDGs 15 years ago. However, it is now time to ensure that the poor are not left behind. Deprivation cannot be defeated nor the threat of dispossession and exploitation lifted without basic legal empowerment. We, the undersigned, call on the Government of Kenya to support the inclusion of justice, rule of law, and legal empowerment in the new global development framework.

Yours sincerely,

1. Kituo Cha Sheria (The Legal Advice Centre)
2. Legal Resources Foundation Trust (LRF)
3. Kenyan Section of the International Commission of Jurists (ICJ Kenya)
4. Nairobi Devolved Funds Watchdog
5. Kamukunji Community Based Organizations Network
6. Korogocho Chapter 4 Network
7. Kitui Community Justice Centre
8. Kisauni Community Development Initiative
9. Lamukhani Community Based Organizations Network
10. Nyando Human Rights and Development Organization
11. Nubian Rights Forum

12. Action Partners Foundation
13. Independent Medico- Legal Unit
14. Rights Promotion and Protection Centre