



## Integrating Paralegals in Human Rights Advocacy

*"Paralegals have played a special role of guiding the community on how to utilize the administrative and judicial systems to address grievances pegged on violation of their human rights."*

## Introduction

Monitoring, researching, documenting and reporting sum up to a successive advocacy on human rights matters. These are the roles that for the past eight years paralegals have been playing while driving Ogiek Peoples' Development Program(OPDP) agenda for collective recognition, respect and protection of Ogiek's human rights. Ogiek is one of the conservative communities in Kenya rich in traditional cultures of hunting and gathering. It is an indigenous community with a minority population of 45,000 and live in separate parts of Mau Forest Complex in Rift Valley and Mt Elgon Forest in Western Kenya. They consider these areas their ancestral homes where they held their socio-religious activities including prayers, rituals, weddings and circumcision. However, persistent evictions from their ancestral homes beginning as early as 1930s greatly disrupted their way of life. These forceful ejections have constantly exposed them to abuse of their cultural, religious, development, property, environment, natural resources, political and economic rights.

Paralegals provide a critical support system in the whole framework of addressing concerns related to Ogiek's human rights. This strategy of integrating them in OPDP's human rights advocacy has been successful. **Firstly**, they are key grassroots agents active in monitoring any infringement of the rights of members of Ogiek, conduct research on the identified cases and collate the evidence which they document and forward to OPDP in form of reports. **Secondly**, they are the most immediate contacts for the community members to offer advice on the appropriate means of pursuing redress when they are faced with challenges mostly relating to arrests, evictions and dispossession of their land.

## **Capacity Building**

OPDP has trained 50 paralegals who are representative of the areas inhabited by the Ogiek. The Ogiek are spread across the seven counties within the boundaries of Mau Forest Complex and Mt Elgon Forest. These counties are namely Nakuru, Baringo, Narok, Kericho, Nandi, Uasin Gishu and Bungoma.

The paralegals have been made to understand the constitutional provisions safeguarding the rights of each citizen regardless of tribe, race, ethnicity, culture, age, gender, sex or religion. They have also been trained on laws and policies governing varying rights guaranteed to each Kenyan. They have been equipped with information and skills on how to monitor occurring and emerging issues related to denial or attempted denial of particular rights; research, collate and document the evidence for reporting.

## **Counting success of paralegalism in human rights advocacy**

In the post-judgment of Ogiek's human rights case against the Government of Kenya, the paralegals have been central in providing updates on the implementation of the decision of the African Court on Human and Peoples' Rights sitting in Arusha, Tanzania. For eight years, the Ogiek walked on the corridors of regional systems and structures of justice in quest for reclamation of their right to their ancestral land in Mau Forest. On May 26, 2017, the Court unanimously ruled in favour of Ogiek while pronouncing that that 'they have the right to occupy their ancestral lands, as well as use and enjoy the said lands.'

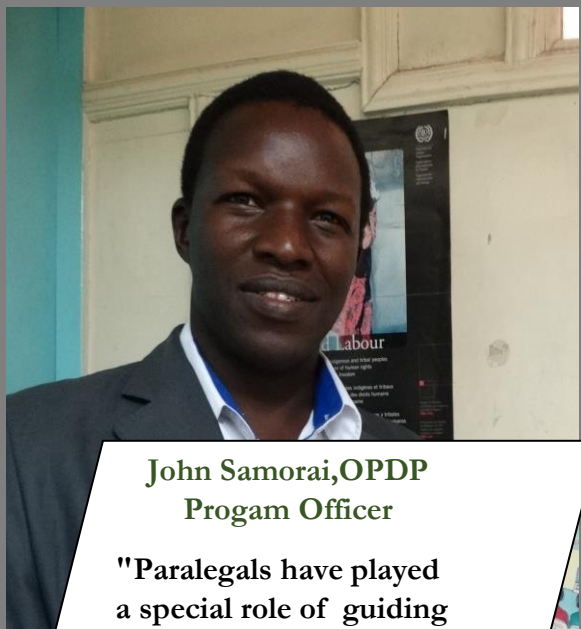
The Court also recognized 'Ogiek as an indigenous population that is part of the Kenyan people having a particular status and deserving special protection deriving from their vulnerability.'



Overall, it ruled that the Kenyan government was culpable of abusing Ogiek's right to property, natural resources, culture, religion and development by evicting them from their ancestral lands. It awarded the community restitution including reparation and compensation.

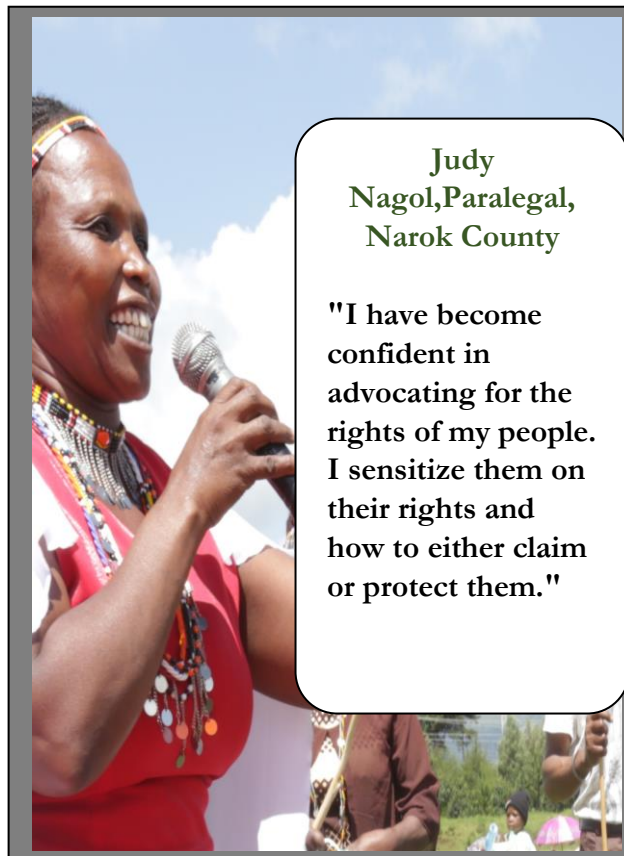
Additionally, the paralegals have been essential in sensitizing other community members on components of the ruling, its implications and process of implementation.

### Reflections on paralegals achievements



**John Samorai, OPDP  
Program Officer**

"Paralegals have played a special role of guiding the community on how to utilize the administrative and judicial systems to address grievances pegged on violation of their human rights."



**Judy  
Nagol, Paralegal,  
Narok County**

"I have become confident in advocating for the rights of my people. I sensitize them on their rights and how to either claim or protect them."



**Charles Ruuto, Paralegal, Nakuru  
County**

"I am more cautious of the human rights abuses committed against my community. I have become a devoted defender of the rights of Ogiek since I know what the Constitution says about the rights of Kenyan citizens."