



# **MUHURI**

MUSLIMS FOR HUMAN RIGHTS

**Title:** Quarterly Report

**Period:** Oct-Dec 2021

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**Reviewer:** Marie Ramtu, Executive Director

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## 1.0 Executive Summary

This is a quarterly report for the period October-December 2021.

Some of the projects are still ongoing whereas some of the projects are winding up. A brief of all the projects is highlighted in the table below.

No	Project Name & Goal	Donor/Funder	Start Date	End Date	NCE
1	Promoting the rights of religious minorities in Kenya	Norwegian Agency for Development Cooperation (Norad)	May 2019	June 2021	Dec 2021 (NCE)*
3	Promoting access to justice, legal aid, and assistance among poor and marginalized populations in Lamu	UNDP/Amkeni wa Kenya	November 2020	October 2021	N/A
4	Promoting human rights in the fight against violent extremism	Open Society Initiative for Eastern Africa (OSIEA)	November 2019	October 2021	N/A
6	Joint Initiative for Strategic Religious Action (JISRA) - Promoting and protecting the freedom of religion and belief (FoRB)	The Ministry of Foreign Affairs, Netherlands	June 2021	May 2025	N/A
7	Protecting the civic space through engagement in the AML/CFT laws and processes in Kenya	International Center for Not-for-Profit Law (ICNL)	March 15, 2021	December 15, 2021	N/A

## 2.0 Activity Implementation

Following is a summary of the activities that were implemented in all the counties.

### 2.1 Access to Justice Project (AJP)

The goal of the project is to safeguard human rights in the fight against terrorism and amplify the voices of women and youth at social, political, and economic levels in Lamu, Kilifi, Mombasa and Garissa by July 2021. This project ended on 31<sup>st</sup> October 2021.

#### 2.1.1 Youth and women initiative

Under objective 2 of this project (*To strengthen the capacity and leadership skills of women and youth to meaningfully participate in addressing social economic challenges in their communities*), there are three activities: -

- i) Youth and women mentorship: Provide mentorship to youth/women groups – including capacity building and strengthening of their systems for increased effectiveness and sustainability;
- ii) Sensitization of reformed youth from armed gangs (Chafu) and VE organizations and supporting their reintegration into the community, and

- iii) Youth and women initiative: Supporting best performing youth/women group (from those supported with mentorship above) with livelihood grants for their economic improvement and sustainability.

The first and second activities were conducted in the previous quarter. The third activity was conducted in October 2021. The summary is highlighted below:-

Activity	Status	Comments
First mentorship training	Done	Each county Managed to train several youth and women groups in the first training. Following the training, follow-ups were conducted and some of the groups were dropped based on the progress made so far in accordance with the group development plans that we made
Second mentorship training	Done	This training was conducted with the remaining groups from each county. It was in this training that the call for application was made, and the groups were given an opportunity to apply; the deadline was set for <b>30<sup>th</sup> June 2021</b> .
Receiving of applications and vetting	Done	All the groups sent in their applications which were later ranked and scored (the ranking sheet is attached. From this, the successful applicants were chosen

The initial proposal had stated that 2 groups from each of the 3 counties will be awarded Kshs 100,000 each. However, from the process we embarked on and through analyzing the work done by the groups as well as the proposals that were submitted, we concluded that it will still be logical to split the Kshs 200,000 three ways for each county. This is since most of the groups had allocated a huge chunk of the budget to reimbursing people they bring in their meetings as opposed to allocating the same amount to assist them in running their initiative.

Based on the above; we split the fund in the following 2 ways:-

- Kshs 75,000: to be allocated to 2 youth groups each. Kshs 50,000 to be used in boosting their IGAs and Kshs 25,000 to be used in conducting 2 activities that focus on youth and peace-going inline with our objectives
- Kshs 50,000 to be awarded to the third group that deals with youths at risk and women. This group came in third in the ranking and scoring, but still has potential to deliver on their said mandate.

9 groups were awarded this small fund to help them with their initiatives that they had picked inline with the project objectives. The groups are:-

Name of group	County	Status	Amount	Contact information
Big Nation Group	Mombasa	Successful	75,000	Gift <a href="mailto:Matasa-giftbrison96@gmail.com">Matasa-giftbrison96@gmail.com</a>
Jikuze Youth Group	Mombasa	Successful	75,000	Anderson Tunje- <a href="mailto:andersonmwatunje@gmail.com">andersonmwatunje@gmail.com</a>
Mashinani Women Network	Mombasa	Successful	50,000	Faith Kiswi- <a href="mailto:mashinaniwomennetwork@gmail.com">mashinaniwomennetwork@gmail.com</a>
Kwa Upanga Intellectuals	Kilifi	Successful	75,000	Sheban Bayah- <a href="mailto:joelshaban@gmail.com">joelshaban@gmail.com</a>
New Vissioners	Kilifi	Successful	75,000	Teresia Dama- <a href="mailto:salonterry@gmail.com">salonterry@gmail.com</a>
United Malindi Artists	Kilifi	Successful	50,000	Esha Ali- <a href="mailto:Eishaally@gmail.com">Eishaally@gmail.com</a>

Gombato youth for Change	Kwale	Successful	75,000	Mwinyi <a href="mailto:mwinyichiboga@gmail.com">mwinyichiboga@gmail.com</a>	Bakari-
Kombani Arts CBO	Kwale	Successful	75,000	Ali Masudi- <a href="mailto:alibanda8192@gmail.com">alibanda8192@gmail.com</a>	
Kwale Focus CBO	Kwale	Successful	50,000	Mesalim <a href="mailto:kwalefocuscbo@gmail.com">kwalefocuscbo@gmail.com</a>	Ali-

## 2.2 Religious Minorities Project (RMP)

The objective of this project is to address the problems affecting the full enjoyment of rights by the Muslim minority and the African Traditional Religions (ATR) communities in Kenya, arising from mistrust and excessive repression by the State authorities, misunderstandings with other faith-communities, and limited knowledge of constitutional rights, including promotion of gender equality. The key outcomes for the project are:-

- Increased religious literacy on the respect to other religious groups among religious actors and public institutions in the targeted counties.
- Improved inter-faith working relationships both locally and nationally hence expanding constitutional rights enjoyment
- Enhanced awareness of decision-makers and public audiences on the common ground between faiths and constitutional rights and on the relevant best practices in promoting minorities' rights at local and national level

The key target beneficiary groups are Muslim minorities and African Traditional Religions (ATR) in Kenya as rights-holders, but also constitutional authorities and formal/informal leaders as duty-bearers. The direct targets of activities will be duty bearers in the State institutions, as well as other faith groups living side by side with Muslim communities.

5 activities were conducted in this quarter: 3 advocacy workshops and 2 educational activities.

### 2.2.1 Educational activities

The main objective of this activity was enhancing awareness to the pupils, teachers, parents and the community on the common ground between faiths and constitutional rights, and on the best practices in promoting minorities' rights at a local and national level. The agenda was:-

- Over view of the organization and the religious minorities project.
- The contextual framework of religions in the World and in Kenya.
- Brainstorming on Religion and the Constitution of Kenya.
- Understanding conflict and power dynamics in society.
- Understanding the importance of In School Interfaith and Peace Building Dialogue.
- The role of teachers, parents and religious leaders in Peace building



*Group work during the activity*

Some of the immediate outputs as agreed in the activity were:-

- Parents to stop talking about undermining religious issues at home especially in presence of their children.
- Parents to instil good morals in their kids.
- Parents to stop creating religious ridge between their own kids and other children.
- Due to religious discrimination in school, the teachers have a role to integrate the pupils.
- As teachers, parents and leaders, we should be role models to the kids.
- Parents, especially Christians should teach their children about the religion as Muslims do.
- Parents and teachers should stop discriminating against children both in school and in the community.
- Installing respect in the kids.
- Engaging the kids in co-curriculum activities both at school and at home.
- Both parents to take responsibility for their kids.

### **2.2.2 Advocacy forums**

The advocacy forums were platforms to present the concerns/issues raised during the community interfaith dialogues of women, youth, schools' committees to the relevant departments to advocate for change and action. They were also for sharing challenges, successes and what are the best lessons learnt for future programming.

Some of the stakeholders who attended the meetings include Assistant County Commissioner 1, Sub County Director of education, Office of the NRBS (National Registration Bureau of Statistics)/I. D Registrar, OCS, CUC secretary, Ward administrators, NGCDF, Probation, Religious leaders, TOT and some beneficiaries.



*Participants in the advocacy forum*

Among the key outputs of the forums were:-

- Enhanced interfaith and intercultural inclusivity. The conversation was one amongst modern setups that recognise the voices of all people and citizens regardless of the diversities including cultural and religious diversities. Representative and leadership of the Islamic faith, Christianity and the African Traditional Religion was all involved.
- A number of unfounded concerns were factually demystified. For instance, Youths and especially those confessing the Islamic religion in Malindi and Kilifi towns lamented against the county government. They Accused the county leadership of being discriminatory regarding economic opportunities allocations. The youths alleged that native Mijikenda especially the Giriama (most of who are Christians) were favoured unlike the Muslims (allegedly recognised as migrants from Lamu County).
- Preliminaries for coming up with a local religious minorities' rights' working group were laid. Once set, the groups will be expected to oversee the shaping and adoption of friendly actions to foster people tolerance regardless of our diversities including religious and cultural.

### **2.3 Financial Action Task Force (FATF) Project**

Kenya is a member of the Financial Action Task Force of Eastern and Southern Africa (ESAMLG), a FATF-style regional body. Kenya is currently on the FATF List of Countries that have been identified as having strategic AML/CFT deficiencies. The latest FATF Mutual Evaluation Report of 2011 rates the country as being Non-Compliant on R8 and says the NPO sector in Kenya is not subject to the requirements under R8. During the evaluation Kenya did not have an operational FIU and the authorities in Kenya have been asked to move with speed to establish the FRC in a manner that is consistent with the FATF Recommendation 26. Throughout our meetings with the Financial Reporting Centre (FRC), they continued to emphasize that NPOs are obliged subjects (entities) under the country's AML/CFT regime, i.e., they have to report suspicious activities concerning money laundering and terrorism financing to the Financial Reporting Centre (FRC). The aforementioned that the FRC which is under the Ministry of Finance is a central governmental unit responsible for receiving, analyzing and disseminating information concerning suspect ML/TF transactions. The FRC mandate is to monitor suspicious transactions even with banks and NPO operations and that NPOs and financial institutions will be subject to constant scrutiny for due diligence.

MUHURI is therefore conducting several activities to sensitise organizations on the issues above. Following is a summary of the strategies employed in this quarter.

### **2.3.1 Production of the Final Shadow Report for Submission to FATF**

In the month of October 2021, MUHURI engaged a technical team of three external consultants in developing the FATF Kenya Shadow Report. The report was submitted to FATF review committee and Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG).

The shadow report is an important document because it highlights the existing legislation and measures (in line with FATF Recommendation 8 and immediate outcome 10), and how their implementation has impacted the civic space and the operations of NPOs. The report also serves as the NPOs' contribution and or critique to the Government of Kenya's National Risk Assessment Report that was prepared and submitted to the assessors (without the involvement and participation of the NPO sector).

### **2.3.2 Technical Capacity Building Sessions for the FATF National Working Group**

The Meeting brought together members of the FATF National Working Group that was created during the National Consultative meeting in July 2020. The participants were a representation of NPOs from Coast, Nairobi, Central, Nyanza, Western, North Rift, Eastern, and Northeastern regions of Kenya.

The activity was important to the members of the FATF National Working Group members who are a representation of NPOs in the targeted regions (Coast, Nairobi, Central, Nyanza, Western, North Rift, Eastern, and Northeastern) because they gained a deeper understanding of the Financial Action Taskforce/Anti-Money Laundering and Countering of Terrorism Financing (FATF/AML/CTF) recommendations, relevant laws and processes, to better prevent themselves from falling victims of any non-compliance issues. This will in turn help them reach out to more NPOs to enable them to continue with their operations without unnecessary interruptions or consequences of breaching the law.

It is expected that all the NPOs who represented in the National Working group Capacity Building Training to use the knowledge and information gained to create awareness on FATF/AML/CFT to NPOs in their respective counties/regions

## **2.4 PROTECT Project**

PROTECT is a project implemented by 4 partners – ICNL, HIVOS, Internews and Article 19. The project is being implemented in 3 countries including Kenya, where it is being implemented in Nairobi, Mombasa, and Kisumu. Article 19 is implementing 2 of the 5 project streams – stream 3 (in Mombasa) and stream 5 (in Kisumu). Stream 3 is about safety and security of WHRDs and female journalists while stream 5 is about reclaiming narratives.

- The project is three-phased as follows:
- Phase one: International level where activities such as peer to peer exchange program, engagement with UN human rights mechanisms and capacity building of women champions (HRDs and journalists) have been lined up.
- Phase two: National level. Article 19 is conducting studies on perceptions of human rights and legal analysis of laws that affect the civic space to inform advocacy, e.g. on gender mainstreaming policies, etc. Article 19 also has a fund that can support WHRDs and female journalists' cases such as arrests, public interest litigation, psychosocial support, etc.
- Phase three: Local/County level. At this level local organizations such as MUHURI are implementing activities including convenings, training, campaign, etc. with support and in coordination with Article 19.

In this period, MUHURI conducted 1 activity as highlighted below:

### **2.4.1 Psychosocial support for women HRDs and journalists**

The activity was held on 10th-12th November 2021 at Pride Inn Town and brought together two groups that include women human rights defenders and journalists. The human rights defenders drawn from all the six sub counties and female journalists from various stations were present for the de-briefing session. These women represent various television or radio. The psychosocial session was a much-needed avenue for the women to debrief and air out their day-to-day mental challenges that have not been catered for. Some have been attacked and called nasty names including busybodies, attention seekers etc., all in the name of fighting for human rights. Such statements have negatively affected them to the point of wanting to give up on their passion and work and sometimes, they feel that they do not need to follow up on cases since they put their lives at risk. They were also able to share experiences of violations that happened in the past and how it had affected their work, for instance, others feel lack of support and encouragement from the communities.



*Debriefing session in progress for the women HRDs and journalists*

A professional counsellor, Madam Maryam, was invited to have a session with the participants in a closed-door session where the women were requested to share their work-related experiences. The session was very helpful in terms of unburdening the baggage that has been carried for a long time. Due to the nature of the session and some of the issues that were shared and discussed, the counsellor cautioned that confidentiality must be maintained and that no record of the sensitive issues should be made.

The counsellor also urged the human right defenders together with the journalists to be aware of their security since they can easily be attacked while at work and collaboration will be very useful.

Lastly, Participants stated that they need to have such sessions to share and come together since most of them hardly go for counselling sessions.

As part of the way forward, The HRDs and journalists suggested to have ongoing safe space sessions frequently that will continue to cater for the mental wellbeing of the women

Being the last activity under the current grant, the women were promised of continued sessions once MUHURI and Article 19 agree on the way forward for the upcoming year. The possibility of having an exchange visit to other counties with a view of interacting with other women HRDs and journalists was also flouted

### **2.5 Joint Initiative for Strategic Religious Action (JISRA) Project**



This is a multi partner project with the consortium partners being Mensen met een Missie (MM); Search for Common Ground (SFCG); Faith to Action Network (F2A) and whereas the implementing partners are Search for Common Ground (SFCG); Muslims for Human Rights (MUHURI); Supreme Council of Kenya Muslims (SUPKEM); Kenya Muslim Youth Alliance (KMYA); Chemi Chemi ya Ukweli (CYU); Inter-Religious Council of Kenya (IRCK) and Coast Interfaith Council of Cleric

The Overall Project Goal is 'Resilient and inclusive communities in which religious actors are sustainable advocates of FoRB and interfaith peace'.

The Specific Objectives are:-

- Inclusive, open and constructive religious communities
- Peaceful interaction between religious communities
- Context- and religion-sensitive FoRB policies and practices

The Expected Results are:-

- Women and youth have increased representation in decision-making process at the community, local, national and international level that advance FoRB
- CSOs (including consortium partners) have increased resources and ability to meaningfully engage with religious communities, religious actors and duty-bearers in inter-, intra-, and extrareligious settings

MUHURI is implementing this project in Lamu and Garissa counties.

In this quarter, 2 activities were conducted, and 2 partners coordination forums were also organized by Search for Common ground. The project officer also got to attend a Partners meeting in Nairobi that brought together all the members of the JISRA Executive body from all the implementing partners. (*A separate report for this has been annexed below*).

### **2.5.1 Intra Religious Youth Dialogue**

2 dialogues were conducted in Garissa. The dialogues were geared towards addressing the following objectives:-

- Improved collaboration between youths of same faith in addressing intra faith conflict.
- Increased religious knowledge in order to address harmful challenges and youth and women inclusion in decision making.

The one-day dialogue which brought together youth male and female was meant to help the group put aside their differences and work together to address any form of challenges or injustice that they may be facing as a religious group within the community and come up with possible solutions. From this dialogue, the participants understood their constitutional rights, including promotion of gender equality, they realized the importance of working together in order to overcome the mistrust or tensions, there was better understanding of women rights in Islam and they resorted to create awareness at the community level by sharing good practices and inclusion of youth and women in religious decision-making process.

### **3.0 Results achieved through the various projects**

Change of attitude among community members towards the government, especially security officers. With the interaction through the stakeholder's forum and the dialogue meetings between the law enforcement officers and the community, eased the tension that existed before, especially in Lamu and Garissa Counties, where collective punishment, police brutality and general harassment had been prevalent. This is expected to improve the relationship between the two sides and promote information sharing which in turn will contribute to the efforts of ensuring there is peace and security in the counties through collaborative efforts.

A problem shared is half solved. Women from families affected by violent extremism were able to share their experiences with their peers and with the support of trauma healers and, we hope they will be able to come to terms with their past, get their wounds healed, and begin to live more productive lives.

Through the project, government officials realized the need to bring the civil society and the community to the table to discuss and agree on the best approaches which will be more effective in enhancing the safety and security of the communities. This was more evident in Kilifi where the County Commissioner, used the stakeholders' forum to request support from CSOs and convene a meeting of all organizations working around P/CVE with a view of planning on how to strengthen the community policing, which is essentially a community-led structure. Community policing (or Nyumba kumi) could be one of the most effective avenues of dealing with the security issues and concerns at the community level because it focuses on softer approaches.

Government officials, especially the law enforcement officers from Garissa, Tana River and Lamu counties were oriented on the basic principles of human rights-based approaches to policing and administration of justice. From these trainings, it is hoped that the security officers will be more considerate and handle cases and suspects with a human face, unlike what has been experienced before.

### **4.0 Partnership Activities**

MUHURI partnered with different organizations and institutions in various events as highlighted below

#### **4.1 16 days of activism**

The period seeks to prevent and eliminate all forms of violence—and it culminates on December 10, International Human Rights Day. Across the coast and Garissa counties, MUHURI partnered with different stakeholders in interventions that will create a brighter future, free of violence, thus this year's theme, "Orange the world: End violence against women now!".



*16 days of activism activity in Garissa*

#### 4.2 Human Rights Awards

Abdishukri Jelle, the Project officer from Garissa County was nominated to receive a human rights award in the category of HRD of the year, in an event that was organized by Defenders Coalition in Nairobi. Although he did not win this particular award, he won the category of the most popular award.



*Abdishukri receiving his award*

#### 4.3 Public participation’s legal and policy frameworks in Mombasa

MUHURI assisted ICNL in hosting a stakeholders’ meeting to establish concrete actions that will strengthen the implementation of public participation’s legal and policy frameworks in Mombasa. A previous meeting by International Center for Not-for-Profit Law (ICNL), under the PROTECT program, found Mombasa has a legal framework for public participation, but the law is still wanting and needs improvement.

## **5.0 Lessons Learnt across projects implementation.**

MUHURI will continue to fully involve marginalized groups in all projects so as to impact them with knowledge and skills that are critical in addressing human rights violations and gender-related concerns in the community. For example, women, orphans and vulnerable children in orphanages and those living with disabilities were the primary targets and beneficiaries of the food and non-food items donated in communities in a bid to help them meet their daily basic needs during this crisis.

Collaborating with county government officials including ward administrators, and Members of the County assemblies has also been critical not only in ensuring the credibility of the processes being undertaken by MUHURI projects, but also in ensuring that local youth agendas can easily be transformed and or incorporated in the policy making processes.

Continuous Psychosocial support is very effective in enhancing and sustaining resilience among young people, to violence and crime. It is also important in preventing relapse among changed youths. It is therefore important that MUHURI continues to undertake such interventions thus reaffirming its objectives of full enjoyments of social rights for our beneficiaries

## **6.0 Rapid Response**

The Rapid Response docket is a docket that cuts across all projects in the institution. The main objectives of this docket are:-

- Determining and providing redress on cases of human rights violations by getting facts from the victims or through its county officers. Cases with a potential to develop human rights jurisprudence are settled systemic after investigations are concluded.
- Promoting greater adherence to the rule of law through working with other partners
- Advocating for increased compliance and adherence to human rights principles and standards
- Enhance protection of human rights through investigation, redress and referrals to other organizations and government institutions.
- lobbying and advocating to ensuring State Compliance with Human Rights Obligations and to ensure that Kenyans access more protections for their human rights

In this period, the RRP docket managed respond to the following:-

- Organize a peaceful protest in Mombasa town against the high price of fuel.
- Supporting and assisting in tracing of missing files at Mombasa Law court for the clients
- Advocacy on human rights on enforced disappearances and other human rights violations through addressing the media

## **7.0 Legal Aid Services**

Walk-in clients have continued to have trust with the legal aid assistance offered by MUHURI in the legal aid clinics. The cases reported differ from one to another. Some are in criminal nature and others are purely civil matters in line with, advocate's complaints. Cases on child maintenance were highly reported. Some of the complaints lodged are hence referred to other key partners like Kituo cha Sheria, advocate complaints commission, law society of Kenya and government agencies (state council). During the reporting period, an estimated 30 persons reported different cases with the rapid response desk. The number is likely to be high

since some cases were recorded with the other departments. Below is the break of the nature of cases reported:-

- Immigrant workers 6
- Labour-related 5
- Land Cases 3
- Advice on Civic Cases 4
- Advice on Criminal cases 6

## **8.0 Strategic litigation**

The organization continues to use strategic litigation in its pursuit to promote access to justice, protection, and promotion human rights. Under the project, MUHURI through various other partners and community members has managed to take several cases to court. Below is a brief summary of the same.

### **8.1 Challenging the Government decision to control P/CVE operations through NCTC**

MUHURI, among other 19 civil society organizations from Mombasa are in court petitioning the government to repeal the law that allowed NCTC to control and monitor civil society organizations working around P/CVE. The law requires all organizations to seek approval from NCTC before it commences implementing P/CVE activities/projects and also ensure they report to the same government unit, providing information about their operations and beneficiaries. This, the civil society found to be a violation of the people's rights to privacy and confidentiality and an attempt to further shrink the civic and democratic space. The matter came up for judgement at the high court in Mombasa and the petition was dismissed. We are in the process of filing an appeal to the court of appeal as we feel the court did not appreciate our facts as laid out.

### **8.2 CONSTITUTIONAL PETITION 168 OF 2018 MUSLIMS FOR HUMAN RIGHTS VS THE ATTORNEY GENERAL, THE INSPECTOR GENERAL AND THE DIRECTOR OF PUBLIC PROSECUTIONS**

A Habeus corpus application was filed after Mr, Abubakar Abdukadir who was heading to his evening prayers on 17th November 2017 and was abducted by unidentified men who forced him into their vehicles and drove off. Mr. Abubakar is still missing.

Status: The matter came up on 7th September 2020, DPP and the AG were present and noted that they had not been served with our application. The court noted that the matter is from 2018 and ought to have already been served to the respondents.

### **8.3 MLD HCCHR PET NO 1 OF 2021 MUHURI VS YUMNA ALI AHMED VS IGP, AG, DPP, OCS MPEKETONI**

A Habeus corpus application under article 25 of the constitution seeking the production of Yasir Mahmoud who was abducted by the police in Mpeketoni

## **9.0 Documentation of Follow-ups and other Human Rights Cases through various Media Channels**

MUHURI continued to document its work both physically and online. This is done with the intention of sharing our interventions with not only funders and partners, but also a wider reach of people who follow closely the work of MUHURI. Stories were shared on Facebook, YouTube, Twitter, MUHURI website etc. The interventions were the ones done through rapid response, legal aid as well as daily activities under the various projects. The documentation forms part of its continued advocacy strategy to reach more duty bearers as well as inform the public of what is happening within their communities. More here: <https://muhuri.org/media/news/>, and on our social media platforms.