



Update from Center for Justice Governance and Environmental Action

JULY

Introduction

CJGEA and the Owino Uhuru community members suffered a great loss late last year, when they lost little Samuel Omondi Okello on 30th September, 2016 to lead poisoning. We also lost **Linet Nabwire**, a 27 year old who died during child birth. Linet had 3 miscarriages before this. Her son, 1 year old Paul Wanyama, came to visit us to get tested for lead (Pb) poisoning.

When Linet died, her post mortem showed that her Blood Lead Level was at **238.2micrograms/dl**. Paul, who was relocated from Owino Uhuru when he was born, still has lead poisoning.

Our community members and especially the children are continuously suffering due to lead poisoning. Recently we had young Truphosa Aloe in critical condition at Mikindani Medical. Our advocacy has been towards pushing the

county government to restore the free supplements of calcium and Zinc the community was receiving that was abruptly stopped in **March 2016**.

We commend our friends and partners who supported us during the fundraising for Sammy's burial. Your support was felt and appreciated.

Tuna Sauti

Over the last one year and with the support of KIOS- the finish foundation for Human rights and the office of the High commissioner for Human Rights (OHCHR) CJGEA has successfully implemented the project entitled "Tuna Sauti" Using media as a tool for environment and socio economic rights. The project aimed at building on and harmonizing the ongoing work on the impact of environmental impunity on social welfare and human rights of Kenyans with a focus on access to medicines, access to water and access to a general clean environment. Although the component supported by KIOS was focusing on ensuring media engagement, it also greatly supported our litigation work on the right to a clean healthy and sustainable environment. As we implemented this project we were undertaking a major constitutional case on the right to a clean and healthy environment which also has a strong human rights focus.

Owino Uhuru Class Action Litigation

Center for Justice Governance and Environmental Action and the Owino Uhuru community members filed a class action litigation case in court on **20th February, 2016**. This is a case challenging the responsibility of the state and non-state actors towards the right to a clean and healthy environment as assured in article 42 of the Kenyan constitution. This community was wantonly, systematically and with impunity exposed to massive lead poisoning from a state licensed smelter, associated with powerful politicians. Out of the 8 respondents being sued, we managed to serve only 6, with an exception of METAL REFINERY EPZ LTD and PENGUIN PAPER AND BOOK COMPANY. We finally managed to serve the two for the above mentioned case. This was after our legal team defended our right to serve the two respondents through the media. The service notice was published on **2nd February, 2017** in the **Standard**

newspaper.

Attacks on CJGEA members

Unfortunately, immediately after the service notice appeared in the newspaper, our community members were misled and the petition was misinterpreted to them. This consequently led to unrest in the community. Our executive Director Miss Phyllis Omido and three members of CJGEA from the Owino Uhuru community started receiving threats of death, rape, arson. One of the member's son was kidnapped, a close ally of the organization and the community mobilizer. Fortunately he was found on the fourth day due to a social media campaign that fostered a single purpose to **#BringBackMichael**. We were able to relocate the members living under threat with the support of our partners

Partner Support

CJGEA and the Owino Uhuru members received support from organizations all over the globe during this trying time. The United Nations Special Rapporteur on Human Rights and the Environment John H. Knox released a [Press Release](#) supporting CJGEA members under threat. IPEN wrote a [letter in support of CJGEA](#), TAI-The Access Initiative wrote a [letter of support](#) and Goldman Environmental Foundation also wrote a [letter of support](#) for CJGEA members under threat.

CJGEA's Advocacy

Our advocacy led to an invitation to the DPPs office in Nairobi, on **6th March, 2017**. Where we talked about the security issues our members are facing and the officers agreed to get in touch with us and ensure an investigation is launched. On **6th April, 2017** the police officially interviewed Center for Justice Governance and Environmental Action and they have opened an investigation into the issue of intimidation and harassment of Owino Uhuru members and CJGEA members.

Our EHRDs have given [their testimony](#) on the threats they faced and the fear they are still living in.

Legal Proceedings

Our legal team was at the court on **May 11th 2017**, to get the directions for the hearing for the Owino Uhuru class action litigation case at the Mombasa high court. The only respondents represented in court were the 1st, 2nd and 3rd respondents; the honorable attorney general, the cabinet secretary ministry of environment, water and natural resources and the cabinet secretary ministry of health.

We passed by the county government office to inquire about them not being represented in court, and they did not understand why their lawyer was not in court

The witnesses have given their testimony which was filed on **19th June, 2017**
We will be going to court on **20th July, 2017** to present the witness statements and list of supplementary documents

We have been following up with the officer in charge of the investigation into the threats against CJGEA and Owino Uhuru members and although it's slow, the investigation is underway

Innovations: Coalition of Environmental Human Right Defenders

The global witness reports of **2015 "Deadly Environment"** and **2016 "On Dangerous Ground"** have emphasized the dangers that are facing Environmental Human Rights Defenders.

Kenya as a country is among the **14 states** that voted against the United Nations General Assembly (**UNGA**) **Resolution of 2015** on protection of **Human Rights Defenders**

The situation of human rights defenders in Kenya has been a major call for alarm especially in relation to the Global Corruption Index where Kenya is rated 145/176. There has been an increase in individuals operating on personal gain in governance structures. Corporations and states are putting profits and revenue generation before environmental protection. The **recent report** by Independent Medical – Legal Unit clearly highlights the plight of human rights in Kenya. According to Article 69 sub-section 2 of the Kenyan constitution

"Every person has a duty to cooperate with State organs and other persons to protect and conserve the environment and ensure ecologically sustainable development and use of natural resources"

CJGEA is implementing the formation of a coalition.

The coalition has attracted partnership from individual Environmental Rights Defenders and environmental organizations across the country. The main aim of the coalition is to strengthen the advocacy work of the environmental activist through synergy. The coalition's mandated Objective will be to protect and strengthen the work of environmental human rights defenders in Kenya.

ACKNOWLEDGEMENT

Our sincere gratitude goes to **KIOS Foundation, Front Line Defenders, OHCHR (the office of the high commissioner for human rights), Civil Rights Defenders, Goldman Environmental Foundation, National Coalition of Human Rights Defenders Kenya (NCHRD-K), IPEN, Oeko Institut, HURIDOCS, Human Rights Agenda (HURIA), Eco Ethics Kenya, Friends of Lake Turkana (FoLT), European Institute for Democracy and Human Rights (EIDHR)**. The support you have given us has made a milestone of success for CJGEA and the Owino Uhuru community

CJGEA

Center for Justice Governance and Environmental Action (**CJGEA**) is an environmental/human rights community based organization located in Kilifi Kenya working for the realization of human and environmental rights of the economically marginalized and ignored communities in the coastal region of Kenya. The challenges being faced by these marginalized communities led to the need to address socio-economic rights, policy change and environmental governance issues.

