



REPUBLIC OF KENYA

THE JUDICIARY



THE SUPREME COURT

OFFICE OF THE CHIEF JUSTICE / PRESIDENT, SUPREME COURT OF KENYA

HON. CHIEF JUSTICE MARTHA KOOME, EGH, REMARKS ON THE NATIONAL SEXUAL GENDER BASED VIOLENCE (SGBV) COURT USERS COMMITTEE (CUCs) – 30TH NOVEMBER 2022

Distinguished Guests,

Representatives of NCAJ Agencies,

Esteemed Partners,

Ladies and Gentlemen,

Good Morning!

1. I take this opportunity to welcome you all to the launch of the National Court Users Committee (CUC) for the Specialised Sexual and Gender-Based Violence (SGBV) Courts. This is a

momentous event and it is befitting that we hold it here at Shanzu given that it is here where the first SGBV Court was operationalised.

2. Both the National Council on the Administration of Justice (NCAJ) and the Judiciary are committed to guaranteeing inclusion and access to justice for all, especially the vulnerable and marginalised.

3. The National Data on the prevalence of SGBV presents a grim picture. Indeed, the incidence of SGBV has attained endemic proportions. According to the World Health Organisation, 1 in 3 women is at risk of SGBV in Kenya, while 18 per cent of young boys are at risk. We understand that, in large part, this is because of the impunity of perpetrators heightened by a history of a low number of successful prosecutions.

4. The SGBV Courts and the bespoke CUCs are the justice sector response to this unacceptable state of affairs and, if well implemented, will certainly lead to enhanced access to justice for the victims and survivors of SGBV, an increase in the number of perpetrators brought to book and consequently a reduction in this crime as would-be perpetrators will be deterred from committing the same.

Ladies and Gentlemen,

5. The adage says a chain is only as strong as its weakest link. NCAJ seeks to strengthen the justice chain. And the CUC is the vehicle it uses at the local court level. CUCs are set up as a platform to bring together stakeholders and court users to address challenges in the administration of justice.

6. Further, the 'Social Transformation Through Access to Justice (STAJ)', our vision of the Judiciary, is focused on enhancing partnerships that enhance co-ordination in the administration of justice. This makes the CUCs an important site and platform for engagement by actors in the justice sector to enable us tackle challenges to the administration of justice at the local court levels.

7. In this context, the establishment of the SGBV Court CUCs is intended to reinforce the effectiveness of the SGBV court. This is crucial given the unique nature of Sexual and Gender Based Violence. While SGBV is a human rights violation and a crime, it is still treated in most of our communities as an everyday and normal occurrence. This is because SGBV is mainly perpetrated in the domestic set up (or private sphere) that are often forgotten as we tend to focus our attention on the public sphere.

8. In addition, tackling and combating SGBV is a challenge in our communities given that the practice is deeply embedded and rooted in our cultural practices and systems of kinship and religion. Thus, rooting it out requires a complete mind shift and major societal changes in our cultures and worldviews. This, is an easy task due to the resistance that often encounters changes that require renouncing our cultural assumptions or traditional ways of life.

9. To tackle such an entrenched practice requires our collaborative efforts in our communities. The CUCs will therefore serve as one outreach mechanism to the community, that is, as a bridge between the court/justice sector and the community.

10. I therefore encourage the CUCs to be the agents of our quest for social justice in your

communities by being the ambassadors of what still appears to be a revolutionary idea, yet, should be a commonly accepted idea: **SGBV is a human rights violation and a crime.**

11. To fulfil this objective, I urge the CUC to support public education activities in the region to ensure more victims and survivors of SGBV, mainly women and the vulnerable, in the coastal region counties of Mombasa, Kwale, Kilifi, Tana River, Lamu, and Taita/ Taveta access justice and do so promptly. We must focus our efforts on preventative actions aimed at addressing the causes of the heinous violation that is prevalent here in the coastal region.

Ladies and Gentlemen,

12. At the launch of the SGBV Court last year, I called upon the Court to set up its CUC to ensure that there exists an efficient, effective and consultative approach in the delivery of justice for

survivors of SGBV by this specialised Court. Against this backdrop, I am happy that we are here today to launch an important cog in the operations of the Shanzu SGBV Court, the Court Users Committee.

13. In this regard, the members of this CUC will be the champions of implementing the best practices towards ensuring timely and expeditious disposal of cases filed before this Court. I challenge the CUC to devise innovative ways to ensure that the dignity of witnesses and victims is honoured and accused person's fair trial rights are guaranteed.

14. I reiterate my expectation that CUC members will work together with our judicial officers to come up with strategies and interventions that will enable us reduce the average time taken to resolve SGBV cases from 557 days then to less than a year.

15. The CUC should channel its insights and recommendations to the NCAJ Council through the NCAJ Committee reviewing SGBV Laws. The CUC and the Court should also document and share best practices that can be replicated in other SGBV Courts and CUCs that will be established.

16. In **conclusion**, distinguished members of the CUC, you are here to make a difference, to enrich lives. Therefore, I hope you will epitomize the core values of the Court Users Committees of collective responsibility; interdependence; quality service; constitutionalism, and mutual accountability and transparency in discharging your functions.

17. With this launch, Shanzu SGBV Court and indeed all other SGBV Courts we will be operationalising soon, are to be a beacon of justice administration for SGBV in the country with the support of the Judiciary, the

Government of Kenya, connected Agencies, non-state actors and other development partners all collaborating and delivering as one.

18. With these remarks, it gives me great pleasure to officially launch the National Court Users Committee for the Specialised SGBV Courts.

Thank you and God bless you.

Hon. Justice Martha K. Koome, EGH

Chief Justice and President of the Supreme Court of Kenya