

INSPIRATION

In 2016, I had an encounter that stuck with me. I met a child (Faith*) who was in contact with the law having been charged with child neglect despite being a child herself. At only 17 years of age, she had a 1.5-year-old baby in her arms and was heavily pregnant. Faith was married to the father of her children and was living with him until he left the country in search of better job prospects. As soon as he left the country, Faith's mother-in-law kicked her out of the home, leaving her stranded and desperate.

She walked for many miles looking for someone to take her baby as she did not have the means to care for the child on her own.

She eventually approached a children's home thinking that she would find the help she required. Unfortunately, instead of assisting her, they took her to Muthaiga police station where she was subsequently arrested and arraigned in court.

I took up Faith's case. Looking at the charge, I could have had the charges dropped. But the question remained, where would they go after being released? Therefore, I advised her to plead not guilty so that she could be taken to the remand for the night as I figured out how to assist her. I embarked on a search for a shelter that would take her in and care for her and her child.

However, this process took so long that she gave birth in the prison. She stayed in remand prison for two months with her baby. The charges were dropped, and she was released only after we got a friend to host her temporarily. The sad reality is that this is not an isolated case. Women ending up in prison is more common in comparison to their acquisition of support within the justice system.

Fast forward to 2024. It is now nine years after Faith's incident, and not much has changed. It reflects the broader issue of vulnerable women and children slipping through the cracks of the justice system, ending up in prison instead of receiving the support they so desperately need. Witnessing innocent children behind bars alongside their mothers is a stark reminder of the urgent need for alternatives.

Through my experiences in the legal system, I have encountered numerous cases where women face prosecution for actions rooted in poverty and lack of familial support. Children on the other hand also end up in the criminal justice system due to neglect and lack of parental care. To add insult to injury, about 90% of inmates in prison have no access to an advocate to help them navigate legal processes.

Motivated by these experiences, I have founded Justice Nest, a non-profit organization dedicated to using the legal system to ensure that women have access to justice and can safeguard their homes, their nests, children stay at home not in prisons, and prisoners have access to effective legal services. Our mission is to provide support, advocacy, and resources to vulnerable women and children, empowering them to break free from the cycle of poverty and incarceration

MIRIAM WACHIRA, FOUNDER & EXECUTIVE DIRECTOR.

OUR VALUES

EMPATHY AND COMPASSION

Justice Nest works with vulnerable populations, including mothers, children, and prisoners. Empathy and compassion ensure that our services are delivered with genuine care, understanding, and respect for the individuals #39; circumstances and experiences. This value guides how staff interact with clients, ensuring they are treated with dignity and kindness. It also fosters a supportive and nurturing environment for those most in need.

EQUITY & JUSTICE

The core mission of Justice Nest is to advocate for restorative and holistic justice, particularly for marginalized groups. Equity and justice ensures that all individuals receive fair treatment and access to resources, regardless of their background or situation.

This value drives Justice Nest to actively work towards reducing systemic inequalities within the justice system. It informs our advocacy efforts, legal support services, and policy recommendations to ensure just outcomes for all.

COLLABORATION & PARTNERSHIP

Addressing complex issues like family disintegration, and poverty requires a collaborative approach. Working with other organizations, communities, and stakeholders enhances the effectiveness and reach of Justice Nest's programs. This value promotes the development of strong partnerships with other Organizations (CBOs, NGOs, Religious), and Government entities.

It encourages teamwork within Justice Nest and creates synergies with external partners to deliver comprehensive support services and achieve shared goals.



ORGANIZATION PROFILE

FAMILY-CENTERED HOLISTIC JUSTICE

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ABOUT US

Justice Nest is a non-profit organization dedicated to ensuring access to justice for vulnerable families and individuals in Kenya.

We aim to protect and restore families in contact with the justice system, focusing on Women, Children, and Prisoners.

MISSION

"A fair family- centric and accessible justice system in Kenya"

VISION

To transform the justice system and strengthen families by promoting policies and practices that reduce reliance on incarceration. We provide legal education, holistic representation and advocate for community based alternatives to prosecution through partnership



THE PROBLEM

WHY WE EXIST

The complexity of the justice system is leading to family disintegration and accelerating poverty levels, therefore leaving women and children vulnerable. While the global prison population grew by approximately 21% from 2000 to 2016, that of imprisoned women and girls grew by 53% during the same period (Walmsley, 2017). Kenya is no exception. Offences committed by women are often closely linked to poverty and are frequently a means of survival to support their children and their families.

The overuse and abuse of prosecution and imprisonment of mothers is leading to family disintegration while also contributing to the cycle of generational involvement with the criminal justice system. Children often fall into conflict with the law due to a lack of a safety net at home. In addition to the vulnerabilities that may be associated with their relative developmental immaturity, they are especially vulnerable due to the circumstances that are likely to have precipitated their detention (these include, but are not limited to poverty, trauma, prior victimization, mental health issues, cognitive delay, etc).

Where access to legal representation is concerned, the cost of hiring a lawyer in Kenya is prohibitively high for many prisoners, most of whom come from impoverished backgrounds. This leads to a situation where many accused individuals cannot afford to mount an effective defense. "For many prisoners, the cost of legal representation is an insurmountable barrier. Without financial resources, they are left to navigate the complex legal system alone." Human Rights Watch. Furthermore, the Kenyan legal system is plagued with delays and inefficiencies that cause cases to drag on for years, thus denying inmates proper legal representation.

The backlog of cases exacerbates the problem, causing prisoners wait indefinitely for their day in court. Amnesty International reports that, "The backlog of cases and slow judicial processes mean that prisoners often spend years in pre-trial detention without access to legal counsel."



OUR APPROACH

MOTHERS DIVERSION PROGRAM

Supporting Mothers in conflict with the law.

Criminalizing vulnerable women makes it harder for them to access routes out of the issues driving their offences. This creates barriers for them to find or maintain employment and accommodation. Therefore, driving them towards crisis. That is precisely why pre-court diversion, which seeks to offer a swift and meaningful response to offending while reducing or avoiding harmful criminal justice system involvement is so important for women. The overuse of prosecution and imprisonment of mothers is leading to family disintegration and leaves women and children vulnerable. As such, this contributes to the cycle of generational involvement with the criminal justice system. Justice Nest aims to interrupt this cycle by prioritizing the well-being of families and advocating for restorative and holistic justice.

JUVENILE JUSTICE PROGRAM

Upholding the best interest of the child.

The Juvenile Justice Diversion Program at Justice Nest provides support, intervention, and diversion opportunities for children who have come into conflict with the law. We understand that juvenile offenders often face complex challenges and vulnerabilities, and we are committed to offering alternative pathways that prioritize rehabilitation and positive outcomes. The Program offers a multifaceted approach while diverting the demographic away from traditional punitive measures. By addressing the root causes of juvenile delinquency and providing tailored interventions, we aim to prevent further involvement in criminal activity and promote long-term success for participating youth.

PRISON PARALEGAL TRAINING

Bridging the justice gap.

Access to legal representation is a fundamental right, yet many prisoners in Kenya face significant barriers in obtaining adequate legal assistance. 90% of those in prison do not have access to legal services.

To put it in perspective, with a prison population of over 55,000, about 50,000 of those barely have hope that they will leave the system. This problem is multifaceted and involves issues of availability, affordability, and systemic inefficiencies. There is no office of public defenders in Kenya to meet the demand at the state level. A majority of lawyers are based in urban areas, making it difficult for prisoners in rural regions to access legal help. "The ratio of lawyers to the population in Kenya is alarmingly low, especially in rural areas where legal services are almost non-existent" - Law Society of Kenya