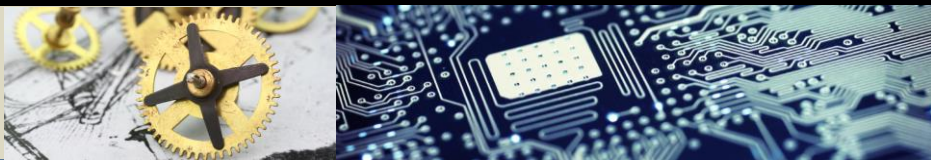


INTELLECTUAL PROPERTY

OTHER FASCINATING ARTICLES:

- THE CONTRITE STATE OF OUR CRIMINAL JUSTICE SYSTEM
- WHY HON. ANN WAIGURU MUST STEP DOWN
- POLITICALLY CORRECT: AN OPEN LETTER TO MR. PRESIDENT



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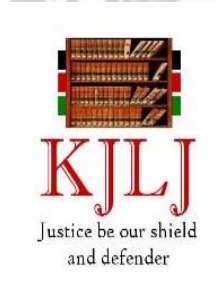
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EDITOR'S NOTE

Politics in nations all over involve confrontation; which is normal and okay within one's constitutional right to hold an opinion. This right however, has been misused. Political life especially in Kenya has been, and continues to be a notorious playhouse of the insensitive and the insincere group and one which is characterized by criminally induced actions. Accepting and respecting basic rights and civil liberties of people or groups whose outlooks differ from one's own is not typical in the political setting.

In the light of the recent incident in Kibera, Have politics in Kenya come to such a low that to hit the government, people must be incited to destroy their own? Why do we let ourselves accede to wishes of politicians who offer measly sums in the name of handouts? When are we going to break free from the leash around our necks and being let out like vicious dogs to attack people who are doing nothing but to help us?

Commonalities have time and again been used to propagate vendetta missions which see them loose the most, while their masters revel in their castles and luxurious vacations abroad. My heart breaks for those patients who looked forward to having clinics near their homes, those who were delighted to finally walk freely at night.

Let us develop our minds, and look beyond variations in political views; to handle conflicting issues in a pragmatic way. At the end of the day, the poor are the only ones who feel the blunt and pain of each blow in any political upsurge.

It was not long ago that the country was on fire with unthinkable loss of property and lives, yet we keep making the same mistakes. Talk of cutting off your nose to spite someone else's face! Will Kenyans ever learn?

Regards,

Stacy Jayo

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EU: ENAR CALLS ON EUROPEAN PARLIAMENT TO ADDRESS ANTI-SEMITISM AND ISLAM PHOBIA IN EUROPE



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European Network Against Racism (ENAR) Chair Sarah Isal made the following statement at a hearing organized by the European Parliament's Civil Liberties Committee on Anti-Semitism, Islam phobia and Hate Speech. The hearing took place at the European Parliament on 29th June.

Anti-Semitism is deeply rooted in Europe, as its resurgence after the Holocaust proved. It is with great concern that we have seen a general increase over the last years. The Community Security Trust (CST) in the UK reported an increase of 60% of violence committed against Jews in the EU between 2008 and 2014. According to the FRA survey, Jews in Europe are increasingly afraid of being verbally harassed (46%) or physically attacked (33%). In Belgium, the equality body reports that complaints received for anti-Semitic incidents have increased from 83 in 2013 to 130 in 2014 (+56%).

In France, a 2013 report from the French National Human Rights Institution reveals that anti-Semitism is not always understood properly, is often seen either as a phenomenon of the past or as isolated acts from either violent extremists or neo-Nazi groups, but is rarely seen as a structural phenomenon.

The extent of anti-Semitism in Hungary came to the forefront when, in November 2012 a Jobbik MP called in the Hungarian Parliament for a list of Jewish civil servants, after which there was no immediate outcry from other government officials. Similarly in Greece, extremely anti-Semitic rhetoric and literature have been associated with elected members of the Golden Dawn party. Understanding the complexity in which anti-Semitism manifests itself is key in combatting it. For instance, Hungary and Greece feature high levels of indigenous anti-Semitism and neo-Nazi activity, but lower levels of physical violence compared to countries such as France and Belgium in which anti-Semitism is much less socially acceptable, but violence is more common.

Bullying and prejudice at school are frequent for Jewish children. In Hungary, there are increasing reports of parents moving their child to Jewish schools following incidents in mainstream education. Jewish children also experience discrimination or segregation in education.

There has also been a worrying increase of Islam phobic incidents over the last years.

In France, the number of attacks against Muslims was multiplied by 6 following the Paris attacks compared to the same period in 2014, according to the Collective against Islam phobia in France (CCIF). In Sweden, attacks on mosques have increased. In Italy, official Islam phobic reactions including those by the Veneto educational authorities are frequent.

Muslim women are particularly targeted by violence. Because public debates focus on Muslim women and the wearing of the headscarf, veiled women are reduced to their religious signs in the view of many and are thus becoming privileged targets of Islam phobia.

ENAR shadow reports and FRA reports also highlighted that the heightened security context since the events of 11 September 2001 has contributed to experiences of direct and indirect discrimination by ethnic and religious minorities in Europe. In particular Muslim communities, and those perceived as belonging to Muslim communities, have been amongst the most vulnerable, at times victims of backlash from wider society after terrorist attacks and then victims of policy responses to these attacks.

Muslim people tend to experience the most severe labour market discrimination, as evidenced ENAR Shadow Reports. Muslims, and in particular Muslim women, also face discrimination due to restrictions to the right of wearing religious symbols in national laws and practices, for example in France, Belgium, the Netherlands and Spain.

Anti-Semitism and Islam phobia are the products of different histories and ideologies; and they cover diverse realities and types of manifestations which are specific to each.

However, anti-Semitism and Islam phobia are both specific forms of discrimination and racism in which attitudes; behavior, institutional patterns and policies reject, exclude, vilify, or deny equal treatment to people, based on their real or perceived Jewish or Muslim background. They have the same concrete implications on the physical, psychological or financial situation of individuals.

Despite the EU and national equality legislations, the specific direct and structural discrimination faced by Jews and Muslims imply that existing legal instruments and policy measures are not enough to ensure equality of outcome.

The response to anti-Semitism and Muslim hatred should therefore deal with these common and separate factors. ENAR calls the LIBE committee to include in its resolution (or resolutions) on anti-Semitism and Islam phobia that the European Commission should ask Member States to adopt specific national strategies with concrete policy goals, on the model of the National Roma Integration Strategies, to address anti-Semitism on the one hand, and Islam phobia on the other.

Policy goals should be specific to each national context and address each fields of life, in particular employment and education.

History has shown time again that there is a connection between hate speech and hate crime. Hate speech, creates a climate in which perpetrators of racist violence feel that the society condone their behavior so it is imperative that hate speech should be addressed. In some cases, and in the respect of international human rights law, they should even result in criminal proceedings.

We also hope that racist, anti-Semitic and Islam phobic violence feature in the European commission bilateral talks with member States on the enforcement of the EU's Framework Decision on combating racism and xenophobia.

There are many more issues that should be addressed, and we hope there will be in the context of the panel discussions. In particular in terms of larger context, we should keep in mind that to prevent discrimination and violence, more long-term social investment in education, housing, employment and health policies , as well as in intercultural dialogue and social cohesion programs, are crucial to stop the massive disenfranchisement of sizeable parts of the population, which nurtures violent extremism.

It is important to tackle these forms of racism and hatred - as well as anti-Gypsyism and Afro phobia - jointly, so as to show all forms of racism and hatred are of concern to all, and are equally important to address. Now is time for cooperation and alliance building to keep in mind the greater cause, beyond attempts from some to pit communities against one another. In the context of the creation of a new group in this house which gathers those who would like to promote racist, xenophobic, Islam phobic or anti-Semitic ideas, policies and practices, this is a matter of urgency.

View all "Intolerance and Discrimination Based on Religion or Belief" newsletters:

<http://hrwf.eu/newsletters/intolerance-and-discrimination-based-on-religion-or-belief/>

FORGOTTEN?

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Intersex Refers to a condition whereby an individual has characteristics of both sexes. Individuals possessing this characteristic may at times be referred to as hermaphrodite. These individuals are born naturally like any other and the only difference is the presence of the male and female genitalia. As such, these individuals cannot be classified as either male or female at birth.

At other times, this condition may not be established until puberty. Where physical conditions do not show at birth, at adolescent stage girls may break their voices while boys grow breasts. This new trends in the young adolescent will show the lack of a traditional distinct sex in the child and will lead to show an intersex condition.

Science has overtime come up with ways to help this individuals retain one type of sex through different procedures. They include surgery and therapy. These procedures are quite costly. Children who are from families that cannot afford them are at a disadvantage, because they will either grow up with both sexes or will have the corrective procedures much later in life.

A child who cannot afford surgery will go through some years in the same state. This then brings to question the rights of this child. A child has a right to be issued with a birth certificate and a name at birth. These are forms of identification that are of a basic nature as a measure to protect this child.

The sexes that are common in all legal documents are female or male. This leads to the question, where are such children placed? They are born, we have them among us as our children, neighbors, friends or even just people we rub shoulders with in town. Why has nobody recognized them? They may be few in the society, but does that warrant them to be treated as outcasts?

Children are first human beings before we categorize them to male or female. They have special rights as they are minors and certain measures should be taken to ensure their rights are protected.

The children who are born intersex should be known, data that shows how many they are and a law that would protect them is lacking. The law should maybe talk about the corrective procedures, when it would be necessary for it to take place and the consent needed. This would prevent situation whereby a procedure is undertaken too early in the child's life and at some point in their life they realize it is not the sex they are mostly affiliated to. The data will help show how many are born and a track of their lives to be able to protect them.

We live in a conservative society. One that would rather burry its head in the sand than come out and speak about anything the society would find strange, obscene or a taboo.

The community has not been helpful on its part. The parents of intersex children have kept it a secret instead of being a voice to protect their child. The rest of the community has been busy stereotyping these children making them face a certain level of stigmatization that causes them to hide the truth of who they are.

Australia and Canada are some of the countries that have passed laws that seek to protect the minority of this nature in the community. Legal precedence has been set in a number of cases such as:

- ✓ National Legal Services Authority vs Union of India and Others 2014
- ✓ Case Sentecia No. T-551/99
- ✓ Petition no. 266 of 2013 HC.

If we proceed ignorant to the presence of these children, we will be discriminating against the very children we claim to protect. They do not choose to be born that way. They happen to be different as such we should protect them.

In Kenya, written law to provide for these children is missing. The best source of law we may have is the precedence the court has set in less than five cases in the last decade. The latest being the case of a young girl who was denied a birth certificate which is a basic document.

There are a few organizations that lobby for the rights of these children among other minority groups. These groups have done a lot, but more can be done if every single person who has a role plays their part. Let us raise our voices for the forgotten!



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