

From The Desk Of

**HON. LADYJUSTICE DR. NANCY BARAZA, LLB, LLM, PhD
Advocate and Commissioner for Oaths**

**FORMER DEPUTY CHIEF JUSTICE OF THE REPUBLIC OF KENYA
AND VICE PRESIDENT OF THE SUPREME COURT OF KENYA**

**LECTURER, DEPARTMENT OF PUBLIC LAW, SCHOOL OF LAW,
UNIVERSITY OF NAIROBI**

**CONSULTANT IN LEGAL RESAERCH, POLICY FORMULATION AND
LEGISLATIVE DRAFTING, GENDER MAINSTREAMING AND TRAINING**

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CURRICULLUM VITE

PERSONAL MISSION STATEMENT

To excel as an intellectually well-grounded legal practitioner; to contribute in the dissemination of knowledge in the field of law at University level as a lecturer in law; to contribute to the growth of constitutionalism and good governance in

Kenya by assisting in institutional and constitutional reforms; to contribute to new knowledge through research as a basis for pro-people policy formulation in the country. As a scholar, I intent to advance and specialize in the area of family law through teaching, research and publication.

PREVIOUS AND PRESENT ENGAGEMENTS

Hon. Lady Justice Dr. Nancy Baraza is a lecturer in the Department of Public Law, University of Nairobi School of Law. She teaches Family Law, Jurisprudence and Legal Theory, access to Justice, Social Foundations of Law and Development, Feminist Legal Theory and Jurisprudence. She is an Advocate of the High Court of Kenya. She has served as first ever Deputy Chief Justice and Vice-President of the Supreme Court of the Republic of Kenya. she has also served as a Commissioner with the Constitution of Kenya Review Commission (CKRC). From 2007-2011, she served as the Deputy chairperson of the Kenya Law Reform Commission (KLRC). She is a founder member and past Chairperson of the Kenyan Chapter of the International Federation of Women Lawyers (FIDA-Kenya). She served as the chairperson of the Media compaints commission of Kenya in 2011. She has also served as -Legal Counsel, Ministry of Cooperative Development, Government of Kenya. She has also served as a Lecturer, Kenyatta University School of Law, as well as Kenya School of Law. She has also previously served as member of the Egerton University Council; member of the Editorial Committee, Kenya Human Rights Commission; member of the private Prosecutions Committee, Law Society of Kenya; member and Secretary to the PTA, Alliance High School, Kikuyu and member of the Board of Governors, Lugulu Girls' High School.

LEGAL PRACTICE

- 1983-1987, served as a Litigation assistant in the Law Firm of Kilonzo & Company, Advocates.
- 1987-1990, was a Partner in the Law Firm of Kioni, Baraza & Company, Advocates.
- 1990- To date, Senior Partner in the Law firm of Nancy Baraza & Company, Advocates.

AREAS OF LEGAL EXPERTICE

- Constitutional law
- Gender and the law
- Jurisprudence
- Family law
- Policy and legislative drafting

POLICY FORMULATION AND LEGISLATIVE DRAFTING SKILLS

- Certificate in policy and legislative drafting, from TAC institution, Kenya, 2009.
- Certificate in legislative drafting from PUBLIC ADMINISTRATION INTERNATIONAL (PAI), London, 2010.
- As a commissioner with the Constitution of Kenya, I participated in policy formulation and drafting of the Draft Constitution which was the basis for the Constitution of Kenya 2010.
- As Vice Chairperson of the Kenya Law Reform commission, a statutory body charged with reforming laws and drafting policy and laws, I oversaw drafting of bills; legal research and analysis; advised various government

Ministries on legal reform matters through background papers. I have overseen and participated in Legal Sector Reform Secretariat now GJLOS, which oversaw the implementation of the World Bank sponsored Legal Sector Reform Programme. I specifically oversaw the drafting the following laws:

- the Kenyan Marriage Act, 2015;
 - The Kenyan Matrimonial Property Act, 2014;
 - The Kenyan Protection from domestic violence act, 2015
 - Companies Act, 2015;
 - Insolvency Act, 2015;
 - Drafting the National Legal Aid Bill, 2009:
 - Developed the National Integration and Cohesion Bill, 2008 (Now Enacted);
 - Developed the Truth, Justice and Reconciliation Bill, 2008(Now Enacted);
 - Development the Constitution of Kenya (Amendment) Bill, 2008 (Now Enacted)
 - Development of the Tourism Bill, 2007
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- As the Deputy Chief justice and Vice President of the Supreme Court of Kenya, Dr. Baraza put in place the Judiciary Transformation Framework (JTF) which opened way for World Bank funding of the Judiciary through (JPIP).

CONSULTANCIES

- Study Commissioned by **UNIFEM**: Promoting the Human rights of Women in Kenya: Comparative Review of the Kenyan Domestic Laws. Vis-à-vis CEDAW and the Protocol to the African Charter on Human And Peoples' Rights;

- 2007-Research and documentation of the Process leading to the enactment of the Kenyan Sexual Offences Act, 2006 under the auspices of Plan International and Ford Foundation.
- 2008-Consultancy to educate Somali women on Gender and the Constitution: **UNDP** project.2010- Consultancy with UN-Women: Training the Women of the Republic of South Sudan on Constitutional Issues and the Post Referendum period of the CPA, Juba. South Sudan;
- 2014- Lead Consultant for the UNWomen to assist the Ministry of Devolution of the Republic of Kenya to prepare the 8th CEDAW Report presented to the CEDAW Committee.
- 2015- Consultant for UNWomen on mainstreaming GBV legislations into the Human rights Caucus of Parliament. Ensured the Marriage Act, 2014, the Matrimonial Property Bill 2013 and the Domestic Violence Bill 2014 are prioritized in the strategic plan of the Caucus for amendments and /or enactment.
- Was a Panelist among eminent persons such as the former Prime minister of Denmark and the British Secretary of Trade during the international women's Day, 2016 in London under the auspices of the Overseas Development Institute (ODI), United Kingdom.

TRAINING CONSULTANCIES

- Trained Somali women on Gender and the Constitution: **UNDP** project, 2010.

- Trained the Women of the Republic of South Sudan on Constitutional Issues and the Post Referendum period of the CPA, Juba. South Sudan under the auspices of UNwomen in 2011.
- Trained Kenyan Members of Country Assemblies (MCAs) from various counties of Kenya on the Constitution and gender in Arusha, Tanzania and Kigali, Rwanda, 2014
- Trained members of Kenya Women Parliamentary Association (KEWOPA) on Policy formulation and legislative analysis under the auspices of the National Democratic Institute (NDI), Washington DC in 2016.

PUBLICATIONS

BOOKS

- A United Nations Publication Titled “Promoting the Human Rights of women in Kenya: A Comparative review of the Domestic Laws” (2010) – (with Professor Patricia Kameri-Mbote, Dr. Celestine Musembi, and Professor Winnie Kamau).
- The Making of the Kenyan Sexual Offences Act, 2006: Behind the Scenes (2009) (with Hon. Njoki Ndungu, Dr. Onyango-Ouma and Dr. Harriet Birungi)
- Women’s Rights in Kenya’s Constitution: A Comparison with Regional and United Nations Normative systems.(A book chapter in “REFLECTIONS ON THE BILL OF RIGHTS: KENYAN ESSAYS” Awaiting publication)

PUBLISHED ARTICLES

- Article titled Lost “Between Rhetoric and Reality: Law and Human Rights in addressing Gender inequality”- Published in the Kenya Law Review Journal of 2008-2010, Vol. 11 p
- Legal Feminist Theory and Traditional Legal Doctrine: Challenging the Dominant Paradigm. Published in the East African Law Journal, Vol. 5 2015, p 247-266.
- Family Law Reforms in Kenya: A Feminist Critique – Gadaffi & Baraza (Published in the Africa Nazarene University Law Journal, Vol. 2 No. 2, 2014 p 126-147.
- An analysis of the 2015 Kenya’s Protection from Domestic Violence Act (PDVA). 2015 (Published in the Kenya Law Review Journal, 2016) p 1-22.
- The Constitution of Kenya 2010 and the Fallacy of the Imperative Theory – (Awaiting publication in the Kenya Law Review Journal)
- Article titled international law and the changing trends in judicial Construction of Constitutional law: Faulting justice Antonin Scalia’s “meaningless dicta...dangerous dicta”. (Admitted for publication in the East African Law Journal).
- An article titled Surrogacy: A need for international legal framework (Admitted for publication in the forthcoming edition of the Jomo Kenyatta University Law Journal).

PAPERS (UNPUBLISHED)

- Paper titled “Witness Protection: Legal Challenges”- presented at the United Nations Drug and Crime (UNDOC) Workshop at the UN offices at Nairobi 7-9 July, 2008
- Paper titled “Relationship between Government, Civil society and Private Sector” at a CIVICUS international meeting in Budapest, Hungary, 1998
- Paper titled “Women in Democracy and governance” presented at the Commonwealth Heads of State conference at the Intercontinental Hotel, Nairobi, 2005
- Paper titled “Role of Practitioners in the Enforcement of the Rome Statute” at a workshop organised by the Kenya National commission on Human Rights at Nyali Beach Hotel, Mombasa, in 2005. Law on Crime
- Paper titled “Gender Inequalities and the Law: The role of Law Reform Agencies at the Commonwealth Law Reform Agencies conference at the Hilton Hotel, Nairobi, July 2007
- Paper titled “The need to Establish the African Court of Human Rights” Presented at the FIDA Human Rights Conference, 2006
- Paper titled “Electoral systems” Presented at the Independent Review Commission (Kriegler commission) Technical Workshop on Electoral Systems- KICC, Nairobi, Kenya on 1st August, 2008
- Paper Titled “Constitution-making in Kenya and the Gender Question: Theoretical Frameworks” presented at the High Level seminar on Theoretical Frameworks for Understanding the Role of Gender in Constitution Making organized by **UNIFEM** and **RECESSPA**, 23RD, July 2009

RESEARCH INTERESTS

- Family Law
- Women and the Legal Process
- Feminist Jurisprudence and legal theory
- Constitutional Theory
- Constitutional Law
- International human rights law
- Jurisprudence and legal philosophy.
- Law and society

TEACHING ASSIGNMENTS

Courses taught

Master of Laws Programme

- Jurisprudence and legal theory,
- Access to Justice
- Feminist Theory and Jurisprudence

Bachelor of Laws Programme

- Social foundations of law and development
- Family law
- Jurisprudence and legal theory

SUPERVISED THESES

LLM

- **Joseph Biomdo:** The Judicial Enforcement of the Right to Fair Trial under Article 50 of the Constitution of Kenya. 2015

- **Sarah Mumbi Muiruh:** Analysing the Effectiveness of Informal Access to Justice: Kajiado North Constituency. 2015
- **Derrick Wawire:** An Investigation into the Role of the Kenyan Judiciary in Enhancing the right to Housing under a Transformative Constitution. 2015

EDUCATION

- Doctor of Laws (2016), School of Law, University of Nairobi- Title of Thesis: The Impact of Heteronormativity on the Human rights of Sexual Minorities: Towards Protection through the Constitution of Kenya 2010.
 - Master of Laws Degree (LLM) (2005), School of Law, University of Nairobi
 - Bachelor of Laws Degree (LLB) (1980), School of Law, University of Nairobi
 - Diploma in Legal Education (1981), Kenya School of Law
 - Certificate in Social psychology and Counseling, University of Texas at Austin.
 - Certificate in Change Management in November, 2005 by Visionary Leadership and Management consultants.
 - “A” Levels (1976), Kipsigis Girls’ High School, Kericho
 - “O” Levels (1974), Lugulu Girls’ High School

TASKS

- Nancy was the Kenya Government Leader of Delegation to the Consultative Meeting of Experts of the East African Community member states on Rule of Law, Justice and Law Enforcement, Kampala Uganda 29th to 30th, September, 2008. She presented country report on Kenya’s Laws, Policies

and Strategies Geared towards Upholding Justice and the Rule of Law in the East African Partner States.

- In 1993, she was an NGO delegate to the 4th United Nations Human Rights Conference in Vienna, Austria and contributed by lobbying for the recognition for the first time in human rights history of “women’s rights” as “Human Rights” in the Vienna Plan for Action, 1993.
- In 1995, she led the Kenyan NGO Legal Thematic group to the 4th UN Women’s Conference and lobbied for the current provisions in the Beijing Platform for Action which is a blue print on the implementation of the human rights of women world-wide.

LANGUAGES

- Luhya: Native speaker
- English: Excellent
- Kiswahili: Excellent

MISCELLANY

Workshops attended

- 1993- Workshop on NGO Governance, London;
- 1997- Workshop on NGO Management, Harare, Zimbabwe;
- 1994- Workshop on Resource mobilization for NGOs, University of Kent, Canterbury, UK;
- 2008- Participated in the workshop on witness protection organised by UNDOC Law Enforcement, organised Crime and Anti-Money

Laundering Unit, from 7-9 July 2008 at UN office Nairobi (UNON) Kenya;

- 2004- Participated in a workshop organised by the Kenya National Human Rights Commission on the domestication of the Rome Statute, Nyali Beach Hotel, Mombasa, Kenya;
- 1995- Leader of the Kenyan NGO Legal Thematic Committee to the 4th United Nations Women's conference, Beijing, China;
- 1993- NGO Delegate to the 4th United Nations Human Rights Conference – Vienna, Austria;
- 1998-Delegate to the International Conference of the Association of Women in Development (AWID) Washington DC;
- Delegate to the World Conference on Medical Law, Sun City, South Africa, 1995;
- 1996- Delegate to the Pan-African FIDA Conference, Accra, Ghana;
- 1997- Delegate to the Regional Conference on Women Rights NGOs, Jinja, Uganda;
- 2007- Represented the Kenya Law reform Commission on comparative studies of Family Laws, Ontario, Canada;
- 2007- Represented the Kenya Law Reform Commission at the Association of East and Central African Law Reform Agencies, Pretoria, S.A,
- 2009- Member of the Kenyan Delegation to the United Nations Conference on Anti-corruption – assessment of the implementation of UNCOC, DOHA, Qatar
- Represented Africa

SPECIALISED COURSES ATTENDED

- 1990- Social Psychology and Counseling, University of Texas at Austin;
- Training in Leadership and Democratic Governance under the Auspices of the Governments of the USA and Kenya, 1990, Washington DC;
- Training in Alternative Conflict Resolution Mechanisms under the auspices of USIS and the University of Iowa at Ames, USA in 1996;
- Course organised by the World Bank Institute and The International Law Institute on Judicial Reform for Improving Governance in Anglophone Africa offered through the Global Development Learning Network Centers, Nairobi, Kenya October 9 – November 11, 2003.

NATIONAL AWARDS

December 2008 – I was awarded the **ORDER OF GRAND WARRIOR (OGW)** by His Excellency the President of the Republic of Kenya for outstanding service to the Republic of Kenya.

PROFESSIONAL QUALIFICATIONS AND MEMBERSHIPS

- Advocate, High court of Kenya
- Commissioner for Oaths
- Member of the Law Society of Kenya
- Member of the East African Law Society
- Member of the Commonwealth Association of Lawyers
- Member of FIDA-KENYA

REFERENCES:

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