



A FORD-K congress called to sort out long-standing leadership problems, degenerates into squabbling and stone-throwing between factions led by Raila Odinga and Kijana Wamalwa. April, 1996

FIRST KENYAN WOMAN JUDGE WITH A DECORATED CAREER OF 33 YEARS

Lady Justice Effie Owuor was a voice to the voiceless in the corridors of justice

By Kiundu Waweru

Perusing the newspapers of the 1980s and 90s, one name keeps popping up, that of Lady Justice Effie Owuor. When she was not prosecuting civil and criminal cases, she was protecting children and advocating for women rights.

Unfortunately, when people discuss the advances for women rights, the Marriage Bill, the Constitution, little is mentioned of the pioneering lady judge who dedicated her historical 33 years of service to setting the pace for women emancipation.

Today, Kenyan children are protected by the progressive Children's Act, 2001, resulting from her chairing of the National Task Force on laws relating to children in 1992 to 1996.

Owuor was the first woman to be appointed judge in the High Court of Kenya in 1981, and also the first lady judge of the Appeals Court, then the final jurisdiction before the Constitution 2010 set way for the Supreme Court.

In her tenure, she chaired or was commissioner in defining task forces. A memorable one is when in 1983, together with Cecil Miller and C.B. Madan she was appointed by the government to the Judicial Commission of Inquiry to investigate the conduct and corruption allegations against former Attorney General Charles Njonjo.

WIFE INHERITANCE

Owuor presided over criminal, family, marriage and succession cases. As a commissioner on the Kenya Law Reform Commission from 1984 to 2000, whose mandate was to review and update Kenya statutory legislation, Owuor was at the helm of task forces relating to women and children.

Ironically, when sitting on these task forces and passionately advocating against laws discriminatory to women and children, Owuor found herself caught up in the hideous Luo custom of widow inheritance.

According to *Afrinews*, a year after Owuor's husband died, his people expected her to get 'cleansed' before she started living again.

But she was not having any of that.



On the first anniversary of her husband's death at her home in Western Kenya, Owuor is said to have shocked a gathering when she said, "the Luo community treats widows like dirty people who have to be cleansed before they can integrate into the society once again. As the chairperson of a government task force that is reviewing the legal regime and how it affects women, it is humiliating to be harassed by men when I am still mourning my husband."

A mother of six, Owuor was born in 1943 in Kakamega. She studied at Butere and Alliance Girls before moving to the University of East Africa, Dar es Salaam for a Bachelor's of Law degree.

Her career began in 1967 as State Counsel in the Attorney General's Chambers. She would in 1971 be appointed as Resident Magistrate later elevated to Senior Magistrate until 1981 when she became the first lady judge. Upon becoming a Magistrate, Owuor presided over purely criminal matters for a period of 10 years (from 1971-1981). Upon her elevation to the High

Lady Justice Effie Owuor (left) and Justice Joyce Aluoch (right) address the Press at Jomo Kenyatta International Airport shortly before they led a delegation of nine East African women judges to Manila in Philippines for a conference in 1996.

Court, she presided over complex civil, criminal and constitutional cases. In the Court of Appeal, Lady Justice Owuor as a member of the court delivered final judgements in criminal, civil and constitutional appeals.

The one time United Nations Children's Fund (UNICEF) Goodwill ambassador's star was shining and in 1998, she was appointed, again, as first woman in Kenya in the Court of Appeal, charged to determine criminal, civil and constitutional cases. She also performed administrative duties of a judge of appeal.

But the star would almost dim after

1967

Service

Year when Lady Justice Effie Owuor's career began as State Counsel in the Attorney General's Chambers.

the NARC government came into power, and sought to 'clean' the Judiciary. Owuor would be mentioned in the Aaron Ringera's radical surgery report and she opted to retire than fight the malpractice charges.

Owuor's name would come to the limelight again in 2005 when the Kibaki government appointed her to sit at the ICC in Hague.

The ICC then termed her as a person of high moral character and impartiality, who possesses the necessary qualifications of appointment to the highest judicial office. However, back at home, lawyers and political analysts went up in arms protesting the appointment citing Owuor's mention in the Ringera's radical surgery.

This seems like the only cloud hanging in an otherwise decorated career of the Elder of the Burning Spear Presidential recipient, also recognised by the UN as an advocator, campaigner and supporter of all children in the World in the UNICEF's Millennium State of the World's Children Report.