

Ndungu, Njoki (Kenya)

[original: English]

Curriculum vitae

FAMILY NAME:	NDUNGU	
FIRST NAME:	Njoki	
MIDDLE NAME:	Susanna	
GENDER:	Female	
DATE OF BIRTH:	20 September 1965	
NATIONALITY:	Kenyan	
REGIONAL CRITERIA:	Africa	
SECONDARY NATIONALITY: (IF APPLICABLE)		
MARITAL STATUS:	Single	
LIST A/LIST B	List A	
LANGUAGES	Mother tongue: Kiswahili, Kikuyu	
- ENGLISH	(written) Advanced	(oral) Advanced
- FRENCH	(written) Basic	(oral) Basic
- OTHERS	: (written) Please select >>	(oral) Please select >>
	: (written) Please select >>	(oral) Please select >>
	: (written) Please select >>	(oral) Please select >>
	: (written) Please select >>	(oral) Please select >>
EDUCATIONAL QUALIFICATIONS: <i>Date, institution, qualification(s) obtained (starting with most recent)</i> - Please click the “+” sign in the bottom right corner to add more entries		
2024 - <i>Institution:</i> Chartered Institute of Arbitrators United Kingdom - <i>Qualification(s) obtained:</i> Fellow of CIArb		
1994 - <i>Institution:</i> World University Services, Austria - <i>Qualification(s) obtained:</i> Diploma in Women’s Human Rights		
1993 - <i>Institution:</i> University of Leicester, United Kingdom - <i>Qualification(s) obtained:</i> Master of Laws (LL.M) in Human Rights and Civil Liberties Thesis on Human Rights in Colonial Kenya: Cultural Specificity & Relativity in International Human Rights Standards		
1989 - <i>Institution:</i> Kenya School of Law, Nairobi Kenya - <i>Qualification(s) obtained:</i> Post-Graduate Diploma in Legal Education		

1988

- *Institution:* University of Nairobi, Nairobi, Kenya
- *Qualification(s) obtained:* Bachelor of Laws
Dissertation on Abuse of Police Powers: Arrest, Interrogation and Detention of Suspects

PROFESSIONAL EXPERIENCE: *Date, employer, post title, other information (starting with most recent)*

- *Please click the “+” sign in the bottom right corner to add more entries*

- *Please indicate the relevance of the experience to the candidacy under list A or list B, as appropriate*

2011- to date

- *Employer:* Judiciary of Kenya
- *Post title:* Judge of the Supreme Court of Kenya
- *Other information:* *Member of the Judiciary Leadership Team;*
Chair, the Judiciary Employee Protection and Integrity Committee (EPIC)-
oversight on implementation of Sexual harassment policy and Gender diversity
and inclusion policies;
Chair, Judiciary Committee on Elections – oversight on preparedness for election-
related disputes;
Chair, Supreme Court Rules Committee;
Supreme Court Focal Point for Alternative Justice System (AJS) and Court
Annexed Mediation

The Supreme Court of Kenya is the Apex Court in Kenya and one of the Africa’s leading courts in development of indigenous jurisprudence. As a Judge in the Court, which has the final appellate jurisdiction over all cases including criminal matters, I have had the chance to engage in precedent setting interpretation of fair trial rights, evidentiary standards and requirements, and determining legality of criminal convictions. Just like the ICC the position has demanded a mastery of complex factual records, advanced legal reasoning, protection of due process, and maintaining the delicate balance of rights of accused persons with survivor/victim-centred justice.

The high-level leadership positions within the Supreme Court and the Judiciary generally have provided an opportunity to contribute to judicial ethics, institutional accountability, protection of judicial independence, management of complex procedural issues and adjudicative frameworks, victim-centred justice, and access to justice principles. These experiences are directly relevant to the criminal and appellate processes of the International Criminal Court.

2009- 2010

- *Employer:* Government of Kenya
- *Post title:* Expert, National Committee of Experts on Constitution Review in Kenya
- *Other information:*

The Committee of Experts was one of the mechanisms established under Agenda 4, a peace process that established a government of national unity in Kenya through the mediation and supervised coalition agreement under Koffi Annan, after the Post-Election Violence in Kenya in 2008. Its mandate was to redesign the constitutional framework of the country that ensures democratic institutional reforms that prevent future conflicts. This mandate was critical to ensuring that Kenya averts the commission of international crimes spelt out under the Rome Statute. The work culminated in the promulgation of the 2010 Constitution which under Article 2(6) makes treaties, ratified by Kenya including Rome Statute, part of Kenyan law. As an Expert, I contributed to ensuring that Kenya’s law engenders accountability for international crimes including crimes against humanity, genocide and war crimes. Ultimately, in line with Article 2(6) the International Crimes Act was enacted by the Kenyan Parliament.

2004- 2007

- *Employer:* African Union (AU)
- *Post title:* Member of Parliament for the Pan African (PAP)
- *Other information:*

As member of PAP, which is the AU's legislative body with oversight and consultative powers, I served in the Justice and Human Rights Committee and the Committee on Gender, Family, Youths and People with Disabilities. In this capacity I played a leading role in deliberations on reparations and management of conflict and its impact on displaced populations on the African continent, including the protection of victims of conflict-related violence, areas which are central to the ICC mandate under the Rome Statute.

2003- 2007

- *Employer:* Parliament of Kenya
- *Post title:* Member of Parliament
- *Other information:*

As a member of Parliament, I was the mover of the motion adopted to ratify the International Conference on Great Lakes Region Protocol on the Prevention and Suppression of Sexual Violence Against Women and Children 2004. I was a mover of the Key human rights amendments to the Refugee Act 2004, and I was the architect and mover of the Sexual Offences Act 2006. This cemented the protection of gender-based violence victims and displaced persons in Kenya. Importantly, the process of working on these pieces of legislation strengthened my appreciation of evidentiary, procedural, and victim-centred approaches which are material in determination of matters related to violence against women, victim protection, and accountability for gender-based crimes. This is directly relevant to ICC's mandate and relates to the expertise underscored under Article 36(8)(b) of the Rome Statute.

2000- 2002

- *Employer:* African Union (Organisation of African Unity)
- *Post title:* Political Analyst (Human Rights & Governance), Conflict Management Centre
- *Other information:*

I was the lead and focal point for the drafting of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) and also for the drafting of the OAU/AU Convention Against Corruption. This mandate also entailed the assessment of preventive measures that are applicable for the protection of human rights in conflicts within the African Continent and the inclusion of rights-based approach in peace processes. This strengthened and enhanced my expertise in addressing gender-based violence, victim protection, and accountability for serious human rights violations in conflict situations. This position entailed the development of project priorities and strategies for the engagement of the African Union with civil society based organizations on rights-based approach to programming.

1997- 2000

- *Employer:* Women in Law and Development in Africa (WiLDAF)
- *Post title:* Sub-Regional Consultant for East Africa
- *Other information:*

This position entailed research, writing, and training on women rights in Africa. It also focused on advocacy and legal reform lobbying governments to ensure the protection of women's rights. In this capacity I supported the development of human rights approach in form of a manual and program for Operation Lifeline Sudan under UNICEF ESARO in relation to abductions, slavery, and child soldiers. I also conducted human rights training for refugees in camps for the UNHCR Kenya Office and advocacy on Women Sexual and Reproductive Rights for the Federation of Women Lawyers (FIDA). This work experience in addressing gender-based violence, child soldiers, abductions, and slavery aligns with the work and undertakings of the ICC.

1995

- *Employer:* UNHCR Branch Office Kenya
- *Post title:* National Protection Officer
- *Other information:*

In this position, I undertook engagements related to protection law and status determination of refugees. I was also the lead for gender related protection concerns and supervised the outcome of the 'Women as victims of violence' project including the sensitization of judicial officers, refugee camps staff and residents on new approaches towards reducing the incidents of sexual violence. This was an important contribution to Kenya's capacity in protection matters as a key refugee-hosting state, [then estimated at over 500,000 refugees and displaced persons from Southern Sudan, Ethiopia, Somalia, Rwanda, Burundi and DRC]. Also, sensitizations were essential to strengthening of protection mechanisms within refugee camps and enhancement of gender-based violence and victims support. The engagements in refugee protection law, status determination, and training of judicial officers and camp staff on prevention of sexual violence demonstrates my expertise in victim protection and gender justice; areas that are particularly relevant under Article 36(8)(b) of the Rome Statute.

1989 - 1993

- *Employer:* Government of Kenya
- *Post title:* State Counsel Office of the Attorney General
(Director of Public Prosecutions Office)
- *Other information:*

As state counsel and criminal prosecutor, I undertook criminal litigation, including drafting of criminal charges, presentation of evidence in court, and the examination of witnesses. This work also included analyzing police files to determine sufficiency of evidence and guiding police and other related agencies on how to conduct criminal investigations. My caseload included prosecution of serious criminal offences, including capital cases, such as murder and robbery with violence and I represented the State in criminal and civil litigation from initiation up to appeal level. In this position I appeared before Magistrates' Courts, the High Court of Kenya, and the Court of Appeal of Kenya, which at the time was served as the apex court. This position offered me an opportunity to establish expert competence in criminal law and procedure. Further, I have substantial practical experience in criminal proceedings, rights of accused persons, evidentiary analysis, witness examination, adherence to due process, and appellate advocacy which is material under 36(3)(b)(i) of the Rome Statute.

OTHER PROFESSIONAL ACTIVITIES:

- Please click the "+" sign in the bottom right corner to add more entries

2009 – to date

Activity: Lead Consultant, Leadership Development Consortium. This is an international and regional consultancy providing advocacy, training and capacity building in Constitutional Law, Governance and Human Rights, and Gender related programs. This entailed working closely with various African Parliaments, [up to 2011], to enhance their capacity for legislative and policy initiatives by members of Parliaments on issues related to women's rights. More recently this leadership work oversights implementation of the Big Sister's programme addressing over 400,000 adolescent girls on awareness and prevention of Sexual and Gender based violence.

2008 – to date

Activity: Expert on Sexual and gender-based violence for United Nations (UN Women, UNFPA, UNDP, IPPF, UNICEF). In this capacity I have provided advisory and supported on addressing sexual and gender-based violence across different African countries including Liberia, South Sudan, Uganda, Rwanda, Democratic Republic of Congo (Goma region), and Burundi. This has been relevant and important to finding effective ways of tackling gender-based violence in these countries.

2007 – to date

Activity: Chairperson, Board of Trustees, Nairobi Women Hospital Gender Violence Recovery Centre (GVRC). The GVRC is a charitable trust of the Nairobi Women Hospital [which has 8 hospital branches]

which provides free medical treatment for survivors of gender based violence that include emotional, physical, sexual and psychological abuse. It also provides training for medical nurses who deal with cases of sexual violence and offers training in preventive measures for communities and corporates. It works closely with communities in the prevention and management of sexual violence during turbulent and violent election cycles.

MOST RELEVANT PUBLICATIONS

- Njoki Ndungu, *The Supreme Court of Kenya's Evolving Jurisprudence on Criminal Law*, Supreme Court Judges Lecture Circuit, Moi University July 2025
- Njoki Ndungu, *A critique of the Judicial Approach on Sexual offences and the Age of Consent*, p118, Supreme Court of Kenya, Judges Paper Series, Volume 1, 2025
- Njoki Ndungu, *Judicial Protection of Human Dignity, Insights from Kenyan Jurisprudence* p130 Judges Paper Series, Volume1, 2025
- Njoki Ndungu, *Human Dignity: A Jurisprudential Perspective of Kenyan Courts*, Conference of African Constitutional Jurisdictions CJCA
- Nduku Kilonzo, Njoki Ndungu, Nerida Nthamburi, Caroline Ajema, Miriam Taegtmeyer, Sally Theobald, and Rachel Tolhurst, *Sexual Violence Legislation in Sub-Saharan Africa: The Need for Strengthened Medico-Linkages (2009)* 17 Journal of Reproductive Health Matters.
- Onyango-Ouma, Washington, Njoki Ndungu, Nancy Baraza, and Harriet Birungi, '*The making of the Kenya Sexual Offences Act, 2006: Behind the scenes*' (2009) Nairobi: Kwani Trust.
- Njoki S Ndungu, *Kenya: The December 2007 Election Crises (2008)* 19(4) Mediterranean Quarterly p111-121.
- Njoki Ndungu, *The Role of Security Forces in Prevention and Combating Sexual Violence in Africa (2008)* United Nations Development Fund for Women (UNIFEM), Goma, DRC
- Njoki Ndungu, *A Critique of Laws Relating to Trafficking of Women and Girls in Kenya (1997)* The Global Alliance Against Traffic in Women (GAATW).
- Njoki Ndungu, *The Kenya Women Political Caucus: Evaluating Gender Politics in Legal and Constitutional Reform (2000)* Executive Magazine
- Njoki Ndungu, *AIDS and Cleansing Traditions and Sexual Abuse of Female Minors in Kenya (1999)* UNICEF Innocenti Digest
- Njoki Ndungu, *Gender Violence and Women's Rights in Africa (1999)* Women in Law and Development in Africa (WiLDAF) Newsletter
- Njoki Ndungu, *The Promotion and Protection of Sexual and Reproductive Rights Within the African Context: A Commentary (1998)* International Planned Parenthood Federation (IPPF)
- Njoki Ndungu, *Conflict Resolution and Development in Kenya (1995)* Oxfam, Kenya
- Njoki Ndungu, *The Criminal Justice System, Human Rights and Mentally Incapacitated Offenders (1995)* International Commission of Jurists (ICJ) Nairobi, Kenya
- Njoki Ndungu, *Parliament and the Electoral Commission: A critique (1995)* United States Agency for International Development (USAID)
- Njoki Ndungu, *Access to Justice for Kenyan Minorities (1994)* International Bar Association (IBA), Nairobi, Kenya

Other Relevant Contributions/Publications

- Sexual Offences Act: A Training Manual for Judges
- The Sexual Offences Act: Curriculum for Police
- The Sexual Offences Act: A Training Manual for Prosecutors
- UN Habitat Handbook for Parliamentarians on Human Settlements and the Law

MOST RELEVANT SEMINARS

2025 - Global Constitutional Seminar for Judges, Yale Law School.

2025 - Expert roundtable on specialized response to Sexual and Gender based Violence. Equality Now. 2018 – Presentation on <i>Implicit Bias and its effect on court systems</i> - Gender and Judiciary in Africa Conference. Arusha, Tanzania. 2009 – Joint Dialogue of the Commission on the Status of Women and the Commission on Crime prevention and Criminal Justice Addressing violence against women through legal reform. 2008 – Presentation <i>Human Rights approaches, international instruments and Sexual Violence legislation</i>, LVCT Conference, Nairobi, Kenya. 2007 - UN Commission on Women (CSW), Vienna, Austria, Presentation on '<i>Legislating Against Sexual and Domestic Violence: Challenges of Culture and Creed.</i>' 2001 - CACS Conference - Presentation on '<i>Universality or Africanity: Which Way Forward For The Proposed OAU Draft Protocol on Women's Rights to the African Charter on Human and Peoples' Rights</i>
MEMBERSHIP OF PROFESSIONAL ASSOCIATIONS AND SOCIETIES
- International Bar Association - Kenya Magistrates and Judges Association (KMJA) - Association of Women Lawyers in Africa - International Communication of Jurists (ICJ) - Law Society of Kenya - Federation of Women Lawyers (FIDA) - Kenya Refugee Consortium - Amnesty International
AWARDS AND HONOURS
2016 - Honoree of the Harvard Women Law Association under the Women Inspiring Change category for my extensive contributions to law reform and human rights, especially concerning women and children. 2011 - Presidential Commendation of the Rank of Chief of the Burning Spear (CBS), the highest national honor conferred on appointment as a Judge of the Supreme Court 2007 – Shortlisted for nomination for the US Secretary of State Award for International Women of Courage 2006 - UN Person of the Year in Kenya Award, in recognition for being the architect of the Sexual Offences Act 2006. 2006 - International Commission of Jurists – Jurist of the Year Award, in recognition of my outstanding contributions to the rule of law, human rights, and democracy in Kenya, particularly in regard to legal reforms. 2006 - Presidential Commendation of the Rank of the Elder of the Burning Spear (EBS) for championing human rights in Kenya, especially women's rights and legislating against violence against women.
PERSONAL INTERESTS
OTHER RELEVANT FACTS