



KENYA HUMAN RIGHTS
COMMISSION

STRATEGIC PLAN

2008 – 2012



“Securing Civic-Driven, Accountable and Human Rights Centred Governance”



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List of Acronyms

AIDS:	Acquired Immune Deficiency Syndrome
ARVs:	Anti-Retrovirals
AU:	African Union
CBO:	Community Based Organisation
CDF:	Constituency Development Fund
CEDAW:	Convention on the Elimination of All Forms of Discrimination Against Women
CRC:	Convention on the Rights of the Child
CSOs:	Civil Society Organisations
EALA:	East African Legislative Assembly
EACJ:	East African Court of Justice
ECK:	Electoral Commission of Kenya
FGM:	Female Genital Mutilation
HIV:	Human Immuno-deficiency Virus
ICTs:	Information and Communication Technologies
IDPs:	Internally Displaced Persons
ILO:	International Labour Organisation
IMF:	International Monetary Fund
KHRC:	Kenya Human Rights Commission
KHRI:	Kenya Human Rights Institute
K-HURINET:	Kenya Human Rights Network
KNCHR:	Kenya National Commission on Human Rights
LATF:	Local Authority Transfer Fund
LGBTI:	Lesbian, Gay, Bisexual, Transsexual and Intersex
M&E:	Monitoring and Evaluation
MDGs:	Millennium Development Goals
MoJCA:	Ministry of Justice and Constitutional Affairs
MUHURI:	Muslims for Human Rights
NAK:	National Alliance Party of Kenya
NCSC:	National Civil Society Congress
NGO:	Non - Governmental Organisation
ODM:	Orange Democratic Movement
ODM-Kenya:	Orange Democratic Movement Party of Kenya
PNU:	Party of National Unity
SGBV:	Sexual and Gender-Based Violence
SLDF:	Sabaot Land Defence Force
SMS:	Short Messaging Service
TJRC:	Truth, Justice and Reconciliation Commission
TORs:	Terms of Reference
UN:	United Nations
UNHDR:	United Nations Human Development Report
USA:	United States of America
WB:	World Bank
WTO:	World Trade Organization


Foreword

The Kenya Human Rights Commission (KHRC) is pleased to present its Strategic Plan for the next four years, 2008-2012. It was anticipated that the development of the Plan would have been completed and its implementation begun at the start of this operational year in April 2008. However, this was delayed to enable the KHRC conduct an assessment of the changed external environment brought about by the electoral fiasco of 2007 and the post-elections violence of 2008, both of which were resolved (at least on the surface) by the power-sharing agreement reached on February 28th 2008, under the Kofi-Annan led mediation process. The power-sharing deal between Mwai Kibaki's Party of National Unity (PNU) and Raila Odinga's Orange Democratic Movement (ODM) led to the advent of an unprecedented governance arrangement in Kenya in the form of a Grand Coalition government between the two main parties and their respective affiliate parties.

Six months into this operational year, it seems clear that the Grand Coalition government is here to stay. There are, of course, already indications of cracks within the two key parties to the Grand Coalition government. PNU is grappling with succession aspirations among its affiliate parties while ODM has had to contend with disaffection of members from its two key regions, i.e. the Coast and the Rift Valley. While the Grand Coalition government itself seems set to hold, under its umbrella, it is clear that Kenyans can expect the many break-ups and make-ups that shifting alliances in its two key constituents already portend.

There is no doubt that the politics of coalition making and/or building in a young and fragile democracy like Kenya pose many challenges to the task of nation-building within the context of a human-rights promoting democratic culture. For example, the inability and/or unwillingness of the political elite to rise beyond narrowly defined sectarian interests in order to embrace a truly national socio-economic and political development agenda remains one of the challenges that the KHRC, together with other like-minded organizations, must seek to overcome. Bearing this challenge in mind, KHRC's focus does not so much lie in applauding the changes engendered in the so-called 'elite consensus' that the Grand Coalition represents but rather in taking a critical look at what the electoral fiasco of 2007 and the post-elections violence of 2008 illustrated with the goal of bringing about the following: fundamental socio-economic and political reforms which address our democratically deficient past and enable us to move on to the future on a truly democratic trajectory, with respect for human rights as a key plank in our practice of governance. As a matter of urgency, we must push for the immediate implementation of radical human-rights oriented reforms in our electoral, judicial and security system and ensure that such reforms are constitutionally anchored as well as legislatively and institutionally assured. What is more, such reforms must provide legal and institutional mechanisms to address issues of transitional justice as a first step to re-engineering the Kenyan state. The KHRC has worked towards such reform since its inception and it hopes to use the impetus provided by the mediation process—particularly agreements reached under Agenda Item Four on long-term issues—to leverage its work in this direction.

In doing so, and in line with its Vision 2012, KHRC shall seek to rigorously and substantively engage with all relevant constitutional, legal, policy and institutional reform initiatives at the national level. It will equally continue to seek to enable and facilitate engagement with the 21 community-based human rights networks with whom the Commission works in five regions of Kenya towards demanding for and securing reforms.



Drawing on the lessons provided by the crisis of 2007/8, equality and non-discrimination, rapid response based on timely human rights monitoring, documentation and reporting, will now feature more explicitly in the Commission's work than has been the case in the past.

The next four years shall also see the KHRC address its own institutional sustainability goals more definitively. Within the period of this Strategic Plan the foundation will be laid for the development of our sister organization, the Kenya Human Rights Institute (KHRI) into the knowledge-generating, research-led and on-going training support institution for the Kenyan human rights movement that we all envision.

The challenges are many. The crisis of 2007/8 has been a setback with respect to gains we believed had been secured in the domain of civil and political rights in Kenya. In addition, the real fears of organized crime, persistent insecurity (which is not always or solely politically linked) and the so-called 'war against terror' have, on the one hand, distanced the Kenyan human rights movement from the Kenyan public and on the other hand, put particular groups within the Kenyan public at risk of experiencing grave human rights violations. The realization of economic, social and cultural rights still seems further away, not just as a result of the 2007/8 crisis, but as a result of the climate change, energy and food crises experienced globally and the contradiction between the international finance, investment and trade systems and human rights regimes. The rights to development and peace require sustained work on critical issues of equality and non-discrimination in our context - including through the addressing of historical injustices and the so-called 'youth bulge.' Reproductive and sexual health and rights are at risk from normalised heteronormativity and violence against women as well as women's lack of autonomy and choice - both of which are inseparably linked to HIV/AIDS.

Nevertheless, the KHRC believes itself well placed through this Strategic Plan, to meet these challenges.

Bado mapambano...the struggle continues!

L. Muthoni Wanyeki
Executive Director of the KHRC

Acknowledgements

The KHRC wishes to acknowledge several people who were instrumental to the development of this Strategic Plan.

Okumba Miruka, an independent consultant led the process of thinking and writing various drafts of this Strategic Plan. Without his ability to project, influence and guide us during this process, this Strategic Plan would not have been completed.

Various friends of KHRC helped us in reviewing and critiquing the draft. For this we thank Wambui Kimathi (Kenya National Commission on Human Rights); Peter Kiama (Trócaire); Con Omore (Royal Danish Embassy); Priscilla Nyokabi (International Commission of Jurists—Kenya); Jedidah Wakonyo (Legal Resources Foundation) and James Nduko (Adili Consulting Group Ltd).

We thank James Nduko for his revision and technical editing of this Strategic Plan to its present form.

Finally, to our staff for the hard work and commitment, and the excellent stewardship of Dan Juma who led us in this process to its conclusion.

Ahsanteni sana!

Executive Summary

The Kenya Human Rights Commission (KHRC) envisions a Kenya that respects, protects and promotes human rights and democratic values. This vision is grounded in the belief that it is possible to realise a new Kenyan society based on a human rights culture that upholds the dignity of all its members equally and without discrimination.

KHRC continuously aims at achieving its vision and mission through the application of multiple strategies and actions aimed at entrenching human rights and democratic values in Kenya, key among them being: facilitating and supporting individuals, communities and groups to claim and defend their rights; and holding state and non-state actors accountable for the protection and respect of all human rights for all Kenyans.

The Commission's work is centred on the need to stimulate and develop the power of agency of communities throughout Kenya, through their organisations and struggles for human rights claim-making. KHRC's role is to facilitate such development by empowering relationships and creative application of tools and strategies.

While supporting community struggles at their own levels, we also realise the importance of linking them to national and global struggles and processing how these impact on local life. KHRC is well positioned to play the role of bridging the three arenas of struggle through strategic networking and alliance building.

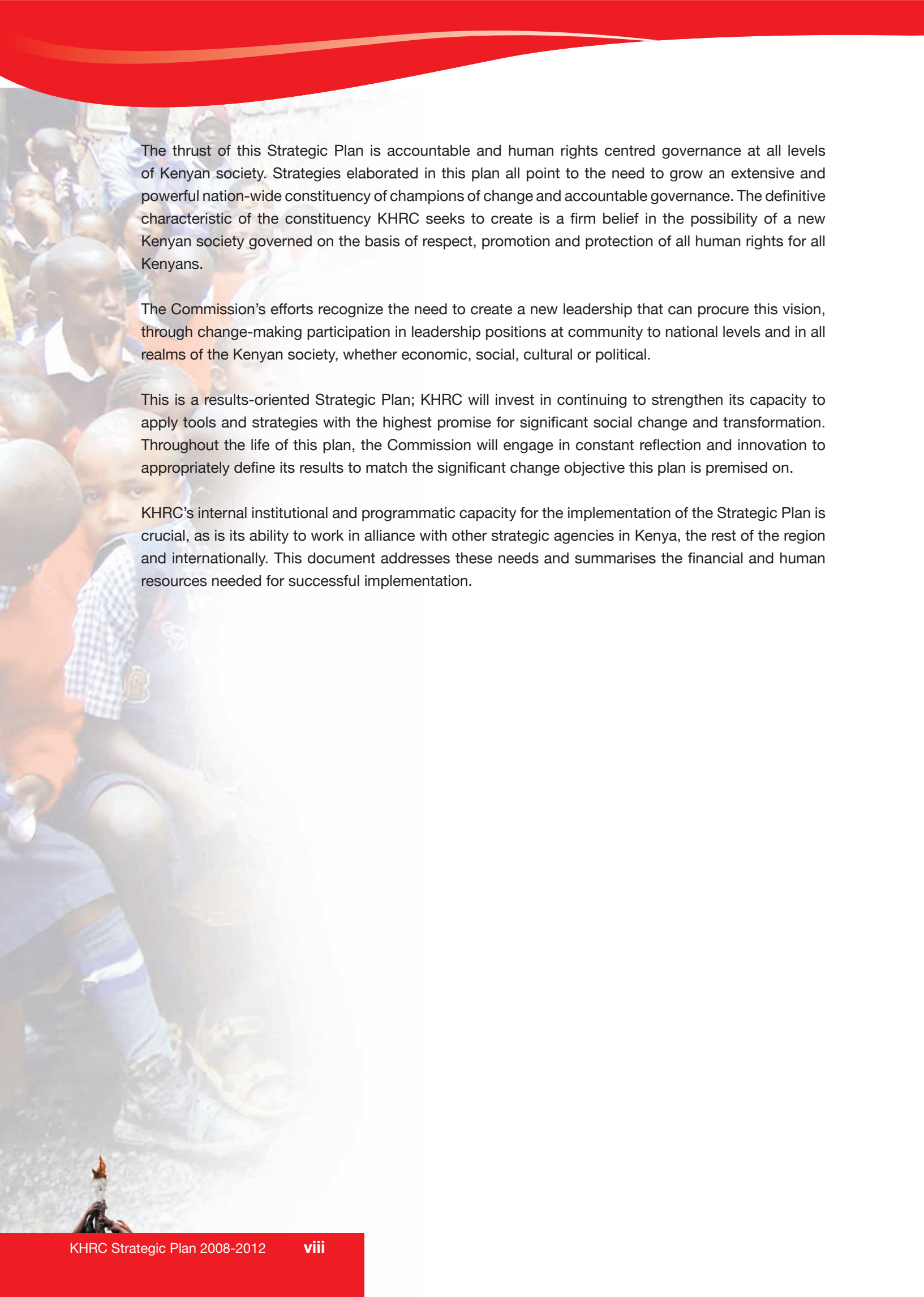
This Strategic Plan is KHRC's blueprint towards achieving its roles and mandate during the period 2008 - 2012. The plan is divided into five parts. **Part One** defines our identity, mandate and historical profiling.

Part Two makes an assessment of key context issues and trends that influence our work and which therefore must inform the choices we make and the direction of our work in the next four years.

Part Three reviews lessons learnt from the Commission's past work and elaborates its definition of the problem as well as strategic choices and objectives aimed at resolving the problem. This section covers our programme strategies and intended results by 2012. It also outlines KHRC's chances of success given internal and external relevant factors.

Part Four outlines the implementation arrangements, by assigning internal responsibilities and systems to carry out the stated work. The section introduces the programmes of the KHRC, cross cutting issues and approaches that apply to all areas of work. It also previews possible scenarios that may influence the Commission's work and explores their potential impact on the adopted strategy. The resource implications of KHRC's plans are also part of this section.

Part Five introduces the Monitoring and Evaluation framework that KHRC will use to ensure that its distinction as a leading human rights organisation is enhanced to ensure continuous improvement and assure accountability to stakeholders. Key elements of the Monitoring and Evaluation system are outlined.



The thrust of this Strategic Plan is accountable and human rights centred governance at all levels of Kenyan society. Strategies elaborated in this plan all point to the need to grow an extensive and powerful nation-wide constituency of champions of change and accountable governance. The definitive characteristic of the constituency KHRC seeks to create is a firm belief in the possibility of a new Kenyan society governed on the basis of respect, promotion and protection of all human rights for all Kenyans.

The Commission's efforts recognize the need to create a new leadership that can procure this vision, through change-making participation in leadership positions at community to national levels and in all realms of the Kenyan society, whether economic, social, cultural or political.

This is a results-oriented Strategic Plan; KHRC will invest in continuing to strengthen its capacity to apply tools and strategies with the highest promise for significant social change and transformation. Throughout the life of this plan, the Commission will engage in constant reflection and innovation to appropriately define its results to match the significant change objective this plan is premised on.

KHRC's internal institutional and programmatic capacity for the implementation of the Strategic Plan is crucial, as is its ability to work in alliance with other strategic agencies in Kenya, the rest of the region and internationally. This document addresses these needs and summarises the financial and human resources needed for successful implementation.

PART ONE

1.0 Introduction

1.1 WHO WE ARE

The Kenya Human Rights Commission (KHRC) was founded in 1991 and registered in Kenya in 1994 as a national-level Non-Governmental Organisation (NGO). Throughout its existence, the core agenda of the Commission has been campaigning for the entrenchment of a human rights and democratic culture in Kenya. Its founders and staff are among the foremost leaders and activists in struggles for human rights and democratic reforms in Kenya.



KHRC Directors

In our formative years (1992-1997), we focused on monitoring, documenting and publicising human rights violations. In this phase, we established ourselves as a vibrant advocate for civil and political rights in Kenya, through direct action protests and offering support for redress to victims and survivors of human rights violations. We also distinguished ourselves by linking human rights struggles with the need for reforms in political leadership and institutions.

From 1998-2003, we expanded our advocacy strategy to include social and economic rights. We made a radical shift in approach in this phase that led us to begin developing capabilities of those affected by human rights problems to advocate for their rights. To do this, we invested in community based Human Rights Education (HRE) and shifted our advocacy approach from 'reactive, *ad-hoc*, one-off' activism to more nuanced processes, with more strategic design, participation of those affected by specific human rights violations and targeting reforms at policy and legislative levels.

We needed a more systematic way of working. This made it necessary for us to develop our first Strategic Plan, which covered 1999-2003. The thrust of this plan was to develop competencies at community level for citizens to identify and deal with human rights violations, without depending on our previous interventionist orientation. We defined our role in this period as a facilitator of community struggles. Capacity building in HRE, monitoring and documentation of human rights violations and human rights advocacy were the main tools to realise the goal.

Lessons learnt in this phase led to KHRC's strategic decision to make additional investment in community-based programming strategies. Reflections on the previous plan strongly concluded there was promise for the realisation of a Kenya without human rights violations if we put more effort and emphasis in stimulating community capacity to institute change from below. This decision led to the development of the Vision 2012 Strategy Paper and the second Strategic Plan (2004-2008).

In the 2004-2008 Strategic Plan, we focused on strategies and actions aimed at enhancing community-driven human rights advocacy, through building of the capacities of citizens to deal with their immediate human rights concerns as well as engage in strategic actions to transform structures responsible for human rights violations. Human rights-centred governance was the overriding theme of this strategic plan, under the banner of rooting human rights in communities. This phase thus also saw the Commission engage in “neo-rights” programming focusing on trade, business, investment, natural resources, labour rights and sexual and reproductive health rights.



KHRC Staff

From inception, we have engaged in grassroots and national level organising for human rights and democratic governance. We have registered milestones in facilitating local community struggles to national and international spaces, with clear analyses and actions identifying and targeting local to global structural sources of the violations. Struggles for labour rights and fair trade practices,¹ land rights struggles by indigenous communities

and campaigns against impunity are examples of areas where we have realised local to national and national to international linkages.

In the next four years (2008-2012), we will continue to consolidate our experiences and successes to expand the impact of our work and play an active role in procuring citizen-led reforms towards a more just, democratic and human rights-respecting Kenyan society.

This strategic plan outlines the strategic choices we have made to be able to play that role and elaborates the rationale for our choices in the context in which we work and given the diverse drivers that impact on our work.

¹In these struggles, local struggles by workers in the Del Monte pineapple plantation and flower farms in Naivasha were linked to international solidarity actions targeting consumers in the North, hence leveraging change.

1.2 WHAT WE DO

We work with others to promote a national culture of respect and the promotion and protection of all human rights for all Kenyans. We monitor and document human rights violations, and publicise them as a means of exposing violators and creating public awareness of trends.

We advocate for legal, policy and institutional reforms for the benefit of citizens' ability to exercise their rights. We challenge structural causes and sites of human rights violations, and engage in diverse peaceful actions to transform them.

In doing this, we stimulate the establishment of a national and vibrant constituency of human rights activists and change-makers, with leverage to influence the expansion of spaces for respect and protection of human rights in the social, cultural, economic and political spheres of the Kenyan society.

1.3 THE RATIONALE FOR OUR WORK

Kenya, despite being at the forefront of acceding to regional and international human rights and humanitarian law instruments, is a poor implementer. Human rights violations are widespread despite reluctant measures by the state to set up public institutions to help it discharge its human rights mandate.

Even the existence of limited legal guarantees of human rights have rarely translated into better lives and human rights enjoyment for the majority of Kenyans.

Ordinary citizens (women, men and children) with and for whom we work, constantly face threats or actual violations of their rights due to a combination of factors such as poverty and its indignities including powerlessness and social exclusion, inability to access health, education, housing and social security.

Our work contributes to the transformation of the structural causes of exclusion, denial of voice and social injustices. We use a human rights framework to challenge structures, institutions and practices that prop up human rights violations.

1.4 OUR VISION

Our vision is a Kenya that respects, protects and promotes human rights and democratic values.

1.5 OUR MISSION

Our mission is to work towards the respect, protection and promotion of all human rights for all individuals and groups. This will be achieved through multiple strategies and actions aimed at entrenching human rights and democratic values in Kenya by facilitating and supporting individuals, communities and groups to claim and defend their rights and holding state and non-state actors accountable for the protection and respect of all human rights for all Kenyans.



Campaign on Transitional Justice: March calling for justice for Mau Mau veterans

1.6 OUR VALUES AND PRINCIPLES

We have identified seven core concerns that inform and direct our work. We have defined these as the core values and principles that guide us in our work. These are:

Sustainability of the human rights movement: Protection, promotion and enhancement of human rights for all individuals and groups depend largely on the extent to which human rights are rooted in local communities. The KHRC's focus on capacity building for local communities will go hand in hand with alliance building between human rights movements in the North and the South. National, regional and international human rights movements must collectively join and strengthen the movement against corporate and capitalistic globalisation, while dealing with local economic and political structures that sustain it in disregard of the human rights of Kenyans. The human rights movement must also move towards self-sufficiency, survival and permanency by reducing its heavy reliance on donor funding.

Liberation: Political struggles that seek to end existing injustice are inherently linked to the struggle for human rights. For poor and excluded people, human rights mean secured livelihoods, well-being and dignity – human life at its fullest for itself and progeny. It is during the struggle against injustice and the conditions that give rise to human rights violations that human rights are named, defined, demanded and defended. Political struggles contribute to the transformation of power relations, through well-defined arenas of contestation and channelling of the force of numbers to liberate people's groupings that are based at the grassroots.

Respect for democratic values: People have a right to make informed choices and should be consulted and supported to meaningfully participate in all processes that are of concern to them. A culture and practice of participation is therefore important in our work with allies, at community, national and international levels.

Fairness and social justice: Resources should be distributed and re-distributed equitably, to the benefit of all citizens, without disadvantaging any groups. Global forces shape the human rights discourse at national and community levels. Actors such as multinational corporations, governments and the private sector generally have destructive impacts on poor communities. These effects serve to root injustice at home. The struggle for human rights must be founded on social justice paradigms that protect the vulnerable and excluded.

Accountability and transparency: Power and resources must be used with integrity and responsibility. It is only through accountable governance that human rights can be protected and enjoyed by all Kenyans. Our own accountability to communities we work with and other allies nationally and internationally, including donors, is key to the success of our strategies.

Equal protection and non-discrimination: All individuals and groups are equal, should be treated with dignity and due regard must be given to their diversity. Genuine democracy can never exist in a society that does not recognise its women and men as equals and that discriminates against individuals and groups based on their race, creed, health status, political opinion, sexual orientation or any other ground. Women, who constitute more than half of the population, have a right to participate and participate in government. Democratic governance must be gender sensitive and inclusive, stress equality and employ affirmative action in promoting equity. Likewise, people of different health status and sexual orientation must be treated with dignity, and mechanisms to protect their human rights as citizens and groups must be put in place and implemented with their participation as equals.

Use of people-centred approaches: Citizen's power of agency needs to be nurtured and supported, through action strategies in which they identify, name and define human rights problems and, with facilitation, establish capabilities to apply various tools of advocacy and social transformation. As opposed to top-down approaches, people themselves lead their struggles and expand their opportunities to realise and exercise their rights.

1.7 OUR THEORY OF CHANGE

KHRC's theory of change is borne in the belief and approach that communities themselves must define, claim and defend their rights. It is by working with communities at their own level, on what is of value to them and enabling them to understand, articulate and claim their rights, that they can effectively hold duty bearers accountable.

The Commission's role in translating this theory into human rights gains for individuals and communities is to facilitate, stimulate, catalyse and support community struggles and link them into networks for wider struggles thus supporting the emergence of a national constituency of human rights defenders with leverage to cause significant reforms for citizens to exercise their rights.



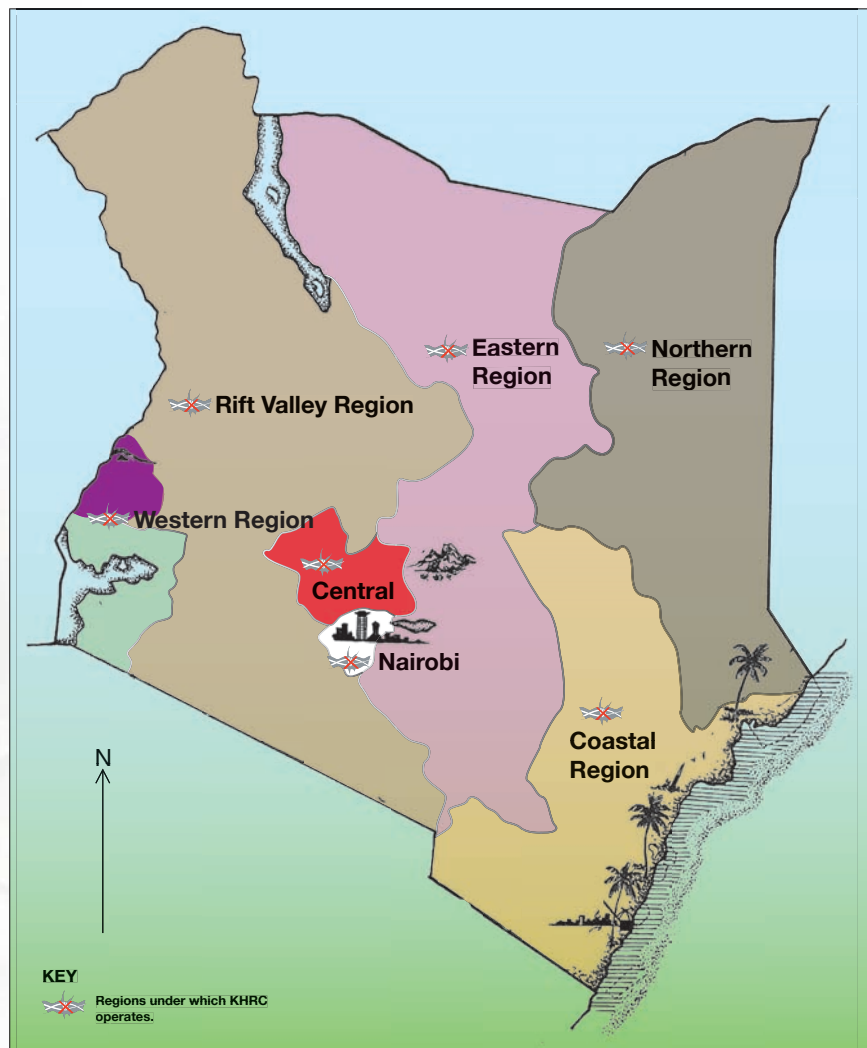
KHRC Staff & Community representatives at a planning forum

We believe that this is the most promising way of creating a sustainable momentum, and ultimately widespread culture of respect and protection of human rights of and by all people and institutions.

1.8 WHERE WE WORK

We work in five regions in Kenya, which include:

- (a) **Eastern Region:** We work in Machakos, Kitui, Makueni, Nairobi, Kibwezi, Kajiado areas and Central province, with epicentres in Ndula, Korogocho, Kangemi, Kibwezi, Mwingi, Meru, Nyeri and Muranga
- (b) **Rift Valley Region:** In the North Rift, we work in Marakwet, Turkana, West Pokot, Turkana, Kitale and Eldoret areas. Key epicentres in this region are in Marakwet and Kitale. In South Rift, we work in Narok, Nakuru, Baringo, Koibatek, Laikipia, Kericho, Nandi Hills, with epicentres in Narok and Baringo.
- (c) **Western Region:** This includes Western and Nyanza provinces, with epicentres in Siaya, Migori, Kisumu and Kakamega.
- (d) **Coastal Region:** We work in Mombasa, Kwale, Lamu, Kilifi, Voi and Taita Taveta, with epicentres in Likoni, Kwale and Taita Taveta.
- (e) **Northern Region:** This includes Isiolo, Marsabit, Moyale, Wajir, Mandera, Garissa and surrounding areas. The epicentre in this region is Isiolo.



PART TWO

2.0 Context and Key Trends Influencing the Work of KHRC

2.1 POLITICAL LEADERSHIP AND GOVERNANCE

Although there have been significant progressive trends in the opening of democratic space in Kenya since the 1990s, paving way for greater enjoyment of the freedoms of expression and assembly, no significant reforms have been seen in the dominant political culture. State repression continues to be perpetuated through subtle actions such as arbitrary arrests of less powerful citizens, extrajudicial executions of suspected offenders as well as governance choices and practices focusing on the interests of the more powerful. Gains in the democracy of free speech and expression have not significantly translated into the democracy of good governance and better livelihoods for poorer citizens.



Demonstration to press for fewer Ministries

The post-election violence following the 2007 General Elections caused serious reversals in Kenya's democratic advances. A combination of factors explains the violence. Reluctant reforms that ushered in multiparty politics in 1991 did not extend to set credible political institutions that would procure free and fair elections. The stunting of constitutional reforms by the ruling elite jettisoned any opportunity for such reforms to occur. Thus, an ethos of political domination by those in power, akin to the despotism of the single party era, still defines competitive politics in Kenya. Moreover, until the close of the negotiated power-sharing agreement between the Party of National Unity (PNU) and the Orange Democratic Movement (ODM), electoral politics were construed on a winner-takes-it-all arithmetic, which excluded significant political voices from participation in leadership.

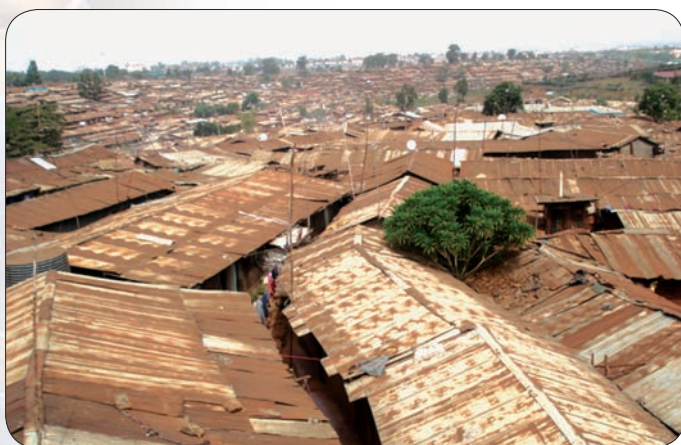
Ironically, an entrenched culture of impunity for perpetrators of corruption, human rights violations and other crimes, thanks to the synonymy of power and impunity at the high state, government and corporate levels, meant that elections were seen as the only arena for citizens to remove perpetrators from power. Therefore, citizens interpreted flawed elections due to political corruption and a weak Electoral Commission of Kenya (ECK) as part of the system that denied them avenues to obtain redress through their ballot power.

The KHRC will invest its clout and capacity to hold institutions of state and non-state political power accountable and engage in facilitating popular citizen action to secure broader institutional reforms to transform Kenyan politics and governance. Our strategy will recognise that elections alone are not the magic bullet of consolidating democracy. This means that we will delve into more spaces to expand claim making for institutional reforms in Kenya's body politic using a human rights framework.

Advocacy on Constitutional reforms will be a major site for the KHRC's contestation and action for broader reforms. Alliances with other pro-reform initiatives will be imperative in pursuing the reach of requisite reforms towards a new political and governance culture.

2.2 POVERTY AND INEQUALITY

Kenya ranks as the fourth most unequal country in the world. The lowest ten percent of rural households control 1.63 percent of total expenditure while the top ten percent control 35.9 percent of total expenditure. Nationally, the bottom 90 percent of households consume 64.1 percent of the total expenditure while the top ten percent consume 36 percent.² According to the 2007-8 United Nations Human Development Report (UNHDR), the richest ten percent of Kenya's population control 33.9 percent of the national income while the poorest ten percent control only 2.9 percent. Twenty percent of the richest Kenyans control 49.1 percent of the national income. The gap between the richest ten percent and the poorest ten percent is placed at 13.6 percent while that between the richest 20 percent and the poorest 20 percent is pegged at 8.2 percent.



Kibera Slum

Still, 60 percent of Kenyans live below the income poverty line³ negating the notion that economic growth as reflected in recent GDP statistics translates into better lives for majority of the population.⁴ Runaway inflation, due to global economic forces as well as local factors like the post election violence in early 2008, has heightened the cost of basic commodities. Shrinking household incomes have led to a rise in poverty, hence diminishing the capacity of poor people to access the right to adequate health, decent housing

and post primary education for their children.

Adoption of market fundamentalism as the driving force of Kenya's economy has exposed the poorest to an existence that excludes them, and almost makes it impossible for their households to break out from the cycle of poverty.

Food insecurity has escalated in the past decade, with more Kenyans joining categories of food insecure. This is as a result of a combination of factors, mainly the absence of a sound national food policy, global trends in food prices, higher household energy costs due to soaring oil prices globally, insecurity and violence leading to massive displacements of farming communities in high food production regions and climatic volatility in the form of global warming which has impacted negatively on farming calendars and crop yields.

²Republic of Kenya, *Basic Report on Well-being in Kenya, 2005/6, April 2007*

³See the *United Nations Human Development Report, 2007*

⁴According to the *Basic Report on Well-being in Kenya 2005/6*, the economy picked up in 2004 and registered annual growth rates of 4.9% in 2004 and 5.8% in 2005 after dismal performance between 1997 and 2003. The marked improvements are attributed to reform programs put in place especially to strengthen good governance and rule of law, rehabilitate and expand infrastructure and improve human capital. The drivers of the economic growth have been agriculture, manufacturing and construction facilitated by increased revenue collection.

Poverty leads to exclusion of the poor and denies them life chances and opportunities to access socio-economic rights like adequate standards of health, decent housing, quality education for their children and social security. It diminishes political participation as a poor population is exposed to manipulative politics by wealthy political operatives whose interest is to preserve their privileged status.

Vision 2030, the Kenyan government's economic blueprint, has the vision of transforming Kenya into a middle-income economy by 2030. It elaborates a phased framework of achieving economic growth, using the Millennium Development Goals (MDGs) as its core reference. It is unlikely that the lofty, yet progressive goals can be attained if officialdom does not take deliberate steps to address the real causes of poverty and dangerous inequality in Kenya, some of which include an entrenched culture of corruption, gender inequality and injustices, deep rooted impunity, unconstitutionality and land-based injustices.

The KHRC will continue to play an active role, in alliance with other organisations and anti-poverty social movements to hold the state accountable to its pledges to reduce poverty, and to expand social protection for the poorest and most excluded Kenyan groups. We will actively contribute to engineering actions for a radical shift in Kenya's development thinking to address the root causes of underdevelopment and impoverishment of majority of the Kenyan population.

To this end, the KHRC will invest in mass-based anti-corruption advocacy, formulation and implementation of a progressive land policy, anti-impunity campaign action, gender justice struggles and the promotion of female leadership in all spheres. It will also develop strategies that will act as levers to expand spaces for the realisation of social and economic rights for the biggest proportion of the Kenyan population.



Communities campaign on Economic, Social and Cultural Rights

2.3 THE SOCIAL AND CULTURAL CONTEXT

Trends over the past three decades have indicated growing ethnic tensions in Kenya, largely as a result of the ethnic orientation of national political processes. Material interpretation of political power has been inevitably intertwined with the political formulae of dominant political parties that rely on ethnic block voting as opposed to popular support of party manifestos.

Moreover, victory in elections has, by and large, meant unfettered access to largesse and economic power by the elite from ethnic groups of the winners.

These retrogressive practices have stimulated tensions in ethnic relations, which as witnessed during the post election violence in January 2008, threatened to fracture the Kenyan state.

As a factor of elite competition for state power on the platform of ethnicity, ethnically defined militarised groupings have emerged, with heightened combat activities in election years, ostensibly in defence of ethnic causes. Armed groups such as the *Mungiki*, the Sabaot Land Defence Force (SLDF), *Sungu*

Sungu, the so-called 'Kalenjin warriors' and, lately, *Siafu* are all organised on the basis of ethnicity. However, they are actually 'militarised wings' of particular politicians' interests. Ironically, the poor combatants in these groups share neither class roots nor interests of the rich politicians who bankroll them.

KHRC considers the spiralling ethnic tensions to be a consequence of the state's failure to address structural inequalities, which has led to a national psyche that views political power for a member of the tribe as key to addressing poverty and its related consequences on livelihoods. This popular analysis however fails to recognise that power elites are connected more on a class than ethnic basis and problems such as corruption transcend ethnic profiling at elite level.

While the National Ethnic and Race Relations Bill (2008) has been drafted for debate in parliament, the KHRC opines that such edicts at the bureaucratic level mean nothing, unless nuanced and extensive structural reforms that give all Kenyans equal opportunity to access live chances and prosper as a result of their hard work and merit are put in place.



Maasai Community; one of the over 42 ethnic communities in Kenya

Despite progress by women's movements, and gains through the establishment of institutional frameworks such as the National Commission on Gender and Development and progressive legislation like the Sexual Offences Act (2006), gender inequality and injustices still present serious hindrances to the enjoyment of women's human rights. Furthermore, Sexual and Gender-Based Violence (SGBV) is still widespread and continues to violate women's sexual and reproductive health rights.

On a positive note, however, there are encouraging trends in increased reporting of sexual offences. There is also progress in access to help for survivors through the setting up of regional gender recovery centres through the cooperation of civil society, the government and the private sector.

The 2007 General Elections saw more female politicians elected or nominated to parliament. This positive trend is indicative of expanding space for female leadership, earned through protracted struggles by Kenya's women movements. Legal and institutional guarantees are urgently required to ensure more equitable participation of women in governance.

Female Genital Mutilation (FGM) is officially criminalised in Kenya but continues unabated in many communities, with an incident rate of 40-95 percent. Convictions of offenders, mainly parents and relatives of girls, are rare as the police do not view it as demanding of investigative and prosecutorial attention in comparison to other crimes such as violent robbery or murder.

People living with HIV/AIDS (PLWHAs) are still among the most discriminated and excluded. Despite increased support to access Anti-Retrovirals (ARVs), only 100, 000 patients are on the national supply plan, leaving more than two million in need of active therapy.

Stigma is still a problem at family and work environments although there are progressive trends by organisations towards workplace policies on HIV/AIDS. Moreover, more health insurance institutions have rolled out insurance schemes that cover care for AIDS patients, albeit with access limited to the upper socio-economic classes.

People with disabilities and lesbian, gay, bisexual, transsexual and intersexual (LGBTIs) individuals face both open and covert prejudice and exclusion as a result of embedded social attitudes that negate their rights as human beings. For LGBTIs, embedded religio-cultural fundamentalism creates a societal and institutional framework that structurally denies them their human rights.

The KHRC will invest its capacity and resources to challenge and transform social and cultural systems that are the root of exclusion and discrimination against individuals and groups on the basis of their ethnicity, sex, religion, sexual orientation, health status and different ability.

In our strategy, we will deliberately make choices to employ promising approaches to dismantle patriarchy, which is at the centre of structural inequalities and exclusion of women. We will also work in alliance with LGBTI individuals and groups, people with disabilities and PLWHAs to expand spaces, through legal and policy advocacy, for the enjoyment and protection of their human rights.

2.4 CONFLICT AND SECURITY


Since independence in 1963, sporadic conflicts, often leading to violent confrontations between ethnic communities, have dotted much of the country. A common thread of conflicts in regions like Northern Rift Valley, Southern Rift Valley, Nyanza, Coast, Central and Northern/North Eastern Kenya is that they are resource-based. Major issues of contestation have been control of pasture and watering points for livestock, local expansionist manoeuvres for land control and clashes between modernity and traditional practices, which in some communities for instance permitted violent robbery and stealing of animals from neighbouring communities for bride price settlement. In Nairobi and other peri-urban areas of Central Kenya, conflicts have mainly been instigated by competition for control of land and business opportunities like housing and hawking. Resource-based confrontations have led to killings, massive displacement of people, destruction of livelihoods and escalation of poverty in affected communities.

In much of the country, a cyclical pattern of politically instigated conflict, leading to violence has characterised electoral years since 1992. This is sustained by party political formations and practices that thrive on ethnic branding and exclusivity. Between 1991 and May 2008, election related violence accounted for more than one million internally displaced persons (IDPs) and more than 5,000 deaths.



Police guard Uhuru Park during the post election violence

Criminality, both violent and non-violent, has continued to rise, with a mushrooming of organised criminal gangs. These are often sustained through the complicity of law enforcement agents who also benefit from the proceeds of crime.



Rising militarisation of ethnically defined groups like *Mungiki*, the SLDF, Chinkororo, *Sungu Sungu*, Moorland Forces, *Kaya Bombo*, among others presents serious security and human rights challenges. The inflow and proliferation of small arms has made it easy for these groups to acquire arms. These groups have become a common feature during elections as ethnic power barons with high stakes in state power enrol their violence against groups deemed to threaten the politicians' chances of being elected. These groups were responsible for much of the violence before and after the 2007 elections, with the backing of senior politicians.

Kenya does not have clear mechanisms of dealing with widespread conflict, and long-term solutions have not been prioritised. This may be due to the fact that conflict affects the poor in a more concrete and adverse way than wealthy political leaders and operatives, who often sponsor it. Conflict and heightening criminality, if unchecked through a comprehensive policy and practice perspective, present the real threat of Kenya descending into a failed state, perhaps even in under a decade.

2.5 REGIONAL AND INTERNATIONAL HUMAN RIGHTS MECHANISMS

Advances in the international justice systems have opened up strategic spaces for holding perpetrators of human rights violations in Kenya accountable through international jurisdictions that hold promise in mitigating officially sanctioned impunity by the Kenyan state.

The KHRC will build its capacity to utilise existing and emerging opportunities through the United Nations (UN) organs like the Security Council, the Human Rights Council and its special procedures and the organs of the African Union (AU). While holding the Kenyan state accountable to its national law obligations on human rights, the Commission will invest in expanding accountability demands using mechanisms defined under regional and international human rights law. This is imperative given the unlikelihood of bringing to account perpetrators of grave human rights violations due to state complicity as well as the influence of political power held by such individuals.

The KHRC will continue to utilise opportunities offered by regional and international human rights mechanisms to pressure state and non-state actors to comply with human rights standards and human rights centred governance. The Commission will capitalise on the improved reporting on human rights obligations by Kenya through, among others, providing relevant information towards the reports filed as well compilation of parallel reports for both comparison and mitigating gaps.

The American-led war on terror has brought to the fore the impunity of powerful nations and their non-observance of international human rights law in the conduct of their global anti-terrorism strategies. For Kenya, the renditions of terrorism suspects by American security agents to secret detention camps abroad, and the complicity of the Kenyan state in these violations of both national and international human rights law, raises new human rights concerns. The KHRC will continue working with allies nationally and internationally to secure the human rights of victims of these renditions and other arbitrary police actions under the guise of fighting terrorism.

2.6 EAST AFRICAN INTEGRATION

The political and economic integration of the Eastern African states of Rwanda, Burundi, Tanzania, Uganda and Kenya, under the aegis of the East African Community (EAC), has gathered momentum in recent years. A functional East African Legislative Assembly (EALA) is in place and there is a target to attain political federation by the year 2013. Economic integration is geared towards creating the EAC

as a powerful regional economic bloc, with common markets, a customs union and free flow of labour and capital aimed at leveraging comparative economic advantage.

The regional integration process has so far only been active at the Heads of States level. It therefore lacks a popular base for acceptance, as there is little information among the public of what it portends for them.

Significantly related to human rights is the creation of the EALA and the East African Court of Justice (EACJ). There is also the Great Lakes Conference on human security and regional conflicts. These are structures with potential for enforcement of international human rights standards at the regional level, with direct effects at national levels. They are present opportunities for exerting pressure to tackle economic and political governance crises in member countries. If the regionalisation processes are used to good effect, there is potential to defuse national and cross-border conflicts that have in the past resulted in massive poverty, displacement of populations, proliferation of small arms and insecurity.

The KHRC will tap into the opportunities presented by regionalisation to expand spaces for the protection of human rights using regional and international norms, through collaborative cross-border advocacy on strategic issues such as fair trade, environmental conservation, international crime, conflict and insecurity, refugees and asylum seekers, intellectual property rights and aid.

2.7 GLOBALISATION

Global forces and trends in areas like trade impact the enjoyment of socio-economic rights in Kenya. The dominance of market driven economics and models championed by the World Bank (WB), the International Monetary Fund (IMF) and the World Trade Organization (WTO) clearly disadvantage poor economies like Kenya.

While multilateral and regional trade agreements, bilateral investment treaties and development financing, are necessary in a globalised economic system, they often disadvantage poor people in countries like Kenya through the effects of unfair trade practices. Moreover, the rising economic power of multinational corporations and their practices in the South has little regard to accountability for human rights in such areas as labour, environment, affordability of energy, access to food and water.



Campaign on Human Rights-sound trade practices at the World Social Forum, 2007

The KHRC will continue challenging the deleterious aspects of globalisation, in areas that impact human rights and human dignity. Working in alliances with global social justice movements, the KHRC will play an active role in advocacy for a more human rights respecting ethos in ongoing and future negotiations and agreements on trade, business and investments, with a special focus on those that have most consequences to Kenya.

2.8 TECHNOLOGICAL TRENDS

Access to information and communication technologies (ICTs) in Kenya has exponentially expanded in recent years. More and more Kenyans, both in rural and urban Kenya have access to mobile telephony, Internet, television and radio. Due to the liberalisation of airwaves, Frequency Modulated (FM) radio stations have emerged, with the common trend being local language stations spread across the country.

The government, through its ICT Board, has rolled out an ambitious nation-wide programme to establish Digital Villages, which will extend access to Internet infrastructure to rural Kenya, hence bridging the digital divide between urban and rural populations.

These advances have made communication easier and faster and opened up new frontiers for access to information and exercise of the freedom of expression.

Adoption of e-Governance by the Kenyan government has seen more and more state agencies and departments set up websites with up to date postings on policy, practice and administrative information. This has accelerated service delivery to the public as information can now be downloaded via the internet. The Kenyan Parliament has passed rules that allow live broadcasts on television and radio, hence creating opportunity for public monitoring of the performance of leaders and the direction of the legislative agenda verbatim.


However with these advances have come significant risks that impact on human rights. For instance, during campaigns in the run-up to the 2007 General Elections and continuing through the post-election violence, Short Messaging Services (SMS) were used to spread hate messages and, in some cases, to incite or direct acts of violence against ethnic groups associated with contending political parties and their leaders. A number of local language FM stations have also been accused of instigating ethnic hatred and inciting violence through explicit and implicit messaging.

The KHRC will invest in creative use of technological advances to promote human rights. For instance, the roll out of Digital Villages across Kenya is strategic in enhancing information exchange with community based allies, as well as being a media channel to disseminate information, including human rights campaign messages and mobilisation calls. The Commission will also play an active role in influencing policy and legislation to provide checks and balances for a responsible media and hold media accountable when its activities threaten human rights.

2.9 CIVIL SOCIETY

Kenyan civil society has established a legacy of advocating for democracy, social justice, reforms and good governance. CSOs have achieved this through both individual agency as well as collaborative action in networks and coalitions.

The definition of CSOs in Kenya covers NGOs (national and international), faith based organisations (FBOs) and community based organisations (CBOs). Whereas trade union movements, independent media, professional associations, student movements and opposition political groups constitute part of the broader definition of civil society, the conceptualisation of the sector in Kenya has mainly been limited to NGOs and, to some extent, CBOs.



Traditionally, NGOs have been seen as the key drivers of advances and articulation of the voice of civil society. In the past five years, FBOs and CBOs have increasingly exerted more influence with respect to the articulation of citizen voices on reforms and accountability. With the shift in government planning and fiscal allocation towards devolved funds like the Constituency Development Fund (CDF), the Road Development Fund, the HIV/AIDS Funds, the Water Development Funds, Bursaries and the Local Authorities Transfer Funds (LATF), CBOs have increasingly changed their approaches to work from welfare orientations to demands for transparency and accountability in the appropriations of such funds. This has led them to emerge as the more legitimate agents of community struggles as they are closest to the people at the community levels.

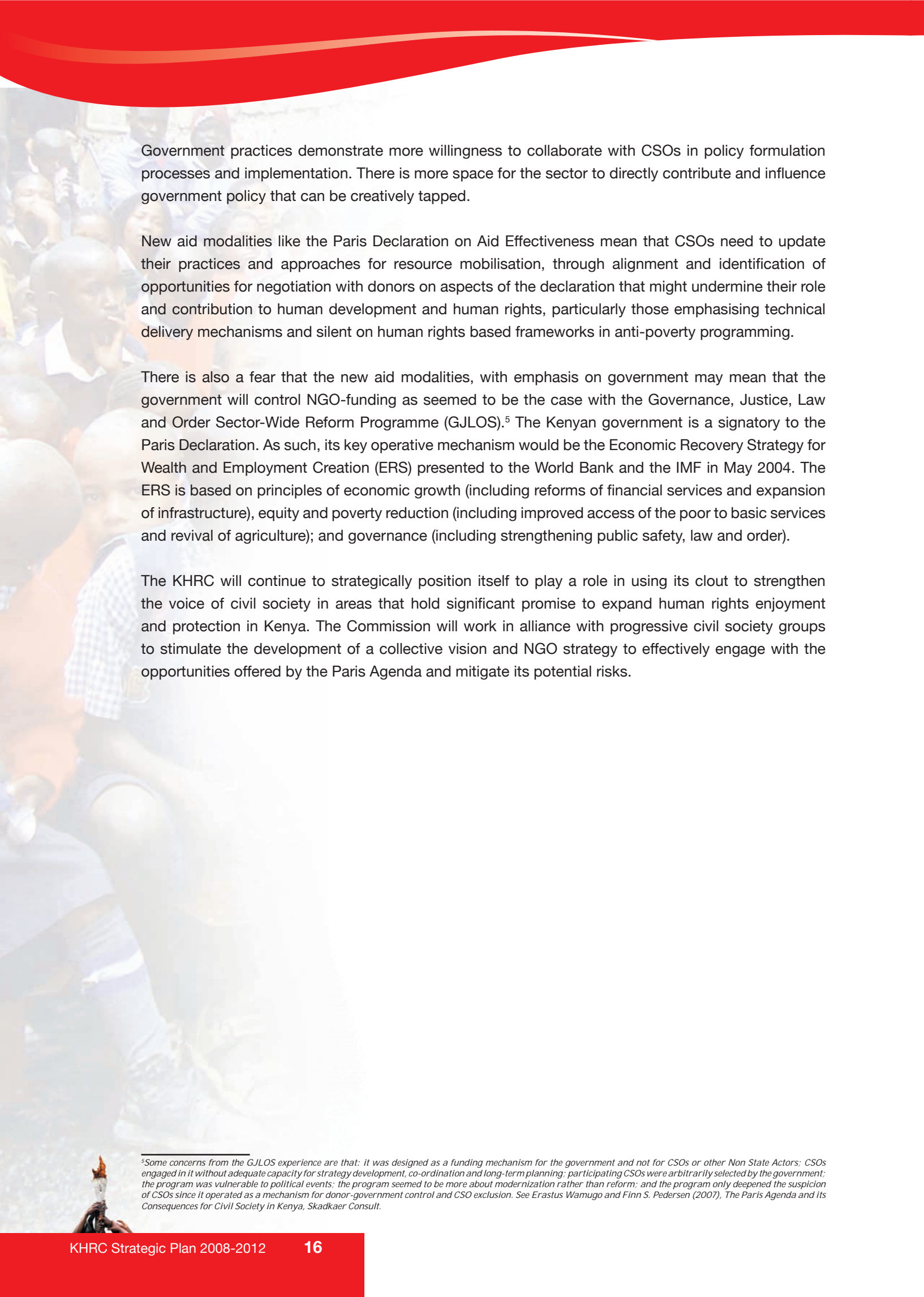
CBOs also participate in the devolved funds as outsourcing agents of government funds for service delivery. Their duality as recipients of state funding at one level and mandate as citizen organisations to hold the state accountable for human rights and social justice on the other pose a new dynamic and challenges the scope and nature of collaboration with independent NGOs at the national level.

There is an exponential expansion of the CSO sector, all largely dependent on similar donors for their functioning. This has created implicit notions of competition for limited financial resources, which impacts negatively on the quality of collaboration. It has also influenced donor-funding practices, with more preference for basket funding through such programmes as the URAIA National Civic Education Programme, where organisations bid as thematic consortia as opposed to submitting individual proposals. Furthermore, overdependence of donor funding shrinks the independence of CSOs, and carries a risk of donor-driven priorities and shifts that may be unrelated to local priorities.

Since 2002, questions about the credibility and legitimacy of CSOs have gained prominence in the public domain. Decisions by civil society activists and leaders to join political parties and participate in elective politics have often been construed as cooptation of the civil society into dominant political culture. For instance, the 2005 constitutional referendum saw organisations take positions for or against the draft constitution. Depending on the choice, individuals and the organisations they are associated with were classified as “Orange” or “Banana” (and later as either Raila Odinga or Mwai Kibaki apologists). Some critiques have noted a subtle ethno-political polarisation within Kenyan civil society, which has cut back on the quality, extent and power of joint positions and actions on national issues. The emergence of two antagonistic umbrella civil society organisations - the NGO Council and the National Civil Society Congress (NCSC) - is often viewed as the culmination of this polarity.

NGOs are under increasing public scrutiny for process and resource accountability, and the demand to exhibit as high standards of integrity, democracy and quality of output as they demand of state and non-state actors, particularly corporate entities. This is particularly seen in the need for better succession planning with respect to management and leadership.

There is also greater demand for innovation by the sector as trends in government rhetoric and, to some extent institutional practices, have adopted civil society practices and approaches. The work of statutory bodies like the Kenya National Commission on Human Rights (KNCHR), the Kenya Law Reform Commission and the National Commission on Gender and Development, demand more strategic thinking by CSOs, to identify spaces for collaboration as well as gaps that require separate programming if those with similar mandates have to remain relevant.



Government practices demonstrate more willingness to collaborate with CSOs in policy formulation processes and implementation. There is more space for the sector to directly contribute and influence government policy that can be creatively tapped.

New aid modalities like the Paris Declaration on Aid Effectiveness mean that CSOs need to update their practices and approaches for resource mobilisation, through alignment and identification of opportunities for negotiation with donors on aspects of the declaration that might undermine their role and contribution to human development and human rights, particularly those emphasising technical delivery mechanisms and silent on human rights based frameworks in anti-poverty programming.

There is also a fear that the new aid modalities, with emphasis on government may mean that the government will control NGO-funding as seemed to be the case with the Governance, Justice, Law and Order Sector-Wide Reform Programme (GJLOS).⁵ The Kenyan government is a signatory to the Paris Declaration. As such, its key operative mechanism would be the Economic Recovery Strategy for Wealth and Employment Creation (ERS) presented to the World Bank and the IMF in May 2004. The ERS is based on principles of economic growth (including reforms of financial services and expansion of infrastructure), equity and poverty reduction (including improved access of the poor to basic services and revival of agriculture); and governance (including strengthening public safety, law and order).

The KHRC will continue to strategically position itself to play a role in using its clout to strengthen the voice of civil society in areas that hold significant promise to expand human rights enjoyment and protection in Kenya. The Commission will work in alliance with progressive civil society groups to stimulate the development of a collective vision and NGO strategy to effectively engage with the opportunities offered by the Paris Agenda and mitigate its potential risks.

⁵Some concerns from the GJLOS experience are that: it was designed as a funding mechanism for the government and not for CSOs or other Non State Actors; CSOs engaged in it without adequate capacity for strategy development, co-ordination and long-term planning; participating CSOs were arbitrarily selected by the government; the program was vulnerable to political events; the program seemed to be more about modernization rather than reform; and the program only deepened the suspicion of CSOs since it operated as a mechanism for donor-government control and CSO exclusion. See Erastus Wamugo and Finn S. Pedersen (2007), *The Paris Agenda and its Consequences for Civil Society in Kenya*, Skadkaer Consult.

PART THREE

3.0 The KHRC Strategy for 2008-2012

3.1 PAST RESULTS, CHALLENGES AND LESSONS LEARNT

Results

KHRC is a pioneering organisation in defining, directing and expanding struggles for human rights in Kenya. Many consider the Commission a leader in the Kenyan human rights movement, a role that is illustrated in our work of consolidating pro-reform forces in the country since the 1990s, open campaigning with and on behalf of victims of human rights violations and consistency in holding the Kenyan state and non-state actors accountable to their human rights obligations.

The following are the Commission's key results, accumulated through actions defined in the 2004-8 Strategic Plan:

Growth in community-based activism and expanding the human rights constituency:

This has been achieved through our broad strategy of rooting human rights in Kenyan communities. Through support to community struggles, delivered by facilitating learning for and about human rights, skills development on tools for human rights advocacy and direct action, progressive trends of community organising to deal with their human rights issues have been realised.



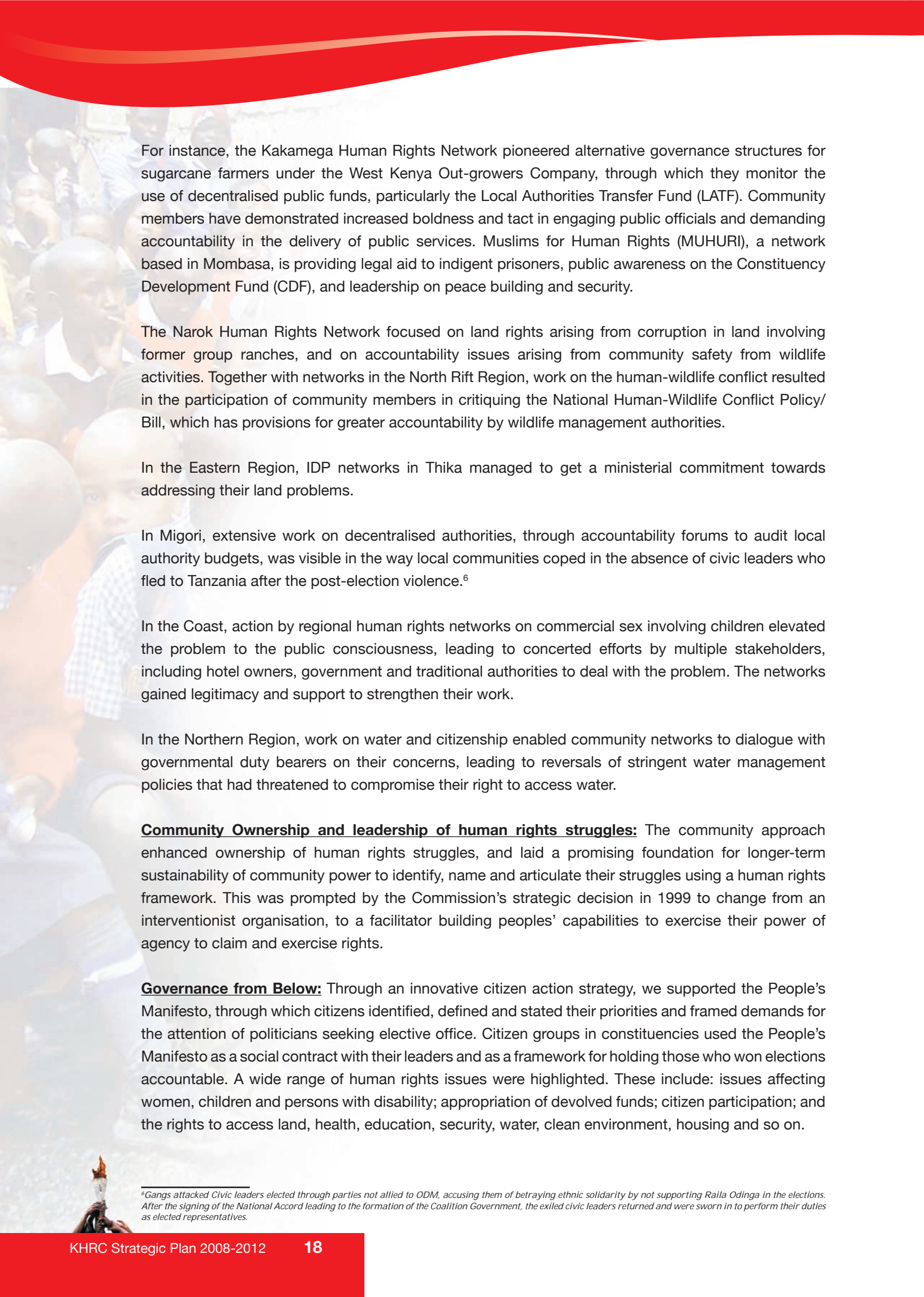
Community training in Wajir

Some of the issues addressed by communities with our support included water reforms, community safety from wildlife attacks and destruction of property, accountability in the appropriation of devolved funds, women's human rights, children's rights, land rights and peace building.

Through a well-developed internship program, KHRC facilitated capacity building for human rights activism and programme development, and provided cross-learning opportunities for Kenyan and foreign students as well as community-based human rights initiatives. A number of interns at the KHRC have been recruited by several national and international organisations on the basis of their capacity to implement human rights programmes.

Our leadership in the above initiatives was recognized through the *Utetezi* ("Defender") award conferred to the KHRC by the Kenya National Commission on Human Rights (KNCHR), in 2005.

Increased accountability and improved governance: Emphasis on civic action within the community-based approach resulted in increased accountability of duty bearers with respect to the human rights issues focused on by communities.



For instance, the Kakamega Human Rights Network pioneered alternative governance structures for sugarcane farmers under the West Kenya Out-growers Company, through which they monitor the use of decentralised public funds, particularly the Local Authorities Transfer Fund (LATF). Community members have demonstrated increased boldness and tact in engaging public officials and demanding accountability in the delivery of public services. Muslims for Human Rights (MUHURI), a network based in Mombasa, is providing legal aid to indigent prisoners, public awareness on the Constituency Development Fund (CDF), and leadership on peace building and security.

The Narok Human Rights Network focused on land rights arising from corruption in land involving former group ranches, and on accountability issues arising from community safety from wildlife activities. Together with networks in the North Rift Region, work on the human-wildlife conflict resulted in the participation of community members in critiquing the National Human-Wildlife Conflict Policy/ Bill, which has provisions for greater accountability by wildlife management authorities.

In the Eastern Region, IDP networks in Thika managed to get a ministerial commitment towards addressing their land problems.

In Migori, extensive work on decentralised authorities, through accountability forums to audit local authority budgets, was visible in the way local communities coped in the absence of civic leaders who fled to Tanzania after the post-election violence.⁶

In the Coast, action by regional human rights networks on commercial sex involving children elevated the problem to the public consciousness, leading to concerted efforts by multiple stakeholders, including hotel owners, government and traditional authorities to deal with the problem. The networks gained legitimacy and support to strengthen their work.

In the Northern Region, work on water and citizenship enabled community networks to dialogue with governmental duty bearers on their concerns, leading to reversals of stringent water management policies that had threatened to compromise their right to access water.

Community Ownership and leadership of human rights struggles: The community approach enhanced ownership of human rights struggles, and laid a promising foundation for longer-term sustainability of community power to identify, name and articulate their struggles using a human rights framework. This was prompted by the Commission's strategic decision in 1999 to change from an interventionist organisation, to a facilitator building peoples' capabilities to exercise their power of agency to claim and exercise rights.

Governance from Below: Through an innovative citizen action strategy, we supported the People's Manifesto, through which citizens identified, defined and stated their priorities and framed demands for the attention of politicians seeking elective office. Citizen groups in constituencies used the People's Manifesto as a social contract with their leaders and as a framework for holding those who won elections accountable. A wide range of human rights issues were highlighted. These include: issues affecting women, children and persons with disability; appropriation of devolved funds; citizen participation; and the rights to access land, health, education, security, water, clean environment, housing and so on.

⁶Gangs attacked Civic leaders elected through parties not allied to ODM, accusing them of betraying ethnic solidarity by not supporting Raila Odinga in the elections. After the signing of the National Accord leading to the formation of the Coalition Government, the exiled civic leaders returned and were sworn in to perform their duties as elected representatives.

These were framed as demands and specific changes desired by citizens entered as contracts with the candidates. The People's Manifesto reversed the trend where candidates talked down to the electorate and made pledges without subjection to accountability. The concept has potential to increase peoples' participation during elections, and to entrench accountability after elections.



The Peoples' Manifesto Launch in Korogocho

Upstream Media: *Mizizi ya Haki*, the community human rights newsletter greatly improved in the quality of submitted articles. The newsletter provided a platform for communities to share stories about their struggles, as well as a link between participating communities through information and sharing of experiences.

The KHRC relied on community-based monitors to collect information for production of occasional human rights reports, which served to publicise human rights violations and expose perpetrators.

Networking and alliances: We successfully collaborated with other civil society organisations (CSOs) to have human rights education content officially incorporated in the mainstream school curriculum, a step recognised as a strategic investment towards the realisation of a culture of human rights. This followed successful lobbying with the Kenya Institute of Education (KIE) by the KHRC and other human rights organizations under the Forum for Legal and Human Rights Education (FLEHURE).⁷

The KHRC actively participated in the development of the National Policy and Action Plan on Human Rights through membership in the National Steering Committee. While this process is led by the Ministry of Justice, National Cohesion and Constitutional Affairs (MoJNCCA) and KNCHR, many stakeholders from civil society and the private sector are also crucial players.

Working relations developed with key public institutions, such as the KNCHR, led to constructive dialogue on human rights issues and political accountability. Through various forums, KHRC articulated the human rights dimensions of national issues such as land, security, elections and transitional justice, thus drawing attention to the centrality of human rights in national processes.

Additionally, KHRC ventured into non-traditional human rights issues through “neo-rights” programming, an achievement closely linked to the existence of a multi-disciplinary staff able to apply diverse and reinforcing approaches. Alliances have been built with Reproductive Health rights Alliance (RHRA) and also the Gay and Lesbian Coalition of Kenya (GALCK).

International Advocacy: We engaged in advocacy of key human rights issues affecting Kenya internationally, through events such as presentations to the Human Rights Committee in New York, the Economic Rights Forum in Geneva, the African Commission on Human and Peoples Rights in Banjul and engagement with the International Labour Organization (ILO) and the World Trade Organisation (WTO).

⁷This network was hosted by the Legal Resources Foundation Trust (LRF) and brought together Legal Education and Human Rights Education organizations to lobby for integration of HRE in the national school curriculum.

The Kenya Human Rights Institute (KHRI): The KHRC established the Kenya Human Rights Institute (KHRI), launched on December 10, 2006. The Institute has convened critical forums for human rights activists, practitioners and academics and enabled debate and broader participation in the shaping of progressive thinking and discourses on human rights nationally and regionally.

Recognition of the KHRI has been evident in the increased reliance on its human rights information by researchers, academics and human rights practitioners and rising interest in its critical discussion forums.

Stronger institutional foundations for the national human rights movement: We maintained our tradition of solidarity with other CSOs, through legal hosting of nascent national and grassroots human rights organisations. The KHRC has significantly contributed to the institutional development of these organisations, by supporting growth of their organisational and programmatic capacities. This has in turn contributed to stronger institutional foundations of the national human rights movement.

Good relationship with our donors: We maintained good and strong relationships with our core donors, gaining their financial support for programs and operations. In the 2004-8 Strategic Plan, KHRC achieved on average 90 percent implementation rates.

Strides in institutional development: Towards attaining institutional development and sustainability, we achieved the following landmark results:

- *Finalisation of a Financial Sustainability Strategy, with clear milestones and strategies to minimize dependence on donor funding;*
- *Development and implementation of a workplace HIV/AIDS policy;*
- *Review and strengthening of the KHRC policy for gender mainstreaming, with clear institutional, programme, management and governance implementation guidelines;*
- *Capacity building for staff, through internal and external training and career development opportunities, hence enhancing motivation and quality of delivery;*
- *Improved internal communication through setting up of working committees with clear terms of reference and work plans;⁸*
- *Regular joint Board-Staff reflections and planning retreats have improved interactions and ownership of programs, processes and outcomes.*

Challenges

Key challenges experienced in the past four years include the following:

Interference by the state and politicians: While significant strides were made through the Commission's strategy of building community capabilities to articulate and exercise their rights, there was limited corresponding change in the behaviour of state actors. Official hostility directed at human rights defenders and interference of politicians in community struggles slowed down the momentum of nascent community based initiatives. Many a time, politicians scuttled the efforts aimed at empowering people to fight for their rights, through outright manipulation of their ethnic identities. Nonetheless, initiatives such as the People's Manifesto have resulted in marked improvement on the level of accountability among leaders.

⁸The Committees are: Editorial; Staff Development and Welfare; Management; Gender; and, Security.

Inadequate support to victims of human rights violations: Our capacity to offer immediate assistance to those seeking redress for human rights violations was constrained. Although we made referrals for legal aid to other organisations, complaints were not dealt with effectively due to challenges in the organisations with a mandate to offer legal aid services. In this respect, there was a feeling from those seeking our assistance was that the KHRC did not help deal with their cases adequately. Nevertheless, the legal aid desk continues to attract complaints from victims of human rights violations with the Commission offering as much assistance as it can within its capacity and mandate.

Gender mainstreaming within community struggles: Weak staff capacities to translate the policy on gender mainstreaming in the context of the work of community networks and programs led to gaps in reaching the goals of mainstreaming. Despite good will and internal mainstreaming capacities, we still need capacity building to be able to apply mainstreaming tools effectively in community programming contexts.

Frequent staff turnover: The KHRC experienced frequent staff turnover, which slowed down implementation, increased workload and created some programme management difficulties. Moreover, pressure on overloaded staff to implement gravely minimised opportunities for reflection, learning and review of strategies. The volatility caused by staff turnover created perceptions of instability among our stakeholders, including donors, community networks and allies at the national level. In the ending Strategic Plan however, KHRC has managed the rate of turnover by hiring and filling in vacant positions in a timely manner.

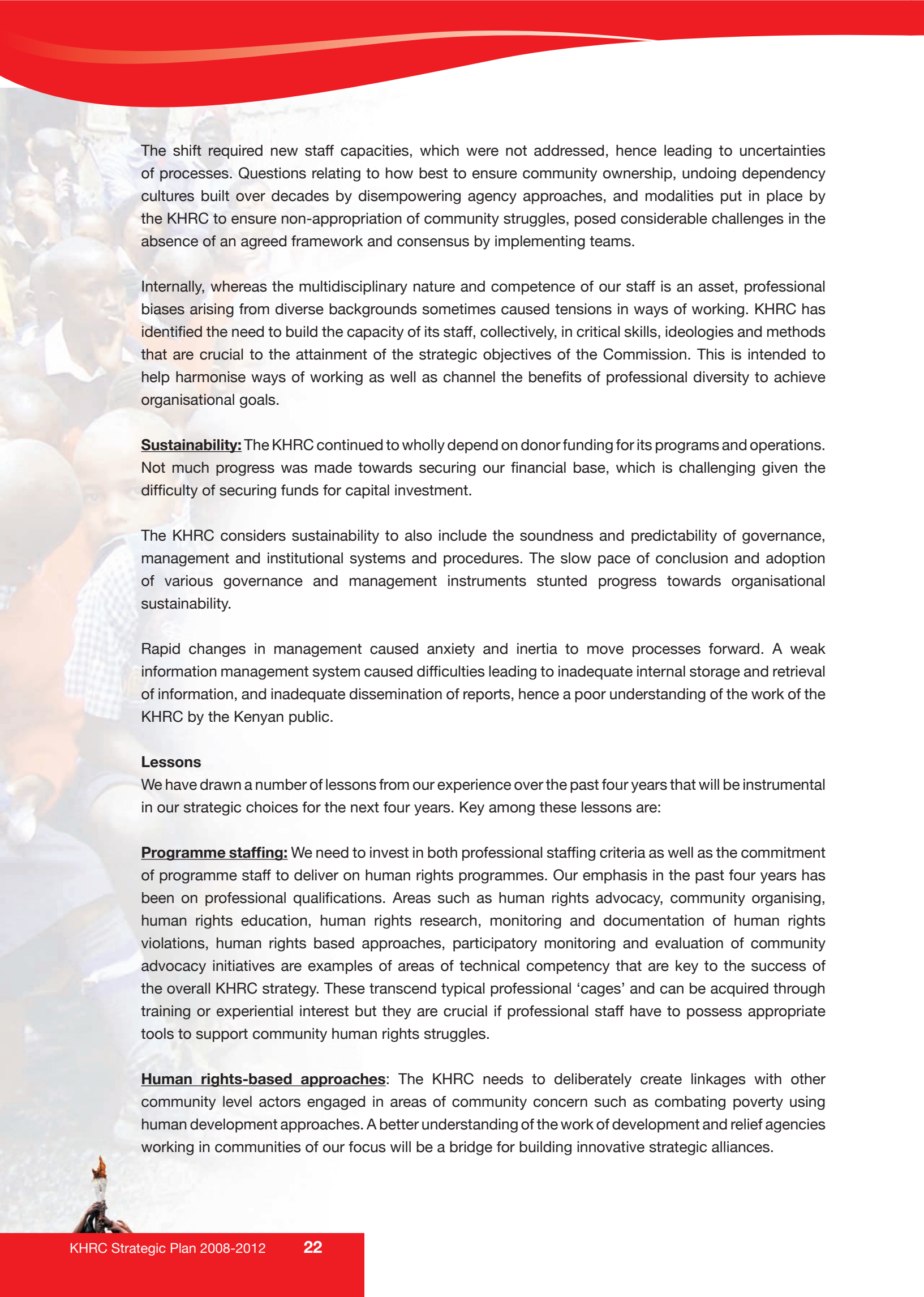
Rapid changes in the operating environment: After the 2002 General Elections, the country experienced rapid political developments. Major processes like the 2005 national referendum on a draft constitution, and an emerging culture in which politicians place the country in permanent campaign mode have influenced the context of the Commission's work, often in unprecedented ways. For instance, most of the assumptions made in the 2004-8 Strategic Plan were rendered immaterial.

Transitional fluidity in the organisation meant that we spent more time dealing with change management than investment in strategic realignments in line with national trends. It was also an experimental epoch for our comprehensive community-based strategies, meaning that focus was on grassroots community work more than national context issues. All these dynamics limited our engagement and visibility at the national scale, which is crucial for the success of our upstream strategies. Adjustments to respond to significant national trends of consequence to human rights were slow and our leadership role was seen to have diminished.

Our stand on national politics: Our open support for National Alliance Party of Kenya (NAK) before the 2002 elections was widely interpreted as parochial by sections of civil society, media, donors and the political class.⁹ Whereas the stand was strategic at the time, and given our clarity of the nexus between progressive politics (which NAK ostensibly represented) and human rights protection, a weak communication strategy on our position meant that for most of the period of the Strategic Plan, significant portions of our traditional partners, including political parties, viewed the Commission as an apologist of the Kibaki administration, hence complicating our mobilisation ability.

Methodological challenges: Whereas the rationale of the strategic choice to build grassroots capacities for human rights struggles was clear, the methods for implementation were not clearly defined.

⁹The support was documented in the publication *Eyes on the Prize*.



The shift required new staff capacities, which were not addressed, hence leading to uncertainties of processes. Questions relating to how best to ensure community ownership, undoing dependency cultures built over decades by disempowering agency approaches, and modalities put in place by the KHRC to ensure non-appropriation of community struggles, posed considerable challenges in the absence of an agreed framework and consensus by implementing teams.

Internally, whereas the multidisciplinary nature and competence of our staff is an asset, professional biases arising from diverse backgrounds sometimes caused tensions in ways of working. KHRC has identified the need to build the capacity of its staff, collectively, in critical skills, ideologies and methods that are crucial to the attainment of the strategic objectives of the Commission. This is intended to help harmonise ways of working as well as channel the benefits of professional diversity to achieve organisational goals.

Sustainability: The KHRC continued to wholly depend on donor funding for its programs and operations. Not much progress was made towards securing our financial base, which is challenging given the difficulty of securing funds for capital investment.

The KHRC considers sustainability to also include the soundness and predictability of governance, management and institutional systems and procedures. The slow pace of conclusion and adoption of various governance and management instruments stunted progress towards organisational sustainability.

Rapid changes in management caused anxiety and inertia to move processes forward. A weak information management system caused difficulties leading to inadequate internal storage and retrieval of information, and inadequate dissemination of reports, hence a poor understanding of the work of the KHRC by the Kenyan public.

Lessons

We have drawn a number of lessons from our experience over the past four years that will be instrumental in our strategic choices for the next four years. Key among these lessons are:

Programme staffing: We need to invest in both professional staffing criteria as well as the commitment of programme staff to deliver on human rights programmes. Our emphasis in the past four years has been on professional qualifications. Areas such as human rights advocacy, community organising, human rights education, human rights research, monitoring and documentation of human rights violations, human rights based approaches, participatory monitoring and evaluation of community advocacy initiatives are examples of areas of technical competency that are key to the success of the overall KHRC strategy. These transcend typical professional 'cages' and can be acquired through training or experiential interest but they are crucial if professional staff have to possess appropriate tools to support community human rights struggles.

Human rights-based approaches: The KHRC needs to deliberately create linkages with other community level actors engaged in areas of community concern such as combating poverty using human development approaches. A better understanding of the work of development and relief agencies working in communities of our focus will be a bridge for building innovative strategic alliances.

Through the contribution of diverse actors and approaches, working together with communities in value-adding relationships based on comparative advantages will expand possibilities of holistically addressing human rights problems in communities. The multidimensionality of human rights problems requires that our choices do not assume that the human rights framework is the magic bullet. Trends by development organisations in adopting rights based approaches are illustrative of the gains of the human rights movement engaging with human development oriented organisations to expand space for human rights contestation, particularly economic rights struggles.

Suitability and feasibility of the community approach: The community approach holds immense credible promise to the realisation of a permanent culture of respect for human rights and community capabilities to claim and exercise their rights. For it to succeed, it is imperative that the KHRC invests more in refining its capacities to play a genuine and empowering facilitative role in transferring the power of agency to communities. This will necessitate a radical undoing of long traditions of top-down practices on the part of the KHRC and develop attitudes and capabilities to apply participatory tools and methodologies in practice.

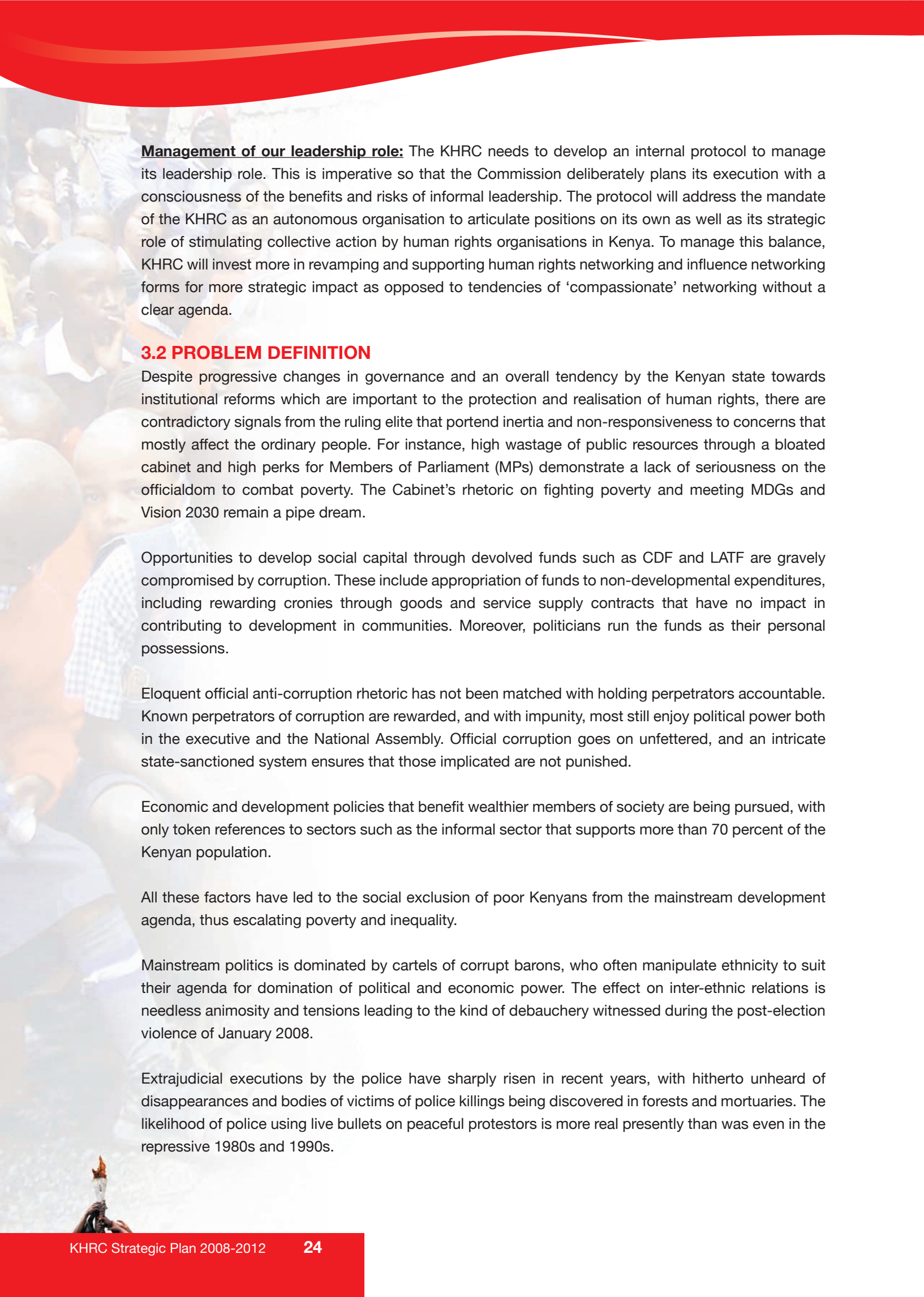
Human rights as political Struggles: Realisation and exercise of human rights cannot be won without contestation. Contestation is about renegotiating the power of duty bearers, to deliver their obligations of protection and fulfilment of rights. From its past expression of political support for progressive political leaders, the KHRC has proved that it can be political without being partisan, and that it will continue to take political positions but guard against the risk of being seen as parochial.

Vision 2012: This Strategic Plan clearly defines the theory of change for Vision 2012, its meaning in practice and the interrelationships of its various components toward achieving KHRC's vision. The mid-term evaluation of the strategic plan 2004-2008 observed that both staff and communities had difficulties identifying and articulating the tenets of Vision 2012 with clarity and certainty. This Strategic Plan will be implemented on the basis of clearly developed strategy papers and program approaches that reflect its broad parameters and choices.

Results tracking: We will invest more in tracking of results and reflection in order to improve synergy among programme teams and better link programme coordination with implementation. Our notion of results will go beyond statements of short-term outputs from activities to a focus on significant systemic changes. Well-researched baselines and definitions of the desired change will be important elements in the determination of the impact made through the Commission's multiple successive strategies and actions.

Managing knowledge: We will comprehensively document the models we have used and our experiences over the years, for example, community-based approaches and practices, the People's Manifesto, the school-based human rights programme, gender mainstreaming, the power of direct action, etc. This will help consolidate lessons and promote exchange and cross learning based on our experiences. We will strengthen our processes for institutionalising our memory on promising practice.

Human Rights Reporting: Through the KHRI, we have identified the need to strengthen the quality of our human rights reports. We will do this by ensuring credibility, accuracy and reliability of the information. We will also ensure clarity on the purpose of writing the reports so that framing corresponds with the intended use, as opposed to publishing reports without an intended goal or focus.



Management of our leadership role: The KHRC needs to develop an internal protocol to manage its leadership role. This is imperative so that the Commission deliberately plans its execution with a consciousness of the benefits and risks of informal leadership. The protocol will address the mandate of the KHRC as an autonomous organisation to articulate positions on its own as well as its strategic role of stimulating collective action by human rights organisations in Kenya. To manage this balance, KHRC will invest more in revamping and supporting human rights networking and influence networking forms for more strategic impact as opposed to tendencies of ‘compassionate’ networking without a clear agenda.

3.2 PROBLEM DEFINITION

Despite progressive changes in governance and an overall tendency by the Kenyan state towards institutional reforms which are important to the protection and realisation of human rights, there are contradictory signals from the ruling elite that portend inertia and non-responsiveness to concerns that mostly affect the ordinary people. For instance, high wastage of public resources through a bloated cabinet and high perks for Members of Parliament (MPs) demonstrate a lack of seriousness on the officialdom to combat poverty. The Cabinet’s rhetoric on fighting poverty and meeting MDGs and Vision 2030 remain a pipe dream.

Opportunities to develop social capital through devolved funds such as CDF and LATF are gravely compromised by corruption. These include appropriation of funds to non-developmental expenditures, including rewarding cronies through goods and service supply contracts that have no impact in contributing to development in communities. Moreover, politicians run the funds as their personal possessions.

Eloquent official anti-corruption rhetoric has not been matched with holding perpetrators accountable. Known perpetrators of corruption are rewarded, and with impunity, most still enjoy political power both in the executive and the National Assembly. Official corruption goes on unfettered, and an intricate state-sanctioned system ensures that those implicated are not punished.

Economic and development policies that benefit wealthier members of society are being pursued, with only token references to sectors such as the informal sector that supports more than 70 percent of the Kenyan population.

All these factors have led to the social exclusion of poor Kenyans from the mainstream development agenda, thus escalating poverty and inequality.

Mainstream politics is dominated by cartels of corrupt barons, who often manipulate ethnicity to suit their agenda for domination of political and economic power. The effect on inter-ethnic relations is needless animosity and tensions leading to the kind of debauchery witnessed during the post-election violence of January 2008.

Extrajudicial executions by the police have sharply risen in recent years, with hitherto unheard of disappearances and bodies of victims of police killings being discovered in forests and mortuaries. The likelihood of police using live bullets on peaceful protestors is more real presently than was even in the repressive 1980s and 1990s.

Despite impressive trends in citizen action and claim making capacities for their rights, and increase in the numbers and the expanse of human rights organisations, both governmental and non-governmental, there does not seem to be corresponding evidence that human rights violations have decreased.

The most prevalent human rights concerns include poverty, which leads to denial of other rights like adequate nutrition, health, housing, education and social security. Further, many concerns persist. These include: labour rights violations by private companies, misogyny, sexual violence against women and girls, discrimination and exclusion of minority groups like persons with disabilities, LGBTIs and ethnic minorities, political violence, internal displacement, armed groups and insecurity, among others.

The poor state of human rights is propped by systems of governance and societal structures characterised by deep-rooted patriarchy, official political and economic corruption, and intricate networks operating at state level that guarantee perpetrators impunity.

3.3 OUR STRATEGIC CHOICES

This Strategic Plan builds on the 2004-8 Strategic Plan and is therefore anchored on Vision 2012. Vision 2012 is hinged on two pillars: first to stimulate and support grassroots people's movements to fight for their human rights; and second, to advocate for a Kenyan State built on pillars of accountability and human rights-centred governance.

Following the lessons learnt from our past achievements and challenges, and in line with the problem definition we have presented above, the KHRC makes the following strategic choices for its Strategic Plan 2008-12. These choices are built around transitional justice advocacy, respect for diversity rights, combating inequality, conflict and insecurity, reforms (constitutional, legal, institutional and policy), democracy building, gender justice and promoting female leadership. These choices are based on the urgent need for comprehensive reforms towards human rights-based governance, accountability and democratic values and include:

- i) To expand and intensify engagements with state and non-state actors on strategic human rights issues for reforms, compliance and effective implementation of policies and laws that have significant impact and promise to fulfil, protect and promote enjoyment of all human rights by all Kenyans;*
- ii) To heighten the work of strategic networks and community human rights initiatives, through local to national consolidation, with the potential to create a significant national force with high leverage to transform state and non-state institutions towards democratic and human rights-centred governance;*
- iii) To expand deliberation, learning and generation of human rights knowledge through leadership in shaping human rights discourses based on current knowledge and best practices based on the experiential resources of the KHRC and its allies;*
- iv) To mainstream equality and non-discrimination internally and externally. Through organisational processes and programme strategies, support the establishment of a permanent culture that is gender-sensitive and that respects diversity and associated rights, as well applying multiple strategies to engineer transformation of structural bases that prop up discrimination;*

- v) *To strengthen our capacity and that of community networks and human rights defenders operating at national level for rapid response to emerging human rights issues and crises;*
- vi) *To invest in strategic initiatives to secure organisational sustainability, which is crucial for KHRC to wean itself from reliance on donor funding;*
- vii) *To secure our capacity as a learning organisation by developing and implementing a comprehensive monitoring and evaluation system, both for learning and accountability purposes; and*
- viii) *To invest in the refinement and strengthening of our institutional and organisational infrastructure to ensure that requisite management, programmatic and governance soundness and effectiveness for the execution of this Strategic Plan is secured and sustained.*

3.4 OUR STRATEGIC OBJECTIVES

We have formulated strategic objectives bearing in mind the assessments made above and the choices we have made for our work for the next four years. Through the following objectives we define the collective direction that the KHRC has chosen to embark on to realise its vision of a Kenya that secures and protects the human rights of citizens, through human rights-based governance.

STRATEGIC OBJECTIVE 1: Civic Action for Human Rights

To facilitate community struggles, through organising and action on specific human rights issues to hold duty bearers accountable for human rights fulfilment and protection. Thus, the respective communities will gain and exercise their power of agency and promote community-wide support for collective commitment to building a culture of respect for human rights.

Programme Strategy:

To achieve this strategic objective, KHRC will apply the following program strategies:



Leadership training for Eastern Region community representatives

Capacity building: The Commission will continue to build the capacity of citizens at community level, through their organisations, to develop capabilities to use diverse tools to demand and exercise their rights. Our capacity building emphasis will be in developing knowledge, skills and attitudes/practice changes through human rights education, advocacy skills development, action learning for human rights and community organising. Creative use of tools and approaches with the best chance for high

impact through civic action will be used as part of this strategy.

The KHRC will continue to strengthen the capacity of upcoming human rights organisations through its legal hosting and institutional support arrangements. We will strengthen this area of our work by more

actively supporting these organisations to access funding opportunities and develop their institutional capacities.

Networking and Alliance Building: KHRC will facilitate community groups engaged in human rights struggles to link with strategic agencies and networks at the national and international level to enhance their struggles. Through this, we will mobilise and expand the local to national human rights constituency and create space for them to share experiences and strategies to better influence national, regional and international advocacy.

Intended Results by 2012

- *At least 1,000 successful civic actions on specific human rights claims by community groups working with the KHRC, as a result of its capacity building and facilitation strategies;*
- *At least 50 cases of successful use of the Peoples Manifesto to demand accountability from political leaders on significant community concerns, particularly the appropriation of devolved funds.*

Chances of Success

Internal Factors

- *The KHRC possesses requisite internal capacity and experience to work with communities at the grassroots level, and has evolved ways of working that distinguish it as a credible ally in human rights struggles.*

External Factors

- *The Commission's human rights-based approach and framework of action is often in collision with dominant government and some NGOs community development approaches that emphasise welfare and charity and less community empowerment. With our choice to engage in networking relationships with development organisations, we will identify and facilitate linkages between community partners and agencies that can support them attain their direct developmental needs.*

STRATEGIC OBJECTIVE 2: Accountability and human rights-centred governance

To reduce impunity and increase accountability of state, government and powerful non-state actors by initiating, participating and contributing in on-going anti-impunity campaigns. This will be done through: advocacy for a Truth, Justice and Reconciliation Commission (TJRC); completion of the constitutional reform process; supporting the emergence of new, credible leadership in all spheres of society committed to human rights and social justice; promotion of citizen participation in local and national processes of importance to them; and supporting community initiatives to hold their leaders accountable on appropriation of devolved funds.

KHRC Programme Strategy

Our strategy for the achievement of this strategic objective will comprise the following elements:

Advocacy: The Commission will engage in diverse advocacy tools initiatives to change policy, laws, institutions and practices towards greater democratic, accountable and human rights based governance.

Research, Monitoring and Documentation: The KHRC will continue with human rights research and publication of reports on topical human rights issues based on national trends. We will also monitor and document human rights violations and expose violators and institutional failures responsible for the violations.

Government monitoring: The KHRC will work with its allies at community and national level to strengthen public vigilance and oversight on state actors.

Alternative Leadership Development: The Commission will invest in identifying, nurturing and developing a new leadership cadre and support the creation of a political organ to enhance their participation in the local to national social and political leadership. The political organ, through which this cadre of leaders will work collectively, with sound accountability systems, will be developed in the context of the community and national initiatives of the KHRC.

Intended Results by 2012

- *At least 60 percent success rate of improved service delivery from duty bearers as a result of grassroots civic action by communities working in partnership with the KHRC;*
- *At least 100 persons, 50 percent of whom are women, receive human rights leadership training and other capacity building support and are ready to substantively participate or are already in strategic leadership positions at community and national levels;*
- *At least two human rights reports on a significant issue researched and published every year, widely disseminated and used for lobbying and advocacy on specific issues they raise;*
- *Significant rise in public vigilance and oversight seen through evidence-based advocacy and claim making, arising from increased access to public information by citizens as a result of successful advocacy by the KHRC and its allies for the passage of the Freedom of Information Bill, among other laws; and*
- *At least 2 million people drawn from all parliamentary constituencies and interest groups sign up and actively support a citizen-driven public campaign for accountable leadership, geared to determine leadership choices in the 2012 general elections.*

Chances of Success

Internal Factors

- *The KHRC has over the years established an extensive nation-wide network of human rights monitors with skills to monitor and document human rights violations. This is a real advantage for accurate and credible human rights reporting and compilation of information that can feed into evidence-based advocacy;*
- *The success of the Peoples Manifesto, with concessions made by elected leaders to constituents, provides a clear basis of engaging in accountability demands and advocacy from local to national levels; and*
- *The Commission's profile of linking human rights struggles with national political trends has generated sufficient internal capacity as well as credibility to make distinctions and manage risks related to stakeholder perceptions.*

External Factors

- *The ongoing debate and dialogue on the Freedom of Information Bill is promising. When the law is passed, public access to information will increase, hence enabling the citizens to oversee and demand accountability from state actors on the basis of factual information.*

STRATEGIC OBJECTIVE 3: Leadership in learning and innovation in human rights and democratic development in Kenya

To develop the Commission's leadership role, through strategic human rights research and dissemination of reports, evidence-based human rights programming and action at community, national and international levels. This will be done through: investing in innovations on most promising strategies for the realisation of the vision of the KHRC; institutionalising a learning culture among the KHRC's staff and allies; and playing a lead role in defining a progressive trajectory in the development of the Kenyan human rights and pro-democracy movement.

KHRC Programme Strategy

To achieve this strategic objective, KHRC will apply the following programme strategies:

Human Rights Research and Documentation: The Commission will publish well-researched reports on topical human rights issues, which will be used to stimulate duty-bearers' actions for redress as well as policy dialogue with relevant institutions. The reports will be used to feed into our advocacy initiatives.

National and International Advocacy:

The KHRC will continue providing leadership to Kenya's pro-democracy and human rights movement in advocacy for the completion of the constitutional reform process, initiating and supporting constitution-based claim making by community allies and engagement with emerging trends like terrorism, criminality and violent conflict that threaten human rights.



KHRC Resource Centre Exhibition

KHRC will consolidate its capacity and continue engaging in international advocacy on global issues and trends that have a bearing on the human rights situation in Kenya. This will be done in liaison with national-level human rights organisations as well as community allies, on strategically selected issues.

Media and Communication: KHRC will invest in innovations and exploration for alternative national level and community driven media to give voice and visibility to community struggles. We will also strengthen the quality and dissemination of our public information resources on good practice as well as messaging under our capacity building and campaigning initiatives. The Commission will creatively use emerging information and communication technologies for its messaging and networking with allies and supporters.

Capacity Building: The KHRI is projected to grow into a regional leader in the development and dissemination of current human rights knowledge. The Institute will be grown into a leader in the provision of technical and strategic support to national, regional and international human rights agencies, governments, corporations and multilateral agencies through competitive professional consultancies. The Institute will continue developing the theoretical thinking and practical modelling of human rights work.

The KHRC will continue providing legal hosting and institutional development support to upcoming human rights organisations, hence widening the base for competent and effective human rights work.

Intended Results by 2012

- *Full operation of the KHRI as an autonomous human rights research, capacity building and academic initiative of the KHRC;*
- *At least 60 percent of upcoming human rights organisations under the legal hosting of the KHRC attain full legal and institutional autonomy and demonstrate soundness in programming, management and governance as a result of our capacity building support;*
- *At least 80 percent of KHRC's good practice experiences in all areas of its work well documented and shared internally and externally through critical discussion forums for continuous learning and improvement;*
- *Improved internal knowledge on human rights theory and practice, and overall organisational capacity to innovate and adapt to new strategies and practices. Further, improved ability to respond to emerging human rights challenges—all leading to higher impact in key human rights struggles; and*
- *An operational national and community media and communication strategy. Further, emergence of the KHRC-driven channels that are accessible as a medium to voice community human rights struggles. As a result, there will be a demonstrable increase in national visibility of human rights issues affecting various thematic and geographical communities across the country.*

Chances of Success

Internal Factors

- *The KHRI innovation provides ready infrastructure to carry out programmes that attain, secure and expand the leadership role; and*
- *We have skilled and experienced staff to directly support the institutional development of organisations under the legal hosting of the KHRC.*

External Factors

- *The Commission enjoys goodwill and credibility from stakeholders, including community groups, the public, national human rights organisations and state key public institutions with a human rights mandate, all who are important in the realisation of this strategic objective.*

STRATEGIC OBJECTIVE 4: Mainstreaming equality, non-discrimination and respect for diversity

To influence legal, policy, attitudes and practice changes at community and institutional levels to secure the human rights of women, LGBTIs, persons with disabilities, people living with HIV/AIDS and excluded groups like ethnic minorities.

KHRC Programme Strategy

Our strategy for the achievement of this strategic objective will comprise the following elements:

Advocacy: We will engage in policy and legislative advocacy for provisions and institutional arrangements to secure human rights protection for women, LGBTIs, persons with disability, people living with AIDS and other excluded groups. The strategy will focus on the need for new policies and laws for protection of these groups as well as repeal of abusive laws and implementation of existing progressive ones. We will continue to support the struggles of the Kenyan LGBTI rights movement, through facilitating space for public dialogue and building capacity to frame their struggles as human rights and constitutional claims.

Diversity Education: We will design an innovative internal and public education program to promote respect for diversity, with specific focus on projects to combat homophobia, xenophobia, misogyny, stigma and non-care for the rights of people with disability. This will be done through a multimedia strategy involving integration in all training activities, messaging through a variety of information, communication and educational resources and public events to de-campaign intolerance and disrespect for diversity.

Integration and Mainstreaming: Internally, we will develop a comprehensive diversity strategy, to complement existing policies on gender mainstreaming and HIV/Aids. We will continue strengthening our effectiveness and capacity to implement the gender policy, both at organisational level and programming in community based interventions. The KHRC will also build the capacity of partner organisations to mainstream gender and diversity issues in their programmes, as a step towards expanding the constituency of champions of equality and non-discrimination. The Commission will develop and implement specific projects to promote gender justice and female leadership in alliance with the Kenyan women movement.

Monitoring and Documentation: We will monitor and document the manner in which processes at community and national levels are addressing equality and non-discrimination issues. Through the KHRI, we will document and publicise best practices in programming and operations that ensure equality and non-discrimination, drawing from Kenyan and international experiences.

Intended Results by 2012

- *At least 50 percent of human rights leaders, whose capacity will be developed to contest leadership positions through the KHRC's interventions are women;*
- *The KHRC attains full internal capacity in respect to skills and soundness of practices for gender mainstreaming, and as a result of this, at least 50 percent of participants in all its community initiatives are women, and there is evidence of gender integration in all analyses and choices for programme action;*

- *A comprehensive diversity policy developed and is operational, there is full internal capacity to mainstream diversity in program planning and implementation and there is staff, management and board composition that demonstrates diversity;*
- *Visible increase in public dialogue on diversity issues, public pronouncements by senior leaders in support of respect for diversity as a result of the KHRC's interventions; and*
- *Expanded policy and legislative space for the protection of the human rights of LGBTIs and other excluded groups as a result of the KHRC's advocacy.*

Chances of Success

Internal Factors

- *An organisational policy for gender mainstreaming and a work place policy on HIV/Aids are already in place, hence providing a good foundation and experiential background to develop an organisational diversity policy and implementation arrangements; and*
- *The KHRC has pioneered in advocacy for the rights of LGBTIs, hence it is in a position to effectively network and expand support for legal, policy and practice changes to secure their human rights.*

External Factors

- *Likely resistance from homophobic social, religious, and cultural institutions and mindsets is a real risk for a loss of sections of our traditional allies. However, we will invest in capacity building to employ creative and high impact strategies, while also riding on our clarity that human rights realisation cannot happen without contestation;*
- *Opportunities from progressive legal and institutional developments such as the Sexual Offences Act (2006), the Political Parties Act (2007), the National Commission on Gender and Development, and the National Committee on Sexual and Reproductive Health present strategic channels for both collaboration and contestation for expanded protection of the rights of excluded groups in Kenya;*
- *Kenya is a signatory to major international human rights covenants that obligate it to protect all human rights for all its citizens. This provides a basis for advocacy for the protection of diversity rights.*

STRATEGIC OBJECTIVE 5: Organisational sustainability of KHRC

To invest in diverse strategies to secure our sustainability in respect to financial self-reliance, effective governance and management, competent staff capacity and functional community networks.

KHRC Programme Strategy

We will use the following strategies to achieve our organisational sustainability strategy:

Institutional Development: We will invest in the maintenance of our legitimacy and credibility as an influential independent human rights organisation; strengthen our institutional systems, organs and procedures for more effectiveness and growth; set up a clear monitoring system for implementing organisational policies; gain recognition as a best practice organisation using the Civicus Civil Society Index¹⁰; attain highest standards in our planning and operation processes; and support developments for the operational autonomy of the KHRI.

Resource Mobilization: The KHRC will implement its Financial Sustainability Strategy and diversify its investments and funding base to include non-traditional funding sources. We will invest in a part-time position of a resource-mobilization and fundraising advisor.

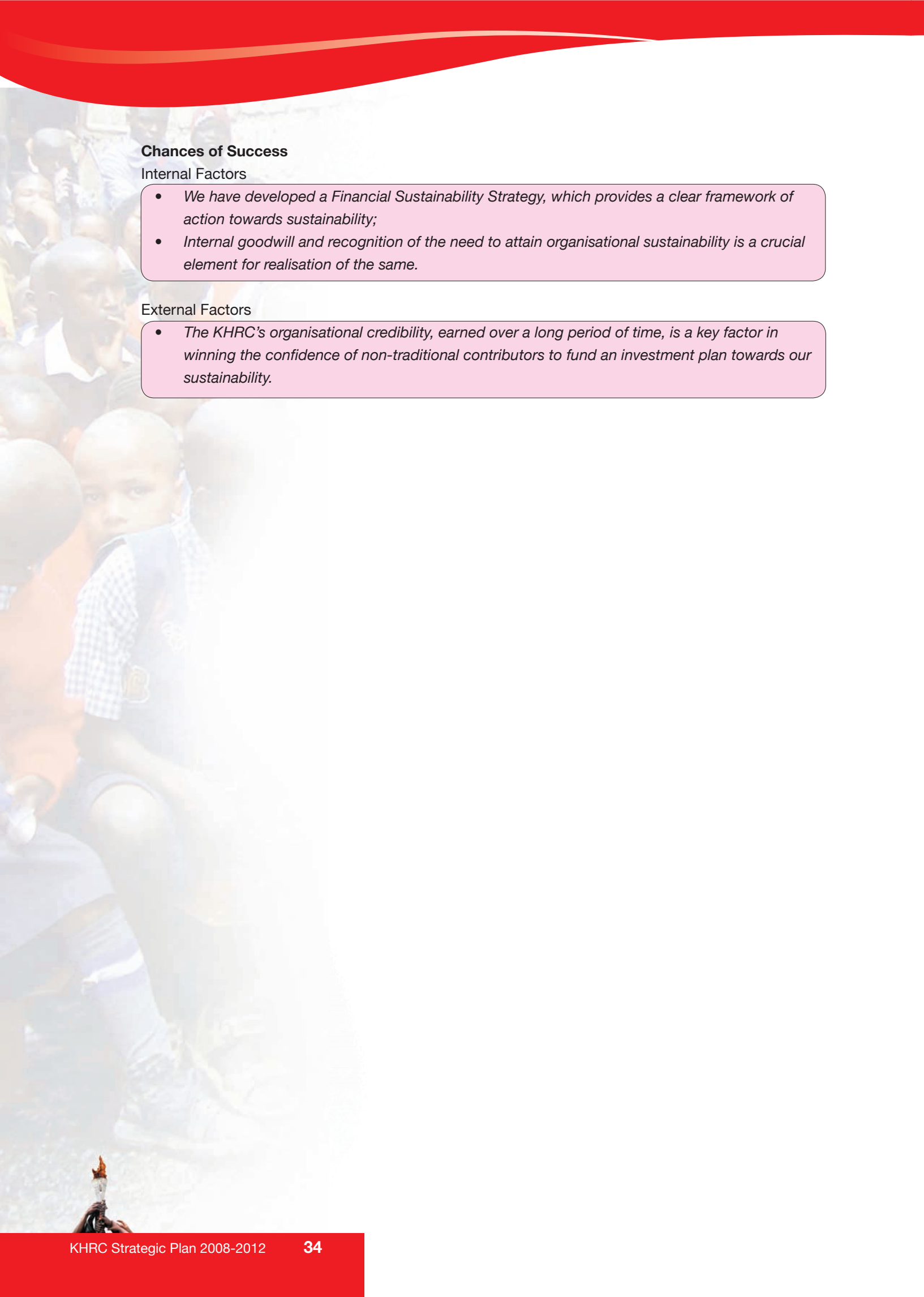
Capacity Building: We will invest in capacity building actions for sound governance and management, strengthening the KHRC Board to make it more effective through documented protocols for its functions, support the learning and growth of staff through professional training and other motivations, and realign staffing to match new areas and challenges, including hiring.

Performance Management: We will review and strengthen our performance appraisal systems at all levels and rationalise staffing needs with key result areas; develop and implement a comprehensive and functional Monitoring and Evaluation system; and create a new function of a part-time monitoring and evaluation advisor.

Intended Results by 2012

- *The KHRC will have attained at least a 50 percent financial sustainability level as a result of implementing its Financial Sustainability Strategy and increased tapping into local and foreign acceptable contributors;*
- *KHRC will have attained accreditation, through credible mechanisms as a best practice human rights organisation, as a result of its sound institutional foundations and effective program management and delivery;*
- *KHRC will have attained demonstrable capacity to attribute significant change results to its effort, through a current, comprehensive and functional results tracking, impact assessment and monitoring and evaluation system.*

¹⁰This is a tool that has been developed by the global civil society alliance, CIVICUS, to aid civil society organizations self-evaluate and align their functions (institutional, programmatic, governance) for accountability and effectiveness. It has been touted as the ISO version for the CSO sector.



Chances of Success

Internal Factors

- *We have developed a Financial Sustainability Strategy, which provides a clear framework of action towards sustainability;*
- *Internal goodwill and recognition of the need to attain organisational sustainability is a crucial element for realisation of the same.*

External Factors

- *The KHRC's organisational credibility, earned over a long period of time, is a key factor in winning the confidence of non-traditional contributors to fund an investment plan towards our sustainability.*

PART FOUR

4.0 Implementation Arrangements

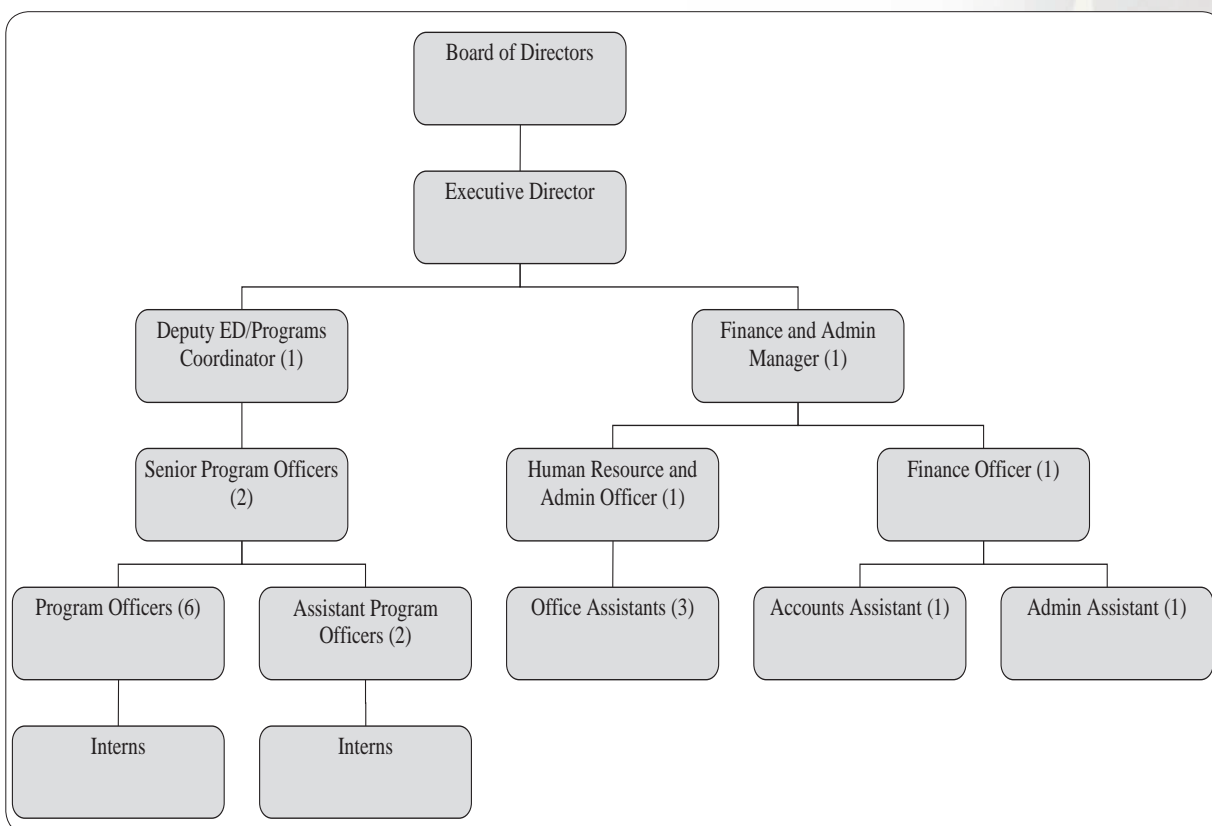
4.1 IMPLEMENTATION RESPONSIBILITY

The overall responsibility for implementing this Strategic Plan lies with the Executive Director, supported by a Management Team and Programme Teams. The Executive Director will provide overall strategic direction and coordination of program and institutional strategies.

The Management Team will be responsible for providing institutional and management oversight and support.

The following is the Commission's organisational organogram, which illustrates the relationships of various functions responsible for implementation of the Strategic Plan:

KHRC ORGANOGRAM



4.2 PROGRAMMES OF THE KHRC

Programme Teams will be responsible for the day-to-day implementation of agreed strategies. The following two thematic programs will be the channels through which the Commission will implement this Strategic Plan:

- **Civic Action Programme:** *This will encompass human rights education; community organisation and mobilisation; and capacity building and advocacy at local, national and international levels.*
- **Research and Advocacy Programme:** *This will involve monitoring and documenting human rights violations; communities' mobilisation and capacity building; and human rights advocacy at local, national and international levels.*

For both programs, detailed Programme Working Papers will be developed to elaborate the above core areas of action. These concept papers will elaborate the interplays between the two programmes towards delivery of the overall results, with clearly set out points of synergy.

At the communities' level implementation will be carried out by human rights networks with the facilitation, collaboration and pragmatic solidarity of the KHRC's staff. Clear collaboration protocols will be negotiated and agreed between KHRC and the networks.

4.3 CROSS CUTTING ISSUES

This Strategic Plan considers the following issues to be cross cutting in all program areas. This means that all programs will integrate them in their analysis, planning, implementation, monitoring and evaluation.

- *Gender justice*
- *Diversity rights*
- *HIV/AIDS*
- *Environmental rights*

Programmes will ensure that these issues are integrated in institutional and programmatic work, with clear terms of reference of ensuring organisational accountability to its policies and delivery of results. Guidelines for the integration of the cross cutting issues will be developed or where they exist reviewed and staff capacities built for the integration to work.

4.4 OVERALL APPROACHES

The following approaches will apply to all institutional and programmatic choices, and therefore will be applied in all programs.

- *Capacity Building*
- *Advocacy*
- *Research*
- *Monitoring and Evaluation*

The Commission will establish organs to give leadership and support the effective integration of these approaches at institutional and programme levels. We will conduct periodic staff trainings to develop organisation-wide capacities to apply these approaches.

4.5 PROGRAMME CYCLE MANAGEMENT

We will continue with our programme planning cycle, which includes the participation of community groups in planning and stakeholder mapping. Operational Plans, with clearly defined key result areas, milestones and indicators, as well as programme and institutional plans for implementation will be developed annually, between 2008 and 2012. Individual key result areas and performance objectives, derived from the respective Operational Plans, will also constitute the framework of implementation of this Strategic Plan.

4.6 POSSIBLE SCENARIOS

Possible scenarios that have a bearing to the implementation of this Strategic Plan include the following:

Continuity of the Grand Coalition Government: This highly likely scenario will mean that the basis of our analysis for this Strategic Plan will continue to obtain up to 2012. Absence of a credible opposition in Parliament may translate into less accountability for the legislature to law-making and government oversight that is of benefit to human rights struggles.

Important processes like the establishment of a transitional justice mechanism may be held captive to backroom deals by politicians in the Grand Coalition, especially those implicated in gross human rights violations, to delay or subvert justice.

In this scenario, we will need to invest in powerful messaging for political accountability. With our track record and profiling as a leader of the Kenyan human rights movement, the KHRC will play a significant role as a credible watchdog with high visibility given the absence of a credible political opposition.

Collapse of the Grand Coalition Government: The likelihood of the scenario is low, given the absence of fundamental ideological divergence among the key participants in the government. However the high stakes game of Kenyan politics holds potential to break up the union, particularly if one of the sides fathoms greater gains from a break-up.

Major drivers that may lead to a collapse include coalition partners jointly agreeing in writing to dissolve the coalition; one party choosing to withdraw; or dissolution of the Tenth Parliament.¹¹ Differences in approach in the completion of the constitutional reform process and the handling of transitional justice among powerful interests in ODM and PNU could also trigger formation of querulous factions that could lead to break-ups.¹² Lobbyists for the Kibaki succession could cause a crisis of governance due to the divided attention of members of government.¹³

¹¹Article 6, National Accord and Reconciliation Act, February 28, 2008.

¹²PNU, ODM and ODM-Kenya are all populated by powerful interests against a new constitutional dispensation as well as big names in past human rights violations and economic crimes. These interests have significant potential to subvert most of the pledged reforms. Pro-reform elements within the Grand Coalition Government and Parliament are in the minority and are weak to influence major shifts towards reforms.

¹³This is real when viewed in the context of rapidly changing political realignments. Politics of succession could jeopardize loyalties and government coherence to the reform agenda as we approach 2012 elections.

Collapse of the grand coalition will raise immense uncertainty in the operating environment. The risk of widespread politically instigated violence will be high in such a scenario. The KHRC will be forced to respond to human rights issues arising from a conflict situation and hold back on its trajectory formulated on assumptions of political stability.

With the myriad unsolved national problems like absence of sound community based peace-building and reconciliation processes in areas affected by post election violence, IDPs who are still unsettled and the state failure to reign in perpetrators of post-election violence, a break up of the grand coalition may mean a major step towards a collapse of the Kenyan state.

4.7 OUR STAKEHOLDERS

Our stakeholders in the implementation of this Strategic Plan include the following:

- *Communities involved in human rights struggles, through their organisations/human rights networks;*
- *Upcoming human rights organisations operating independently or under the legal hosting of the KHRC;*
- *Human rights and governance NGOs;*
- *Individual human rights defenders;*
- *Survivors of human rights violations in need of redress; and*
- *Donors' agencies and other financial contributors.*

4.8 TIMELINES

The timeline of this Strategic plan is 2008-2012. An elaborate illustration of the specific roll out of the timeline will be developed as a Separate Operational Plan per Strategic Objective.

4.9 RESOURCES FOR ACHIEVING RESULTS

The financial resources required for the implementation of this Strategic Plan will be presented in the Commission's respective operational plans between 2008 to 2012.

The Commission will develop a comprehensive fundraising strategy, through which we will continue dialogue with current donors as well as explore opportunities for new potential contributors.

We will invest in developing our human resource base, through building the capacity of existing staff as well as recruitment of part-time consultants to aid in monitoring and evaluation and also, resource mobilisation.

PART FIVE

5.0 Monitoring and Evaluation

The KHRC will continue to use a combination of internal and external monitoring and evaluation processes for learning and continuous improvement as well as for accountability to stakeholders.

We will invest in the development of a comprehensive and functional Monitoring and Evaluation (M&E) system. This system will use among others the following tools for continued tracking and documentation of results and evaluation: Meetings (staff, inter-programme, committees), community level reflections, retreats between staff and the Board, independent reviews and evaluations.

The new M&E system will detail the programme cycle and process chain, progress and impact indicators of social change, performance management processes and financial tracking systems for effective budget allocations and reallocations.

Our M&E system will also detail processes and indicators for the transition of the KHRC's relationships with communities, including changing roles for each. Partnership protocols with communities, covering such issues as expectations and obligations and a road map with indicators towards transitional issues, will be a key element in the system.

Other tools that we will use as part of our M&E system include institutional audits and assessments, meeting of statutory obligations, stakeholder reviews, network audits, peer reviews, public perception surveys, project-specific reviews and evaluations, internally commissioned evaluations by independent consultants and use of monitoring and evaluation committees.

We will continue to use the following sites to track results: departmental meetings, monthly meetings, quarterly reflections, staff (committee) meetings, Board-Staff retreats, Board meetings, community reflections, external evaluations, budget tracking and audits, periodic and annual reporting.

Well-researched baselines in the strategic change areas we have identified will be developed in the first quarter of this strategic plan. These baselines will be used for impact assessment, based on realistic intended indicators of significant change defined throughout the period of operation.

Through participatory evaluation processes, our impact assessment criteria will be based on the perspectives of community and national allies directly involved in our programs, the perspectives of our stakeholders as well as our own analysis at organisational level.