




ANNUAL REPORT, APRIL 2015 TO MARCH 2016
Towards Enhanced Human Rights-Centred Governance at All Levels





Peace Initiative Kenya (PIK)

Ending Gender Based
Violence Starts with
Me!



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Bila Balaa**

Published by
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ACRONYMS

ACHPR	African Commission on Human and Peoples' Rights
CAJ	Commission on the Administration of Justice
CAL	Coalition of African Lesbians
CICC	Coalition for the International Criminal Court
CPG	Coastal Parliamentary Group
CPTA	Committee for the Prevention of Torture in Africa
CRPD	Convention on the Rights of Persons with Disabilities
CSOs	Civil Society Organizations
DAP	Drivers for Accountability Programme
EAC	East African Community
ESCR-Net	International Network for Economic, Social and Cultural Rights
EPAs	Economic Partnership Agreements
ESJ	Economic and Social Justice
EU	European Union
FERA	February 18th Revolutions
GAC	Green Amendment Campaign
GI-ESCR	Global Initiative for Economic, Social and Cultural Rights
HCD	Horticulture Crop Directorate
HR	Human Resources
HRIA	Human Rights Impact Assessment
HURINETs	Human Rights Networks
ICC	International Criminal Court
ICJ	International Commission of Jurists
ICT	Information Communications Technology
IDAHOT	International Day Against Homophobia and Transphobia
ID	Identification
IDPs	Internally Displaced Persons
IEBC	Independent Electoral and Boundaries Commission
IED	Institute for Education in Democracy
INCLO	International Network of Civil Liberties Organizations
ISD	Institutional Support and Development
KEPHRA	Kenyan Parliamentary Human Rights Association
KHRC	Kenya Human Rights Commission
LGBTIQ	Lesbian Gay Bisexual Transgender Intersex and Queer
MEAL	Monitoring Evaluations Accountability and Learning
MMWVA	Mau Mau War Veterans Association
MUHURI	Muslims for Human Rights
NCCC	National Consultative Co-ordination Committee
NGOs	Non-Governmental Organizations
NPSC	National Police Service Commission
NSVN	National Survivors and Victims Network
PBO	Public Benefits Organization
PIL	Public Interest Litigation
PMs	Programme Managers
PPG	Pastoralists Parliamentary Group
PRP	Performance Related Pay
PRWG	Police Reforms Working Group
PWDs	Persons with Disabilities
PWGID	Protection Working Group on Internal Displacement
TAs	Technical Assistants

TJ	Transformational Justice
TJRC	Truth Justice and Reconciliation Commission
ToR	Terms of Reference
ToTs	Training of Trainers
TUs	Trade Unions
TWG	Technical Working Group
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UPR	Universal Periodic Review
VOCA	Victims of Coup Attempt
WTO	World Trade Organization

ACKNOWLEDGEMENTS

This report is dedicated to the many citizens and human rights defenders who have suffered abominable human rights violations in the hands of state and non-state actors during the period under review. We hereby acknowledge both who supported our work and the development of this report as well. First, we are grateful for all the KHRC team members who worked diligently to implement our human rights initiatives in Kenya and in various spaces around the world.

The staff (in programmes, finance and administration) together with key state and non-state actors, including our county-based Human Rights Networks (HURINETs) worked tirelessly to effect changes at their various levels through concerted efforts across the board. It is these efforts that keep moving us closer towards our goal according to the 2014–2018 Strategic Plan, which focuses on: Enhanced Human rights-Centred Government at all Levels.

Second, we appreciate our staff for their timely drafting and submission of their periodic project reports. Indeed their reports formed the basis for the Programme Managers (PMs) to draft their thematic reports which were later compiled into the annual institutional report. To this effect, we applaud Andrew Songa, PM, Transformative Justice; Elizabeth Kariuki, PM, Economic and Social Justice; Esther Waweru (and later succeeded by, Diana Gichengo), PM, Political Pluralism and Diversity; Audrey Wabwire, Communications Manager; Kasiki Mudachi, Human Resources Manager and Julie Kingsland, Monitoring and Evaluation and Financial Sustainability Manager for their leadership. Julie Kingsland consolidated and reviewed the different sections of the report and coordinated the reporting process to ensure that the whole team at KHRC shared reports in a timely fashion.

We also express our gratitude to Davis Malombe, our Deputy Executive Director for his technical guidance and oversight in the design and implementation of programmes and the development and publication of the report. We acknowledge Peter Mbage, the Director of Finance and Administration for overseeing the development of the financial statements. We salute George Kegoro, our Executive Director for his strategic leadership and oversight on all the programmes, operations and reports of the KHRC. Catherine Kamatu, our Communications Officer copy edited and oversaw the final production of the report.

The Board of Directors continues to offer critical political and policy guidance for KHRC. We are especially grateful because they are available for consultation and assist the organization to achieve its maximum potential by offering their requisite support and leadership.

It is through partnership, support and understanding that all of KHRC's work is achieved. We thank all our partners who have supported our work this year by assisting in advocacy and implementation of sensitive interventions. We are grateful to our development partners who provided finances, thereby enabling all programmes and operations to run smoothly and achieve the expected results

Asante sana.

PART 1: INTRODUCTION

A. KHRC: THE CHAMPION FOR DEMOCRACY AND VANGUARD FOR HUMAN RIGHTS

The Kenya Human Rights Commission (KHRC) is a premier and flagship non-governmental human rights and governance institution in Africa that was founded in 1992 with a *mandate of enhancing human rights centred governance at all levels*. Its founders and staff are among the foremost leaders and activists in struggles for human rights and democratic reforms in Kenya and beyond.

Our work is grounded on the 2014/2018 Strategic Plan whose *Vision* is to *secure human rights states and societies*. Our *Mission* is to *foster human rights, democratic values, human dignity and social justice*. We espouse a very holistic concept of human rights that straddles *civil and political rights* (as fundamental to political democracy); *economic and social rights* (as critical building blocks for social democracy); and *equality and non-discrimination* (both as integrated and specific interventions in programming).

Our interventions are executed under four interdependent strategic objectives and thematic programmes: *Transformative Justice (TJ)*; *Economic and Social Justice (ESJ)*; *Political Pluralism and Diversity (PPD)* and *Institutional Support and Development (ISD)*. All the programmes are meant to synergise and to deliver at county, national, regional and global levels.

Towards this, we work with more than thirty Human Rights Networks and other grassroots communities (based in more than thirty counties in Kenya); partners with more than thirty national level- state and non-state actors and coalitions; and more than fifty sub-regional, regional and international human rights organizations and networks.

The KHRC applies the following strategies: research, monitoring and documentation; legislative and policy advocacy; legal aid and public interest litigation; capacity building and networking with state and non-state actors; engaging in urgent action and rapid response to emerging issues; mainstreaming diversity and ensuring equality and non-discrimination; fostering media relations and publicity; monitoring and evaluation; and, enhancing institutional capacity and sustainability.

The KHRC is recognized for countless and remarkable capacities and achievements, including *inter alia*:

- The tenacity, ability and commitment to provide the requisite political and technical responses and leadership to key human rights issues at all the levels in society.
- Pioneering of work in addressing key societal concerns, e.g. workers' rights; LGBTI rights, constitutional democracy, electoral governance, trade justice, corporate accountability, transitional justice among others.
- Building the human rights movement through the facilitation of community-based human rights networks and incubation and support of nascent human rights organizations at all levels.
- The continued production of and support to a pool of internationally and nationally recognized workers and scholars within the fields of governance and human rights.

Consequently, the Commission has received many awards and accolades¹, including the Ford Foundation's *Champions of Democracy* accorded in November 2012. In granting the award, the Ford Foundation noted in its letter to the KHRC that: "*You and our nine other honorees represent the vision,*

¹ For details on our awards and achievements see: <http://websitehosting.co.ke/khrc/index.php/achievements/awards>.

courage, commitment and willingness to take risks that are necessary to bring about lasting social change. You have been selected not only because you are leading innovators in your fields, but because your ideas and programs have the potential to shape national or global outcomes".

To many, the KHRC is the ***Vanguard for Human Rights***². This is well captured by Prof. Makau, our chair in his latest welcome remarks to one of the new board members: "*I can't overemphasize how much the KHRC means to all of us and to Kenya at this critical juncture, as it has in the past. It's our job to out-think and out-manuever individuals and institutions that abuse power (whether public or private) to oppress others and cannibalize the values and structures of democracy and human rights*".

He concludes: "*We view ourselves as combatants in an eternal conflict between the state and the citizen and between the other antagonists (between the individuals/ communities/ corporate entities etc.). We are the cartilage that stands in the middle between the powerful and the powerless, and it shall always be so*".

² See the Commission's documentary entitled: KHRC-The Vanguard for Human Rights vide: <https://www.youtube.com/watch?v=hW51kKMfRXU>

B. A STATEMENT FROM PROF. MAKAU MUTUA, THE CHAIRPERSON



Prof. Makau Mutua

The 2016 KHRC Annual Report has an apt title – *Enhancing Human Rights-Centered Governance At All Levels*. Even though the work of standard-setting is dynamic, and never ends, Kenya is no longer in the grip of a norm-setting frenzy. The 2010 Constitution largely settled the normative questions about the fundamental foundation of the state. The charter slew many a dragon of the predatory state and yanked the country firmly into the democratic milieu. The basic assumptions of the liberal tradition were agreed upon by the elites and common citizens.

The charter even went further and pushed beyond the boundaries of formulaic liberalism in important matters pertaining to the economic, social, and cultural rights. The 2010 Constitution was among the most progressive in the world. But a normative document must be inculcated in the zeitgeist of the people to be realized. Kenya’s challenge is to move from norms to reality. That is why KHRC’s work captured in this year’s report focuses on governance which is key to the implementation of the norms of the national charter.

Since 2010, and particularly after the 2013 elections every institution of governance has been tested to its limits. I attribute most of these tribulations to several factors. First, it was inevitable that the state and its people would struggle to internalize the new constitution. This “knowledge gap” is normal and expected whenever a state is re-imagined. Secondly, Kenya’s political elites lack a national purpose. This deficit of nationalism is a cancer that eats away at attempts to establish a modern state.

Primordial and benighted worldviews still imprison the ruling elite. This has allowed a fascistic political culture to exist in spite of the outward embrace of the liberal tradition by the elite. Third, the elections of 2013 left the country deeply divided and an executive that was under siege from internally and externally. A survivalist culture took hold among the elite – and spilt over to the people – and in the process the promising birth of the new constitution was retarded. Lastly, a venomous ethnic discourse swamped all space. This is a poisoned cocktail that threatens the new constitutional dispensation.

I am pleased to say that the KHRC has remained a beacon of hope in the midst of these worrying developments. Under the new Executive Director, George Kegoro the KHRC has again recaptured the imagination of the country on the most pressing governance issues of the day. Since adopting a new forward-leaning strategy two years ago in Dar-es-Salaam, the KHRC has again become the leading voice in civil society.

In partnership with others, the KHRC is in the forefront of several initiatives touching on electoral reforms, transition in the judiciary, policing and extra-judicial killings, and executive overreach. It has

strengthened its work on marginalized communities and vulnerable populations. On devolution, the KHRC is engaging key actors and common citizens at the country level, the new locus for democracy.

One of the major goals of the KHRC since 2002 has been to strive to make Kenya a human rights centred state meaning a state that submits itself to the entire gamut of human rights norms. The KHRC sees an independent judiciary as key to that process. Equally important is the empowerment of citizens to engage in governance reforms at all levels of society.

In our view, this requires the implantation of human rights norms across the entirety of the state and society—vertically and horizontally. The seat of power in power in Nairobi as well as the county governments must be animated by human rights norms. Citizen vigilance is the watchword if this agenda for change is to take root. I am proud that under the able and astute leadership of the ED George Kegoro the entire family of the KHRC is at the forefront of this movement for transformation.

Kudos to all our staff and partners.

**Prof. Makau W. Mutua,
Chair, KHRC Board of Directors**

C. A STATEMENT FROM GEORGE KEGORO, THE EXECUTIVE DIRECTOR



George Kegoro

I am privileged to be heading the Kenya Human Rights Commission, an organization whose history is closely linked with Kenya's recent struggles for governance reforms. I thank the Board for the confidence that it has shown in me, first by entrusting me with this demanding position, and second, for the support that it has provided in the time I have been at the KHRC.

I joined the KHRC amid a crisis arising from a surprise announcement by the regulatory authority for non-governmental organizations, the NGO Coordination Board, that the registration for the KHRC, together with more than 900 other organizations, would be cancelled because they were supporting terrorism and also for failure to account for large amounts of money that they had received from donors.

That crisis is now over because the High Court found that the failure by the Coordination Board to give us a hearing before arriving at a decision to cancel our registration was a violation of the constitutional right and that this failure was compounded when the board failed to furnish written reasons to the KHRC when we wrote asking for such reasons. The judge concluded that the decision by the board to commence the process of deregistration against the KHRC "was riddled with impropriety and procedural deficiencies contrary to article 47 and 50(1) of the Constitution."

While it has ended well for the KHRC, the fact that public authorities and political also leaders are able to make serious but unfounded allegations against civil society organizations remains an abiding concern. An aspect of the 2013 election campaigns was a pronounced vilification of civil society organizations and individuals, which included their characterization as "the evil society." The Jubilee leadership carried their campaign against NGOs into government when they took power in 2013 and this has taken various forms, including hostile rhetoric by the political leadership starting with the President himself; the use of existing regulatory power to curb the operations of NGOs, and attempts to pass legislation that would bring an even more stringent regulatory regime against NGOs.

There have also been attempts to negatively affect the capacity for NGOs to attract funding. As part of this, the political rhetoric has concentrated on portraying NGOs as financially unaccountable, and the regulatory crackdown has also concentrated on making this point, without providing any evidence in support. Further, the attempts to bring tighter legislative controls have included suggestions to impose ceilings on the amount of financial support that NGOs can receive from "foreign sources". There has also been a vilification of the relationship between NGOs and their donors and, unfortunately, this has had significant effects with some government donors that are anxious not to offend the Kenya government now shying away from supporting programmes that would bring disapproval from the government of Kenya.

I join at a time of significant concern over the future stability of the human rights sector, resulting from all these threats, which constitute part of the global phenomenon of closing civic space. The existing difficulties will be enhanced by the pressures that are likely to come from Kenya's next general elections in 2017. The elections will take place in a politically polarized context and a deficiency in the political leadership necessary to manage the polarization. In these circumstances, alternative leadership will, once again, be called for and just like after the 2007 elections, when Kenyan civil society became a source of alternative leadership for the country, the same role has already become necessary as the country heads to another set of divisive elections.

Secondly, the country's human rights sector must ride the hostile conditions under which it is called upon to work. This will require more solidarity as a deliberate means of surviving these difficulties. The support of the country's external partners has never been more needed than now, and I would like to hope that this will be sustained and enhanced at this time. Just like it has done throughout its existence, the KHRC will collaborate with willing partners in Kenyan society to through these issues. I would like to hope that when we call upon our partners for support and advice, this will be provided as generously as has been the case in the past.

George Kegoro,

Executive Director and Secretary to the Board

D. ABOUT THE APRIL 2015 TO MARCH 2016 ANNUAL REPORT



Davis Malombe

This report draws together relevant information in order to present KHRC's work over the last year in a simple, concise, cumulative and results focused manner. This report is by no means exhaustive and we would urge you to contact KHRC directly if you require further details. Basically, the report explains the difference KHRC made between April 2015 and March 2016. Results have been presented to particularly capture duty bearers; a) commitments - statements, policies and laws, b) actions/efforts, and c) results for communities.

These correlate to the UN Office of the High Commission for Human Rights recommendations of using *structural, process and outcome* indicators of change. At the same time, the report seeks to highlight changes in community empowerment and changes in the relationship between duty bearers and rights holders. The latter will look at responsiveness, transparency, and changes to the structures/rules for decision making. In this way, the KHRC will be measuring results from the duty bearer (supply), rights holder (demand) and outcomes angles.

KHRC monitors its work on an ongoing basis using 5 tools: the 'results tracker, activity tracker, registration forms, training evaluation forms and stories of change.' Mid-term reviews, programme evaluations and staff's personal development reviews together with a number of internal reflection processes at community based partner, team, organizational, management and Board levels ensure that learning is used to adapt KHRC's interventions and to guide planning.

Overall, we apply four main approaches and frameworks across the board: the Planning, Learning, Monitoring and Learning Framework (PLMR): Results Based Management (RBM), Most Significant Change (MSC), Power Analysis and Scorecards. In understanding differences made through implementation KHRC will: do this both in terms of individual stories of change and; on a more systematic and aggregated basis say who has been helped, how many have benefited and in what kinds of ways and; understand the extent to which its programmes have brought about lasting changes in the lives of those directly benefiting, as well as changes in policy and legislation.

KHRC will also: Learn from its work to understand how changes to people's lives happen, know if its assumptions about the key factors that create change for target groups are correct, know which approaches work better than others in different places and understand what characteristics of HURINETs and other partners are most effective in supporting change for different groups in a variety of contexts and; better understand how the type of relationship we have with different stakeholders and how the inputs we provide helps or hinders the delivery of change.

Our annual report is therefore the ultimate document that provides a synopsis of the main strategies we applied; results achieved and funds received and utilized during the period under review. It captures in a systematic and progressive aggregation manner the achievements

processed from our reflections and quarterly reports from April to March (sometimes building on the previous years due to the tenacious and continuous nature of our interventions).

The main body of the April 2015 to March 2016 Annual Report is presented in 5 parts ‘details of the results achieved,’ ‘stories of change,’ ‘our development partners,’ and ‘Our Financial Report.’ The results section of the report is structured under KHRC’s programmes and strategic objectives, outputs and interventions/ projects both at the international and national levels. For further information and enquiries, do not hesitate to reach us via the contacts provided above.

Davis M. Malombe,

Deputy Executive Director

PART 2: DETAILS OF THE RESULTS ACHIEVED

a) TRANSFORMATIVE JUSTICE PROGRAMME

Strategic Outcome: *Enhanced human rights-based cultures of constitutionalism, people-driven governance and responsive justice*

Strategic Output 1: *Flawed electoral systems exposed and improvements effected*

Elections and Democracy:

International Level Interventions

- Furthered advocacy for holistic, long-term and rights-based electoral observation by:
 - Co-convening a panel discussion on Elections and Human Rights in Africa at the 56th session of the African Commission on Human and People's Rights (ACHPR). Some notable observations from the discussion included: (1) The need for more initiatives to enhance women's participation in electoral processes (2) the importance of harnessing disaggregated data on women voters; (3) the need to understand and appreciate the role of social media in election monitoring; (4) the importance of international standards to guide the conduct and work of election observers and (5) a recommendation that a panel on Elections Observation be undertaken at the next ACHPR session.
 - Identifying shared strategies to strengthen civil society observation initiatives and increase regional and global cooperation between CSOs by participating in a regional event organized by the Global Network for Domestic Election Monitors of which KHRC is a member. The outcome was that the East and Horn of Africa Observer Network of which KHRC is a part, will chair and lead discussions around External communication and outreach until the next calendar year.
- Strengthened the Open Society Initiative for West Africa's and Open Society Foundations African Regional Office 'Elections Situation Room' toolkit by testing the components of the toolkit, sharing KHRC's electoral assessment tool and its practical experiences.
- Engaged key actors working on democracy at different geographic levels and obtained demographic, legal and technical data on the status of democracy in target countries. Specifically, KHRC met with 14 organizations in Uganda and Tanzania and 9 organizations in Nigeria and Ghana. The data will be used to develop a position paper that evaluates the efficacy and the implementation of legal frameworks on elections by the countries visited.

National Level Interventions

- Increased support for KHRC's Electoral Reform proposals within the broader electoral governance debate which is evidenced by the following:
 - KHRC was requested by the Independent Electoral Boundaries Commission (IEBC) to give a commentary on and recommendations for its 2016 – 2020 draft strategic plan. The CEO/ Secretary confirmed that KHRC's memo did indeed inform the development of the strategic plan
 - The production of research strengthened advocacy on electoral governance issues.
 - The recommendations of the report 'Electoral Stakeholders Recipe for Reforms,' produced by the Technical Working Group on Elections of which KHRC is a part, were endorsed by the Vice-Chair of the IEBC who noted that they resonate with issues identified in their strategic planning process.

- KHRC launched alongside IED and ICJ-Kenya a report entitled ‘From Pillar to Post: Transforming the Election Agenda in Kenya’³ which provided a basis for engagements to influence the discourse on electoral reforms before the ‘17 general elections.
- Providing recommendations on how to strengthen election related institutions and their interactions with other actors through policy briefs on the performance of the IEBC, judiciary, CSOs, Political parties and the office of the Registrar of political parties.
- Strengthened documentation of electoral jurisprudence in Kenya by producing a case digest on the decisions and outcomes of electoral petitions following the ‘13 general elections.⁴
- Ensured citizen led electoral oversight:
 - KHRC through its field monitors undertook the monitoring of over 11 by-elections since the 2013 general elections after which the findings and recommendations were consolidated and shared through a policy brief. The findings and recommendations were shared during a consultative meeting convened by KHRC that was attended by 53 representatives from CSOs (including the media) and other key actors⁵.
- Established the ‘*Kura Yangu, Sauti Yangu*’ (My Vote, My Voice) coalition to advance political dialogue and action on electoral issues⁶ that will highlight key electoral issues that need political interventions, encourage public discussions around those issues, collect proposals for solutions and encourage the implementation of such proposals. The coalition has so far conducted bi-lateral meetings to introduce the movement, explain its objectives and to seek support with a number of institutions⁷.



Kura Yangu Sauti Yangu co-conveners celebrate the launch of Kura Yangu Sauti Yangu Coalition

³ See: <http://iedafrica.org/index.php/electoral-processes-and-institutions-of-democracy/161-from-pillar-to-post> as accessed on July 22, 2016

⁴ See: <http://www.khrc.or.ke/mobile-publications/civil-political-rights/27-khrc-electoral-case-digest.html?path=civil-political-rights> as accessed on July 22, 2016

⁵ IEBC, Registrar of political parties office, donors, government institutions and political parties. Notably, the registrar of political parties (Ms. Lucy Ndungu), the IEBC Chief Elections Officer (Mr. Ezra Chiloba) and senior party officials from Ford people, Orange Democratic Movement, United Republic Party, Narc-Kenya, Kenya African National Union, and Ford- Kenya attended the meeting.

⁶ KHRC (the current secretariat), the Constitution and Reforms Education Consortium (CRECO), Inform Action, the CSORG, the African Center for Open Governance (AFRICOG), the Kenyan Section of the International Commission of Jurists (ICJ Kenya), Katiba Institute, the Independent Medico-Legal Unit (IMLU), Inuka Trust, Kenyans for Peace with Truth and Justice (KPTJ) and Freedom House.

⁷ the women’s movement, the Kenya Correspondents Association, the Law Society of Kenya, Federation of Kenya Employers, Developmental partners, Inter – religious council, Kenya National Union of Teachers, and the Independent Electoral and Boundaries Commission.

Strategic Output 2: Excesses in Kenya's security policies confronted to assert a Human Rights State

Security

International Level Interventions

- Influenced the UN's Practical Recommendations for the Proper Management of Assemblies:
 - KHRC, as a member of the International Network of Civil Liberties Organizations (INCLO), contributed to research on the use of non-lethal weapons in social protests, in partnership with Physicians for Human Rights, in order to deepen the information and analysis on the effects of the different weapons being used to police protests. KHRC also provided an analysis of Kenya's contextual experiences. INCLO's research findings have informed the Practical Recommendations for the Proper Management of Assemblies which will be presented by the Special Rapporteurs at the 31st Session of the Human Rights Council.
- Informed and agreed, as a focal point on information rights within INCLO, a joint plan of action for advocacy on global digital surveillance and information privacy:
 - One of the immediate outputs from the plan is a national case studies publication. KHRC provided a case study on Kenya. The publication will illustrate and compare the lack of oversight mechanisms for national security agencies and their consequential violation of privacy rights.
- Increased pressure on the Kenyan State to comply with human rights norms and respect its international obligations when addressing terrorism. Specifically, the ACHPR adopted a resolution on terrorist acts in Kenya. See: <http://www.achpr.org/sessions/56th/resolutions/302/?prn=1>
 - KHRC shared a country brief_ and delivered a 5 -minute oral statement on the Human Rights Situation in Kenya during the ordinary session of the ACHPR. This resulted in Kenya's Country Rapporteur sponsoring a Resolution on Terrorist Acts in the Republic of Kenya.

National Level Interventions

- Illuminated excesses within the Security Sector and brought attention to critical security concerns:
 - KHRC in conjunction with Human Rights Watch successfully launched a joint report entitled, "Insult to Injury: The 2014 Lamu and Tana River Attacks and Kenya's Abusive Response", which exposed through the media the violations committed by Security Personnel during an operation mounted in the aftermath of the Mpeketoni terror attacks.
 - A multi-stakeholder strategy was agreed to follow up on the report's recommendations. Specifically, there were follow up meetings with IPOA, KNCHR, the IG and Chief of defence forces among others.
 - As part of the Police Reforms Working Group (PRWG), KHRC strongly condemned the misuse of Government resources by the Colonel Rogers Mbithi when it was discovered that he had appropriated a plane belonging to the National Police Service for personal use when the General Service Unit-Recce Squad needed urgent transportation to mount a rescue mission during a terror attack on Garrissa University.
- Exposed unconstitutional legal provisions on security with a view to influencing requisite reforms:
 - KHRC undertook reviews of the Public Order Act, the Prevention of Terrorism Act and Official Secrets Act with a view to supporting advocacy aimed at reforming these laws to conform to the constitution and will look to support public interest litigation on the same. As an example, KHRC issued a press statement condemning deregistration of MUHURI and the Agency for Peace and Continued Development. This was after the Inspector General of Police enumerated through gazette notice 2326, that these organizations were allegedly involved in funding terror activities.
- Increase public participation in police vetting:
 - KHRC has assisted the National Police Service Commission (NPSC) with enhancing its public outreach and sensitization on the vetting process by developing Information, Education,

Communication (IEC) materials and encouraging Human Rights Networks (HURINETs) to provide information during the vetting of particular officers.

- KHRC, as part of the PRWG, proposed that the NPSC should develop a strategy for engaging county government officials as they are critical to ensuring participation in vetting.
- Whereas financial probity is a critical component of the vetting exercise, the PRWG have in the past raised concerns that vetting has turned into a financial audit at the expense of probing on questions of integrity and human rights, professionalism, quality service, accountability and competence. To counter this and to ensure financial probity effectively contributes to the overall process the PRWG has initiated a strategic engagement with the Kenya Revenue Authority so that culprits are investigated and charged with tax fraud.

Strategic Output 3: *Gross Human Rights violations confronted to secure accountability and serve justice*

Transitional Justice

International Level Interventions

- Resolution on the Right to Rehabilitation for Victims of Torture adopted by the ACHPR
 - During a side event at the ACHPR, convened by KHRC and the Centre for the Study of Violence and Reconciliation, a Resolution on the Right to Rehabilitation for Victims of Torture was proposed. A draft resolution was later submitted to the Chair of the Committee on the Prevention of Torture in Africa (CPTA) for consideration. The Commissioner sponsored an amended version of the resolution and it was subsequently adopted by the ACHPR. See: <http://www.achpr.org/sessions/56th/resolutions/303/>



Peace Through Accountability in Africa Partnership (PTAAP) participants after a side-event at the African Commission on Rehabilitation and Reparations

- Recruited by the ACHPR's to be part of a 3-member advisory committee to develop a General Comment on the Right to Redress for Torture Victims. This followed discussions with the CPTA on

the same. A draft of the General Comment should be available on the ACHPR website by the end of March 2016.

- Joined and informed the strategy of a network promoting a model mining legislation for Africa:
 - KHRC participated in an ACHPR side-event on the prospects for a Model Mining Legislation for Africa. KHRC became part of a new network to enable it to contribute to a study on the model legislation. The new network subsequently met with the Chair of the ACHPR Working Group on Extractive Industries, Environment and Human Rights Violations where it was agreed that the network will share the study outputs with the ACHPR Working Group for its consideration.
- Influenced the Regional Strategy of the Coalition on the International Criminal Court (CICC):
 - During a regional meeting of the CICC the KHRC called for an advocacy approach that compelled African States to confront the contradictory nature of their respective positions on the ICC on multiple platforms; and called for the awakening of the protective mandate of various African Union organs such as the ACHPR and argued for an overall Ease-of-Access argument for CSOs and the public within organs of the African Union charged with the responsibility of combating impunity. These sentiments were reflected in the final resolutions from the meeting that were circulated to international media.
- Contributed to the NGO Guidelines for Engaging with the ICC:
 - KHRC participated in consultations for the development of guidelines to streamline the role of NGOs in evidence collection and investigative work for transmission to the ICC. KHRC's presentations emphasized ensuring victim participation. Specifically, KHRC raised issues of documentation, security and protection for victims, witnesses and NGO staff. These representations will inform a review of the draft guidelines.
- Increased solidarity between movements for survivors in the global south to seek transitional justice:
 - KHRC facilitated dialogue between Kenyan Groups and their Ugandan counterparts. The KHRC delegation consisting of representatives from the Mau Mau War Veterans Association (MMWVA), the National Victims and Survivors Network (NSVN) and the Endorois Welfare Council shared insightful experiences on the protracted processes they embarked on to obtain redress from the State in their respective cases. KHRC will harness this experience to develop a broader programme on dialogues among victim and survivor groups on the continent.
 - 3rd Global Action Research Workshop for Young Human Rights Advocates in Colombia: This workshop brought together young activists and practitioners from several countries in the global south. KHRC served as a facilitator on Transitional Justice in Africa and was also able to interact with other diverse experiences on implementation of transitional justice processes from other countries. As part of harnessing these experiences, KHRC will be contributing to an Action Research Journal that will be published as an outcome of the workshop.
 - KHRC has developed a compendium on post-conflict justice mechanisms comprising of papers from scholars and practitioners from the continent and some international experts. The publication will further discourse on victims' access to and participation in post-conflict justice mechanisms and hopefully influence policy maker to consider practical approaches to improving such participation.

National Level Interventions

- Ensured participation and informed the development of an implementation framework for the TJRC report:
 - KHRC acted as advisor to the Directorate on National Cohesion that was tasked with developing an implementation framework. KHRC inputted into the ToRs for an Inter-Agency Committee to oversee the formulation of a policy for the implementation framework.
- Enhanced political pressure for implementation of the TJRC report:
 - KHRC supported the NSVN in preparing a public petition on the implementation of the TJRC report which was subsequently tabled in the National Assembly by Hon. Abdullahi Mohamed

Diriye. This petition secured a commitment from the Leader of Majority in the National Assembly to have the TJRC report debated in 2016.

- Enhanced political pressure for a comprehensive law on historical injustices:
 - A report by the National Assembly's Departmental Committee on Land and Natural Resources notes that clause 44 of the Bill on historical injustices is not comprehensive; this is in line with a position paper that KHRC shared with the Committee during its consultations with stakeholders.⁸ Further engagements with the Kenya Parliamentary Human Rights Association (KEPHRA), Coastal Parliamentary Group (CPG) and Pastoralist Parliamentary Group (PPG) membership have seen them indicate that they will push for a law on historical injustices in the National Assembly.
- KHRC's recommendations for an inclusive institutional framework on the management and administration of community land to be included in the Community Land Bill (2015) have been noted in the concluding observations of the report by the Departmental Committee on Lands.⁹ The PPG and CPG have also pledged to raise KHRC's concerns in parliamentary debate.
- Public sensitized on land reforms with regard to historical land injustices, community land rights and equitable benefit sharing of natural resources:
 - KHRC convened 3 national and 3 community dialogue forums. The community dialogues directly reached 237 participants whereas the national forums reached 96 participants including legislators, religious leaders, policy makers in government and civil society.
 - These engagements attracted media attention that shape public opinion:
 - i. 5 radio shows on compulsory land acquisition, public participation in the exploitation of natural resources, the implementation of the Endorois case decision and on indigenous peoples land rights generally reached 4,636,500 people overall.
 - ii. KHRC contributed to a joint media supplement done by the Land Sector Non-State Actors (LSNSA) that was published in the Daily Nation. The Daily Nation is estimated to have a reach of 4,379,400 people a day.¹⁰
- Addressed policy gaps in IDP protection:
 - KHRC contributed to research by the International Displacement Monitoring Centre to identify gaps and inconsistencies in the country's laws and policies on internal displacement, and the challenges to implementation. A main finding of the research was the need to clearly define the scope of activities to be undertaken by the National Consultative Coordination Committee (NCCC) in line with its mandate under the IDP Act.¹¹ KHRC subsequently convened a consultation between the Protection Working Group on Internal Displacement (PWGID) and NCCC which has yielded a joint roadmap for implementation of the Act, an action plan for the Joint IDP Profiling Service facility of the United Nations Office for the Coordination of Humanitarian Affairs.
- Advanced durable solutions for IDPs through Public Interest Litigation:
 - KHRC is currently a party to 2 PIL cases that seek to advance durable solutions for IDPs. One case seeks a declaration that the petitioners and all internally displaced persons have all rights and guarantees as provided for under the constitution; declaration that the IDPs are entitled to reparations and or just compensation; declaration that the IDPs are entitled to participate in the decision making process and the implementation of all the policies that the respondents make and implement in respect to the IDP Camps and the individuals who resided in IDP camps and; an order for reparation, compensation, or a combination of both. The second case seeks reparations, justice and accountability for the victims of Sexual and Gender Based Violence in the 2007 Post Elections Violence. Both cases are currently at the substantive hearing stage and

⁸ Departmental Committee report the report on the Land Laws (Amendments) Bill, 2015 (October 2015)

⁹ Departmental Committee on Lands: Report on the Community Land Bill, 2015 (October 2015)

¹⁰ <http://blog.geopoll.com/data-on-newspaper-magazine-readership-in-kenya> as accessed on January 25, 2015

¹¹ IDMC (2015). Towards a comprehensive response to internal displacement in Kenya: a roadmap for action

have the potential to advance progressive jurisprudence on durable solutions and reparation for IDPs.

- Ensured continued reparations and progressive court decisions in respect to the former Nyayo House Torture survivors in Kenya. To date 157 cases have been adjudicated in court with cumulative monetary awards of Ksh. 315,707,194.50, of these amount, only Ksh. 72,676,791 is due to be paid out to the litigants. Other torture cases inspired by the success of the Nyayo house suit are now in court seeking reparations to the tune of Ksh. 123,873,365. As a result of the above success, KHRC has instituted the following strategic PIL cases that will go a long way into addressing the plight of victims of torture and ill treatment by the state; Victims of Coup Attempt (VOCA)- 1982 –recently awarded to 283 cases, 16 cases of Mithonge pending in court and 16 cases of February 18th Revolutions (FERA) pending in court.
- Successfully Inaugurated Mau Mau Monument:
 - KHRC with the British High Commission and MMWVA unveiled the Memorial for Victims of Torture and Ill Treatment during the Emergency Period of the Colonial Era. The event held on September 12, 2015 had over 15,000 veterans in attendance together with heads of diplomatic missions, government representatives and partners within civil society and served to illuminate the necessity of instituting memorialization efforts for gross human rights violations as recommended in the TJRC report. The President subsequently granted the MMWVA audience at State House and pledged to ensure that they were made beneficiaries of the government’s cash transfer for the elderly, receive treatment from the national health insurance scheme and receive recognition during *Mashujaa (Heroes) Day* celebrations.



Mau Mau War Veterans chairperson, Gitu Wa Kahengeri, Former, British High Commissioner, Dr. Christian Turner, Cabinet Secretary, Sports, Art and Culture, Dr. Hassan Wario, KHRC Board Chair, Makau Mutua during the unveiling of Mau Mau Monument at Freedom Corner

- Ensured Reparation for Mau Mau Veterans:
 - KHRC is overseeing the remittance of funds to the beneficiaries of a 2013 settlement between the British government and victims of torture during the emergency period of the colonial era.

Of the 5,228 beneficiaries entitled to compensation, only 46 are yet to receive their settlements. The MMWVA are assisting in locating the beneficiaries of some of the estates so that their succession matters can be dealt with. 30 clients are being supported to obtain their compensation.

b) ECONOMIC AND SOCIAL JUSTICE (ESJ) PROGRAMME

Strategic Outcome: Protection of producers', workers', consumers' and host communities' rights

Strategic Output 1: *Unfair trade practices and corporate impunity revealed as gross injustices*

Labour Rights

The period under review coincided with year 2 and 3 of the Kenya Horticulture Project (KHP) under which KHRC's work on worker's rights was substantially done. The KHP is a 3 year project that commenced on September 2013 and ends in August 2016. The project brings together 4 key partners, namely KHRC, Traidcraft Exchange, Flamingo Horticulture Kenya (formerly Finlays Horticulture Kenya) and Marks and Spencer (M&S) UK. The project aims at advancing trade justice and labour rights through addressing any aspects of the *M&S-FHK-Workers-Farmers* green beans supply chain. It targets 300 farmers and workers in Meru and Lewa.

International Level Interventions

In delivering on the policy work as envisaged in the KHP, KHRC led a delegation consisting of farmers, workers at FHK and representatives from Traidcraft Exchange to meet with M&S and FHK Directors in headquarters in the UK. These meeting provided farmers and workers to directly engage the directors of M&S on key policy issues affecting them and ways of improving the supply chain to avert losses suffered by farmers. This meeting resulted in:

- A commitment from M&S to adhere to improve the accuracy of their orders and to curb substantial deviations which hitherto to this meeting would result to quotas and concomitantly mass wastage of farmers produce.
- A commitment by M&S to issue orders to FHK in good time so that workers at FHK do not have to work overtime with less than 48 hours notice. The issue of workers having to work overtime with insufficient notice has been a key concern to KHRC at the design of the project and one we have done a lot of advocacy around.

National Level Interventions

- There was a significant rise in the number of permanent employees as compared to seasonal and casual employees engaged at Flamingo Horticulture Kenya (FHK). This rose to 83% against a backdrop of 51% at the start of the project. In effect therefore, KHRC was able to address the challenge of casualization of labour to a great extent enabling more workers enjoy the benefits that come with permanent employment as pronounced in the labour laws. These include contributions towards National Social Security Fund (NSSF) and National Hospital Insurance Fund (NHIF). Casualization of labour remains a key challenge in the horticulture sector in Kenya.
- The working relations between workers and management improved as established during interaction between workers and the project team in training of trainers (ToT) awareness sessions conducted during the reporting period. The regional human resource manager was keen to listen to concerns raised by workers and the cases brought forward were treated with utmost seriousness. In fact, most workers were more comfortable confiding in the regional human resource (HR) manager than reporting to their peers, supervisors or welfare representatives. This open-door policy at the HR office

went a long way towards expeditious resolution of grievances and disputes as a result of the removal of bureaucratic red tape.

- An increase in the number of buses and points of picking and dropping off workers was reported. This helped address problems relating to insecurity whenever workers were picked or dropped too far from their homes, which was of great concern for women working on the farms.
- The management at FHK is currently initiated the review of the composition of the gender committee with the intention to include male employees. The move was necessitated by the various trainings conducted by the KHRC during the reporting period.
- There was a 10% reduction in the instances of overtime requests with notice of less than 48 hours as was common practice at the start of the project. As a result of continued dialogue and engagement, FHK management introduced Performance Related Pay (PRP) which provided workers an opportunity to earn more within the normal working hours depending on their production speed. Consequently, workers have reported increased earnings as well as improved social lives.

In addition to the foregoing, KHRC worked in the cut-flower and tea sectors with the intention of influencing workplace policies and building the capacity of trade unions and workers on the labour law legal framework. This work was conducted in Thika, Naivasha and Kericho through the Labour Rights Programme funded by Hivos. The key achievements were:

- Three flower farms, namely, Florensis, Wild Fire and Zena Roses reviewed their gender, sexual harassment and HIV/AIDS policies and aligned them to the model policies that KHRC trained them on. This helped fill the gaps that KHRC had identified in these policies and enhanced compliance of the workplace policies of these farms to labour laws.
- Through the training, on labour rights legal framework that was offered to the farms involved in the project, a marked improvement in representation of workers issues to management was reported, particularly in Unilever Tea and Finlays. Prior to this engagement, the key challenge that trade unions in these farms faced was skewed application of the law occasioned by misinterpretation of the law.

KHRC engaged in a class action against Tona Holdings Limited on behalf of Tona Holding employees on account of violation of labour rights. While this case had not been concluded at the end of the reporting period, KHRC hopes that through this intervention, the claimants will obtain justice and that corporates will be persuaded to be more accountable and respectful of labour rights.

Trade Justice

International Level Interventions

- A civil society letter developed by KHRC was signed by 34 organizations from over 100 countries of the Global North and South, consumer groups, environmentalists, trade unions, farmers, and other development advocates regarding the wrong direction of the WTO talks and urged the WTO members to substantially turnaround the negotiations in advance of the December Ministerial Conference in Nairobi.
- KHRC was part of the EAC Trade experts that set the negotiation principles and agreed on a common position prior to meeting the EU to discuss legal changes to the EAC-EU Economic Partnerships Agreement (EPA). This was achieved by KHRC submitting recommendations on both the Market Access offer and Development Matrix to the negotiators. These recommendations were based on a study conducted by KHRC on the implications of the EPA on the Kenyan Agriculture sector. This engagement led to KHRC being invited to be part of the EAC Trade experts/delegation for a meeting in Brussels on 7th and 8th September to adopt the negotiations principles and came up with a common position prior to meeting the EU. KHRC proposals were submitted to EAC Negotiators during the

EAC-EU EPA legal scrubbing exercise that took place from 9th to 12th September in Brussels, Belgium.

- KHRC organized a session at the 2015 WTO Public Forum titled “*Reforming Agriculture Trade Rules for Food Security Purposes and Protecting the Rights of Smallholder Producers*”. The workshop attended by about 60 participants provided a platform for KHRC to lead discussions on agriculture and right to food as part of influencing the outcomes of the MC10 on Agriculture.

National Level Interventions

As part of our trade justice work implemented through the Kenya Horticulture Project, KHRC achieved the following:

- A reduction in the wastage of produce experienced at the farm gate level due to quotas and failure to meet quality standards, from up to 50% to 20%. This was achieved through awareness creation among farmers on adherence to the planting schedules, advocacy on the need for FHK to better forecast production needs and increased technical assistance by FHK to farmers.
- Improved communication between farmers and FHK managers. For example, in terms of communication on rejects, memos on rejects were issued without undue delay and sometimes messages were sent to farmers in real time through phones.
- Farmers exuded high levels of confidence during meetings with FHK managers. They were able to identify and prioritize supply chain issues for negotiations as opposed to the baseline situation where issues would be muddled up at meetings with technical assistants leaving no time for discussion of substantive matters. In addition, worker committee members reported improved consultation through meetings taking place between committee members and management as agreed and that the meetings led to action being taken on subjects of relevance to workers.
- 60% of farmers felt that their capacity to conduct negotiations on pay related issues has increased as a result of KHRC’s work. Impressively, all farmers felt that their capacity to negotiate on other issues had also increased. These issues included: negotiation with FHK on the need to raise the price(s) for their produce as well as scale down on rejected produce, negotiations on provision of more crates in order to reduce on the quantity of produce wasted at post-handling level and discussions on concerns on the rising costs of production.
- Improved livelihoods for farmers as a result of increased profits from the sale of fine beans as demonstrated by a rise from Kshs. 14,000 to Kshs. 16,468 per planting. This represents a 17% increase in gross profits and a 7% increase in real profits after inflationary considerations.
- Provision of linkages between farmers and their county legislators and other relevant government agencies and departments such as the County Director of Agriculture, Kenya Wildlife Services among others. These linkage continue to offer farmers an opportunity to directly engage with these offices for expedient redress of their grievances and support.
- Formation of a Policy Working Group to ensure timely implementation of key policy issues affecting horticulture farming and adoption and/or enactment of laws and policies to improve horticulture business with a view to benefit farmers and workers. Farmers and workers are represented in this policy working group.

In addition to the foregoing, KHRC worked with sugar farmers in Kakamega County during the reporting period. KHRC mobilized farmers to conduct a peaceful protest against the injustices they suffered in the hands of sugar millers. These injustices were on terms of trade, namely: poor price, delay in making payments to farmers, among others. While the protest was quelled by the police, the sugar millers agreed to engage with farmers to identify solutions to their grievances. Thus, a taskforce was formed to spearhead the negotiations.

KHRC in collaboration with EACSO Co-convened the National CSOs workshop in the preparatory work on the 10th Ministerial Conference in Machakos, Kenya on 15-16 November, 2015. The Conference

statement was shared with the WTO secretariat and uploaded on their website as one of the CSOs resources.

Corporate Accountability

International Level Interventions

- KHRC alongside ESCR-Net co-hosted the 2015 People’s Forum on Business and Human Rights. The Forum was aimed at reviewing progress and achievements from the past year, bringing together leaders from across the corporate accountability movement were at the People’s forum to design joint strategies to effectively address corporate human rights abuses.



KHRC staff at the people’s forum on Business and Human Rights

National Level Interventions

- KHRC was appointed a member of the steering committee for the National Action Plan on Business and Human Rights development process. This was subsequent to KHRC informing to the Department of Justice that it would conduct a National Baseline Assessment on Business and Human Rights which was a critical pre-requisite in the development of the National Action Plan on Business and Human Rights.
- In line with its mandate, KHRC exposed cases of human rights violations occasioned by corporates through conducting fact finding missions and documentation of violations. Through a partnership with SOMO, under the project named “*Standing up for our rights*” KHRC conducted a fact-finding mission in Kwale County to ascertain the human rights violations by Kwale International Sugar Company Limited (KISCOL) with the aim of assisting the communities to draft a complaint based on information gathered. KHRC also concluded the study on the “*Human Rights Consciousness of the Environmental Impact Assessment Process in Kenya*”.

Strategic Outcome: *Improved accountability in service delivery leads to improved access to economic and socio-cultural rights in select counties*

Strategic Output 2: *Enhanced civic demand for accountability in service delivery in select counties*

Accountability and Devolution

- Successful launch of ***“The ten-point model county award criteria and scheme: A human rights centred framework on devolved governance.”***. The document is a framework for capacity building, policy engagement, benchmarking and monitoring and is modeled on existing legal frameworks (constitution, statutes and treaties), best practices and KHRC’s experience in human rights and accountability.
- Endorsement of the Ten Point Model framework by 21 counties, independent commissions, government departments such as Kenya Law Reform Commission, Department of Justice State Law Office, Directorate of Cohesion, Ministry of Devolution and Planning, Transition Authority, Council of Governors, County Assemblies Forum, Ministry of Planning and Devolution Department of Monitoring and Evaluation, MCAs and Executives of Nakuru, Wajir, Kwale, Isiolo, and Nyeri Counties.
- Endorsement by the Devolution Forum during a national forum on Public Participation that brought together about 100 CSOs and 15 partners CSOs of Trocaire. Further to this, the framework which was dis used at the meeting informed the drafting of the communique that was developed at this conference.
- Increased capacity of both rights holders and duty bearers to effectively engage on matters of devolved governance through the use of KHRC’s *“Devolution Manual: A human rights based tool for governance.”*



The ten-point model county award criteria and scheme

- KHRC produced and launched a publication named “*Devolved Governance through a Human Rights Lens: A Comparative Analysis on Emerging Trends, issues and Good Practices in the Implementation of Devolution in Kenya.*” This was an analysis of the performance of counties based on the 10 parameters provided in the Ten Point Model Framework. This provided an opportunity for county executives to introspect on their performance as well as benchmark with counties that were doing better off. KHRC has continued to disseminate this study, the Ten Point Model and the Devolution Manual with the intention of capacity building and challenging county executives to mainstream human rights in their work and improve service delivery.
- KHRC informed the global discourse on devolved governance through different publications among them a paper entitled “*Kenya’s Devolution: Taking Stock One Year On*”, This paper was published in the Swedish International Center for Local Democracy newsletter and website. In addition to these KHRC developed several devolution advisories and a critique of the Draft Devolution Policy.

KHRC continues to play a major role in various state¹² and non-state¹³ national partnerships by shaping and influencing the devolution narrative in the country.

c) **POLITICAL PLURALISM AND DIVERSITY PROGRAMME**

Strategic Outcome: Enhanced representation and participation of targeted marginalized groups¹⁴ in political governance.

Strategic Output 1: Progressive pluralism enhanced in governance structures

Marginalized Groups in Political Governance

International Level Interventions

- Joint strategies to address the challenges that women and Persons with Disabilities (PWDs) face in political participation developed:
 - In the 57th Session of the ACHPR KHRC conducted a panel discussion on the political participation of women and PWDs in Africa. The panel discussion requested the African commission to call on states to put in place mechanisms that will move political representation to parity and urged that states consider adopting proportional representation as they undertake legal and constitutional reform as well as quotas.
- The ACHPR requested the Kenya government to report on the ethnic distribution of all key positions i.e. elective, appointive and employment. This is the result of KHRC’s alternative report on Kenya that showed the glaring gap in ethnic, gender and PWDs inclusion in government positions.

National Level Interventions

- The Constitutional Amendment bill No 4 of 2015 for immediate realization of the 2/3rds gender rule was tabled in parliament
 - KHRC, under the CSO reference group, and our community based partners presented to the Justice and legal affairs committee in Nairobi, Mombasa, Kisumu, Kitale, Nyeri and Isiolo a memorandum to prevent the proposed Constitutional amendment that would allow the 2/3rds gender rule to be implemented progressively. The memorandum became a point of reference

¹² Kenya Human Rights Commission is a members of the technical committee on National Commission on Administrative Justice and Council of Governors which is a government led partnership of over 20 state institutions and civil societies working on matters devolution

¹³ Kenya Human Rights Commission also provide technical support to the devolution forum which is a purely civil societies led network that seek to influence the implementation of devolution with a membership of over 200 institutions at the national and county levels.

¹⁴ Historically, women, persons with disabilities, youth, and sexual minorities, regional, and ethnic marginalisation.

for equality actors to advocate and push for the upholding of the Constitutional 2/3rds gender rule principle¹⁵ and led to the result above.

- The Political Parties Amendment Bill (2016) in congruence with KHRC's recommendations now defines ethnic minorities widely as they vary from society to society.
- The Elections laws amendment Bill (2015) stipulates, in accordance with KHRC's recommendations, that in view of the fact that youth form the majority of the population, nominated positions for affirmative action should be allocated on a 50-50 basis among youth and older persons.
- In the proposed Elections (amendment) Bill it states that 50% of affirmative action positions for youth be reserved for the youth of the lesser gender. The Constitutional amendment Bill tabled by Hon Duale also requires that nominations alternate between person below the age of 35 and those above. These results have been achieved through advocacy conducted with Youth Agenda and consultative meetings held with youth organizations.
- Increased support for the Green Amendment Campaign (GAC) to achieve the 2/3rds gender rule
 - The GAC is a partnership of CSOs¹⁶ that advocate for the achievement of the 2/3rd gender rule through the reserving of seats which women will contest in elections. This mechanism ensures that women will be seen on the ballot paper and are beholden to and can build popularity with the electorate. After 10 years the proposed affirmative action mechanism would be reviewed as per the existing circumstances. KHRC together with partners has traversed the country to collect one million signatures for a popular amendment to the Constitution. KHRC has so far collected over 20,000 signatures. KHRC has engaged County assemblies to educate them on the GAC.
 - The GAC served to sustain public pressure on government to enact a comprehensive mechanisms for the two third gender rule in Kenya. In a research by the Association of Media Women in Kenya , findings showed that information and debates by GAC were factual and highly persuasive



Diana

Gichengo, Programme Manager, Political Pluralism and Diversity addressing a Green Amendment

- The Government of Kenya committed to: 1) carry out an audit of all elective and appointive positions to see the level of compliance with legal provisions on the political participation of marginalized groups, 2) push for a law review to ensure implementation of the not more than 2/3rds gender rule,

¹⁵ It was used by Uraia, the National women steering committee, youth agenda, GROOTS Kenya, Youth Agenda, CREAM, and WEL among other to lobby legislators.

¹⁶ KHRC, Action Aid Kenya, CRECO, IED, Oxfam, the National Women Steering Committee and the Kenya Parliamentary Human Rights Association

and 3) develop an anti-discrimination law. These commitments were made during a meeting to develop an implementation plan for Universal Periodic Review (UPR) recommendations.

- KHRC developed an equality framework to be applied in Nakuru County . Nakuru county through the County director of Gender committed to implement it. KHRC's equality framework will be used to influence the draft national equality policy. Nakuru County committed to use KHRC's equality framework as a basis for their equality policy.

Ending Statelessness

International Level Interventions

- The Commissioner responsible for refugees, immigrants and displaced persons at the ACHPRs asked the Kenyan government to indicate the measures that they are taking to end statelessness in Kenya. This was achieved through KHRC including challenges in achieving the right to nationality through its statement, parallel report and advocacy charter at the ACHPR.
- KHRC became a member of the Africa coalition on the right to nationality, in recognition of KHRC's advocacy for the ratification of the draft protocol on nationality.

National Level Interventions

- Stateless communities at Coast have increased the ease with which government officers can reach them during the period of profiling and registration:
 - The Makonde community has set up their own structures to ensure that all eligible Makonde get Kenyan Citizenship. For example, the Makonde, through their members who have a Kenyan citizen for a parent, have registered a self-help group and are distributing Makonde identification badges. So far 150 Makondes have a Community Identity badge.
 - The Pemba community and people of Rwandese and Burundian descent now also want to organize themselves.
 - Communities now understand the: legal amendments, process of profiling and the need to be organized and visible so that they can better engage with the registration process.
 - KHRC held monitoring visits with each community and hosted a feedback dialogue with over 500 stateless persons to strengthen community understanding and mobilization.
- Increased provision of ID cards in Wajir and birth registration in Kwale:
 - 700 citizens were registered with the support of 33 paralegals trained by KHRC. This halted because of a freezing of registrations due terror threats. However, a politician in Wajir was able to unfreeze the issuance on ID cards which saw the registration of over 10,000 additional youth.
 - Paralegals trained by KHRC have successfully advocated to increased birth registration in Kwale.
- KHRC has worked in partnership to develop a draft national action plan that that through 9 actions should help to reduce, prevent and hopefully end statelessness in Kenya.
- KHRC has been asked by the Senate Committee on National Security and Foreign Affairs to submit a comprehensive memorandum on and a draft of the Identification and Registration Bill (2014) and to submit proposed amendments to the Kenya Citizenship and Immigration Act.

The mind set of target legislators with regard to statelessness has been shifted. They are now viewing statelessness as a risk to national security, economic stability and growth. This is evidenced by comments made during meetings convened by KHRC and legislators eagerness to hastened action by the executive to resolve statelessness in Kenya including amending laws.

Strategic Output 2: Expanded Public Spaces to Combat Stigma against LGBTI Persons

LGBTI Rights

International Level Interventions

- During the second UPR review of Kenya the government accepted the recommendation to develop and bring into force a comprehensive equality law.
- KHRC gained capacity on strategies required to make a Pride event successful by attending a parade in Riga, Latvia.
- The ACHPR asked the government to respond to the state of human rights of LGBTI persons in Kenya as a result of KHRC's statement, Parallel report and advocacy charter.
- Contributed to the Coalition of African Lesbians (CAL) achieving and maintaining observer status at the ACHPR. Specifically,
 - during the 56 session of the ACHPR, KHRC took part in developing strategies for ensuring the granting of observer status to CAL.
 - During the 57 session after the granting of observer status to CAL, and subsequent attempted revocation by the African Union executive political committee, KHRC provided cover for CAL by reading a statement on their behalf.
 - KHRC has crafted mechanisms to have a successful litigation on the interference of the ACHPR by other African Union organs.

National Level Interventions

- Increased awareness of the violence, discrimination and repression faced by LGBTIQ persons in Kenya by supporting the Gay and Lesbian Coalition of Kenya to celebrate IDAHOT¹⁷ which reached over 600 people. Before the event KHRC hosted a twitter chat through which 143 people were engaged, 179 retweeted and 128,446 people have seen the hashtag since it was first mentioned. See: <https://storify.com/thekhrc/1>
- Persons accused of committing 'unnatural acts' in Kwale were released on bail with KHRC's support.
- KHRC is an interested party in a legal Petition as a member of a committee that is filing a case challenging the Constitutionality of anal testing to prove guilt of committing 'unnatural acts.'
- KHRC is mainstreaming LGBTI rights within KHRC and other organizations.
 - For example, KHRC has recruited LGBTI individuals and employs LGBTI individuals as interns. KHRC hosts LGBTI rights organizations and raises LGBTI rights with our community based partners and all programme constituents. KHRC ensures that its service providers such as health insurers do not discriminate on grounds of sexual orientation or gender identity. Most recently, KHRC took part in training USAID staff on the inclusivity of minorities in their organization.

Strategic Output 3: Barriers to the Realization of Economic and Social Rights of Women and Persons with Disabilities (PWDs) Confronted

Women and Persons with Disabilities' Economic and Social Rights

International Level Interventions

- The UN Committee on the Rights of PWDs recommended that the Kenyan government come up with a mechanism to stop the enforced sterilization of women with disabilities. This is a result of KHRC giving this recommendation during the review of Kenya at the 14th Session.
- KHRC was appointed by the Ministry of Labour and Social Services to join the Convention of the Rights of Persons with Disability (CRPD) Working Group so that it can work with government agencies/departments to ensure that the recommendations from the CRPD committee are implemented.
- KHRC will lead the CRPD working Group to ensure the recommendations made by the Committee regarding policy and legislation in Kenya is implemented.
- KHRC was invited to and participated in the EAC PWDs Bill public participation session.

¹⁷ International Day against Homophobia and Transphobia

- Commissioner Lucy Asabughor, the new special rapporteur on women as of the 57th session of the ACHPR, indicated that she will push forward areas of the general comment to the article 7d of the Maputo protocol that are not being successfully addressed.

National Level Interventions

- The protection against domestic violence Act became law crowning KHRC's advocacy efforts.
- KHRC has been charged in the draft implementation plan for the Act with lobbying to ensure that rules and regulation under the Act are developed and gazetted.
- Increased awareness of disability rights under the Constitution with state and non-state actors in Nakuru.

d) INSTITUTIONAL SUPPORT AND DEVELOPMENT (ISD) PROGRAMME

Strategic Outcome: A well-resourced and self-sustaining Commission that delivers on its mandate

Strategic Output 1: Enhanced recognition of KHRC as a reference point in human rights

Media, Communications and Information Management

- KHRC has developed a draft communications strategy and manual;
- KHRC has launched a new cleaner, simpler website;
- 3,125 copies of Mizizi ya Haki (root of rights) newsletter, which is written by KHRC's community based partners, have been delivered to partners who use the newsletters to 1) Learn from each other, 2) Profile their work and 3) Advocate for human rights.
- KHRC has increased its reach on social media. For example, in the last year (2015) KHRC's likes on Facebook have increase from 7,994 – 28,230 and KHRC has seen 70% growth in Twitter followers per month. KHRC also had over 200 interactions per month through Twitter. This mode of communication has been particularly successful due to the use of info graphics created by KHRC's in-house designer. It has enabled KHRC to engage young Kenyans, Government agencies and politicians that may not have been reached via other means.
- Twitter has helped KHRC to direct discussions in the traditional media.
- KHRC's use of social media has helped it to leveraged change. For example, KHRC ran an online campaign to address concerns with regard to the security sector. Part of this campaign was to post through social media an open letter to the President. The letter received a response from the Chief of Staff in the office of the President and KHRC was invited to a consultative meeting with the Ministry of Interior on the impasse between counter terrorism and human rights in security operations.
- KHRC has strengthened its evidence base to guide our legal, policy and advocacy actions.
 - KHRC ensures that information from these new / social media platforms are used for the development of periodic state of human rights reports which guide action.
 - Each month an average of 2-3 reports were received through social media and 15 by SMS. Reports included cases of corruption. The anonymity of these platforms has helped KHRC to monitor, map and document human rights violations more effectively.
- KHRC's community-based partners have improved capacity to use ICT. This is evidenced by the fact that all partners have set up Facebook and twitter accounts, Mid-Rift HURINET now has an SMS system. Some partners have done step-down trainings in their locations. HURINETs newly created social media accounts are being used for mobilization, learning and advocacy. Follow up visits with 12 HURINETs have supported them to make best use of the training they received.



HURINET members being trained on use of ICTs in advocacy

- 12 partners have uninterrupted ICT use as KHRC delivered generators to use with the equipment provided last year.
- KHRC’s partners have increased their influence with County Government through the use of ICTs. For example, Kwale HURINET and Mid-Rift HURINETs have used WhatsApp groups to help the County Government to disseminate information as well as to collate information on human rights violations and to share these with Government agencies. The improved government awareness of violations should be the first step to ensuring that they respond. The public is also more aware of the services available from local government and the best channels to engage with them. Partners are e-mailing State officials achieving engagement with duty bearers on-line that didn’t occurred off-line.
- KHRC’s partners have broadened social mobilization through the use of ICTs. Partners have used social media pages to get more of the public to take action in addressing human rights abuses.
- Awareness has been raised of KHRC’s information centre and digital library through the running of a session at the Nairobi International book fair and participation in legal awareness week.

Output 2: Prompt action on emerging and systemic injustices

Emerging and Systemic Injustices

- KHRC can monitor, document, analyze and respond to violations in a more systematic and cohesive manner as a result of the development of human rights reporting framework. This framework has enabled KHRC to develop an annual state of human rights report for 2015 entitled “Where Inertia Meets Regression.” It will be published to expose the status of protection and violation of human rights in Kenya.
- KHRC ensured public awareness of the States wrong doing in the process it took to deregister and freeze the accounts of KHRC, MUHURI, HAKI Africa and other NGOS. KHRC also highlighted to

the public the incorrect nature of many accusations by the NGO Board against civil society organizations.

- Increased capacity of CSOs from Kenya, Tanzania, Uganda, Burundi, Rwanda and Ethiopia on how to monitor ESCRights through the ACHPRs by KHRC leading a session at a training in Tanzania.
- The case to prevent the proposed retrogressive amendments to the Public Benefits organization (PBO) Act and to commence the Act is ongoing. However, the Court ordered that the amendments must not be forwarded to the Clerk of the National Assembly, published and/or otherwise acting upon pending the determination of the Petition.
- KHRC carried out fact-finding missions in Kwale County to identify labour, environmental and land rights violations perpetrated by the Kwale International Sugar Company Ltd against workers and the communities. The reports documented abuses and propose redress mechanisms.
- Increase in the number of clients served by KHRC through legal aid to 988 in the current year. Most cases attended to where labour, land, extra judicial killing, police harassment or torture related. For example, KHRC resolved a number of cases of non-payment of final dues by companies through alternative dispute resolution mechanisms. KHRC also assisted a gentleman who due to discrimination had suffered one attempt on his life (he was thrown from the fourth floor to ground floor of a building) and was continuing to receive threats.
- KHRC provided advice on justice options in Kenya and the asylum process in order for him to seek international protection. He did not have faith in the justice systems in Kenya and felt that his security could not be assured. Therefore, he sought means and ways of becoming a refugee in a second country to qualify for international protection under United Nations High Commissioner for Refugees. The victim thanked KHRC for what he called very humane dignified attention to his plight.
- Immediate guidance by a legal officer reduced the number of clients referred to an end month clinic.
- A draft Public Interest Litigation (PIL) policy has been developed. KHRC has been engaged with 16 PIL cases related to the rights of IDPs, workers, families of the victims of extra judicial killings, torture survivors, LGBTI persons, freedom of association, integrity of public officers, and victims of the loss of land and property. Details of the cases cannot be enumerated here but can be availed.

Strategic Output 3: *KHRC is more efficient, effective and accountable*

Monitoring, Evaluation, Accountability and Learning (MEAL):

- KHRC will become more strategic in: its choice of who to engage with, how we work with them, when we should end these relationships and how it manages the challenges and risks of partnership through the implementation of its new ‘Partnership and Coalition Framework.’
- KHRC’s has strengthened and simplified its systems for continuous monitoring of results. The internal monitoring system is based on 5 simple tools which have been institutionally validated (results tracker, activity tracker, registration forms, Most Significant Change Story template, training evaluation forms).
- There is strengthened capacity for M&E in the human rights sector through chairing the ‘M&E for Human Rights’ learning group meetings.
- The Drivers for Accountability Programme end of phase 3 project audit and evaluation is complete and recommendations have been shared within KHRC.
- KHRC harvested results, evidence of the results and how those results were achieved and documented lessons learnt during a mid-term reflection for its work funded under the Ford Foundation’s ‘*Investing in a New Era of Global Human Rights Leadership Initiative.*’ Lessons have been incorporated into the next phase.
- KHRC also participated in an evaluation conducted by CIPESA of its work under ICTs for democracy.

- KHRC has a plan for institutional improvement for the better achievement of its mission. This was achieved through a self-assessment process facilitated by Viwango (standards). KHRC hopes to work with Viwango to strengthen the management, practice and accountability of the Kenyan NGO sector.
- Community reflections held which; 1) gave KHRC a good understanding of partner's priorities, 2) enabled KHRC to engage partners on key organizational campaigns.
- KHRC submitted all reports to its donors in a timely manner.
- KHRC developed a 2 year operational plan in line with our strategic focus for 2015/2017. This plan will deepen KHRC's engagements in its 5 key areas of intervention:
 - Flawed electoral systems exposed and improvements effected.
 - Enhanced ethnic pluralism in governance structures
 - Excesses in Kenya's security policies confronted to assert a Human Rights State.
 - Mega Corruption in the Sector Exposed and confronted
 - Prevention of the Closing of Civic Space

Financial Sustainability

- The Board accepted KHRC's Institutional Sustainability Strategy. This strategy includes section on: Ethical Fundraising Policy, Cash and Reserve Investments, Capital Campaign, Hybrid NGO Model and Fundraising Strategy.
- Properties for property purchase researched and some potential donors to fund the purchase approached. One donor has indicated that they are likely to commit Ksh.50 million towards the acquisition of land for our premises;
- 66 prospective donors researched (19 High net worth individuals and 47 Foundations);

IT and Human Resources

- Phase 1 of customization of the financial system is complete.
- KHRC has higher bandwidth capacity as a result of migrating the internet link to Access Kenya.
- KHRC's IT system is faster, has more memory and an expanded hard drive through a new server.
- KHRC has wireless connectivity everywhere within the compound by installing more wireless points.
- The entire human resource cycle is automated through the implementation a new HR Sage system.
- KHRC's new Executive Director, George Kegoro, joined KHRC in November 2015.
- 60% of the senior management team completed their Bullet Proof Training Course. The Bullet Proof Course is an internationally acclaimed Leadership and Development Training which aims at strengthening the different competencies that contribute to making effective and great leaders in an institution.
- Ms. Rahma Gulam Abbas, Deputy Executive Director-Muslims for Human Rights (MUHURI) and a financial and grant management expert, joined KHRC's Board.

PART 3: STORIES OF CHANGE

a) Ending Statelessness

Following a Presidential directive the stateless Makonde community in Kwale has for the first time being recognized as Kenyans by the Government and members of the community are in the process of being registered. This is a community that KHRC has been working with for quite some time and it is exciting that at last they will be recognized as citizens of Kenya.

Key to achieving this result was KHRC's mapping and profiling of stateless communities in Kenya's coastal region. KHRC trained duty bearers¹⁸ at national and county level to understand the legal and procedural changes required to make citizenship recognition and the provision of personal documents non-discriminatory. KHRC trained paralegals to provide effective¹⁹ oversight of personal document provision services. KHRC also established a taskforce on Citizenship Rights in Kenya. Finally, KHRC developed a documentary and recommendations of a research report to highlight the challenges faced by stateless communities and the reforms required to put an end to statelessness.

Citizenship is the foundation of one's relationship with the State and one's rights within a nation. For example, someone who is not a recognised citizen cannot move around within or work in the country in which they live. They cannot vote or make a suggestion of how the country is run. They can't claim any benefits from or access services provided by the Government. Rights to Health, Education, a livelihood and freedom of movement are all curtailed by not being recognised as a citizen. Stateless persons (legal ghosts) often live in poverty and are at high risk of detention and exploitation.

After the Presidential directive there was much suspicion within the Makonde community that nothing would actually change. Promises by politicians were not given much credence; communities did not understand legal changes that were of benefit to them or the process by which they could now apply for citizenship. KHRC was keen that the opportunity for ending the stateless status of the Makonde community should not be lost. Therefore, KHRC visited each community and also hosted a feedback dialogue with over 500 stateless persons to strengthen community understanding and mobilization. As a result communities began to understand the amendments to the law, the process of profiling and the need to be organized and visible so that they could better engage with the registration process.

Stateless communities at coast, with KHRC's support, are beginning to work together to increase the ease with which government officers can reach them during the period of profiling and registration. The Makonde community has set up their own structures to ensure that all eligible Makonde get Kenyan Citizenship. Specifically, the Makonde, through their members who have a Kenyan citizen for a parent, have registered a self-help group and are producing and distributing Makonde identification badges. So far 150 Makondes have a Community Identity badge. The Pemba community and Persons of Rwandese and Burundi descent have also expressed their interest to be supported to organize themselves.

¹⁸ Officials from the Department of Refugee Affairs, Department of Immigration, National Registration Bureau, Kenya Bureau of Statistics, Department of Civil Registration, Department of Registration of Births and Deaths.

¹⁹ Paralegals are committed, honest, reliable and do not discriminate. They have a good understanding of the relevant laws and so can identify the specific violations. Paralegals are recording application processes for personal documents and any related human rights violations. After recording malpractices paralegals are immediately reporting them to the authorities and requesting their action. Any commitments by duty bearers to take action on violations are being followed up by paralegals to ensure commitments are fulfilled.

Whilst this is a momentous achievement in terms of ending statelessness for the Makonde community KHRC has also increased the provision of ID cards to ethnic Somalis in Wajir and birth registration in Kwale. In Wajir 700 citizens were registered with the support of 33 paralegals trained by KHRC. This halted because of a freezing of registrations due to terror threats. However, a politician in Wajir County was able to unfreeze the registration of issuance on National identity cards in October which saw the registration of over 10,000 additional youth. In Kwale, paralegals trained by KHRC have successfully advocated to increased birth registration.

The Makonde community is approximately 2,200 people in Kenya and it is hoped that all will benefit from citizenship recognition and the related rights that come with citizenship. However, this case sets a precedence that could also benefit the 1.2 million Makonde living in Tanzania.

There are no official figures for the number of stateless people in Kenya but KHRC estimates that Kenya is home to some 100,000 stateless people from Zimbabwe, Mozambique, Rwanda, Burundi, Sudan, Somalia and Asia. KHRC recognizes that statelessness is not only a Kenyan problem. The UNHCR estimates that the total number of stateless people in the world is at least 10 million.

Positively international law limits state discretion over citizenship²⁰, by requiring measures to reduce statelessness, including the granting of nationality to children who would otherwise be stateless, and by prohibiting discrimination in granting citizenship and arbitrary deprivation of citizenship. National laws should provide for citizenship (whether from birth or naturalisation) to be granted on the basis of any strong connection to the country. A strong connection should include being born in the country, having a father or mother (including adoptive father or mother) who is a citizen, marriage to a citizen, and long-term residence. Unfortunately, many African states explicitly or in reality discriminate in granting citizenship based on race, ethnicity, religion and gender.

Statelessness situations are very varied and this makes it difficult to come up with a framework to redress the situation for all. Therefore, KHRC is working at multiple levels to put an end once and for all to the problem of statelessness. For example, KHRC is happy that the Commissioner responsible for refugees, immigrants and displaced persons at the African Commission on Human and People's Rights (ACHPRs) asked the government of Kenya to indicate the measures that they are taking to ensure that stateless persons are granted Kenyan Citizenship. This was achieved through KHRC including the challenges in the implementation of the right to nationality during Kenya's second review at the ACHPRs through its statement, parallel report and advocacy charter. KHRC is also working with the Africa coalition on the right to nationality to advocate for the ratification of the draft protocol on nationality. At East African level KHRC convened a Conference which brought together state, EAC duty bearers and non-state actors (corporate and NGOs) from across the EAC which culminated in shared objectives.

Nationally, KHRC has been asked by the Senate Committee on National Security and Foreign Affairs to submit a comprehensive memorandum on and a draft of the Identification and Registration Bill (2014) and to submit proposed amendments to the Kenya Citizenship and Immigration Act. This was achieved by presenting recommendations to the Committee. KHRC also ensured that MPs (9) and the Director of the National registration bureau, chairs of taskforces etc. were present at the meeting with the Senate Committee to ensure that once KHRC submits the memorandum and amendments they are taken to Parliament. Engagements with target legislators has also changed their mind set with regard to statelessness. They are now viewing statelessness as a risk to national security, economic stability and growth. This change in mind set can also be evidenced by comments made during meetings convened by

²⁰ Article 15 - Universal Declaration of Human Rights (1948), The Hague Convention (1930), Convention on the Reduction of Statelessness (1961), Convention on the Rights of the Child (1990), Convention on the Elimination of Racial Discrimination (1969), UN Committee on the Elimination of Racial Discrimination General recommendation on discrimination against noncitizens (2005), Convention on the Elimination of All Forms of Discrimination Against Women (1981), Articles 5 and 12 African Charter on Human and Peoples Rights (1986), African Charter on the Rights and Welfare of the Child (1999), Chapter 3 – Constitution of Kenya (2010)

KHRC and legislators eagerness to hastened action by the executive to resolve statelessness in Kenya including amending laws.

In order to take the benefits of citizenship to other stateless people in Kenya KHRC plans to litigate on ethnic and gender discrimination in the granting of citizenship. You can find out more about how KHRC and how it is helping stateless people to achieve their rights by reading KHRC's report entitled 'Foreigners at Home: The Dilemma of Citizenship in Northern Kenya' see <http://www.khrc.or.ke/publications/66-foreigners-at-home-the-dilemma-of-citizenship-in-northern-kenya/file.html> or by contacting KHRC's Programme Manager-Political Pluralism and Diversity, Ms. Diana Gichengo.

b) Schooling at the Frontier

More children are now able to go to school in Wajir County because untrained teachers have been recruited and qualified teachers have been deployed from the region. This amazing change has occurred because Mukhtar Sheikh Nur and Yussuf Haji of Wajir Human Rights Network (Wajir-HURINET) were passionate that children in the region should not miss out on their right to education and the opportunities that gives them for a better future.

In 2014, the KHRC conducted a capacity enhancement exercise with its community based partner, the Wajir-HURINET's, community based monitors. The skills and knowledge imparted were focused on a Human Rights Based Approach to Development, Devolution, and the Budget Making Process. The monitors were also equipped with various tools for social auditing (Score cards, Participatory Expenditure Tracking Surveys) and Community Attitude Change Models (Take a Step, Secret in the Box, The Boat is Sinking, Diamond Farm and 65 year old Couple).

Armed with knowledge and skills from KHRC's training the monitors were able to rally the support of the Wajir County residents to hold a peaceful demonstration against the violation of children's right to education in the county.

North Eastern Kenya has been plagued by the twin and mutually reinforcing challenges of high levels of insecurity, due to incessant attacks by Al-shabaab, and poor access to education with eight out of 10 people living in Wajir County never having been to school, according to a report titled 'Exploring Kenya's inequality in education: Pooling apart or pooling together?' Locals and non-locals in these counties have borne the brunt of insecurity. Hundreds of teachers and students have lost their lives in the wake of these attacks.

The insecurity has caused non- local teachers and students to relocate to other counties out of fear of attacks. Last year 499 teachers for both secondary and primary schools in Wajir absconded duty since early 2015 as the spate of killings and violence in the Northern Frontiers escalated. In fact, 1 out of 3 teachers boycotted their duty stations in North Eastern Kenya. The staffing gap increased the teacher-student ratio way above the national average. For instance, the national primary school ratio is 1:31, according to the 2014 Basic Education Statistics Booklet. However, following the teachers' boycott in Wajir, the teacher-student ratio was more than double that number at 1:69.

Going to school can help children to maintain a semblance of normality, security and hope for the future in an otherwise insecure environment. Removing access to the basic right to education compounds the likelihood that they themselves will become radicalized. Yet despite this dire situation and the potential longer term repercussions the national government did not taken action to boost security or to replace the teachers who fled the region.

To bridge the gap occasioned by the teachers who fled, due to a well-founded fear of Al Shabaab militants, the Wajir HURINET worked with other civil society organizations to mobilize residents to take part in a demonstration. The demonstration was conducted simultaneously with demonstrations in the neighbouring Counties of Mandera and Garissa. The demonstration in Wajir was used to deliver a memorandum to the North Eastern Regional Commander. The memoranda stated that:

- *children in the area are entitled to free and compulsory education as enshrined in the constitution;*
- *our children have been denied the right to education and a future;*
- *cut off points for teachers from the region be lowered to c – grade for the P1s and C for secondary teachers and*
- *government increases the quota for teachers' training in the northeastern, to set up primary teachers training centers in the counties and to allocate grants for in-service training.*
- *the president issues an executive order to allow the hiring of untrained teachers to fill the vacancies*

North Eastern Regional Commander promised to deliver the communique to the president for action. The demonstrations were captured in the national and local media and as a result local leaders put pressure on the national government to take action. Action was indeed taken based on the communities recommendations.

KHRC is planning to strengthen the network further and to link them with other Counties that face challenges in terms of the right to education. KHRC's Model County Framework is a way of holding government to account for social service delivery. KHRC will train monitors in the Model County Framework, facilitate them to monitor their government, support community/leader interface meetings and raise awareness of County performance in local and national media. KHRC looks forward to continuing to work with Mukhtar Sheikh Nur and Yussuf Haji to see even greater changes for their community.

You can read the Model County Award Scheme 10 Point Criteria at: <http://www.khrc.or.ke/publications/60-the-ten-point-model-county-award-criteria-and-scheme/file.html> or find out more about the scheme from Elizabeth Kariuki, KHRC's Programme Manager – Economic and Social Justice.



Peaceful protest against lack of teachers in Wajir County

c) Not Just Hot Air: Farmers and Workers Achieving Their Rights

Green Bean farmers in Meru, Kenya have to work hard to make a living but things have changed drastically since the KHRC began working with them in September 2011. The farmers have organized into small groups and now meet with the management of the exporter at least 3 times per year. Some of the farmers even managed to go to the UK to meet with the management of Marks and Spencer (the supermarket that sells their crop in the UK). Farmers groups have begun to build relationships with staff at the Horticulture Crop Directorate (HCD) and the HCD is raising concerns with the management of the exporter on the farmer's behalf. In fact, 100% of farmers feel that their capacity to raise concerns with the exporter has improved since the project began.

However, this is not all just hot air! These opportunities to interact with people further up the value chain have actually borne fruit for the farmers. Now adequate crates are provided by the exporter hence reducing wastage due to crop damage and farmers have a binding contract guaranteeing a minimum price for the purchase of green beans and that the exporter will take their whole crop.

Workers on the exporter's plantations are also seeing changes in their ability to be heard by management. An agreement has been reached on the frequency and form of meetings between workers and management. 87.31% of workers feel that the form of meetings between pack house workers and pack house management has improved since the project started. Workers state that "the form of meeting has improved because now workers representatives collaborate with the Human Resources to schedule the meetings, agendas are set by workers, workers are given opportunities to voice their concerns, and workers are actually listened to."

As a result of consultation with workers all the plantations have brought in improvements in; transport, medical care, capacity building, good environment, and food provisions. They have also improved access to water. Workers are now issued with protective clothing for cold environments (fridge work) and hot drinks. Previously women had complained about a lack of sanitary bins and locks on the toilets and this has also been addressed.

To achieve these changes KHRC initially conducted a Human Rights Impact Assessment (HRIA) which highlighted all the strengths and weaknesses of the company and the work environment and gave concrete recommendations. A baseline was then conducted so that KHRC could see the start point for a range of indicators such as "incidence of overtime requests with less than 48 hours notice in the last 6 months" or "The proportion of pack house workers and farm workers with or without contracts and on permanent and seasonal contracts." KHRC has been monitoring changes so that the performance of the company can be tracked. There have been significant improvements in these indicators.

KHRC has provided training to workers and farmers in labour rights and law and helped to build the capacity of the exporter. One farmer from Kanyoo stated that "KHRC has made huge contributions in terms of sensitizing the farmers on their human rights and how to advocate for them." KHRC has also facilitated interaction between the workers, farmers and exporter and negotiated a 'Ways of Working' agreement between them.

Prior to KHRC's intervention farmers did not have contracts, a large percentage of their crop was wasted due to damage during the loading of trucks and farmers worked alone instead of collectively and felt that they had no voice. Workers on plantations rarely spoke with their employers, had to wake incredibly early to walk long distances to work, had poor water and sanitation facilities and lacked protective clothing and hot drinks when working in the fridges. Now the farmers are aware of fair trade agreements, what consumers in the UK pay for their beans, their rights under Kenyan law and by working together and

building relationships now feel like they have a voice. They have contracts that must be honored by the exporter. Workers similarly know their rights and have begun to claim them.

Women (a high proportion of the workers on the plantations) have particularly benefited from the project and so have their families. A shift to performance related pay means that women can go home earlier and they less frequently have to work overtime with short notice. Female farmers used to complain that they did not want to stand out late at night waiting for the collection trucks to arrive but now the trucks come during the day. Some women have had to leave small babies in boxes in order to leave for work early enough and child care options are often seriously inadequate. The provision of transport has meant that mothers can leave home once their child's care giver arrives rather than hours before. There are currently discussions about the possibility of the exporter providing funds for some crèches near to the plantations.

Overall 3000 workers and 300 farmers have benefited directly from this project. However, KHRC hopes that this can act as a model for other value chains. KHRC also has plans to replicate the project but with improvements that are based on learning from the KHP.

KHRC knows that the problem of workers and farmers rights being violated is not just a problem in Meru County. This is a problem across Kenya and the world. Therefore, KHRC are conducting a national business and human rights baseline which will provide recommendations for the Government's national action plan (NAP) in terms of business and human rights. Just as KHRC has been monitoring changes in the farms and plantations of Meru KHRC will monitor implementation of recommendations at national level and what these mean for farmers and workers across Kenya. Globally KHRC is involved with promoting compliance with the UN Guiding Principles on Business and Human Rights and is advocating for a binding treaty.

Going forward there are many challenges still to confront. Whilst farmers have increased their incomes slightly through the project, pay remains a sticking point that is hard to change through negotiations between workers and employers. Unfortunately, Kenya's national minimum wage is lower than what is required to live a life with dignity and companies simply state that they are complying with the law. Trade Unions (TUs) are captured by state actors and the corporate sector. Without strong unions to advocate on their behalf and to threaten mass worker action workers have little leverage in terms of increasing their pay.

To address this KHRC will work to strengthen the governance of TUs and to ensure that they become more democratic. Once TUs leadership is beholden to their membership in order to be elected they will better represent them. KHRC is also conducting research into what would be a living wage and will advocate that this is what workers and farmers should be paid. By bringing together civil society actors across Kenya and Africa we believe that pressure can be brought to ensure that all can live a life of dignity.

KHRC has learnt a lot from its engagement with this project. For example, we have learnt that as human rights activists we walk a fine line between encouraging the employer to respect human rights and their wishing to pull out of the market all together. We have learnt that too many of the human rights we wish to ensure are difficult to enforce through law. Also building the trust of a company and having the freedom to expose them when necessary is a serious tension. KHRC feels that it can address these challenges going forward. KHRC's work with value chains, TUs and the national action plan coupled with its engagement with international mechanisms will help it to shift the realities for farmers and workers in Meru, Kenya and across the world.

You can find out more about how KHRC and how it is helping workers and farmers to achieve their rights at: <http://www.khrc.or.ke/programmes/economic-and-social-justice.html>

d) Electoral Reform for Lasting Peace

Lack of public oversight of electoral actors and processes is a major problem in Kenya's electoral system. This was noted by George Chacha, a resident of Migori County, a human rights' elections monitor and member of People for Rural Change Trust Human Rights Network. Chacha opines that there have been no repercussions for those involved in electoral malpractices because there is no oversight. In such a situation according to Chacha, it is inevitable that leaders continue to threaten, buy, or trick their way into power. Further, without monitoring the electoral process it is impossible to identify and therefore address any challenges. But all is not lost. With the support of KHRC, Chacha decided to change the situation.

Reports from 57 human rights' election monitors such as Chacha highlighted misuse of funds in several sectors. State resources for electioneering were noted to have been misused which led to the Commission of Administrative Justice (CAJ) formally announcing that public servants who used or misused public resources for the benefit of their party would be held culpable of abusing their powers.

These reports also influenced the Independent Electoral and Boundaries Commission (IEBC) to issue a legal notice warning state officers against using government resources in campaigns. The IEBC gave all public officers contesting in the 2013 general election two weeks to declare the public facilities at their disposal by virtue of their office. The IEBC warned those that did not comply that they would face a fine or imprisonment. Chacha, in his small way, set the pace for an election that prohibited misuses of public resources among other things, with support from the CAJ and the IEBC.

For the first time, there were repercussions for those involved in electoral malpractices thanks to 57 human rights election monitors like Chacha who operated in 20 counties across Kenya. For instance, those accused of voter bribery and people attempting to vote twice were arrested. Politicians then realised that there was a watchdog and this changed their behavior. This could also be the reason why youth were not incited as frequently as they had been in the past.

In-depth monitoring of elections also led to better preparedness for the by-elections, for example, there were adequate materials at polling stations, biometric voter identification devices etc. Additionally, Electronic transmission of results functioned better and there were prior consultations between civil society and the IEBC. This is evidence that monitors, such as Chacha, can change the status quo and mitigate electoral related problems.

Chacha was empowered to take charge in this process as he was trained in election monitoring tools, election related law, international instruments and treaties on civil and political rights by KHRC. As a community-based Human Rights election monitor he utilized the agreed monitoring tools to record human rights violations related to party nominations, electoral campaigns and voting. He conducted this in a data driven process attending politically motivated events (rallies, funerals, office launches, church meetings and fundraising events) and systematically monitored the media. He made records of all electoral processes before, during and after the elections. Community-based Human Rights monitors submitted over 3,000 reports with photos, audio and visual recordings, to the KHRC and reported malpractices to relevant government bodies.

Like many Kenyans Chacha previously feared elections as they have always resulted in violence. Elections have seen politicians use ethnicity to mobilize votes which has whipped up tensions that have resulting in cross-community violence. The highly contested 2007 general elections and the disputed Presidential results led to 1,100 people killed, thousands injured, at least 40,000 incidents of sexual and gender-based violence and over 600,000 being displaced.

Lack of oversight of elections has led to violence, threats of violence (including Gender-based violence), militias and criminal gangs against all persons. It also led to use of hate speech and unsavory language in electoral campaigns; misuse of public resources by those in power to their unfair advantage in the electoral contest; and voter buying, voter bribery, unwarranted assisted voting, voter intimidation and theft of IDs. Marginalized groups such as women, persons with disabilities, youth and other minorities also saw discrimination during these processes.

History has a role to play in the reasons as to why stakes are high in an election win for many Kenyans. Political leadership in Kenya is a space for the elite ethnic groups favoured by or who collaborated with the colonial administration. This system is not inclusive with successive Governments leaving certain ethnic groups out of politics. Marginalized ethnic groups lack the numbers to win an election in a country where voting is primarily along ethnic lines. This has led some to question whether the First Past The Post (FPTP) electoral system is suitable for Kenya and whether a proportional representation system would foster better representation and inclusivity.

Marginalized ethnic groups also have a sense that successive elections have been stolen leading to a sense of disenfranchisement and sentiments that they should disengage from political participation. Resource allocation has mirrored allocation of political power so that Counties that do not have senior politicians representing their interests lack developmental initiatives such as infrastructure, social amenities and employment opportunities.

Positively, the Electoral Monitoring and Reform project, supported by the Danish Embassy through the Drivers of Accountability Programme, resulted in a paradigm shift from monitoring elections only on the Election Day to monitoring based on the electoral cycle; from pre –election, Election Day and Post-Election. A human rights based approach is used in this process. Arguably, one of the most important aspects of this project was working with existing human rights networks on the ground and individuals such as Chacha meaning that the project made a significant and sustainable contribution to strengthening human rights awareness among the communities.

Nationally, KHRC analyzed the reports it received from community-based monitors across the country and presented findings and recommendations in a report titled '*Democratic Paradox: A Report of Kenya's 2013 General Elections.*' The IEBC have lived up to their commitment to act on these recommendations by implementing some of the suggestions made by the KHRC. Effective registration of voters in the diaspora was one of the recommendations made by KHRC.

Notably, the IEBC in February, 2015 launched an online mapping tool that will see them effectively register voters in the diaspora. Additionally, in March 2015 the IEBC launched a school project on voter education that seeks to nurture democracy in young Kenyans. Development of strategies for school-based voter Education targeting primary and secondary schools as a way of inculcating democratic values in both pupils and students was another recommendation made by KHRC.

The structures in place to enable civil society, the IEBC, political parties, the office of the registrar of political parties and other electoral stakeholders to collaborate in monitoring elections have been reinforced through the creation of the election Technical Working Group (TWG) which is co-chaired by KHRC and the Institute for Education in Democracy (IED). Additionally, KHRC and IED created a WhatsApp group which enables CSOs, election monitors, IEBC commissioners and senior management to engage on key emerging electoral issues in real time. This should make the challenge of a lack of civilian oversight of elections a thing of the past.

However, electoral related violence is an issue across several African countries with many states suffering the ethnic polarization that Colonialism seeded through its divide and rule policies. Subsequent political

despots have enhanced this through the manipulation of ethnic identity for political gain. The ‘Big Man’ approach to politics remains, where a leader, promises ‘development’ and ‘jobs’ to his ethnic homeland if voted into power, instilling a commitment to ethnic voting even though the majority of poor people from all ethnicities do not benefit whoever the leader is.

There are numerous African leaders who have sought to undermine democracy in a desperate bid to cling to power, for example, Burundi in 2015. Thus, regionally, KHRC’s electoral governance assessment framework has been utilized in South Africa, Botswana, Malawi and Zambia. KHRC has raised the potential for an African framework on election monitoring at the African Commission on Human and People’s Rights (ACHPR) where there has been significant interest in developing such a framework.

In recognition of its established track-record on electoral governance matters, KHRC in 2014 was admitted as a member to the Global Network of Domestic Election Monitoring. This membership is enhancing KHRC’s regional and international advocacy on electoral governance. This is because it avails a global platform to engage with likeminded organizations on topical electoral governance issues. It will also share reports and other resources. Through this, people outside of Africa can benefit from the use of this practical election process monitoring tool.

KHRC has learnt a lot through its work to ensure free, fair and credible elections. In the past KHRC has wrongly assumed a certain level of response by state actors to the exposure of human right abuses and violations. To respond to this incorrect assumption about government responsiveness KHRC has taken a strategic decision to shift its work in 2 core and focus areas to a more political and controversial level. The 2 core areas are envisaged to achieve the following results: Flawed electoral systems exposed and improvements effected; and Improved ethnic inclusion in political processes

With regards to elections KHRC plans to move away from only doing election monitoring and discussing practical and technical fixes to election management. Instead KHRC will question issues such as; the integrity of Commissioners at the IEBC, the number of different electoral registers and the registration process, procurement practices, the independence of the supreme Court, doctoring of form 34s, ensuring political parties membership lists are validated and that there is real member’s participation in nomination processes. As mentioned above, Kenya’s political system is not inclusive with successive governments leaving certain ethnic groups out of politics. Even within ethnic groups representation has been focused on certain geographic areas or based on class concerns. KHRC proposes studies on how minorities can be given greater voice in decision-making processes.

The choices that have been suggested and which can be explored include: grand coalition cabinets, proportional representation elections, minority veto powers, minimum vote levels set for different ethnic groups for a decision to be past, affirmative action for minority candidates in elections, varying levels of communal autonomy and ensuring meritocracy within values orientated political parties. KHRC recognizes that there is no organized national discourse on ethnicity and polarization and would, therefore, be getting into an area that requires fresh leadership.

KHRC will prepare a scoping report that will seek to demonstrate the problem of ethnic marginalization in Kenya and synthesize knowledge from experiences inside and outside Kenya on how the problem of ethnic exclusion can best be dealt with. Building strong alliances within the women’s movement and with progressive state actors has been essential for political pluralism and diversity results. KHRC must strengthen its networks of those interested in combating ethnic polarization and build a platform for political participation and representation of diverse ethnic groups that can set the agenda on a new governance system. Elections in Africa can be reformed to become inclusive, credible and peaceful processes that can lead to better governance across the continent. It is through people like Chacha, that this ambitious dream shall be realized.

PART 4: OUR DEVELOPMENT PARTNERS

KHRC continued to enjoy great financial and technical support from its development partners-mainly foreign governments/local embassies, foundations and Non-Governmental Organizations. We take this opportunity to thank the following donors for their generous support and partnership in the 2015/16 financial year:

Development Partner	Project/ Initiative
Act!	Enhancing participatory and equitable land governance in Kenya
CIPESA	Promoting Open Government, Human Rights, Right to Information and Civic Agency in Kenya
Danish Institute for Human Rights (DIHR)	National Baseline assessment on Human Rights and Business in Kenya
DAP(Drivers for Accountability Programme)	<i>A More Accountable and Human Rights Centred Governance Project</i>
Diakonia	Democracy and Human Rights
ESCR-Net / GI-ESCR	Co-hosted a workshop on the <i>International Mechanisms To Claim Women's ESR Rights In Africa</i> held in Nairobi
Ford Foundation-Regional Office for Eastern Africa	Support for operational plan
Ford Foundation-Global Human Rights Initiative	Enhanced Human Rights Centred Governance in Africa
HIVOs	The Labour Rights Programme in Kenya
LANDESA	Landesa Women's Land Rights Visiting Professionals Programme
OSF – Justice Initiative	Citizenship Rights in Kenya
OSIEA	Towards Enhanced Civic Space in Kenya
Royal Norwegian Embassy	Support for operational plan
SOMO	Stand up for your Rights
Traidcraft	Kenya Horticulture - A Fair Deal for Small Farmers and Workers
Trocaire	Towards a Human Rights Centred Devolved Governance
UHAI	Combating LGBTI Stigma through Litigation and Legal Aid
URAIA	<i>Towards Human Rights-Centred Governance in Kenya</i>
UNHCR	Advocacy on Statelessness Among Other Inequalities in Kenya

Note: Some of these partners manage project funds mobilized from other donors. For instance, CIPESA and Act! are baskets for funds from the Swedish International Development Co-operation (SIDA), DAP managed by DAI was co-funded by the Danish International Development Agency(DANIDA) and the Britain's Department for International Development(DfID); while Traidcraft funds KHRC with funds from Comic Relief etc. KHRC's funds under DAP came from DANIDA. KHRC's future grants from DANIDA shall be managed by URAIA. *For details about our grants-sources, amounts, allocations and utilization, see our financial report below.*

PART 5: OUR FINANCIAL REPORT

KENYA HUMAN RIGHTS COMMISSION
ANNUAL REPORT AND FINANCIAL STATEMENTS
FOR THE YEAR ENDED 31 MARCH 2016

THE UNIVERSITY OF CHICAGO

TO THE UNIVERSITY OF CHICAGO

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Notes to the financial statements	10 – 31

REGISTERED OFFICE

Kenya Human Rights Commission
P.O Box 41079, 00100
NAIROBI

PRINCIPAL PLACE OF BUSINESS

Valley Arcade Gitanga Road
P.O Box 41079, 00100
NAIROBI

INDEPENDENT AUDITOR

PricewaterhouseCoopers
Certified Public Accountants
P.O Box 43693, 00100
NAIROBI

PRINCIPAL BANKERS

National Industrial Credit Bank Limited
NIC House
Masaba Road
P.O Box 44599, 00100
NAIROBI

Commercial Bank of Africa Limited
International Life House
P.O Box 45136, 00100
NAIROBI

SOLICITORS

Nzamba Kitonga & Co.
5th Floor, Jubilee Insurance Exchange,
Kaunda Street
P.O Box 60102, 00200
NAIROBI

The directors submit their report together with the audited financial statements for the year ended 31 March 2016, which disclose the state of affairs of the Kenya Human Rights Commission.

PRINCIPAL ACTIVITIES

The principal activity of the commission is the protection of and advocacy for fundamental human rights in Kenya.

RESULTS

The surplus for the year of Shs 43,346,331 (2015: Surplus of Shs 18,525,316) has been added to the general fund.

DIRECTORS

The directors who held office during the year and to the date of this report were:

Makau wa Mutua (Chair)
L. Muthoni Wanyeki (Vice Chair)
George Kegoro (Executive Director)
Godwing Murunga
Davinder Lamba
Maina Kiai
Gabriel Dolan
Rahma Gulam Abbas (Appointed, 11 September 2015)
Betty Murungi (Resigned, 7 July 2015)
Karuti Kanyinga (Resigned, 7 July 2015)
Atsango Chesoni (Resigned, 15 June 2015)

AUDITOR

The Organisation's auditor, PricewaterhouseCoopers, continues in office.

By order of the Board



Professor Makau wa Mutua
Chair of the Board of Directors



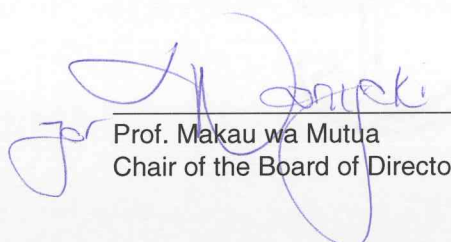
July 29 2016

The Non –Governmental Organisations (NGO) requires directors to prepare financial statements for each financial year that gives a true and fair view of the state of affairs of the organisation as at the end of the financial year and of its profit or loss. It also requires the directors to ensure that the organisation keeps proper accounting records that disclose, with reasonable accuracy, the financial position of the organisation. They are also responsible for safeguarding the assets of the organisation.

The directors accept responsibility for the financial statements, which have been prepared using appropriate accounting policies supported by reasonable estimates, in conformity with International Financial Reporting Standards and the requirements of the NGO Act. The directors are of the opinion that the financial statements give a true and fair view of the state of the financial affairs of the organisation and of its profit or loss in accordance with International Financial Reporting Standards. The directors further accept responsibility for the maintenance of accounting records that may be relied upon in the preparation of financial statements, as well as designing, implementing and maintaining internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement.

Nothing has come to the attention of the directors to indicate that the company will not remain a going concern for at least the next twelve months from the date of this statement.

Approved by the Board of Directors on July 29, 2016 and signed on its behalf by:



Prof. Makau wa Mutua
Chair of the Board of Directors



Mr. George Kegoro
Executive Director



REPORT OF THE INDEPENDENT AUDITOR TO THE DIRECTORS OF KENYA HUMAN RIGHTS COMMISSION

Report on the financial statements

We have audited the accompanying financial statements of Kenya Human Rights Commission (the "Organisation"), as set out on pages 6 to 31. These financial statements comprise the statement of financial position at 31 March 2016, and the statement of comprehensive income, statement of changes in fund balance and statement of cash flows for the year then ended, and a summary of significant accounting policies and other explanatory notes.

Directors' responsibility for the financial statements

The directors are responsible for the preparation and fair presentation of these financial statements in accordance with International Financial Reporting Standards and with the requirements of the NGO Act, and for such internal control, as the directors determine necessary to enable the preparation of financial statements that are free from material misstatements, whether due to fraud or error.

Auditor's responsibility

Our responsibility is to express an opinion on the financial statements based on our audit. We conducted our audit in accordance with International Standards on Auditing. Those standards require that we comply with ethical requirements and plan and perform our audit to obtain reasonable assurance that the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the directors, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Opinion

In our opinion the accompanying financial statements give a true and fair view of the state of the organisation's financial affairs at 31 March 2016 and of its surplus and cash flows for the year then ended in accordance with International Financial Reporting Standards and the NGO Act.

PricewaterhouseCoopers CPA. PwC Tower, Waiyaki Way/Chiromo Road, Westlands
P O Box 43963 – 00100 Nairobi, Kenya
T: +254 (20)285 5000 F: +254 (20)285 5001 www.pwc.com/ke

Director's responsibility for the financial statements

The directors are responsible for the preparation and fair presentation of these financial statements in accordance with International Financial Reporting Standards as applied in the UK and the Companies Act 2006, and for such internal control as the directors determine necessary to enable the preparation of financial statements that are free from material misstatements, whether due to fraud or error.

Auditor's responsibility

Our responsibility is to express an opinion on the financial statements based on our audit. We conducted our audit in accordance with International Standards on Auditing. Those standards require that we comply with ethical requirements and that we plan and perform our audit to obtain reasonable assurance that the financial statements are free from material misstatement.

An audit involves gathering procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the directors, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Opinion

In our opinion the accompanying financial statements give a true and fair view of the state of the organization's financial affairs at 31 March 2018 and of its surplus and cash flows for the year then ended in accordance with International Financial Reporting Standards and the IASB Act.

Presented to you by the directors of the organization

P O Box 4399 - Dorset, United Kingdom

T +44 (0)1305 300111 F +44 (0)1305 300111



REPORT OF THE INDEPENDENT AUDITOR TO THE DIRECTORS OF KENYA HUMAN RIGHTS COMMISSION (CONTINUED)

The engagement leader responsible for the audit resulting in this independent auditor's report is **CPA Stephen Ochieng' Norbert's – P/1819.**

PricewaterhouseCoopers

Certified Public Accountants
Nairobi.

29 July 2016

2000

Director's Office

Central Public Accounts
Control

21 July 2000

DIRECTOR

Statement of comprehensive income

	Notes	Year ended 31 March	
		2016 Shs	2015 Shs
INCOME			
Grant income	5	235,500,991	310,531,734
Amortisation of capital grant	14	3,564,063	2,509,366
Other income	6	4,553,401	8,098,206
Total income		243,618,455	321,139,306
EXPENSES			
Projects costs			
Civil and political rights		28,052,889	44,637,875
Economic and social rights		28,238,475	30,165,580
Institutional development and sustainability		35,924,592	65,021,412
Equality and non-discrimination		17,354,750	17,038,811
Sub grantees costs		5,898,162	44,050,000
Administration costs		6,339,711	18,194,715
Staff costs	7	80,807,908	80,681,937
Depreciation	8	1,899,257	3,368,488
Amortisation	9	-	907,318
Total expenses		204,515,744	304,066,136
Net operating income		39,102,711	17,073,170
Finance income	10	4,243,620	1,452,146
Surplus for the year		43,346,331	18,525,316
Other comprehensive income, net of tax		-	-
Total comprehensive income for the year		43,346,331	18,525,316

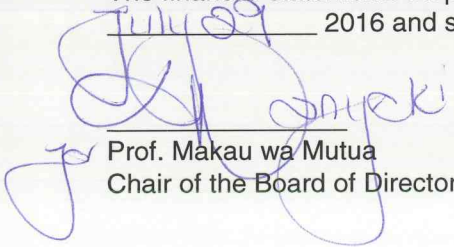
The notes on pages 10 to 31 are an integral part of these financial statements

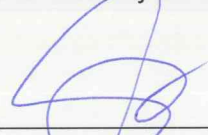
Statement of financial position

	Notes	31 March 2016 Shs	31 March 2015 Shs
ASSETS			
Non-current assets			
Property and equipment	8	2,214,230	3,777,126
		<hr/>	<hr/>
		2,214,230	3,777,126
Current assets			
Grants receivable	11	58,823,499	8,445,262
Debtors and other receivables	12	1,864,616	5,442,853
Cash and bank balances	13	67,702,971	108,523,864
		<hr/>	<hr/>
		128,391,086	122,411,979
		<hr/>	<hr/>
TOTAL ASSETS		130,605,316	126,189,105
FUND BALANCE AND LIABILITIES			
General fund balance		55,110,014	49,449,392
KHRC premises fund		10,375,643	10,375,643
Restricted fund		37,685,709	12,805,814
		<hr/>	<hr/>
		103,171,366	72,630,849
		<hr/>	<hr/>
Current liabilities			
Deferred income	11	16,550,841	25,916,118
Capital grants	14	-	3,564,063
Payables	15	10,883,109	24,078,075
		<hr/>	<hr/>
		27,433,950	53,558,256
		<hr/>	<hr/>
TOTAL FUND BALANCES AND LIABILITIES		130,605,316	126,189,105

The notes on pages 10 to 31 are an integral part of these financial statements

The financial statements on pages 6 to 31 were approved for issue by the Board of Directors on July 29 2016 and signed on its behalf by:


 Prof. Makau wa Mutua
 Chair of the Board of Directors


 Mr. George Kegoro
 Executive Director

Statement of changes in fund balance

	General fund Shs	KHRC premises fund Shs	Restricted fund Shs	Total Shs
Year ended 31 March 2015				
At start of year	43,729,890	10,375,643	70,425,236	124,530,769
Surplus for the year	18,525,316	-	-	18,525,316
Transfer to restricted income	(12,805,814)	-	12,805,814	-
Funds utilised	-	-	(70,425,236)	(70,425,236)
At end of year	49,449,392	10,375,643	12,805,814	72,630,849
Year ended 31 March 2016				
At start of year	49,449,392	10,375,643	12,805,814	72,630,849
Surplus for the year	43,346,331	-	-	43,346,331
Transfer to restricted income	(37,685,709)	-	37,685,709	-
Funds utilised	-	-	(12,805,814)	(12,805,814)
At end of year	55,110,014	10,375,643	37,685,709	103,171,366

The notes on pages 10 to 31 are an integral part of these financial statements.

Statement of cash flows

	Notes	Year ended 31 March	
		2016 Shs	2015 Shs
Cash flows from operating activities			
Surplus for the year		43,346,331	18,525,316
Adjustment for:			
Depreciation		1,899,257	3,368,488
Amortisation		-	907,318
Restricted income from prior year		(12,805,814)	(70,425,236)
		<u>32,439,774</u>	<u>(47,624,114)</u>
Movement in working capital			
Debtors and other receivables		3,578,237	(2,676,504)
Grant receivable		(50,378,237)	57,977,877
Deferred income		(9,365,277)	21,390,338
Payables		(13,194,966)	7,865,958
Capital grants		(3,564,063)	(2,509,366)
		<u>(72,924,306)</u>	<u>82,048,303</u>
Net cash (used in)/ from operating activities		<u>(40,484,532)</u>	<u>34,424,189</u>
Cash flow from investing activities			
Purchase of property and equipment	8	(336,361)	(1,942,350)
Net cash used in investing activities		<u>(336,361)</u>	<u>(1,942,350)</u>
Net movement in cash and cash equivalents		<u>(40,820,893)</u>	<u>32,481,839</u>
Cash and cash equivalents at beginning of year		108,523,864	76,042,025
Cash and cash equivalents at end of year	13	<u><u>67,702,971</u></u>	<u><u>108,523,864</u></u>

The notes on pages 10 to 31 are an integral part of these financial statements.

Notes

1 General Information

The Kenya Human Rights Commission is an organisation incorporated in Kenya under the Non-Governmental Organisation (NGO) Act, and is domiciled in Kenya. The address of its registered office is:

Kenya Human Rights Commission
Valley Arcade, Gitanga road
P.O Box 41079
Nairobi
Kenya

2 Summary of significant accounting policies

The principal accounting policies applied in the preparation of these financial statements are set out below. These policies have been consistently applied to all the years presented, unless otherwise stated.

(a) Basis of preparation

The financial statements of Kenya Human Rights Commission have been prepared in accordance with International Financial Reporting Standards (IFRS) and IFRS Interpretations Committee (IFRS IC) applicable to organisations reporting under IFRS. The measurement basis applied is the historical cost basis, except where otherwise stated in the accounting policies below. The financial statements are presented in Kenya Shillings (Shs).

The preparation of financial statements in conformity with IFRS requires the use of certain critical accounting estimates. It also requires the Directors to exercise judgement in the process of applying the accounting policies. The areas involving a higher degree of judgement or complexity, or areas where assumptions and estimates are significant to the financial statements are disclosed in note 3.

Changes in accounting policy and disclosures

(i) New and amended standards adopted by the Organisation

There are no IFRSs or IFRIC interpretations that are effective for the first time for the financial year beginning on or after 1 April 2013 that would be expected to have a material impact on the organisation.

Amendment to IAS 1, 'Financial statement presentation' regarding other comprehensive income. The main change resulting from these amendments is a requirement for entities to group items presented in 'other comprehensive income' (OCI) on the basis of whether they are potentially reclassifiable to profit or loss subsequently (reclassification adjustments).

IFRS 13, 'Fair value measurement', aims to improve consistency and reduce complexity by providing a precise definition of fair value and a single source of fair value measurement and disclosure requirements for use across IFRSs. The requirements, which are largely aligned between IFRSs and US GAAP, do not extend the use of fair value accounting but provide guidance on how it should be applied where its use is already required or permitted by other standards within IFRSs or USGAAP

IFRS 12, 'Disclosures of interests in other entities', includes the disclosure requirements for all forms of interests in other entities, including joint arrangements, associates, special purpose vehicles and other off balance sheet vehicles. This standard is expected to have no impact on the organisation's reporting.

Notes (continued)

2 Summary of significant accounting policies (continued)

(a) Basis of preparation (continued)

(ii) New standards and interpretations that are not yet effective and have not been early adopted

A number of new standards and amendments to standards and interpretations are effective for annual periods beginning after 1 January 2013, and have not been applied in preparing these financial statements. None of these is expected to have a significant effect on the financial statements of the organisation, except the following set out below:

IFRS 9, 'Financial instruments', addresses the classification, measurement and recognition of financial assets and financial liabilities. IFRS 9 was issued in November 2009 and October 2010. It replaces the parts of IAS 39 that relate to the classification and measurement of financial instruments. IFRS 9 requires financial assets to be classified into two measurement categories: those measured as at fair value and those measured at amortised cost. The determination is made at initial recognition. The classification depends on the entity's business model for managing its financial instruments and the contractual cash flow characteristics of the instrument. For financial liabilities, the standard retains most of the IAS 39 requirements. The main change is that, in cases where the fair value option is taken for financial liabilities, the part of a fair value change due to an entity's own credit risk is recorded in other comprehensive income rather than the income statement, unless this creates an accounting mismatch. The Directors are yet to assess IFRS 9's full impact and intends to adopt IFRS 9 no later than the accounting period beginning on or after 1 January 2015. The Directors will also consider the impact of the remaining phases of IFRS 9 when completed by the IASB.

There are no other IFRSs or IFRIC interpretations that are not yet effective that would be expected to have a material impact on the Organisation.

(b) Revenue recognition

The organisation recognises revenue when the amount of revenue can be reliably measured, it is probable that future economic benefits will flow to the entity and when specific criteria have been met for each of the organisation's activities as described below. The organisation bases its estimates on historical results, taking into consideration the type of donor, the type of transaction and the specifics of each arrangement.

Where grants are received to fund the organization's budget, income is recognized in the statement of comprehensive income as the budget is being utilized, the balance of any utilized amounts is carried forward as a balance brought forward on the statement of changes in fund balance until the budget purpose is utilized. Amounts received for implementing budgets for the subsequent period are accounted for as deferred income. Grants received for a specific purpose are initially recognised as deferred income under current liabilities and subsequently recognised in the statement of comprehensive income as the specific purpose is realised. All other grants are accounted for on receipt.

Revenue from trading activities by the organisation is recognised on an accrual basis. Revenue comprises the fair value of the consideration received or receivable for the sale of goods and services in the ordinary course of the organisation's activities. Revenue is shown net of value-added tax (VAT), returns, rebates and discounts and after eliminating sales within the organisation.

Revenue is recognised as follows:

- (i) Sales of goods are recognised in the period in which the organisation has delivered products to the customer, the customer has full discretion over the channel and price to sell the products, and there is no unfulfilled obligation that could affect the customer's acceptance of the products. Delivery does not occur until the products have been accepted by the customer.
- (ii) Interest income is recognised using the effective interest method.

Notes (continued)

2 Summary of significant accounting policies (continued)

(c) Grants

Grants are recognised at their fair value where there is a reasonable assurance that the grant will be received and the organisation will comply with all attached conditions.

(i) Revenue grants

Where grants are received to fund the organization's budget, income is recognized in the statement of comprehensive income as the budget is being utilized, the balance of any utilized amounts is carried forward as a balance brought forward on the statement of changes in fund balance until the budget purpose is utilized. Amounts received for implementing budgets for the subsequent period are accounted for as deferred income. Grants received for a specific purpose are initially recognised as deferred income under current liabilities and subsequently recognised in the statement of comprehensive income as the specific purpose is realised. All other grants are accounted for on receipt.

Interest income earned on grants received for specific purposes is initially recognised as deferred income and subsequently transferred to the statement of comprehensive income as the specific purpose is realised.

(ii) Capital grants

Grants relating to property, plant and equipment are included in non-current liabilities as capital grants and are credited to the statement of comprehensive income on a straight- line basis over the expected lives of the related assets.

(d) Foreign currency translation

(i) Functional and presentation currency

Items included in the financial statements of the organisation are measured using the currency of the primary economic environment in which the entity operates ('the functional currency'). The financial statements are presented in Kenya Shillings ("Shs") which is the organisation's functional currency.

(ii) Transactions and balances

Foreign currency transactions are translated into the functional currency of the respective entity using the exchange rates prevailing at the dates of the transactions. Foreign exchange gains and losses resulting from the settlement of such transactions and from the translation at year-end exchange rates of monetary assets and liabilities denominated in foreign currencies are recognised in profit or loss.

Foreign exchange gains and losses that relate to cash and cash equivalents are presented in profit or loss within 'finance income or cost'. All other foreign gains and losses are presented in profit or loss within 'other income' or 'other expenses'.

Notes (continued)

2 Summary of significant accounting policies (continued)

(e) Property and equipment

Property, plant and equipment are stated at historical cost less depreciation. Historical cost includes expenditure that is directly attributable to the acquisition of the items.

Subsequent costs are included in the asset's carrying amount or recognised as a separate asset, as appropriate, only when it is probable that future economic benefits associated with the item will flow to the organisation and the cost of the item can be measured reliably. The carrying amount of the replaced part is derecognised. All other repairs and maintenance are charged to the statement of comprehensive income during the financial period in which they are incurred.

Depreciation on assets is calculated using the straight-line method to allocate their cost to their residual values over their estimated useful lives, as follows:

Furniture and fittings	8 years
Prefabs	5 years
Equipment	5 years
Motor vehicles	4 years
Computers	3 years

The assets' residual values and useful lives are reviewed, and adjusted if appropriate, at the end of each reporting period.

Property, plant and equipment are reviewed for impairment whenever events or changes in circumstances indicate that the carrying amount may not be recoverable. An impairment loss is recognised for the amount by which the asset's carrying amount exceeds its recoverable amount. The recoverable amount is the higher of an asset's fair value less costs to sell and value in use. For the purposes of assessing impairment, assets are grouped at the lowest levels for which there are separately identifiable cash flows (cash-generating units).

Gains and losses on disposal of property, plant and equipment are determined by reference to their carrying amounts and are taken into account in determining operating surplus.

(f) Intangible assets

Costs associated with maintaining computer software programmes are recognised as an expense as incurred. Development costs that are directly attributable to the design and testing of identifiable and unique software products controlled by the organisation are recognised as intangible assets when the following criteria are met:

- it is technically feasible to complete the software product so that it will be available for use;
- management intends to complete the software product and use or sell it;
- there is an ability to use or sell the software product;
- it can be demonstrated how the software product will generate probable future economic benefits;
- adequate technical, financial and other resources to complete the development and to use or sell the software product are available; and
- the expenditure attributable to the software product during its development can be reliably measured.

Directly attributable costs that are capitalised as part of the software product include the software development employee costs and an appropriate portion of relevant overheads.

Other development expenditures that do not meet these criteria are recognised as an expense as incurred. Development costs previously recognised as an expense are not recognised as an asset in a subsequent period.

Notes (continued)

2 Summary of significant accounting policies (continued)

(f) Intangible assets (continued)

Computer software development costs recognised as assets are amortised over their estimated useful lives, which does not exceed three years.

Acquired computer software licences are capitalised on the basis of the costs incurred to acquire and bring to use the specific software. These costs are amortised on the basis of the expected useful lives. Software has a maximum expected useful life of 3 years.

(g) Leases

Leases in which a significant portion of the risks and rewards of ownership are retained by the lessor are classified as operating leases. Payments made under operating leases (net of any incentives received from the lessor) are charged to surplus or deficit on a straight-line basis over the period of the lease.

(h) Financial assets

(i) Classification

All financial assets of the organisation are classified as loans and receivables, based on the purpose for which the financial assets were acquired. The directors determine the classification of the financial assets at initial recognition.

(ii) Recognition and measurement

Regular purchases and sales of financial assets are recognised on the trade-date – the date on which the organisation commits to purchase or sell the asset. Receivables are subsequently carried at amortised cost using the effective interest method.

(iii) Offsetting financial instruments

Financial assets and liabilities are offset and the net amount reported in the statement of financial position when there is a legally enforceable right to offset the recognised amounts and there is an intention to settle on a net basis or realise the asset and settle the liability simultaneously.

(iv) Impairment

The organisation assess at the end of each reporting period whether there is objective evidence that a financial asset or group of financial assets is impaired. A financial asset or a group of financial assets is impaired and impairment losses are incurred only if there is objective evidence of impairment as a result of one or more events that occurred after the initial recognition of the asset (a 'loss event') and that loss event (or events) has an impact on the estimated future cash flows of the financial asset or group of financial assets that can be reliably estimated.

Evidence of impairment may include indications that the debtors or a group of debtors is experiencing significant financial difficulty, default or delinquency in interest or principal payments, the probability that they will enter bankruptcy or other financial reorganisation, and where observable data indicate that there is a measurable decrease in the estimated future cash flows, such as changes in arrears or economic conditions that correlate with defaults.

Notes (continued)

2 Summary of significant accounting policies (continued)

(h) Financial assets (continued)

(iv) Impairment (continued)

The amount of the loss is measured as the difference between the asset's carrying amount and the present value of estimated future cash flows (excluding future credit losses that have not been incurred) discounted at the financial asset's original effective interest rate. The carrying amount of the asset is reduced and the amount of the loss is recognised in surplus or deficit. If a loan has a variable interest rate, the discount rate for measuring any impairment loss is the current effective interest rate determined under the contract.

If, in a subsequent period, the amount of the impairment loss decreases and the decrease can be related objectively to an event occurring after the impairment was recognised (such as an improvement in the debtor's credit rating), the reversal of the previously recognised impairment loss is recognised in surplus or deficit.

(i) Receivables

Receivables are recognised initially at fair value and subsequently measured at amortised cost using the effective interest method less provision for impairment.

(j) Cash and cash equivalents

Cash and cash equivalents includes cash in hand, deposits held at call with banks, other short term highly liquid investments with original maturities of three months or less, and bank overdrafts.

(k) Employee benefits

Retirement benefit obligations

The organisation and all its employees contribute to the National Social Security Fund (NSSF) which is a defined contribution plan. The organisation also operates a defined contribution staff retirement benefit scheme for its employees on confirmed employment contracts. This is administered by Liberty Life Assurance.

A defined contribution plan is a pension plan under which the organisation pays fixed contributions into a separate entity. The organisation has no legal or constructive obligations to pay further contributions if the fund does not hold sufficient assets to pay all employees the benefits relating to employee service in the current and prior periods.

The organisation's contributions to the defined contribution schemes are recognised as an employee benefit expense when they fall due. The Company has no further payment obligations once the contributions have been paid.

(l) Payables

Payables are obligations to pay for goods or services that have been acquired in the ordinary course of business from suppliers. Accounts payable are classified as current liabilities if payment is due within one year or less (or in the normal operating cycle of the business if longer). If not, they are presented as non-current liabilities.

Payables are recognised initially at fair value and subsequently measured at amortised cost using the effective interest method.

Notes (continued)

(m) Provisions

Provisions are recognised when: the organisation has a present legal or constructive obligation as a result of past events; it is probable that an outflow of resources will be required to settle the obligation; and the amount has been reliably estimated. Provisions are not recognised for future operating losses.

Provisions are measured at the present value of the expenditures expected to be required to settle the obligation using a pre-tax rate that reflects current market assessments of the time value of money and the risks specific to the obligation. The increase in the provision due to passage of time is recognised as interest expense.

3 Critical accounting estimates and judgments

Estimates and judgements are continually evaluated and are based on historical experience and other factors, including experience of future events that are believed to be reasonable under the circumstances.

(i) critical accounting estimates and assumptions

The organisation makes estimates and assumptions concerning the future. The resulting accounting estimates will, by definition, seldom equal the related actual results. The estimates and assumptions that have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within the next financial year are addressed below.

Useful lives of property and equipment

The Organisation's management makes estimates in determining the depreciation rates for property, plant and equipment. The rates used are set out in the accounting policy Note 2 (e).

4 Financial risk management objectives and policies

The organisation's activities expose it to a variety of financial risks: market risk (including foreign exchange risk and interest rate risk), credit risk and liquidity risk.

The organisation's overall risk management programme focuses on the unpredictability of financial markets and seeks to minimise potential adverse effects on its financial performance. The organisation does not hedge any of its risk exposures.

Financial risk management is carried out by the finance department under guidance of the Board of Directors.

Market risk

(i) Foreign exchange risk

The organisation receives grants and is exposed to foreign exchange risk arising from various currency exposures, primarily with respect to the US Dollar, Great Britain Pound and Euro. Foreign exchange risk arises from future commercial transactions, and recognised assets and liabilities.

Management's policy to manage foreign exchange risk is to hold foreign currency bank accounts which act as a natural hedge.

Notes (continued)

4 Financial risk management objectives and policies (continued)

Market risk (continued)

(i) Foreign exchange risk (continued)

The table below summarises the effect on surplus had the Kenya Shilling weakened/strengthened by 10% (2015:10%) against each currencies held, with all variables held constant.

Year 2016

	US \$	Euro	GBP
Effect on surplus/ (deficit) increase	128,825	151,210	14,523

Year 2015

	US \$	Euro	GBP
Effect on surplus/ (deficit) increase	4,216,329	107,859	16

(ii) Price risk

The organisation does not hold any financial instrument subject to price risk.

(iii) Cash flow and fair value interest rate risk.

The organisation does not hold any financial instrument subject to cash flow and fair value interest rate risks.

Credit risk

Credit risk arises from cash and cash equivalents and deposits with banks and financial institutions as well as credit exposures to customers, including outstanding receivables and committed transactions. Management is responsible for managing and analysing credit risk for each new client before standard payment and delivery terms are offered. The organisation does not have any significant concentrations of credit risk.

For banks and financial institutions, only reputable well established financial institutions are accepted. For receivables, the senior accountant assesses the credit quality of the customer, taking into account its financial position, past experience and other factors. The organisation does not grade the credit quality of receivables. Individual risk limits are set based on internal ratings in accordance with limits set by the Board. The utilisation of credit limits is regularly monitored.

No credit limits were exceeded during the reporting period, and management does not expect any losses from non-performance by these counterparties.

Notes (continued)

4 Financial risk management objectives and policies (continued)

Credit risk (continued)

The amount that best represents the organisation's maximum exposure to credit risk at 31 March 2016 is made up as follows:

	2016 Shs	2015 Shs
Cash at bank and short term bank deposits	67,684,324	106,995,926
Debtors and other receivables	60,111,495	13,478,663
	127,795,819	120,474,589

The maximum exposure to credit risk at the reporting date is the carrying value of each class of financial assets.

There were no receivables which were past due but not impaired.

Liquidity risk

Liquidity risk is the risk that the organisation will not be able to meet its financial obligations as they fall due. Prudent liquidity risk management includes maintaining sufficient cash balances, and the availability of funding from an adequate amount of committed credit facilities.

Management perform cash flow forecasting and monitor rolling forecasts of the organisation's liquidity requirements to ensure it has sufficient cash to meet its operational needs.

The organisation's approach when managing liquidity is to ensure, as far as possible, that it will always have sufficient liquidity to meet its liabilities when due, without incurring unacceptable losses or risking damage to the organisation's reputation. The organisation relies on grants to fund working capital requirements.

The table below analyses the organisation's financial liabilities that will be settled on a net basis into relevant maturity groupings based on the remaining period at the statement of financial position date to the contractual maturity date. The amounts disclosed in the table below are the contractual undiscounted cash flows.

Notes (continued)

4 Financial risk management objectives and policies (continued)

Liquidity risk (continued)

	Less than 1 year Shs	Between 1 and 2 years Shs	Between 2 and 5 years Shs	Over 5 years Shs
At 31 March 2016				
Payables	10,984,894	-	-	-
Deferred income	16,550,841	-	-	-
At 31 March 2015				
Payables	24,078,075	-	-	-
Deferred income	25,916,118	-	-	-

Capital risk management

The organisation's objectives when managing capital is to safeguard the organisation's ability to continue as a going concern.

The organisation places emphasis on proper planning during the annual budget preparation process, cash flow monitoring and monthly tracking of actual operating results against budget.

Financial instruments by category

No financial assets are carried at fair value hence no fair value hierarchy disclosures are required.

Notes (continued)

5 Grant income

	2016	2015
	Shs	Shs
United Nations Voluntary fund for victims of Torture (UNVFVT)	-	2,218
Office of the High Commissioner for Human Rights (OCHCHR)	25,093	1,871,259
United Nations Development Programme (UNDP) – Amkeni 2	(2,106,250)	(4,717,084)
Christian Aid	-	219,224
C- Aid citizenship	-	707,890
Canadian International Development Agency (CIDA)	-	123,324
Danish International Development Agency (DANIDA) through DAP Programme 1	-	6,349,974
Danish International Development Agency (DANIDA) through DAP Programme 2	10,230,846	23,716,461
Ford	11,550,000	11,614,480
Ford Global	77,578,217	71,420,516
Misereor	-	8,607,466
Norwegian embassy	62,320,916	137,981,784
Swedish International Development Agency (SIDA)	-	267,747
Spider	-	2,252,201
Centre for the Study of Violence and Reconciliation (CSVr)	-	3,679,003
Trocaire	6,118,277	5,086,943
United Nations Women	-	(109,602)
Uhai	222,500	(2)
SOMO-EPA	-	(18,438)
Stichting Onderzoek Multinationale Ondernemingen (SOMO)	504,963	1,345,220
Comic relief through Traidcraft	25,760,315	11,470,505
Open Society Initiative of East Africa (OSIEA)	-	880,068
Global Partners Digital (GPD)	299,194	2,052,580
Leighday	-	138,345
Open Society Foundation	4,470,226	5,456,759
Open Society Foundation	5,833,333	-
British High Commission	7,093,383	14,580,935
LANDESA	453,882	453,882
SIDA-CIPESA	5,891,705	5,098,076
SIDA-ACT!	5,057,166	-
SOMO	1,243,165	-
UNHCR	2,435,935	-
GI-ESCR	2,605,310	-
HIVOS	5,671,560	-
ESCR-NET	1,630,755	-
DIHR	610,500	-
	235,500,991	310,531,734

Notes (continued)

6 Other income

	2016 Shs	2015 Shs
Sale of publications	-	20,648
Foreign exchange gain/(loss)	2,101,135	4,770,565
Bank interest	459,785	264,701
Miscellaneous income	1,992,481	3,042,292
	4,553,401	8,098,206

7 Staff costs

	2016 Shs	2015 Shs
Salaries & allowances	67,317,682	67,002,245
Retirement benefit costs		
-Defined contribution scheme	5,279,594	4,692,595
-National social security fund	121,400	121,400
Others	8,089,232	8,865,697
	80,807,908	80,681,937

Notes (continued)

8 Property and equipment

	Prefabs	Furniture and fittings	Office equipment	Motor vehicles and motorcycles	Computers	Total
	Shs	Shs	Shs	Shs	Shs	Shs
Year ended 31 March 2016						
Cost						
At 1 April 2015	2,424,716	3,913,501	11,542,380	5,920,000	17,838,296	41,638,893
Additions	-	108,641	-	-	227,720	336,361
At 31 March 2016	2,424,716	4,022,142	11,542,380	5,920,000	18,066,016	41,975,254
Depreciation						
At 1 April 2015	2,424,716	2,989,502	9,840,169	5,810,000	16,797,380	37,861,767
Charge for the year	-	195,985	853,573	55,000	794,699	1,899,257
At 31 March 2016	2,424,716	3,185,487	10,693,742	5,865,000	17,592,079	39,761,024
Net book amount	-	836,655	848,638	55,000	473,937	2,214,230

Notes (continued)

8 Property and equipment (continued)

	Prefabs		Furniture and fittings		Office equipment		Motor vehicles and motorcycles		Computers		Total	
	Shs	Shs	Shs	Shs	Shs	Shs	Shs	Shs	Shs	Shs	Shs	Shs
Year ended 31 March 2015												
Cost												
At 1 April 2014	2,424,716	3,753,701	10,825,422	5,920,000	16,772,704	39,696,543						
Additions	-	159,800	716,958	-	1,065,592	1,942,350						
At 31 March 2015	2,424,716	3,913,501	11,542,380	5,920,000	17,838,296	41,638,893						
Depreciation												
At 1 April 2014	2,424,716	2,802,789	9,113,983	5,500,000	14,651,791	34,493,279						
Charge for the year	-	186,713	726,186	310,000	2,145,589	3,368,488						
At 31 March 2015	2,424,716	2,989,502	9,840,169	5,810,000	16,797,380	37,861,767						
Net book amount	-	923,999	1,702,211	110,000	1,040,916	3,777,126						

Notes (continued)

9 Intangible assets

	2016 Shs	2015 Shs
Cost		
At start of year	2,721,954	2,721,954
Additions	-	-
At end of year	<u>2,721,954</u>	<u>2,721,954</u>
Amortisation		
At start of year	2,721,954	1,814,636
Amortisation for the period	-	907,318
Accumulated amortisation	<u>2,721,954</u>	<u>2,721,954</u>
At end of year	<u>-</u>	<u>-</u>

10 Finance income

Finance income relates to interest income from short term fixed deposits.

	2016 Shs	2015 Shs
Finance income	<u>4,243,620</u>	<u>1,452,146</u>

Notes (continued)

11 Restricted fund

Grant income and receipts are analysed as follows:

Revenue grants

Year ended 31 March 2016

Donor	Bal as at 1st April 2015	Receipts	Transfer from deferred income	Grant receivable	Transfer to deferred income	Refunds	Income receivable for 2015 which had already been recognised in the prior year	Grant income	Foreign exchange gain	Interest Rec'd	Transfer to general funds	Capital grant	Expended	Bal as at 31 March 2016
	Shs	Shs	Shs	Shs	Shs	Shs	Shs	Shs	Shs	Shs	Shs	Shs	Shs	Shs
	A	b	c	d	e	f	g	Z=a+b+c+d-e- f-g	h	i	j	k	l	X=Z+h+i+j-k
OCHCHR	25,093	-	-	-	-	-	-	25,093	-	-	25,093	-	-	-
UNDP-Ankeni2	(2,106,250)	-	-	-	-	-	-	(2,106,250)	-	-	(2,106,250)	-	-	-
DAP	5,252,491	-	-	-	-	5,252,491	-	-	-	-	-	-	-	-
DAP 2	3,839,995	6,390,851	-	-	-	-	-	10,230,846	-	-	-	-	9,491,945	738,901
Ford National	-	15,874,829	-	-	4,324,829	-	-	11,550,000	-	-	-	-	13,152,787	(1,602,787)
Ford Global	(2,944,377)	35,856,476	25,916,118	18,750,000	-	-	-	77,578,217	2,101,135	-	-	-	75,530,901	4,148,451
Norwegian	(7,679,084)	36,467,937	-	33,532,064	-	-	-	62,320,917	-	-	-	-	43,624,116	18,696,800
Trocaire	320,658	12,663,000	-	-	5,948,714	-	916,667	6,118,277	-	-	-	-	6,516,388	(398,111)
UHAI	-	1,534,500	-	-	1,312,000	-	-	222,500	-	-	-	-	166,103	56,397
Somo-Flower	504,963	-	-	-	-	-	-	504,963	-	-	-	-	0	504,963
Tradecraft	3,089,237	16,362,445	-	6,308,633	-	-	-	25,760,315	-	-	-	-	19,076,034	6,684,281
OSF	4,470,226	-	-	-	-	-	-	4,470,226	-	-	-	-	3,701,758	768,468
OSF	-	10,189,494	-	-	4,356,161	-	-	5,833,333	-	-	-	-	1,135,547	4,697,786
GDP	299,194	-	-	-	-	-	-	299,194	-	-	-	-	-	299,194

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Donor	Bal as at 1st April 2015	Receipts	Transfer from deferred income	Grant receivable	Transfer to deferred income	Refunds	Income receivable for 2015 which had already been recognised in the prior year	Grant income	Foreign exchange gain	Interest Rec'd	Transfer to general funds	Capital grant	Expended	Bal as at 31 March 2016
	Shs	Shs	Shs	Shs	Shs	Shs	Shs	Shs	Shs	Shs	Shs	Shs	Shs	Shs
	A	b	c	d	e	f	g	Z=a+b+c+d+e-f-g	h	i	j	k	l	X=Z+h+i-j-k
BHC	7,093,383	7,528,595	-	-	-	-	7,528,596	7,093,382	-	-	-	-	7,059,963	33,420
LANDESA	453,882	-	-	-	-	-	-	453,882	-	-	-	-	475,343	(21,461)
SIDA-CIPESA	186,403	5,705,302	-	-	-	-	-	5,891,705	-	-	-	-	4,999,167	892,538
SIDA-ACTI	-	5,057,166	-	-	-	-	-	5,057,166	-	19,316	-	-	5,234,053	(157,571)
SOMO	-	1,010,363	-	232,802	-	-	-	1,243,165	-	-	-	-	1,034,468	208,697
UNHCR	-	2,435,935	-	-	-	-	-	2,435,935	-	6,346	-	-	2,413,358	28,923
GH-ESCR	-	2,605,310	-	-	-	-	-	2,605,310	-	-	-	-	2,605,310	0
HIVOS	-	5,671,560	-	-	-	-	-	5,671,560	-	-	-	-	4,175,240	1,496,320
ESCR-NET	-	1,630,755	-	-	-	-	-	1,630,755	-	-	-	-	1,630,755	0
DIHR	-	1,219,637	-	-	609,137	-	-	610,500	-	-	-	-	-	610,500
	12,805,814	168,204,155	25,916,118	58,823,499	16,550,841	5,252,491	8,445,263	235,500,991	2,101,135	25,662	(2,081,157)	-	202,023,236	37,685,709

Notes (continued)

11 Restricted fund (continued)

Grant income and receipts are analysed as follows:-

Revenue grants

Year ended 31 March 2015

	Bal as at 1st April 2014	Receipts	Transfer from deferred income	Grant receivable	Transfer to deferred income	Refunds	Income receivable for 2014 which had already been recognised in the prior year	Grant income	Foreign exchange gain	Interest Rec'd	Transfer to general funds	Capital grant	Expended	Bal as at 31 March 2015
	Shs	Shs	Shs	Shs	Shs	Shs	Shs	Shs	Shs	Shs	Shs	Shs	Shs	Shs
	a	b	c	d	e	f	g	Z=a+b+c+d-e- f-g	h	i	j	k	l	X=Z+h+i-j+k
UNVFT	2,218	-	-	-	-	-	-	2,218	-	-	2,218	-	-	-
OCHCHR	576,459	-	1,294,800	-	-	-	-	1,871,259	-	592	-	-	1,846,758	25,093
UNDP-Amkeni2	(4,717,084)	-	-	-	-	-	-	(4,717,084)	-	-	(2,610,834)	-	219,224	(2,106,250)
Christian Aid	219,224	-	-	-	-	-	-	219,224.00	-	-	-	-	708,014	-
C- Aid Citizenship	707,890	-	-	-	-	-	-	707,890	-	-	(124)	-	123,234	-
Cida	123,324	-	-	-	-	-	-	123,324	-	-	90	-	1,097,483	5,252,491
DAP	6,349,974	-	-	-	-	-	-	6,349,974	-	-	-	-	19,876,466	3,839,995
DAP 2	-	23,716,461	-	-	-	-	-	23,716,461	-	-	-	-	8,797,480	-
Ford National	665,356	10,949,124	-	-	-	-	-	11,614,480	-	-	2,817,000	-	74,422,842	(2,944,377)
Ford Global	20,727,938	76,608,696	-	-	25,916,118	-	-	71,420,516	901	57,046	-	-	8,618,568	-
Misereor	(2,092,353)	10,699,819	-	-	-	-	-	8,607,466	-	9,052	(2,050)	-	146,201,222	(7,679,083)
Norwegian	36,888,838	152,800,000	-	-	-	-	51,707,054	137,981,784	-	540,355	-	-	267,500	-
Sida	267,747	-	-	-	-	-	-	267,747	-	-	247	-	-	-

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	Bal as at 1st April 2014	Receipts	Transfer from deferred income	Grant receivable	Transfer to deferred income	Refunds	Income receivable for 2014 which had already been recognised in the prior year	Grant income Z=a+b+c+d+e- fg	Foreign exchange gain h	Interest Rec'd i	Transfer to general funds j	Capital grant k	Expended	Bal as at 31 March 2015
	Shs	Shs	Shs	Shs	Shs	Shs	Shs	Shs	Shs	Shs	Shs	Shs	Shs	Shs
	a	b	c	d	e	f	g	Z=a+b+c+d+e- fg	h	i	j	k	l	X=Z+h+i+j+k
Spider	701,738	-	1,550,463	-	-	-	-	2,252,201	-	-	(70,059)	-	2,322,260	-
CSVR	3,679,003	7,780,687	-	-	-	-	7,780,687	3,679,003	-	-	-	-	3,679,003	-
Trocaire	3	2,489,756	1,680,517	916,667	-	-	-	5,086,943	267,699	-	(109,602)	-	5,033,984	320,658
UN-Women	(109,602)	-	-	-	-	-	-	(109,602)	-	-	(109,602)	-	-	(0.00)
UHAI	(2)	-	-	-	-	-	-	(2)	-	-	(2)	-	-	-
Somo-EPA	(18,438)	-	-	-	-	-	-	(18,438)	-	-	(18,438)	-	-	-
Somo-Flower	1,345,220	228,817	-	-	-	-	228,817	1,345,220	-	-	-	-	840,257	504,963
Traidcraft	3,534,232	14,489,081	-	-	-	-	6,552,808	11,470,505	-	1,093	-	-	8,382,362	3,089,236
Leighday	138,345	-	-	-	-	-	-	138,345	-	-	-	-	138,345	-
OSIEA	880,068	-	-	-	-	-	-	880,068	-	36,048	916,116	-	-	-
OSF	-	5,456,759	-	-	-	-	-	5,456,759	-	-	-	-	986,533	4,470,226
GPD	555,138	1,497,442	-	-	-	-	-	2,052,580	-	-	-	-	1,753,386	299,194
BHC	-	7,052,340	-	7,528,595	-	-	-	14,580,935	-	-	-	-	7,487,552	7,093,383
LANDESA	-	453,882	-	-	-	-	-	453,882	-	-	-	-	-	453,882
SIDA - CIPESA	-	5,098,076	-	-	-	-	-	5,098,076	-	-	-	-	4,911,673	186,403
	70,425,236	319,320,940	4,525,780	8,445,262	25,916,118	-	66,269,366	310,531,734	268,600	644,186	924,562	-	297,714,146	12,805,814

Notes (continued)

12 Debtors

	2016 Shs	2015 Shs
Staff advances	1,729,420	4,787,248
Less: provision for impairment	-	-
Net staff advances	1,729,420	4,787,248
Prepaid expenses	36,140	409,451
Interest receivable	99,056	246,154
Total debtors and other receivables	1,864,616	5,442,853
Movement in impairment provisions		
At start of year	-	553,941
Additions/(reduction)	-	(553,941)
At end of year	-	-

The carrying amounts of the above debtors and receivables approximate their fair values.

13 Cash and cash equivalents

Cash and cash equivalents included in the statement of cash flows comprise the following statement of financial position amounts:

	2016 Shs	2015 Shs
Bank and cash balances	23,264,032	68,384,477
Fixed deposit	44,438,939	40,139,387
	67,702,971	108,523,864

The carrying amounts of the organisation's cash and cash equivalents are denominated in the following currencies:

	2016 Shs	2015 Shs
Kenya Shillings	64,757,353	65,366,088
US Dollar	1,288,255	42,079,029
Euro	1,512,126	1,078,589
UK Pound	145,237	158
	67,702,971	108,523,864

Notes (continued)

14 Capital grants

	2016 Shs	2015 Shs
Cost		
At start of year	47,451,786	47,451,786
Additions	-	-
At end of year	<u>47,451,786</u>	<u>47,451,786</u>
Amortisation		
At start of year	43,887,723	41,378,357
Transfer to income	<u>3,564,063</u>	<u>2,509,366</u>
At end of year	<u>47,451,786</u>	<u>43,887,723</u>
	<u>-</u>	<u>3,564,063</u>

15 Payables

	2016 Shs	2015 Shs
Accrued expenses	6,273,205	6,153,543
Other creditors	4,609,904	17,924,532
At end of year	<u>10,883,109</u>	<u>24,078,075</u>

The carrying amounts of the above payables approximate their fair value.

16 Commitments

Operating lease commitments

The Organisation leases its premise under an operating lease. The lease term is for 5 years. The future lease payments due to the rental premise is as follows:

	2016 Shs	2015 Shs
Falling due within one year	2,770,000	2,720,000
Falling due between one and five years	5,110,000	7,880,000
	<u>7,880,000</u>	<u>10,600,000</u>

Notes (continued)

17 Related party transactions

(i) Key management compensation

Key management include directors and senior management. The compensation paid/payable to key management for employee services is shown below:

	2016 Shs	2015 Shs
Salaries	16,260,793	15,353,798
Post-employment benefits	1,182,479	1,241,210
	<hr/>	<hr/>
At end of year	17,443,272	16,595,008

The directors do not get compensated for their services as directors.

18 Taxation

The directors have made an application for tax exemption to the Kenya Revenue Authority in view of the nature of the organisation's activities. Consequently, no provision for taxes has been made in these financial statements.

19 Employees

The number of employees at the end of the year was 24 (2015: 32)

20 Incorporation

The organisation is registered in Kenya under the Non-Governmental Organisations Act, 1990.

21 Currency

These financial statements are presented in Kenya Shillings (Shs).

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