OPERATIONAL PLAN AND STRATEGY
APRIL 2021 TO MARCH 2023

Enhancing Human Rights Centered Governance at all levels.

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KENYA HUMAN RIGHTS COMMISSION

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1 ABBREVIATIONS

AG	Attorney General
AU DPA	African Union Department of Political Affairs
CEDGG	Centre for Enhancing Democracy and Good Governance
CMD	Centre for Multiparty Democracy
CSO	Civil Society Organization
CSPP	Civil Society Partnership Programme
CSRG	Civil Society Reference Group
CICC	Coast Interfaith Council of Clerics
CBO	Community Based Organization
COG	Council of Governors
CAF	County Assemblies Forum
DED	Deputy Executive Director
DCI	Directorate of Criminal Investigations
EAC	East African Community
ESJ	Economic and Social Justice
ELOG	Elections Observation Group
ERP	Enterprise Resource Planning
EACC	Ethics and Anti-Corruption Commission
EMT	Executive Management Team
EZPs	Export Processing Zones
FIDA	Federation of Women's Lawyers
FIDH	International Federation for Human Rights
HRM	Human Resource Management
HR	Human Rights
HRE	Human Rights Education
HURINETs	Human Rights Networks
HRBA	Human Rights-Based Approach
I & I	Identity and Inclusion
IDs	Identity Cards
IPOA	Independent Policing Oversight Authority
IEBC	Independent Electoral and Boundaries Commission
INCLO	International Network of Civil Liberties Organization
ITJN	International Transitional Justice Network

IATJ	Institute for African Transitional Justice
IEA	Institute of Economic Affairs
ISD	Institutional Support and Development
IDPs	Internally Displaced Persons
IBP	International Budget Partnership Kenya
KI	Katiba Institute
KCC	Kenya Citizenship Caucus
KHRC	Kenya Human Rights Commission
KLA	Kenya Land Alliance
KNCHR	Kenya National Commission on Human Rights
KTJN	Kenya Transitional Justice Network
LSK	Law Society of Kenya
LGBTI	Lesbian, Gay, Bisexual, Transgender and Intersex
MMWVA	Mau Mau War Veterans Association
MPs	Members of Parliament
MCAs	Members of the County Assembly
MSC	Most Significant Change
MMF	Muindi Mbingu Foundation
NCHRD	National Coalition of Human Rights Defenders
NCM	National Coordination Mechanisms
NCAJ	National Council on the Administration of Justice
NIIMS	National Integrated Identity Management System
NLC	National Land Commission
NMP	National Migration Policy
NPS	National Police Service
NVSN	National Victims and Survivors Network
NGO	Non-Governmental Organization
ODPP	Office of the Director of Public Prosecutions
OHCHR	Office of the High Commissioner for Human Rights
OSIEA	Open Society Initiative for Eastern Africa
OP	Operational Plan
PWDs	Persons With Disabilities
PLMR	Planning, Learning, Monitoring and Reporting Framework
PBO Act	Public Benefits Organizations Act
PFM	Public Finance Management
PIL	Public Interest Litigation

RPP	Registrar of Political Parties
RBM	Results Based Management
SAGs	Social Accountability Groups
SP	Strategic Plan
TISA	The Institute for Social Accountability
TJ	Transformative Justice
TI	Transparency International
TJRC	Truth, Justice and Reconciliation Commission
UN	United Nations
UNGPs	United Nations Guiding Principles
USA	United States of America

1. OVERVIEW

1.1 Who We Are

"The KHRC represents the Past, the Present and the Future in Human Rights Discourse and Advocacy in the Society."[1]

The Kenya Human Rights Commission (KHRC) is a premier and flagship Non-Governmental Organisation (NGO) in Africa with a ***mandate*** of *enhancing human rights centred governance at all levels*; a ***vision*** of *a society of free people* and a ***mission*** to *root human dignity, freedoms and social justice in Kenya and beyond*[2]. It was established and incorporated on 9th April 1992 by Kenyans exiled in the United States of America (USA) and later registered in Kenya on 20th January 1994.

Its founders[3] are among the foremost leaders and activists in struggles for human rights and democratic reforms in Kenya and beyond. KHRC has its head office in Nairobi, where its secretariat is based. KHRC works with more than thirty Human Rights Networks (HURINETs) and other grassroots community organisations 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 organisations and networks.

KHRC has been recognised for many remarkable accomplishments, including but not limited to:

- Sustaining tenacity, resilience and commitment to providing the requisite political and technical responses and leadership to critical human rights and governance issues at all levels in society.
- Setting the human rights agenda by pioneering and supporting research and advocacy work around the emerging and critical concerns in the society, e.g. workers' rights; LGBTI rights, constitutional reforms; land rights; corporate accountability, statelessness; transitional justice.
- Building human rights movements by facilitating community-based human rights networks and incubation and support of nascent human rights organisations at all levels.
- Advancing the continued production of and support to a pool of internationally and nationally recognised workers and scholars within the fields of governance and human rights.
- Remaining the civil society organisation that violators and agents of impunity are most worried about as we confer messages against human rights violations by state and non-state actors.

Thus as a "domestic transnational organisation[4]", we have sustained impactful interventions at the county and national levels as the core of our legitimacy and escalated the same to regional and international levels. Consequently, the Commission has received many awards and accolades[5], 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, 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".*

[1] Dr. Maurice Makoloo, Ford Foundation's Regional Representative for East Africa, during a visit to KHRC on February 6, 2014
[2] From 2014 to 2020, our ***Vision*** was to *secure human rights states and societies*. Our ***Mission*** was to *foster human rights, democratic values, human dignity and social justice.* Our mandate remains the same.
[3] The founders were: Prof. Makau Mutua, Dr. Willy Mutunga, Chief Maina Kiai, Prof Peter Kareithi and Hon. Kiraitu Murungi.
[4] A national organization with a capacity to escalate interventions to transnational borders and mechanisms.
[5] For details on our awards and achievements see: https://www.khrc.or.ke/achievements.html. See also our annual reports and results.

To many, the KHRC is the ***Vanguard for Human Rights***[6]. This is well captured by Prof. Makau Mutua, the chairperson, in his welcome remarks to one of the new board members in 2015 where he observed: "*I can't overemphasise how much the KHRC means to all of us and Kenya at this critical juncture, as it has in the past. It's our job to out-think and out-manoeuvre individuals and institutions that abuse power (whether public or private) to oppress others and cannibalise the values and structures of democracy and human rights*"[7].

1.2 The Context and Key Issues for Action

The colonial and post-independence State in Kenya and Africa are mainly governed by systems and practices that perpetuate the culture of impunity, which have no regard to accountability, human rights and the rule of law. Despite having adopted two progressive Constitutions, the first one being after our independence in December 1963 and the second one promulgated in August 2010. This is because our States are grounded on the retrogressive models that prioritise the narrow interests of the political and economic elite at the expense of the people and society.

The said elite has continuously captured state and business institutions and created an oppressive environment where people are never free to enjoy their rights and dignity in all spheres. Indeed, privileged impunity is what we have in Kenya. It is the permission to completely subordinate the majority's wishes to a few people's conveniences and the licence to disregard the objections of the Great Unwashed if doing so pleases the prominent chiefs[8]. It is the same reason we cannot implement our constitutions with fidelity.

That is because a constitution – though a legal document – is fundamentally a political charter. It allocates and restricts power, duties, and rights. It circumscribes the interests of ruling elites and liberates the masses of the people. At least, that is the promise of constitutionalism and democratic theory. However, elites must submit themselves to the predicates of liberalism and the people must be able to hold their leaders accountable. In the short time Kenya has been a republic, the elites have been unable to internalise the democratic project and the people have been powerless to exercise popular sovereignty over the state.

This may explain why the struggle to restructure and transform governance in the public and private spheres of lives remains a continuous endeavor for KHRC and other civic actors. Thus the many unresolved, mass atrocities and the emerging, systemic violations committed by the ruling elite remains key to our mandate within our draft Strategic Plan (SP) and Operational Plan (OP). It is the reason we are focusing our actions on the ***social, political and economic components of governance.***

This would deal with the ***key human rights and governance issues*** as citizenship and statelessness; land, resource, labour and gender injustices; excesses by security apparatus; corporate capture and impunity; the elite-driven push to amend our constitution[9]; the tactics to control the 2022 General Elections; the uncontrollable public finance and debt mismanagement by the thieving political class; shrinking civic and democratic space; the upsurge of the novel Corona Virus Disease from

[6] See also the Commission's documentary titled: KHRC-The Vanguard for Human Rights vide: https://www.youtube.com/watch?v=hW51kKMiRXU

[7] He notes further that: *"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".*

[8] See Eric Ng'eno: "We The People must find ways of reclaiming the soul of the nation" in Sunday Nation, April 11, 2021; https://nation.africa/kenya/blogs-opinion/opinion/we-the-people-must-find-ways-of-reclaiming-the-soul-of-the-nation-3356336

[9] Following the Building Bridges Initiative and political agreement between President Uhuru Kenyatta and Raila Odinga, the leader of the opposition in March 2018 after the contested presidential elections in 2017

March 2020[10] and the attendant containment measures that hurt the poor. **A brief context, objectives, strategies and results chain for each is provided in this plan.**

Moreover, the protection of the marginalised groups (LGBTI, Youth, Women, and PWDS etc.) and safeguarding climate justice, constitutionalism and devolved governance remain integrated in all interventions. Finally, we will put in place the requisite institutional systems and resources to enable us to deliver on these. Such entail effective and sustainable policy, administrative, communications, M& E; human resources and financial frameworks.

Our **overall institutional goal** is to realise the mandate of *enhancing human rights centred-governance at all levels.* This means providing political and policy leadership to the key governance issues (above) and ensuring processes that respect, protect and promote human rights for all, and the interests of the marginalised groups.

This is grounded on our belief that the human rights discourse, frameworks and approaches provide both the formidable means and ends towards the realisation of human rights-centred governance. Our constitution, national laws and policies and the regional and international human rights mechanisms remain our tools of engagements. The Constitution of Kenya has for instance a comprehensive Bill of Rights which, if effectively, implemented would elevate Kenya into a true democracy and human rights state[11].

We remain guided by our core values: courage and conviction; people-centred; fairness and social justice; liberty and human dignity; transparency and accountability, and equality and inclusion. Our strategies of interventions entail: advocacy; research, documentation and knowledge sharing; civic action; coalition and movement building; human rights and political education; legal actions including legal aid and litigation. **See Annex 1 (a) and (b) regarding all these.**

1.3 The 2021/2023 OP Strategy in Summary

Based on this context, our operational strategy proposes a shift from programmes and departments[12] to action areas. The notion of "action areas" was deliberately chosen from the draft Strategic Plan (SP) to imply the core thematic components which demand the timely and dedicated intervention of the Commission. The main objective of this Operational Plan (OP) is to therefore enable the KHRC (as it concretises on its SP), to consolidate and sustain its leadership in political and operational interventions within the next one or two years (from April 2021 to March 2022/23). Our OP plans run either for one or two years within our calendar period, that is April to March.

Thus while the strategy may be for two years, our work plans (as captured in the activity work plan and the budgeting matrix) will remain annual. To ensure effective formulation, implementation and monitoring of our interventions, we have entrenched a cascaded results chain and partnership matrix which touches on both the rights holders and duty bearers from the output, outcome and impact levels.

Based on the aforementioned SP, operational context and institutional mandate/goal, we have refocused our work in the OP along the following *action areas*: ***Programmatically;*** *Inclusion and Political Justice; and Social and Economic Justic*e components; ***operationally;*** on *Institutional Excellence and Response* component. All these will synergise to deal and deliver results on the key issues identified above at the county, national, regional and global levels.This is a major shift

[10] Which grounded global operations and created opportunities for human rights violations as state and non-state struggled to suppress and cope with its social and economic impacts

[11] It is on this basis that the Constitution of Kenya declares that the Bill of Rights is an integral part of Kenya's democratic state and is the framework for social, economic and cultural policies

[12] The current programmatic areas are: Economic and Social Justice (ESJ); Transformative Justice (TJ); Inclusion and Identity (I&I) and Institutional Support and Development (ISD).

from our previous work which entailed four programmes: *Transformative Justice (TJ); Economic and Social Justice (ESJ); Identity and Inclusion (I &I)* and *Institutional Support and Development (ISD).*

The proposed **programmatic component** is geared towards achieving the strategic objective to: *Consolidate policy leadership on critical governance and human rights issues*. This also have a number of cross cutting issues. The new **operational component** aims to: *Strengthen the effectiveness and sustainability of the Commission. Below see the summary of our priorities across the organisation.*

a) Summary of the Programmatic Component

Our programmatic interventions will focus on the following action areas and key issues:

Action Area	**Thematic focus (key human rights and governance issues)**
• Inclusion and Political Justice	• Statelessness and Citizenship • Electoral Justice, including the Constitutional Referendum • Transitional Justice(historical injustices and security excesses)
• Social and Economic Justice	• Public Finance Management • Land and Natural Resource Justice • Corporate Accountability and Labour Justice
• Cross Cutting across programmes	• Protection of Civic and Democratic Space • Human Rights Monitoring and Response • Legal Aid and Litigation

b) Summary of the Operational Component

Our operational interventions will focus on the following key issues:

Operational pillar	**Thematic focus (key operational issues)**
• Institutional Excellence and Response	• Management systems • Financial resources • Staff capacity and motivation • Work environment • Partnerships • External Communication

See Annex 4 with the projected costs per programmatic pillar, action and issues area.

1.4 Our Hypothesis and Theory of Change

KHRC **envisions** *a society of free people, with its* ***mission*** being to *root human dignity, freedoms and social justice in Kenya and beyond*. It is on this basis, our mandate and context above that we propose a strategic approach that aims to address the systemic violations and governance deficits[13] by applying a human rights-based approach (HRBA) that is double-prolonged: targets both the affected people and the violators involved. It is the rights holders and duty bearers dichotomy or complementarity that inspires and enables the KHRC and its partners to create and sustain a *human rights demand* from the people *(rights/claim holders)* and a corresponding *supply or response* by the duty bearers (responsible state and non-state actors) at all levels in the society.

In addressing the demand side, KHRC believes that people and communities (the rights holders) must have the capacity to define, claim and defend their rights. The role of KHRC, therefore, is to facilitate, stimulate, catalyse and support people and communities to define what is of value to them, articulate the values and defend them by holding the duty bearers accountable. KHRC will achieve this through a combination of approaches including conscious awakening and/or creation, community organising, coalition building, advocacy, legal aid and public education.

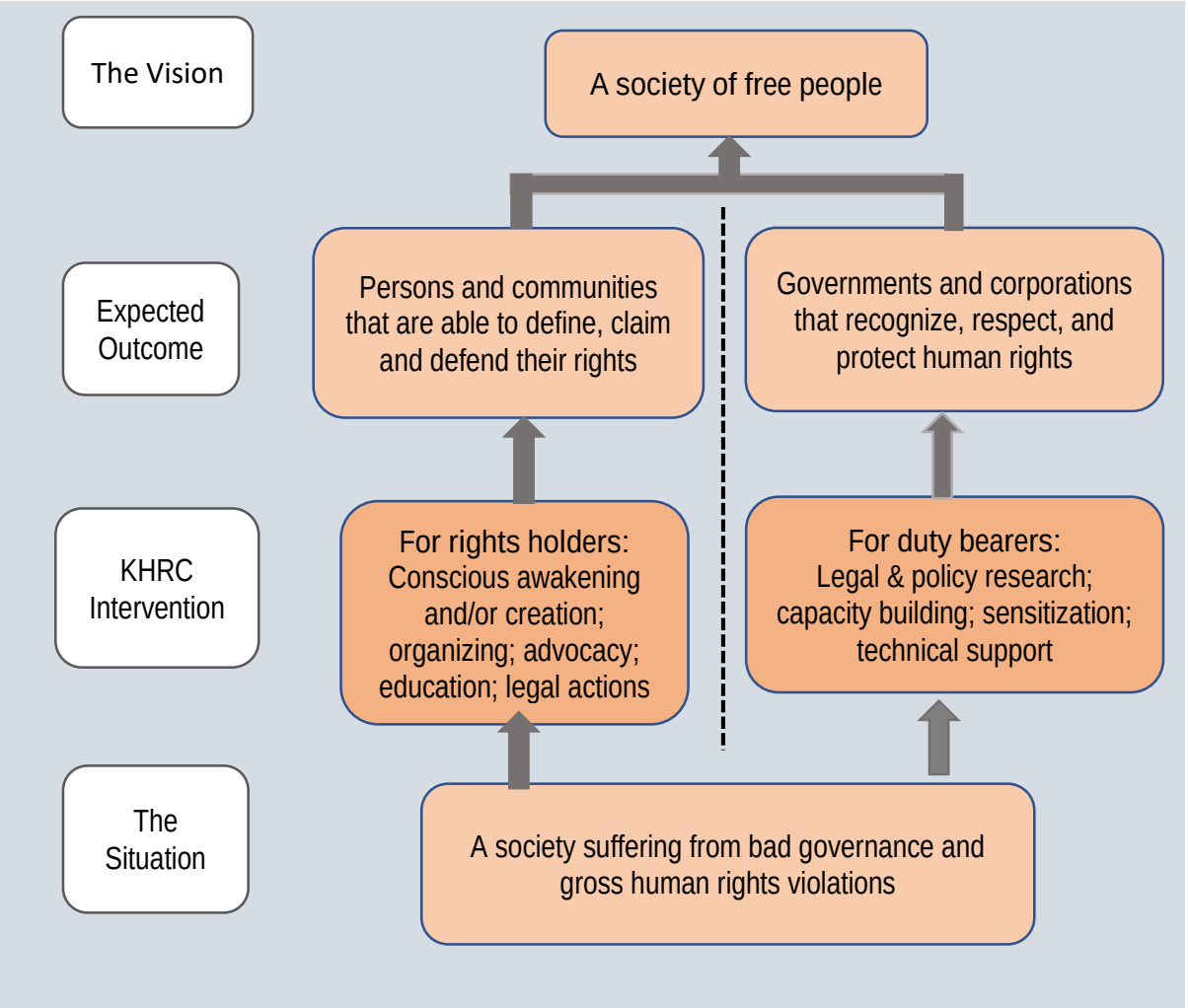
On the supply side, KHRC constructively engages with duty bearers (both in the public and private sector) to enhance their obligation and capacity to respect, promote and protect the rights of people and communities and support the development of governance systems and structures that are founded on democratic values and principles. KHRC will achieve this through research and policy analysing, capacity building of state officers and direct technical support. KHRC will develop an integrated approach; linking efforts and actions from the grassroots level to the national level and enriching national level actions with international standards and best mechanisms.

In advancing this approach, we make two key assumptions: that the communities and people affected will be open to external support to address their human rights issues and that the targeted duty bearers will be objective enough to work with KHRC, which is perceived to be a critical adversary by some individuals in and out of government. KHRC also hopes to mobilise resources and develop requisite capacities to address wide range of governance and human rights issues.

This approach is based on two fundamental considerations: a) our deep belief that the primary goal of a premier human rights organisation like ours is to shrink the spaces of powerlessness among the many affected by the malpractices of the few individuals in power; b) our quest to reduce powerlessness among poor, vulnerable and marginalised groups and to contain excesses by the powerful state and non-state actors.

It is on the basis of the above-mentioned actions, hypothesis and strategic approach that we expect to realise the transformative changes as follows:

[13] The key human rights and governance issues highlighted above



1.5 Where We Will Work; Who We Will Work With

KHRC mainly works in Kenya (both the national and county levels) and in the region seeking to effect transformational change as far as democratic governance and human rights are concerned. KHRC leverages its work in Kenya by drawing on experiences and lessons from regional and international contexts. In these spheres of operations:

We will work with persons in disadvantaged situations that include citizens in need of legal aid, Special Interest Groups and Populations (PWDs, LGBTI, women, Youth), ethnic minorities, smallholder farmers and workers to protect, claim and advance their social, political and economic rights.

We will work collaboratively with people victimised by diverse injustices; internally displaced persons, workers that are victims of abuse, stateless persons and other undocumented persons, citizens with difficulties in accessing government services, people victimised by arbitrary arrests, detentions, torture, extrajudicial executions, forced disappearances, communities excluded from natural and other land-based resources, people victimised by land injustices, people victimised by historical and emerging injustices, to protect, claim and advance their social, political and economic rights.

We will work collaboratively with Citizens' Social Accountability Groups and platforms, national and county governments as well as various agencies involved in the public finance management like the Controller of Budgets (COB), Council of Governors (COG), Independent Electoral and Boundaries Commission (IEBC), Auditor General, Ethics and Anti-Corruption Commission (EACC) and Directorate of Criminal Investigations (DCI) to build greater transparency and accountability in the allocation and use of public resources.

See also Annex 2 on the Targeted Populations

2 PROGRAMMATIC COMPONENT (IN DETAIL)

2.1 INCLUSION AND POLITICAL JUSTICE ACTION AREA

2.1.1 Statelessness and Citizenship

Context

Since independence, Kenya has grappled with the question of citizenship ad statelessness [14] among certain ethnic minorities. Some of the affected populations include the Nubians, Kenyan Somalis, Makonde and the Coastal Arabs. At the core of this problem; is a debate about who "belongs." Hitherto, the Constitution of Kenya (2010) provides for citizenship which is neutral on its face, but the perception of "Kenyan", varies considerably. Discrimination manifests itself in an arbitrary vetting system for proof of nationality which some ethnic groups are subjected to, to secure national identity cards and passports. Some of the documents that people are required to produce include parents' title deeds and grandparents' birth certificates. Nonetheless, these documents have no bearing in law on entitlement to nationality. Therefore, to enjoy all the fundamental rights and freedoms that are due to citizens; every individual has the right to a nationality. Nationality offers the link between an individual and the state, thereby with domestic and international laws.

Objective: *Foster the entrenchment of the rights to citizenship and legal identity for all and eradication of statelessness in Kenya.*

In Kenya, studies show that stateless persons face difficulties in their quest to enjoy fundamental rights and freedoms relating to employment, movement, education, property and health[15]. By and large, the benefits of citizenship deprived of include: the absolute right to obtain identification documents; the right to be represented politically, to access the labour market beyond the informal sector or underground economy; and to move about freely. The potential for property ownership is also hampered. So far, KHRC has worked successfully on the recognition of stateless Makonde and Shona communities.

Key Interventions and Activities:

i. Organise stateless persons and communities to apply and actively seek a grant of Kenyan citizenship.
ii. Undertake studies and analysis on the historical and emerging question of citizenship, statelessness and migration.
iii. Undertake legislative and policy advocacy on citizenship, statelessness and migration.
iv. Offer legal aid and representation to justice obstacles faced by the stateless persons on account of their statelessness.
v. Conduct training and capacity strengthening of stateless persons and government agencies on statelessness and migration.
vi. Lead in concerted campaigns for stateless persons and the persons at risk of statelessness and legal identity for all.
vii. Hold dialogues and consultations with government agencies on the right to citizenship and the shared resolve to end statelessness in Kenya.

[14] S.15 of the Kenya Citizenship and Immigration Act, 2011 a stateless person means a person who is not recognized as a citizen by any state under the operation of the laws of any state;

[15] Out of the Shadows – *Towards Ensuring the Rights of Stateless Persons and Persons at Risk of Statelessness in Kenya*

Cascaded Results Chain and critical partnerships.

Long-term results (Impact):

Foster the entrenchment of the rights to citizenship and legal identity for all and eradication of statelessness in Kenya.

KHRC partners with CSO partners, Media, Stateless communities etc.

Key activities:

- Mass issuance of certificates for registration and IDs to stateless communities and communities at risk of statelessness
- Document and celebrate the milestones achieved.

Key activities:

- Continuous advocacy for eradication of Statelessness and inclusive comprehensive digital ID that includes all Kenyans including stateless communities.

KHRC collaborates with National Government, County Government and Parliament.

Outcomes

i. Stateless communities are granted Kenyan citizenship.
ii. Inclusivity is achieved in NIIMS
iii. Stakeholder's views incorporated into Migration Policy.

Outcomes

i. The government grants citizenship to stateless communities.
ii. National Assembly enacts a more inclusive NIIMS
iii. NCM updates the Migration Policy

KHRC to build partnerships with stateless communities, CSOs, KCC, UNHCR, and other local CBOs, CONCISE, NIIMS Coalition etc.

Key activities:

- Lobby members of parliament to advocate on matters of citizenship and legal identity for all.
- Support stateless communities to lobby for granting of citizenship.
- Submit memoranda on the NIIMS to National Assembly
- Lobby for incorporation of stakeholders views into the Migration Policy.

Key activities:

- Lobby National Assembly to recommend granting of citizenship to stateless communities.
- Lobby Taskforce on Statelessness to vet applications for citizenship.
- Lobby Parliament to incorporate inclusivity on NIIMS.
- Lobby NCM to incorporate stakeholders views into Migration Policy

KHRC to collaborate with the Parliament, County Governments, and the County Commissioners, KNCHR, KCC etc.

Intermediary Outcomes

i. Greater awareness on citizenship application process achieved.
ii. Application for citizenship by stateless communities submitted.
iii. County Assemblies receives petition to recognize stateless communities.
iv. Memoranda on inclusivity in NIIMS prepared
v. Views on the Migration Policy collected and collated.

Intermediary outcomes

i. County Assemblies debate and prepare a report on a petition on the stateless communities.
ii. County Commissioner creates rapport with the stateless communities.
iii. Taskforce on Statelessness receive application from stateless communities.
iv. National Assembly receives memoranda on NIIMS
v. National Coordination Mechanism on NMP receives views on Migration Policy.

KHRC to build partnerships with CSOs partners and the Stateless community.

Key activities:

- Conduct trainings on the process of citizenship application among stateless communities.
- Support stateless communities to submit petitions to County Assemblies.
- Support all stateless communities make applications for citizenship.
- Hold stakeholders consultative meetings on inclusivity in NIIMS and prepare a memoranda.
- Hold consultative meetings to collect views of stakeholders on the Migration Policy.

Key activities:

- Submit community registers to County Commissioners and Members of Parliament.
- Submit petitions to National Assembly on behalf of stateless communities.
- Submit community registers and applications for registration to the Taskforce on Statelessness,
- Submit memoranda on the NIIMS to National Assembly.
- Present views on the Migration Policy to National Coordination Mechanism (NCM)

KHRC in collaboration with the Taskforce on Statelessness, KCC, CAF, parliament, NCM etc.

KHRC to build collaboration with partners and members of the stateless communities.

Short-term results (Outputs)

i. Raised consciousness on the importance of attaining Kenyan citizenship by stateless communities.
ii. Updated community registers of all members of stateless communities developed.
iii. Active coalition advocating for inclusivity in NIIMS.
iv. Active coalition advocating for inclusivity in NIIMS.
v. .

Key activities

- Organize stateless communities to set up community leadership structures that reaches all members of the communities and raise awareness on statelessness.
- Carry out studies and documentaries to tell stories of stateless communities.
- Organize members of the stateless communities to develop community register.
- Organize strategy meetings with stakeholders to lobby for inclusivity in NIIMS.
- Organize meetings with stake holders to incorporate their views into the National Migration Policy (NMP).

DEMAND-SIDE

Short-term results (Outputs)

i. Raised the awareness of local leaders on the existence and plight of stateless communities.
ii. Stateless communities introduced to local government leaders.
iii. Data on stateless communities availed to local government leaders.

Key activities

- Engage local national government and county government officials in counties where stateless communities live.
- Share data of stateless communities with local government leaders.

SUPPLY-SIDE

KHRC to collaborate with grassroots local government representatives

The Problem

There are several stateless communities residing in various parts of Kenya. These communities include the Shona, Pemba, Warundi among others. Without legal recognition and the relevant documentation such as Identity Cards (IDs) and birth certificates, the stateless communities are not only deprived of their identity but also of their dignity and protections guaranteed by the Constitution of Kenya. Kenya is in the process of introducing a digital ID (Huduma cards) yet several communities still struggle with access to IDs. Kenya is also in the process of finalizing its Migration Policy. The draft migration policy fails to offer sufficient safeguards for key stakeholders in migration such as foreigners in Kenya and Kenya's in diaspora

Activity Work plan

ACTIVITIES	YEAR 2021											
	J	F	M	A	M	J	J	A	S	O	N	D
Output Level (demand) Organise stateless communities to set up community leadership structures that reaches all members of the communities and raise awareness on statelessness.												
Carry out studies and documentaries to tell stories of stateless communities.												
Organise members of the stateless communities to develop community register.												
Organise strategy meetings with stakeholders to lobby for inclusivity in NIIMS.												
Organise meetings with stake holders to incorporate their views into the National Migration Policy (NMP).												
Output Level (supply) Engage local national government and county government officials in counties where stateless communities live.												
Share data of stateless communities with local government leaders.												
Intermediary Outcome Level (demand) Raised consciousness on the importance of attaining Kenyan citizenship by stateless communities.												
Updated community registers of all members of stateless communities developed.												
Active coalition advocating for inclusivity in NIIMS.												
Active coalition advocating for inclusivity in NIIMS.												
Intermediary Outcome Level (supply) Raised the awareness of local leaders on the existence and plight of stateless communities.												
Stateless communities introduced to local government leaders.												
Data on stateless communities availed to local government leaders.												
Outcome Level (demand) Stateless communities are granted Kenyan citizenship.												
Inclusivity is achieved in NIIMS												
Stakeholder's views incorporated into Migration Policy.												
Outcome Level (supply) The government grants citizenship to stateless communities.												
National Assembly enacts a more inclusive NIIMS												
NCM updates the Migration Policy												
Impact Level (demand) Mass issuance of certificates for registration and IDs to stateless communities and communities at risk of statelessness												
Document and celebrate the milestones achieved.												
Impact Level (supply) Continuous advocacy for eradication of Statelessness and inclusive comprehensive digital ID that includes all Kenyans including stateless communities.												

2.1.2 Electoral Justice, Including the Constitutional Referendum

Context: The process of giving power to governments has proven to be a powerful indicator of the type of governance that citizens enjoy. It's for this reason that the drafters and framers of the constitution of Kenya 2010 declared that Kenya would be multiparty democratic state and guided by the national values as laid down in article 10 of the constitution of Kenya. The Kenyan State has a mixed history of struggles for freedom and democracy

Objective: *To contribute to the protection of the integrity of the ballot and the constitutional referendum.*

combined with an elite that was always keen on retaining the highest possible level of control on power and natural resources. Ordinary people's dreams of dignity have been repeatedly stolen at critical moments of struggle in Kenya's history. The sacrifices of ordinary women and men continue to be betrayed and degraded through the exercise of public power that undermines Kenya's nationhood. The public authority, the product of numerous sacrifices of life and limb, continues to be appropriated, privatised and abused to perpetuate greed, fear and injustice.

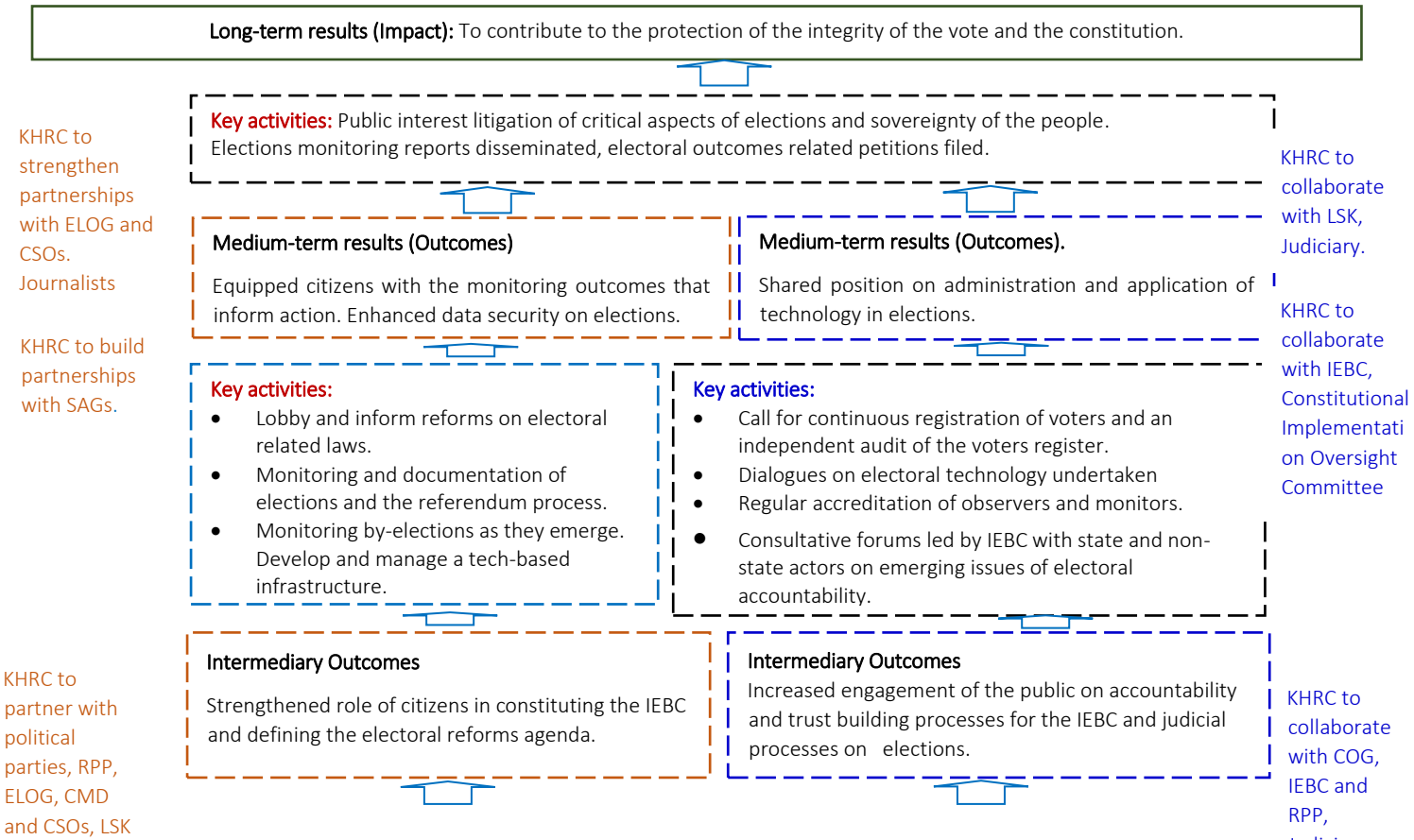
Whether at independence; the advent of the second liberation in 1992; or the promulgation of the new constitution, the flame of freedom that fires the nation's idealism has been doused by an old regressive order, which reproduces and preserves itself through class, ethnic-regionalism, creed and other divisions best laid out during elections. Youth is beset by exclusion and despondency. Gains won over time are at risk of obliteration as the backward march begins to a past of oppression, arrant theft, and inequality -- this time bearing the burden of debt into the future. Individuals in power continue to sabotage the constitution so that its actual benefits never reach those who paid the highest price to put it in place.

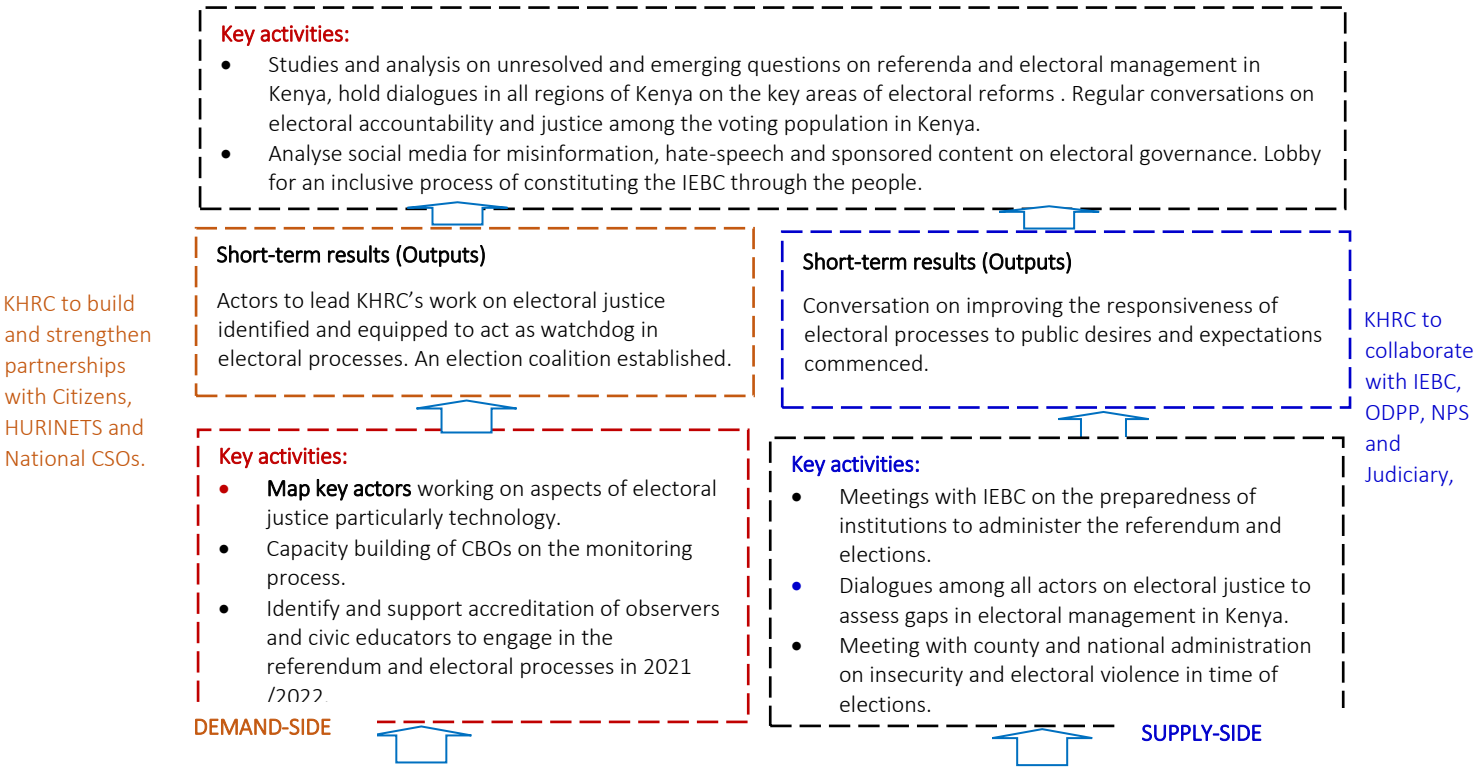
Those who manage the state have relegated Kenya's real owners, those who donate the power to run the state, to mere clients and customers.

Key Interventions and Activities:

i. Undertake studies and analysis on unresolved and emerging questions on referenda and electoral justice.
ii. Institute public interest litigation of critical aspects of elections and sovereignty of the people.
iii. Engage in coalition and network building to push for improvement in the management of elections and referendum.
iv. Conduct legislative and police advocacy on referenda and electoral reforms.
v. Invest in organised monitoring and documentation of actions that strengthen or threaten electoral integrity and the will of the people.

Cascaded Results Chain and Critical Partnerships.





The Problem

The Country has grappled with challenges of effecting free, fair, credible and legitimate elections. Past elections have been marred with contestations, violence and nullities especially at the presidential level. Technological manipulation of processes and obstruction of the rule of law remain core to this state of affairs. As a result, Kenyans democratic space has continued to wither in most segments of the electoral cycle presenting a political crisis.

Activity Work plan

ACTIVITIES	YEAR 2021											
	J	F	M	A	M	J	J	A	S	O	N	D
Output Level (demand) • Map key actors working on aspects of electoral justice particularly technology and a credible IEBC.												
• Capacity building of CBOs on the monitoring process. • Identify and support accreditation of observers and civic educators to engage in the referendum and electoral processes in 2021 /2022.												
Output Level (supply) • Meetings with IEBC on the preparedness of institutions to administer the referendum and elections.												
• Dialogues among all actors on electoral justice to assess gaps in electoral management in Kenya.												
• Meeting with county and national administration on insecurity and electoral violence in time of elections.												
Intermediary Outcome Level (demand) • Hold dialogues in all regions of Kenya on the key areas of electoral reform in the country.												
• Regular conversations on electoral accountability and justice among the voting population in Kenya.												
• Lobby for an inclusive process of constituting the IEBC through the people.												
Intermediary Outcome Level (supply) nd analysis on unresolved and emerging questions on referenda and electoral management a												
social media for misinformation, hate-speech and sponsored content on electoral nce.												

ACTIVITIES	YEAR 2021											
	J	F	M	A	M	J	J	A	S	O	N	D
Outcome Level (demand) • Lobby and inform reforms on electoral related laws. • Monitoring and documentation of elections and the referendum process.												
• Monitoring by-elections as they emerge. • Develop and manage a tech-based infrastructure.												
Outcome Level (supply) • Call for continuous registration of voters and an independent audit of the voters register.												
• Dialogues on electoral technology undertaken. • Regular accreditation of observers and monitors.												
• Consultative forums led by IEBC with state and non-state actors on emerging issues of electoral accountability.												
Impact Level (demand) • . Public interest litigation of critical aspects of elections and sovereignty of the people.												
• Elections monitoring reports disseminated												
• Electoral outcomes related petitions filed.												

2.1.3 Transitional Justice (historical injustices and security excesses)

Context

The colonial and post-independence regimes in Kenya are responsible for gross human rights violations for which effective remedies and guarantee for non-repetition are yet to be granted to the victims and the society at large[16]. This state of affairs is well captured in the report of the Truth, Justice and Reconciliation Commission (TJRC) in Kenya. In its primary findings, the TJRC noted that between 1895 and 1963, the British colonial administration in Kenya was responsible for unspeakable and horrific gross violations of human rights; that between 1963 and 1978, President Jomo Kenyatta presided over a government that was responsible for numerous gross violations of human rights; that between 1978 and 2002, President Daniel Arap Moi presided over a government that was responsible for numerous gross violations of human rights; and that between 2002 and 2008, President Mwai Kibaki presided over a government that was responsible for numerous gross violations of human rights[17]. And from 2008 to 2013 (the second and last term for President Kibaki) and 2013 to date (the term for Uhuru Kenyatta's regime), gross human rights violations have continued unabated and with no recourse to justice.

Objective:

To foster effective remedies over historical injustices and security excesses in the society

As documented in many official and civic reports, state security and other institutions[18] have remained the key perpetrators to date. This is despite the many transitional justice and accountability efforts initiated between 2003 (when president Moi left office) and 2013, especially the 2008 and 2013 in response to the root causes and impacts of the 2007/2008 post-election violence in the country. Moreover, the Constitution of Kenya adopted in 2010 envisaged

[16] Normative international human rights law has continuously affirmed the importance and obligation of addressing the question of remedies and reparation for victims of gross violations of international human rights law in a systematic and thorough way at the national and international levels. https://www.ohchr.org/en/professionalinterest/pages/remedyandreparation.aspx;

[17] Report of the Truth, Justice and Reconciliation Commission, Vol.1, TJRC Kenya, 2011, p. vii

[18] Mainly arbitrary: arrests, torture and detentions; torture, enforced disappearances and extra-judicial executions. These are also accused of massive corruption and lack of accountability in their operational affairs. The TJRC had a broad mandate to investigate these and other systemic atrocities as economic crimes and marginalization, land grabbing and injustices among others. There have been complimentary, official investigations and findings into these violations. However, most of the recommendations are yet to be implemented.

a cultural shift whereby state institutions conduct their affairs in ways that uphold the principles and values of good governance[19]; including respect for human rights and dignity[20].

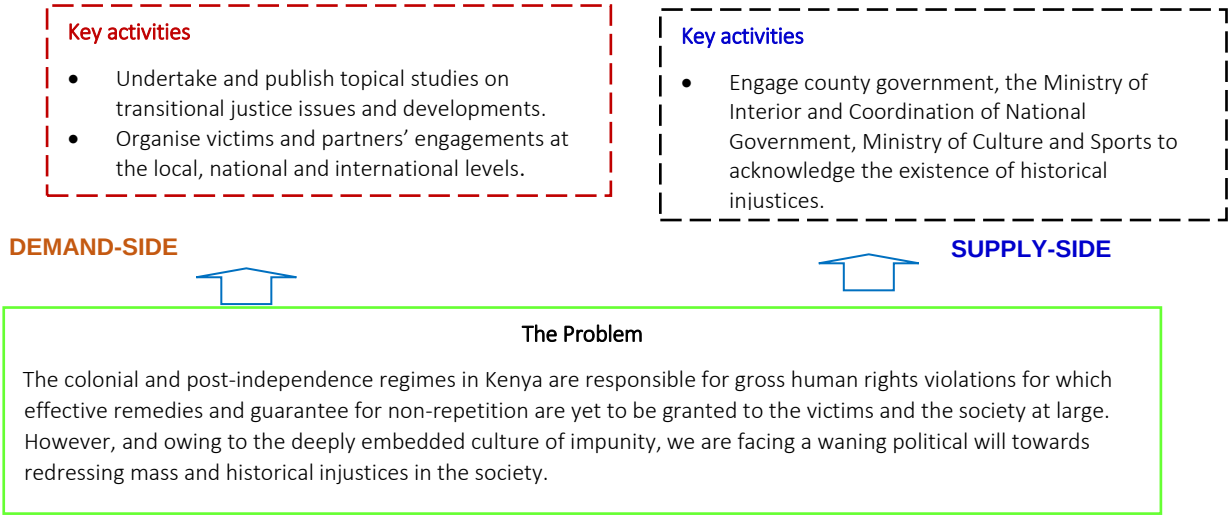
Key Interventions and Activities

- Undertake and publish topical studies on the transitional justice issues and developments.
- Set up a library (physical and online library) around the existing data and reports.
- Lobby the state to act on the requisite reports and policies related to historical injustices.
- Organise victims and partners' engagements at the local, national and international levels.
- Legal and media actions around transitional justice issues.

Cascaded Results Chain and Critical Partnerships.

[19] Article 10(1) provides that the national values and principles of good governance bind state organs, state officers and all persons whenever any of them: applies or interprets the Constitution; enacts, applies or interprets any law; or makes or implements public policy decisions.

[20] Article 238(2)(b) of the Constitution provides that national security shall be pursued in compliance with the law and with utmost respect for the rule of law, democracy, human rights and fundamental freedoms.



Activity Work plan

ACTIVITIES	YEAR 2021											
	J	F	M	A	M	J	J	A	S	O	N	D
Output Level (demand) Undertake and publish topical studies on the transitional justice issues and developments.												
Organise victims and partners' engagements at the local, national and international levels.												
Output Level (supply) Engage county government, the Ministry of Interior and Coordination of National Government, Ministry of Culture and Sports to acknowledge injustices.												
Intermediary Outcome Level (demand) Memorialisation of heroes and heroines i.e. (Muindi Mbingu, Mau Mau War Veterans Association (MMWVA), Mekatilili Wa Menza).												
Engage families of survivors of historical injustices.												
Intermediary Outcome Level (supply) Submit petitions for adoption by the National Assembly/ Senate on implementation of past and emerging recommendations on transitional justice												
Outcome Level (demand) Citizens lobby the state to act on the requisite reports and policies related to historical injustices (TJRC), Muindi Mbingu.												
Outcome Level (supply) Continuous engagement with the National Assembly and Senate to ensure full implementation recommendations from requisite reports related to historical injustices.												
Impact Level (demand) Engagement with the regional mechanisms for accountability.												
Impact Level (supply) Dialogues with Members of Parliament, key political party leaders, constitutional commissions with mandate on historical injustices, judicial engagement												

2.2 SOCIAL AND ECONOMIC JUSTICE ACTION AREA

2.2.1 Public Finance Management

Context.

Objective:

To foster transparency, accountability and public participation in public finance management.

Chapter 11 and Articles 201-231, of the Constitution of Kenya provide for a general framework for public finance management at both the county and national levels. The framework covers critical areas such as; financial laws, fiscal management institutions, the budgeting process, debt management, financial controls, and revenue raising, sharing and utilisation among others. In order to safeguard public money, Article 201, outlines the principles of public finance, some of which include; openness, accountability and public participation, promotion of an equitable society (fair sharing of the burden and benefits of taxation and public borrowing), prudent and responsible use of public money, and responsible and clear fiscal reporting.

In addition to the Constitution, various legislation provide for establishment of structures, mechanisms and guidelines for public finance management. The key ones include the Public Participation Act, 2016, and the Public Finance Management Act 2012. Despite the existing legal and constitutional provisions, the country continues to face huge challenges in public finance management. This intransigence can be attributed to poorly developed laws; institutional weakness and ineffectiveness; lack of political good will to fight impunity; a political culture that not only condones corruption but also glorifies it; and inappropriate incentive structures and other bureaucratic pathologies within the public sector.

Key Interventions and Activities

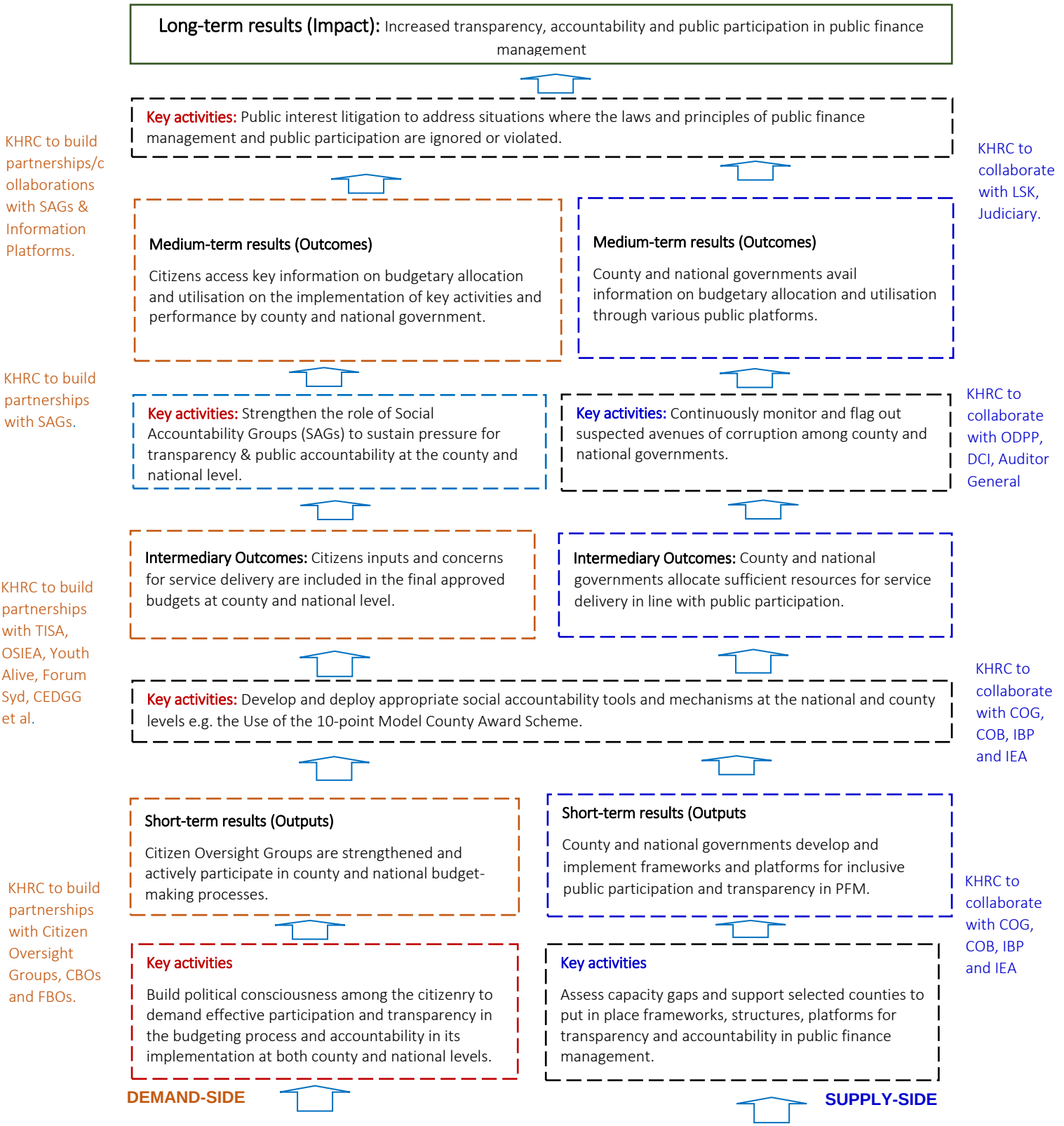
- Develop political consciousness and awareness among the citizenry around pubic finance management at both county and national levels.
- Develop and deploy appropriate social accountability tools and mechanisms at the county and national levels e.g. the Use of the 10-point Model County Award Scheme.
- Conduct and publish topical studies around the diverse issues [21] around public finance management. Also monitor and respond continuously on suspected mismanagements.
- Develop and disseminate simplified versions of the auditor general's report, policy briefs among the citizens and government officials.
- Strengthen partnerships and engagements with communities and stakeholders within the public finance management chain at all levels.
- Undertake legal, policy and institutional reforms towards strengthening public finance accountability[22].
- Lead policy research and advocacy in safeguarding devolution within the select counties and issues in the country.
- Integrate public finance management and devolution principles and mechanisms in all the interventions of the KHRC.

[21] For instance, on the debt problem in Kenya, its impact on the economy, the burden to citizenry and recommend effective strategies for intervention to secure the state and some strategic public assets, which are securities to borrowed loans.

[22]For instance: Advocacy for proper wealth declaration of state officers; advocacy for the strengthening of EACC, the Office of the Director of Prosecutions, the Department of Criminal Investigations and the judiciary to investigate, prosecute and recover assets acquired through illicit financial flows and other corrupt means. Also advocacy for increased budgetary support of the anti-corruption institutions.

- Undertake public interest litigation to address situations where the laws and principles of public finance management and devolved governance are ignored or violated.

Cascaded Results Chain and Critical Partnerships.



The Problem

The country faces challenges in public finance management attributed to poorly developed laws, institutional weakness and ineffectiveness, lack of political good will to fight impunity and rampant, as well as inadequate incentive structures for meaningful public participation.

Activity Work plan

ACTIVITIES	YEAR 2021											
	J	F	M	A	M	J	J	A	S	O	N	D
Output Level (demand) Build political consciousness among the citizenry to demand effective participation and transparency in the budgeting process and accountability in its implementation at both county and national levels.												
Output Level (supply) Assess capacity gaps and support selected counties to put in place frameworks, structures, platforms for transparency and accountability in public finance management.												
Intermediary Outcome Level (demand) Develop and deploy appropriate social accountability tools and mechanisms at the national and county levels e.g. the Use of the 10-point Model County Award Scheme.												
Outcome Level (demand) Strengthen the role of Social Accountability Groups (SAGs) to sustain pressure for transparency & public accountability at the county and national levels.												
Outcome Level (supply) Continuously monitor and flag out suspected avenues of corruption among county and national governments.												
Impact Level (demand) Public interest litigation to address situations where the laws and principles of public finance management and public participation are ignored or violated.												

2.2.2 Land and Resource Justice

Context

Objective:

To advance inclusive and accountable management of land and natural resources.

The governance mystery of *land and land-based natural resources* has remained at the centre of Kenya's political, economic and social policies and conversations. For the successive regimes (colonial and post-independence) have deliberately continued to treat land and related resources as mere factors of production without due regard to their implications on the rights and wellbeing of the impacted citizenry. This is mainly attributable to the failure of the government to formulate and/ or implement harmonised and pro-people laws and policies and the non-resolution of historical and emerging land and resources injustices. If the Constitution of Kenya (adopted in 2010) and the successive policies, laws, regulations and reports developed were fully executed, great milestones would have been realised on matters land governance and justice.

For the constitution declares that *land* in Kenya is supposed to be managed in equitable, efficient, productive and sustainable manner, and within such principles as —equitable access; security of land rights; sustainable and productive management of land resources; transparent and cost effective administration of land; sound conservation and protection of ecologically sensitive areas; elimination of gender discrimination related to land and property in land; and encouragement of communities to settle land disputes through recognised local initiatives. Moreover, *environment and natural resources* are expected to be managed in a manner that ensures among others: sustainable exploitation, utilisation, management and conservation of the same and equitable sharing of the accruing benefits.

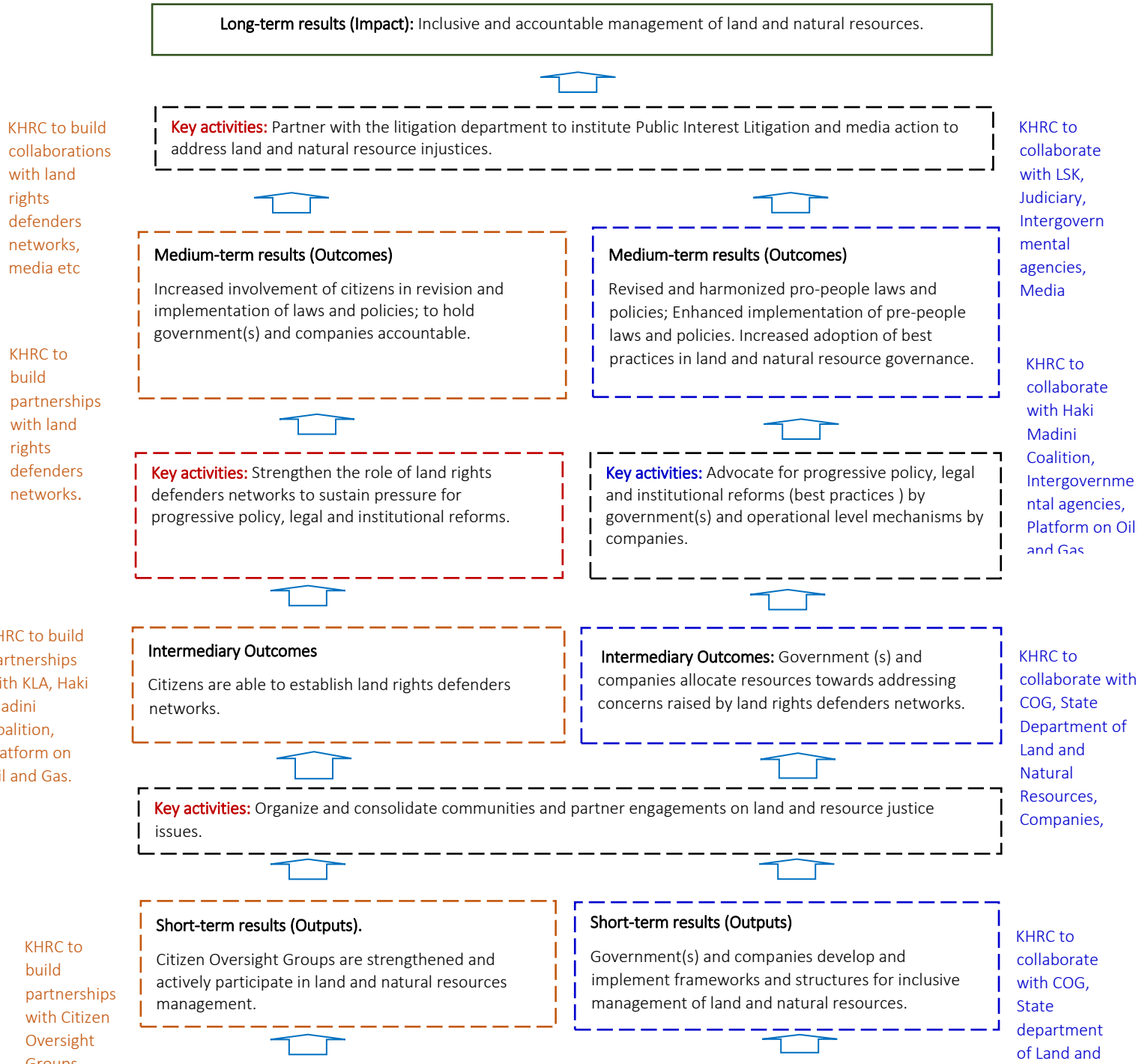
However, the mismanagement of land and natural resources in Kenya has led to among others: ineffective land administration systems; unresolved historical and emerging land injustices; displacements of communities as a result of natural and human factors, including development projects; lack of effective community participation and benefit sharing mechanisms; lack of

mechanisms for provision of compensation and resettlement of communities affected by the mining operations or development projects; and land and resources rights violations on the vulnerable groups.

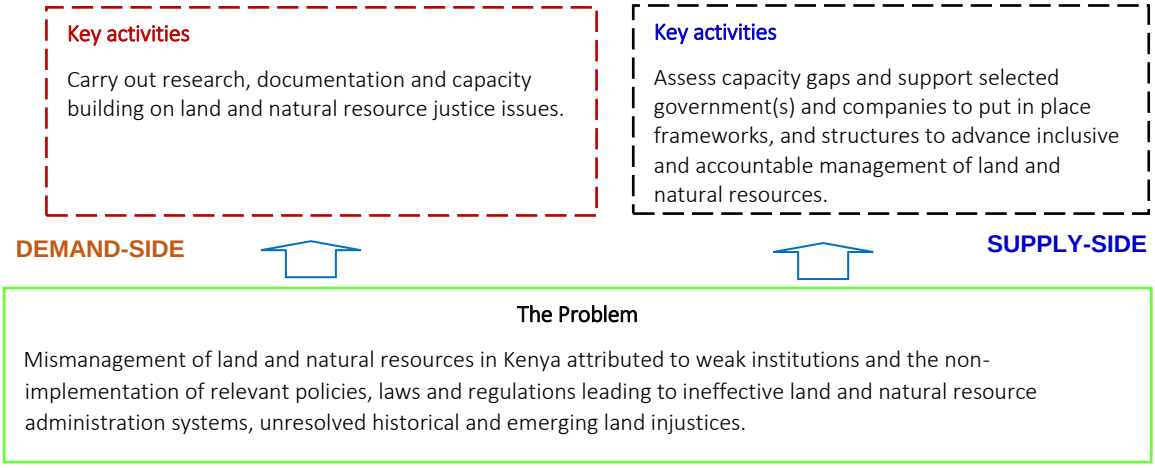
Key Interventions and Activities

- Carry out research and other documentation on land and resource justice issues;
- Advocate for progressive policy, legal and institutional reforms (including best practices)[23];
- Organise community and partners engagements on land and resource justice issues;
- Develop and implement mechanisms on remedies to the affected groups;
- Undertake court and media actions to ensure justice and remedies for victims.

Cascaded Results Chain and Critical Partnerships.



ainly in the revision of the National Land Policy(developed in June 2009 and now due for review); National Land mission Act; Land Act, Community Land Act; Mining Act and the necessary guidelines and regulations; for instance Evictions guidelines, Benefits Sharing Frameworks among others.



Activity Work plan

ACTIVITIES	YEAR 2021											
	J	F	M	A	M	J	J	A	S	O	N	D
Output Level (demand) Carry out research, documentation and capacity building on land and natural resource justice issues.												
Output Level (supply) Assess capacity gaps and support selected government(s) and companies to put in place frameworks, and structures to advance inclusive and accountable management of land and natural resources.												
Intermediary Outcome Level (demand) Organise and consolidate communities on land and resource justice issues.												
Intermediary Outcome Level (supply) Organise and consolidate partner engagements on land and resource justice issues.												
Outcome Level (demand) Strengthen the role of land rights defenders' networks to sustain pressure for progressive policy, legal and institutional reforms.												
Outcome Level (supply) Advocate for progressive policy, legal and institutional reforms (best practices) by government(s) and operational level mechanisms by companies.												
Impact Level (demand) Partner with the litigation department to institute Public Interest Litigation and media action to address land and natural resource injustices.												

2.2.3 Corporate Accountability and Labour Justice

Context

For a long time, businesses have distanced themselves from human rights obligations. This is partly because the fundamental rights discourse was initially focused on governments. Notwithstanding, the recognition that businesses have human rights obligations has gained huge traction in recent years. The new corporate human rights agenda has become institutionalised mainly through the adoption and dissemination of the United Nations Guiding

Objective:

To promote respect of human rights by state and corporates actors.

Principles (UNGPs) on Business and Human Rights that articulate the role of business enterprises as *specialised organs of society performing specialised functions, required to comply with all applicable laws, to respect human rights and to avoid infringing on the human rights of other people*. Locally, the Constitution of Kenya buttressed labour rights by embedding them in the Bill of Rights at Article 41.

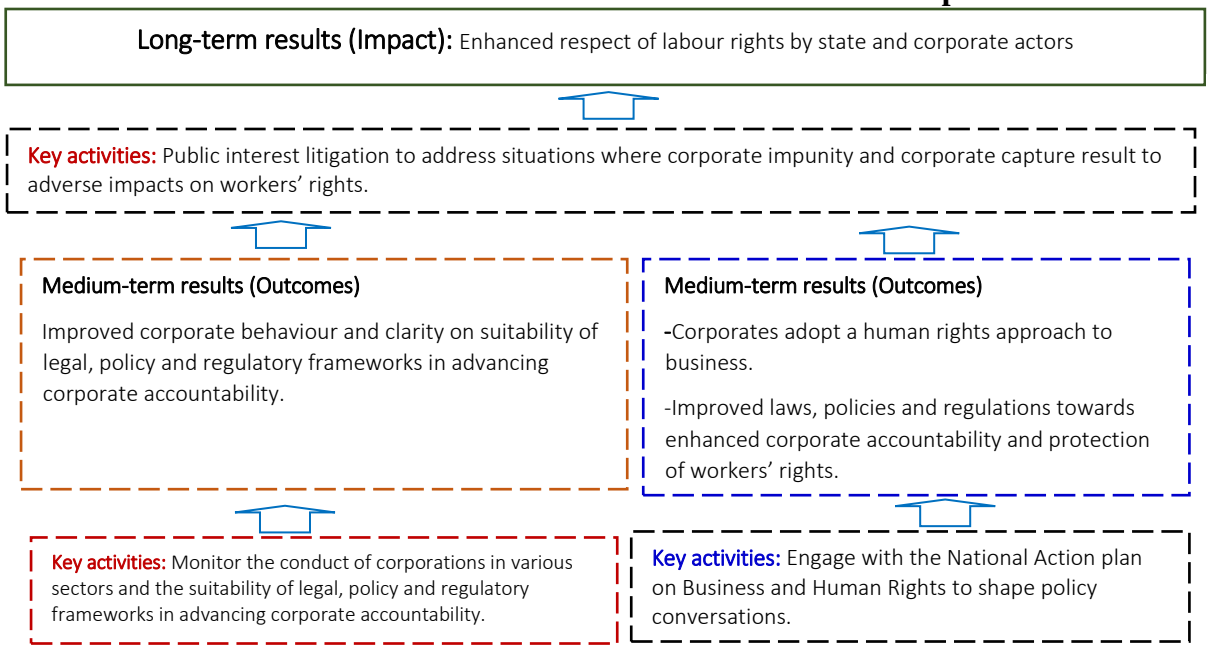
Noteworthy, the recognition of the corporate duty to respect human rights comes against a backdrop of decadent legacies of colonialism and imperialism that have continued to haunt and negatively influence the political, economic and social structures and policies of Kenya and many developing countries. This is mainly because the colonial and post-colonial administrations adopted and sustained repressive political systems and exploitative economic models that prioritise capital and business at the expense of people. It is also grounded on the international trade model that uses the global south economies as the source of primary products and cheap labour. In the process, corporate capture, trade and labour injustices have taken root, with both the state and corporate actors being the main players. This has created fertile grounds for precarious work to thrive, resulting to decent work deficits.

Precarious work is increasingly being used by businesses to replace direct, permanent jobs, allowing employers to reduce or even abandon their responsibility to workers. Workers engaged in precarious employment suffer the challenge of unstable employment, low wages, limited social security, difficulties in exercising their rights, especially the right to join a union and bargain collectively for better wages and conditions of work. They also glare at inadequate legal protection especially with respect to freedom of association and general welfare at the work place. Most of these workers are found in the informal, domestic, textile Export Processing Zones (EPZs) and agriculture sectors.

Key Interventions and Activities

- Advocate for requisite legal, policy and institutional reforms for the enhancement of corporate accountability.
- Engage with the National Action Plan on Business and Human rights and the National Action Plan on Business and Human Rights to shape policy conversations.
- Monitor the conduct of corporations in various sectors and the suitability of legal, policy and regulatory frameworks in advancing corporate accountability.
- Identify remedies for victims of corporate abuses through judicial and non-judicial grievance mechanisms at national, regional and international levels.
- Expose labour rights violations through research and documentation as well as designing and implementing programmes aimed at promoting labour justice.

Cascaded Results Chain and Critical Partnerships.

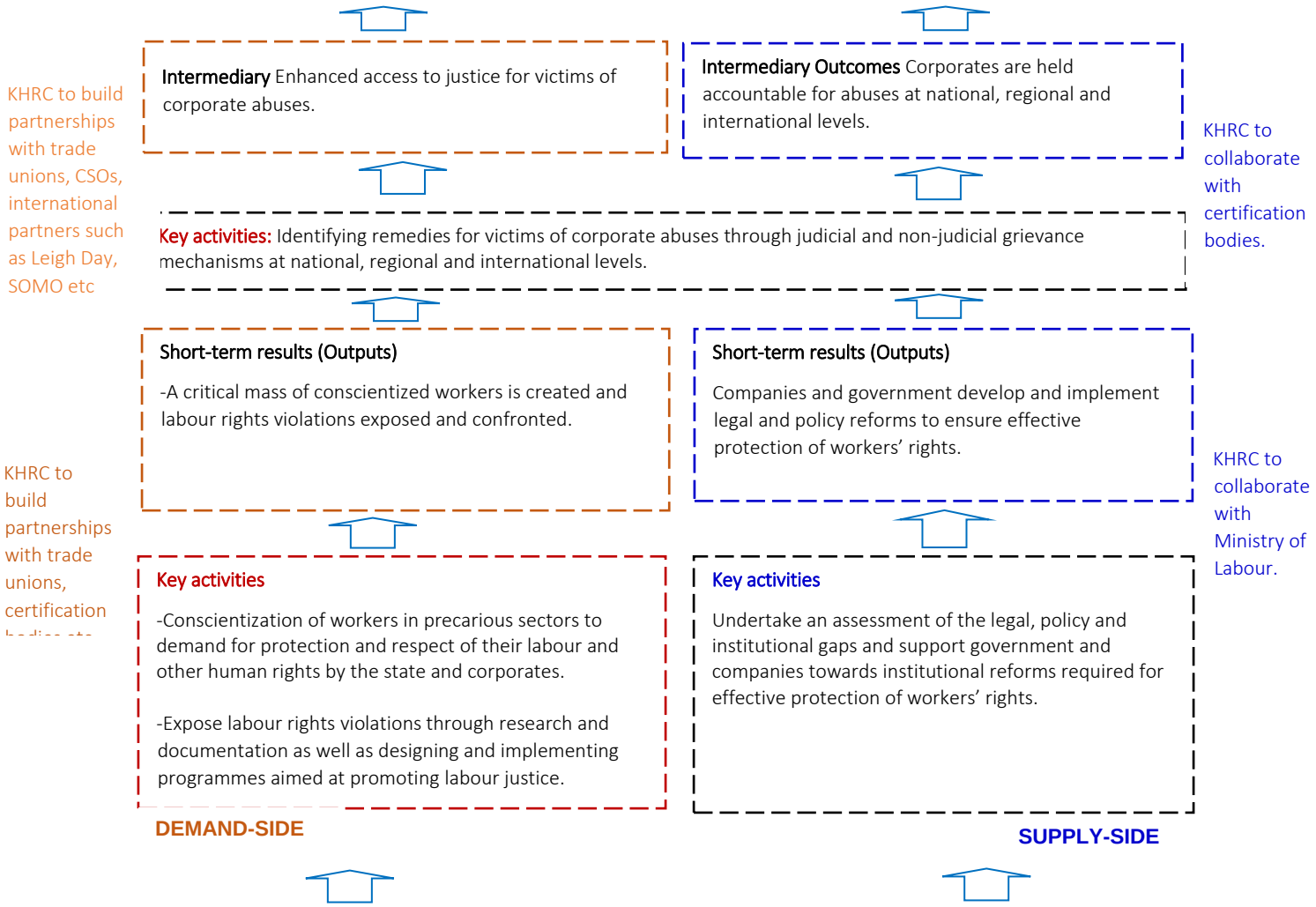


KHRC to build partnerships/ collaborations with local and international CSOs e.g. ESCR-Net, FIDH, INCLO, SOMO, Leigh Day

KHRC to collaborate with LSK, Judiciary.

KHRC to collaborate with Ministry of Labour and other relevant ministries, depatments and agencies, KNCHR etc

KHRC to sustain partnerships with trade unions. CSOs.



Activity Work plan

ACTIVITIES	YEAR 2021											
	J	F	M	A	M	J	J	A	S	O	N	D
Output Level (demand) Conscientisation of workers in precarious sectors to demand for protection and respect of their labour and other human rights by the state and corporates.												
-Expose labour rights violations through research and documentation as well as designing and implementing programmes aimed at promoting labour justice.												
Output Level (supply) Undertake an assessment of the legal, policy and institutional gaps and support government and companies towards institutional reforms required for effective protection of workers' rights.												
Intermediary Outcome Level (demand) Identifying remedies for victims of corporate abuses through judicial and non-judicial grievance mechanisms at national, regional and international levels.												

ACTIVITIES	YEAR 2021											
	J	F	M	A	M	J	J	A	S	O	N	D
Outcome Level (demand) Monitor the conduct of corporations in various sectors and the suitability of legal, policy and regulatory frameworks in advancing corporate accountability.												
Outcome Level (supply) Engage with the National Action plan on Business and Human Rights to shape policy conversations.												
Impact Level (demand) Public interest litigation to address situations where corporate impunity and corporate capture result to adverse impacts on workers.												

2.3 CROSS CUTTING PROGRAMMATIC ACTION AREA

2.3.1 Protection of Civic and Democratic Space

Introduction

Objective:

To ensure consistent demand for the enforcement of expressive and associative rights.

The phenomena of governments (mainly the executive wings) working tirelessly towards limiting spaces for citizens and other key actors critical in the governance of public affairs (mostly outside the realm of the state, popularly known as Non-State actors) is as old as the society itself. There is a positive correlation between the state of democracy and the spaces or freedoms to be accorded or limited and vice versa. In most cases, it is the most repressive or authoritarian regimes which are prevalent to the limitation of the same. It is critical to provide a human rights perspective in this discourse because restriction of civic space impacts on the enjoyment of civil rights and liberties, especially the right to expression, freedom and security of the person, freedom of conscience, religion, belief and opinion; freedom of the media; access to information; freedom of association; right to assembly, freedom of movement among others[24].

This is integral in Kenya and Africa because governments (mainly the executive) target the people and their organisations (civil society) by implementing retrogressive operational and policy actions which are geared towards curtailing their legitimacy and efficacy. The fact that other independent state offices and institutions are equally impacted validates the need for a more expanded conversation around civic and democratic space. These violations are more prevalent especially before, during and after the General Elections for most of regimes want controlled processes and outcomes because an open, civic and democratic environment makes it impossible to achieve this.

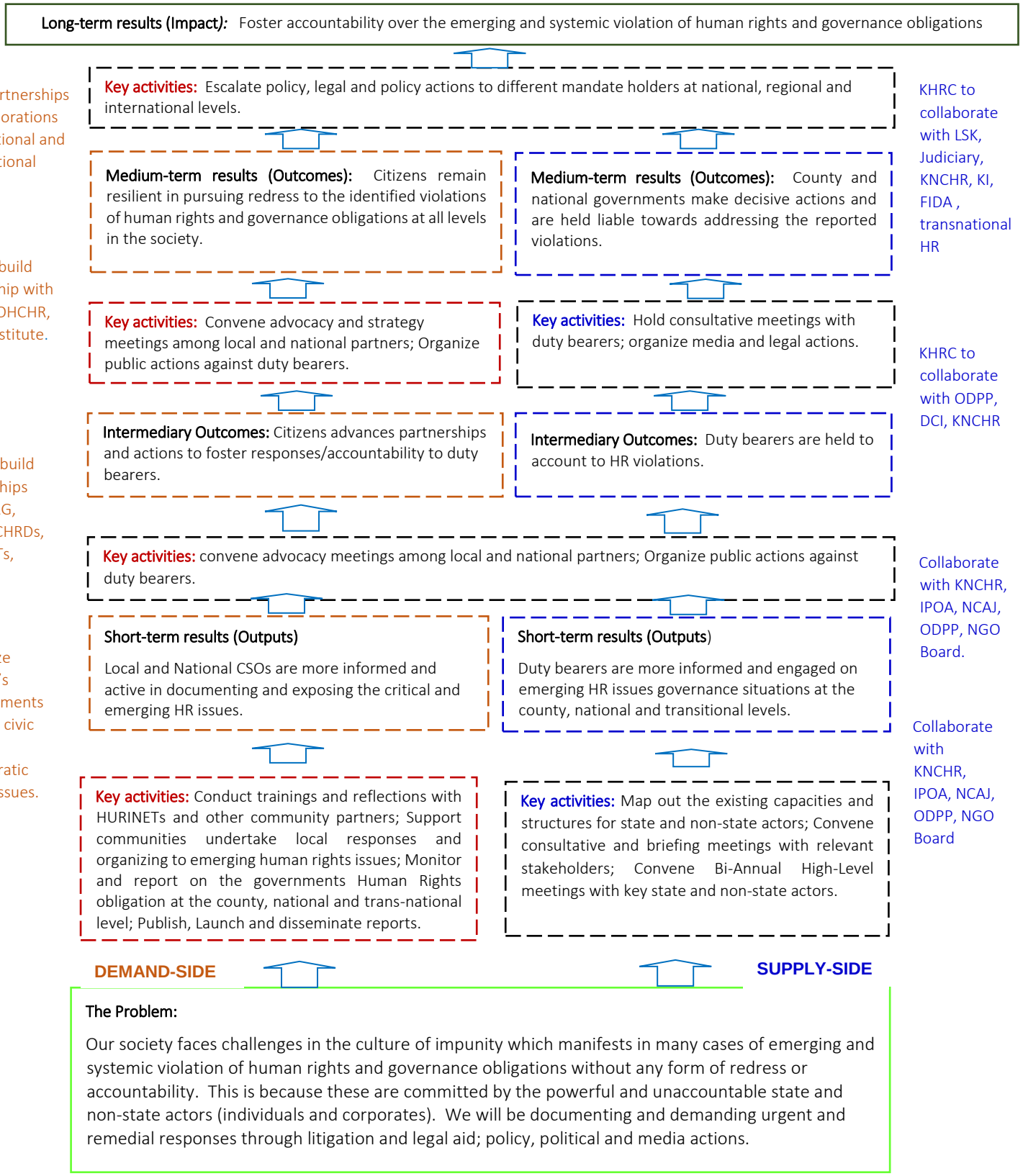
Key Interventions and Activities

- Undertake political education on civic space and human rights considerations.
- Undertake continuous monitoring, reports and civic actions around civic space.
- Organise quarterly monitoring and prepare briefs on the state of civic and democratic space in Kenya and beyond.
- Publish, launch and disseminate pending and emerging reports (we have 2 pending reports), plus the quarterly monitoring briefs.
- Hold briefings and consultative meeting among the civil society actors at all levels.
- Organise continuous policy meetings; legal, media and political actions over emerging issues.

[24] These have been enshrined and protected in our Constitution and the regional and international human rights frameworks. Article 24(1) of the Constitution declares that a right or fundamental freedom in the Bill of Rights shall not be limited except by law, and then only to the extent that the limitation is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom, and taking into account all relevant factors.

- Organise solidarity and support mechanisms to the affected groups.
- Lobby the government to create an enabling environment/ foster democratic governance.[25]

Cascaded Results Chain and Critical Partnerships.



[25] Through the operationalization of the Public Benefits Organizations Act (PBO Act) and the amendment of the retrogressive laws. For instance, the compendium being developed by the civil society has identified more than 20 repressive laws. There are others which have been declared unconstitutional by courts.

2.3.2 Human Rights Monitoring and Response

Context

Our society faces challenges in the culture of impunity which manifests in many cases of emerging and systemic violation of human rights and governance obligations without adequate forms of redress or accountability. This is because these are committed by the powerful and unaccountable state and non-state actors (individuals and corporates). This calls for continuous monitoring and documentation and advocacy for remedies through litigation and legal aid; policy, political and media actions.

Objective:

Foster accountability over the emerging and systemic violation of human rights and governance obligations.

Monitoring is a broad term describing the active collection, verification, and immediate use of information to address human rights violations among other threatening situations. It entails *documenting* which includes assessing individual allegations, analysing the overall evolution of the situation, identifying trends and processing information in a report for response. Trends are critical in understanding the severity and intensity of the situation at hand. This is established by considering the *patterns in the identity of the victims, location of the violations* or situation at hand, methods *used to cause the violations or situation,* circumstances and perpetrators or factors responsible for the situation among others. Based on these, we will implement our urgent action and response measures[26] to the emerging human rights and governance situations in the society. Subject to the security situation and availability of resources, we strive to provide immediate action in a span of 48 hours from the time the critical issue is reported. Long term interventions may be implemented to address the root cause of the problem.

Key Interventions and Activities

- Conduct trainings and reflections with HURINETs and other community partners on human rights monitoring and documentation;
- Map out the existing capacities and structures for state and non-state actors to respond to emerging violations;
- Create an urgent action team[27] and fund for responding to the emerging violations;
- Support communities undertake local responses and organising to emerging human rights issues;
- Carry out fact finding missions and documentation of the systemic human rights violations;
- Monitor and report on the governments human rights obligation at the county, national and trans national level;
- Engage with all departments to synchronise research papers and findings ;
- Prepare periodical human rights reports around the key areas of the KHRC[28];

[26] We begin with an immediate rescue and protection of victims affected and subsequent linkage with established organizations for the requisite support and remedies. A combination of legal, policy action and media actions to ensure the situation is known and responded to by the respective authorities becomes the next intervention.

[27] The team comprises of the Executive Management (Executive director, Deputy executive Director and the Director of Finance and Administration), the Human Rights Monitoring Advisor, the Legal Advisor, the Communications Manager/Advisor, Finance Manager and the Program Manager and Officer responsible for the thematic area under which the situation in question falls. The EMT provide strategic and operation leadership in the implementation of this strategy. The team is chaired by the DED under the assistance Human Rights Monitoring Advisor.

[28] While these could be quarterly; others could be prepared to engage with the national and international mechanisms depending on the reporting obligations. For instance the Annual State of County reports by the Governors; Annual State of Judiciary report by the Chief Justice; Annual State of Nation Report by the President; reports to the African Commission on Human and Peoples Rights(April and October); reports to the UN system etc.

- Convene consultative and briefing meetings, including high levels forums with relevant stakeholders;
- Engage with the county, national, regional and international human rights mechanisms[29].

Cascaded Results Chain and Critical Partnerships.

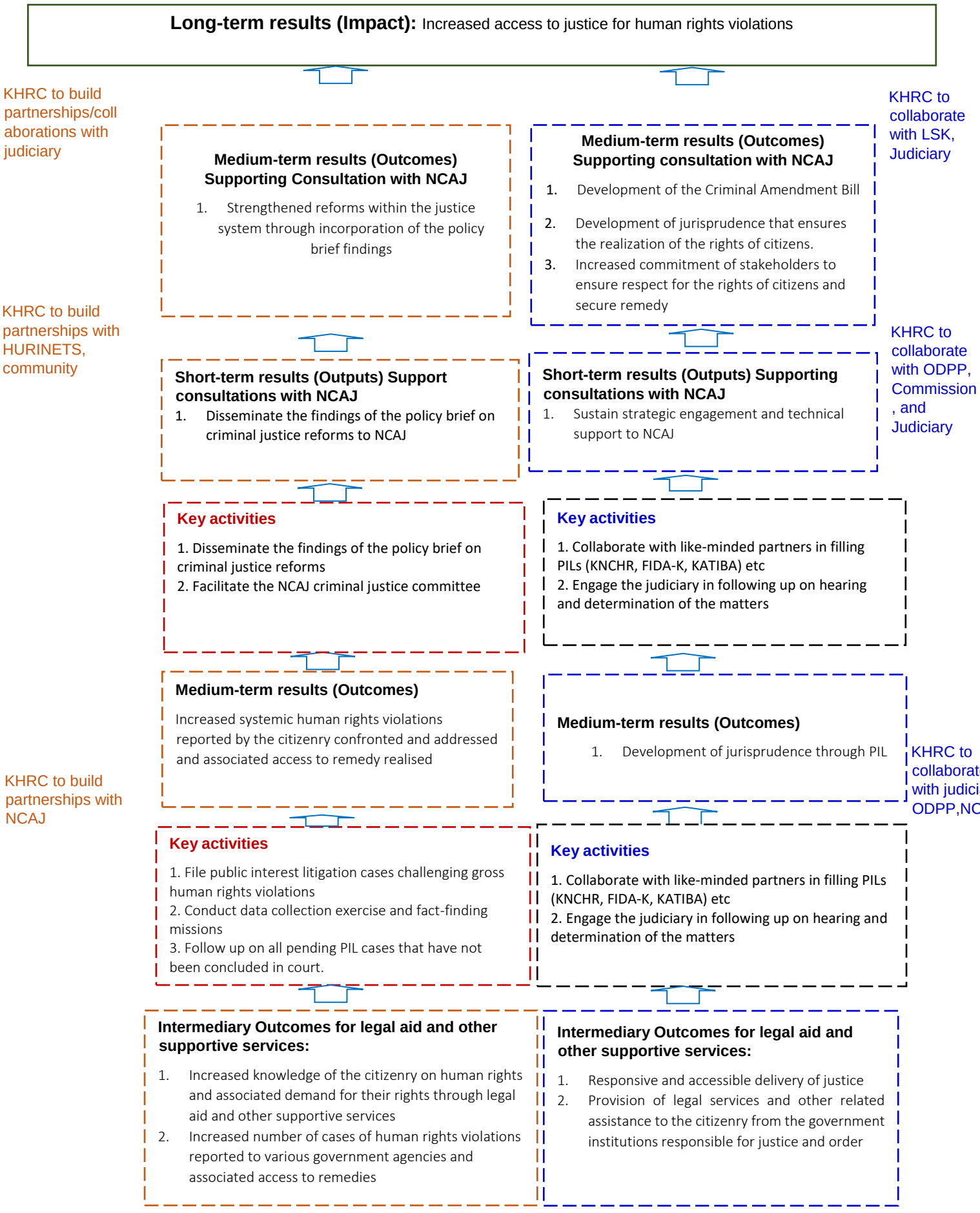
[29] As indicated above, the county, judicial, presidential, EAC, AU and UN reports and mechanisms.

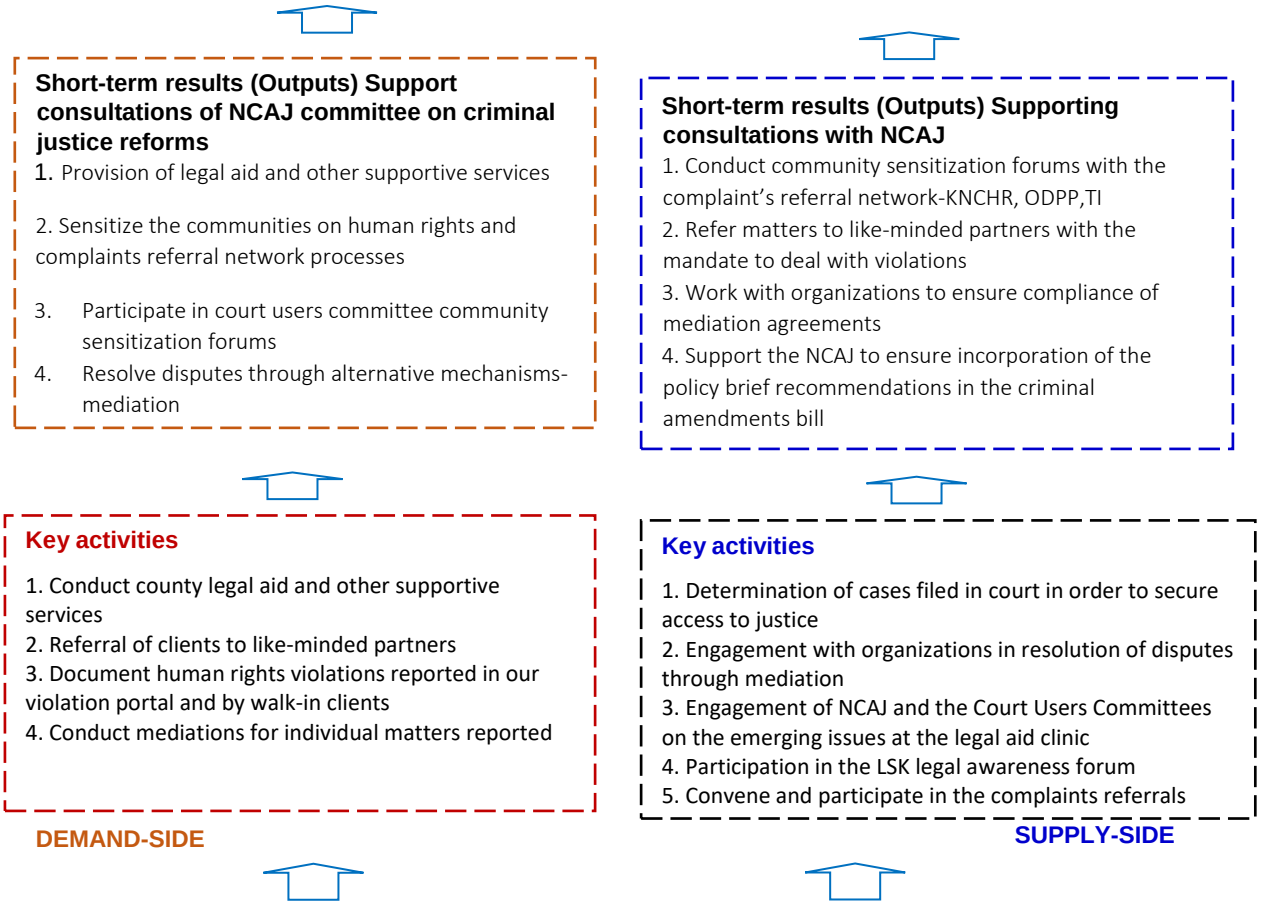
Key problem being addressed (context). Our society faces challenges in the culture of impunity which manifests in many cases of emerging and systemic violation of human rights and governance obligations without any forms of redress or accountability. This is because these are committed by the powerful and unaccountable state and non-state actors(individuals and corporates). We will be documenting and demanding urgent and remedial responses through litigation and legal aid; policy, political and media actions.

Activity Work plan

ACTIVITIES	YEAR 2021											
	J	F	M	A	M	J	J	A	S	O	N	D
Output Level (demand) 1. Conduct county legal aid and other supportive services.												
2. Referral of clients to like-minded partners.												
3. Document human rights violations reported in our violation portal and by walk-in clients												
4. Conduct mediations for individual matters reported.												
Output Level (supply) 5. Determination of cases filed in court in order to secure access to justice.												
6. Engagement with organisations in resolution of disputes through mediation												
7. Engagement of NCAJ and the Court Users Committees on the emerging issues at the legal aid clinic												
8. Participation in the LSK legal awareness forum												
9. Convene and participate in the complaints referrals partners meetings.												
Intermediary Outcome Level (demand) 10. File Public interest litigation cases challenging gross human rights violations.												
11. Conduct data collection exercise and fact-finding mission.												
12. Follow up on all pending PIL cases that have not been concluded in court.												
Outcome Level (demand) 13. Collaborate with like-minded partners in filling PILs (KNCHR, FIDA-K, KATIBA) etc												
14. Engage the judiciary in following up on hearing and determination of the matters.												

2.3.3 Legal Aid and Litigation





Key problem being addressed (context)

The Constitution of Kenya under Art. 48 guarantees the right of every person to access justice and obligates the State to take appropriate policy, statutory and administrative interventions to ensure the efficacy of justice systems. Despite the Constitutional protection, access to justice in Kenya has remained an elusive affair for the poor and marginalised communities due to various factors such as: limited access to court, the cost of litigation, lack of understanding of court procedures, illiteracy,

3 INSTITUTIONAL EXCELLENCE AND RESPONSE

3.1 INSTITUTIONAL DEVELOPMENT

The increasingly challenging political and economic environments demand that human rights and governance organisations put in place the requisite institutional resources and systems to address both the internal and external factors both in programmes and operations. Over the years, KHRC has made tremendous progress in strengthening its institutional capacity. As the organisation grows and the operating context changes, more challenges and needs emerge that require interventions to strengthen the institution and enhance its growth and sustainability. In the proposed strategic plan period, KHRC will focus on the following institutional development issues:

a) Management systems
b) Financial resources
c) Staff capacity and motivation
d) Work environment
e) Partnerships
f) Communication
g) Monitoring and Evaluation

3.1.1 Management Systems

Context

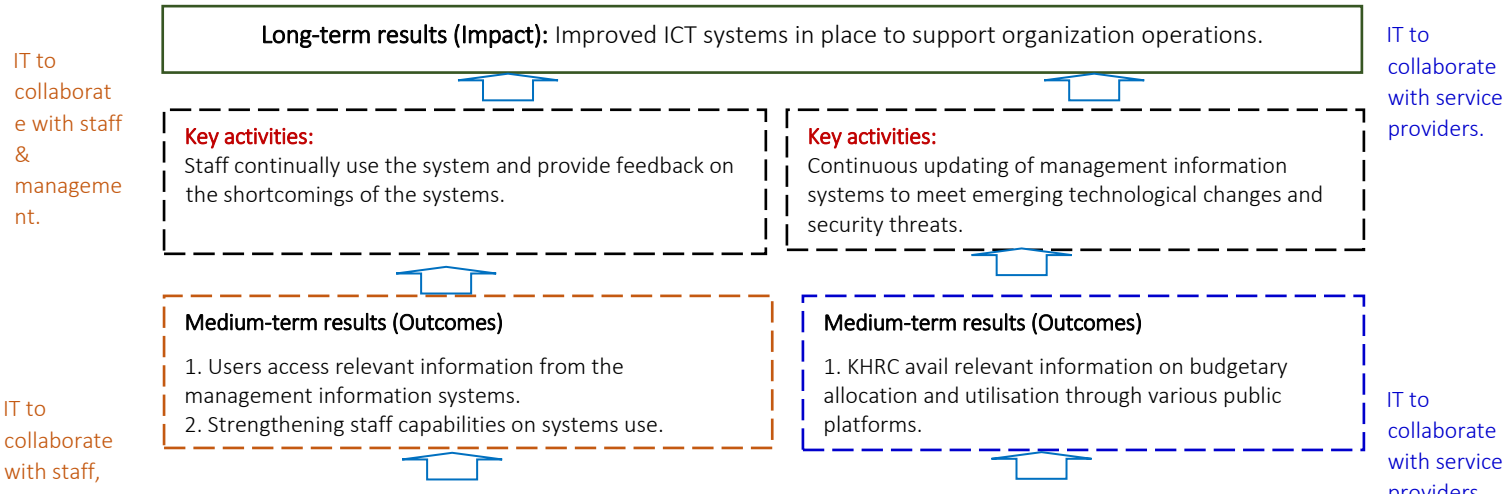
KHRC has an Enterprise Resource Planning (ERP) system that addresses most of its current management needs. However, KHRC needs to continuously update and customise the system to meet changing user needs. Enhancement of the system may require a revision of some of the internal policies and procedures to ensure they are aligned.

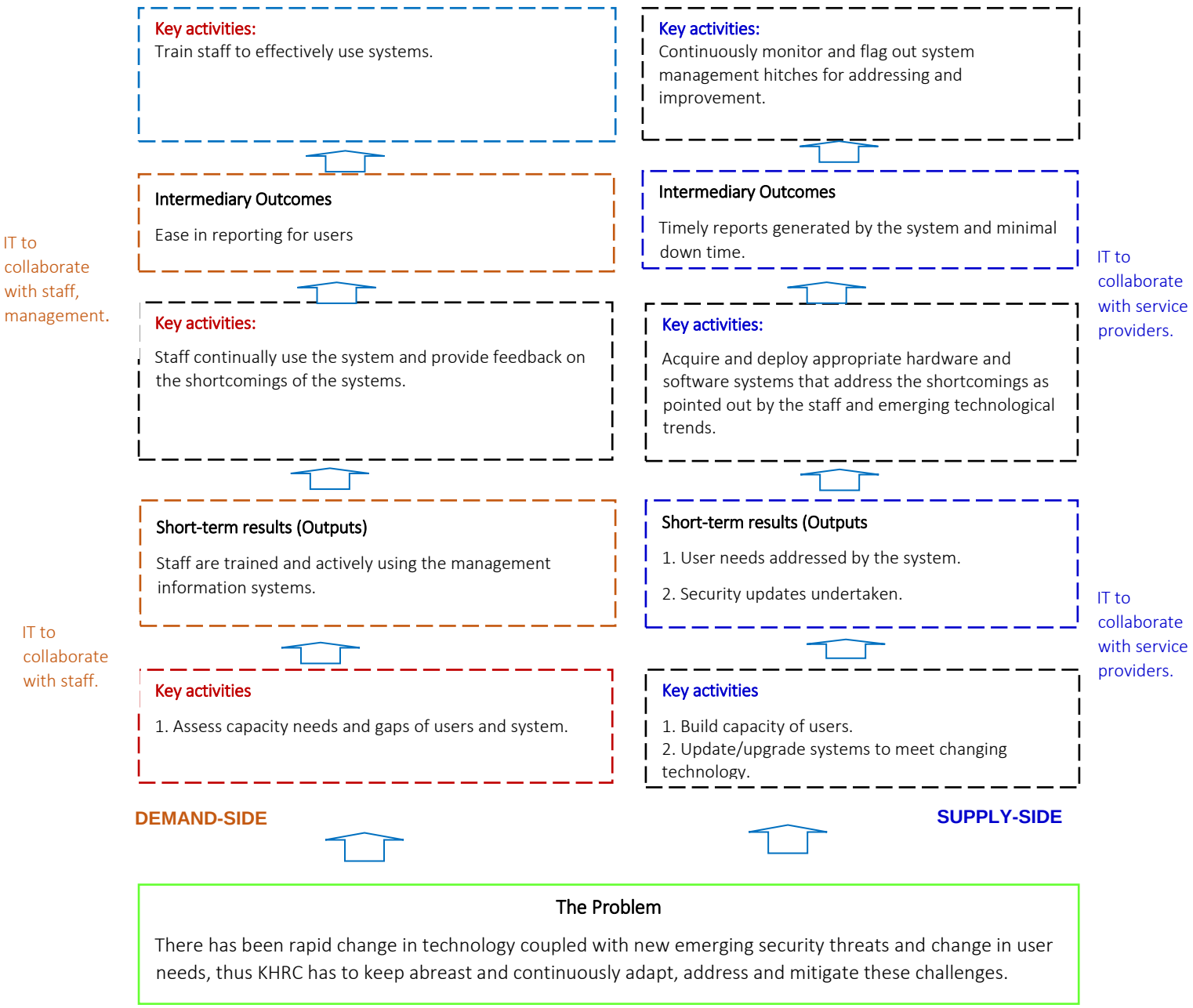
Objective:
To continuously enhance the management systems, policies, and procedures.

Key Interventions and Activities

- Continuously update and customise the ERP system.
- Continuously train staff on the application and utilisation of the ERP system
- Periodically review management policies and procedures to align to changes in the environment.
- Integrate and continuously upgrade the ICT infrastructure to meet emerging needs.

Cascaded Results Chain and Critical Partnerships





Activity Work plan

ACTIVITIES	YEAR 2021											
	J	F	M	A	M	J	J	A	S	O	N	D
Output Level (demand) 1. Assess capacity needs and gaps of users and system.												
Output Level (supply) 2. Build capacity of users. 3. Update/upgrade systems to meet changing technology.												
Intermediary Outcome Level (demand) 4. Staff continually use the system and provide feedback on the shortcomings of the systems.												
Intermediary Outcome Level (supply) **5.** Acquire and deploy appropriate hardware and software systems that address the shortcomings as pointed out by the staff and emerging technological trends.												

ACTIVITIES	YEAR 2021											
	J	F	M	A	M	J	J	A	S	O	N	D
Outcome Level (demand) 6. Train staff to effectively use systems.												
Outcome Level (supply) 7. Continuously monitor and flag out system management hitches for addressing and improvement.												
Impact level (demand) 8. Staff continually use the system and provide feedback on the shortcomings of the systems.												
Impact level (supply) 9. Continuous updating of management information systems to meet emerging technological changes and security threats.												

3.1.2 Financial Resources

Context

Objective:
To increase and diversify funding sources.

Funding for human rights work continues to shrink globally. Human Rights Defenders and organisations such as KHRC are at a very precarious situation of diminishing financial resources in an environment of increased demand for services. KHRC largely relies on conventional donors to fund its services and meet overhead costs, and in some cases staff lack skills in fundraising. Moving forward, KHRC will begin to explore new non-traditional funding opportunities in order to diversify its funding base and improve its sustainability.

Key Interventions and Activities:

- Proactively reach out to and seek support from non-traditional funders.
- Develop opportunities for generating direct income.
- Enhance staff skills and involve them in fundraising.
- Explore the development of a human rights endowment fund.
- Continuously enhance efficiency in the utilisation of resources.

Activity Work plan

ACTIVITIES	YEAR 2021											
	J	F	M	A	M	J	J	A	S	O	N	D
1. Proactively reach out to and seek support from non-traditional funders.												
2. Develop opportunities for generating direct income.												
3. Enhance staff skills and involve them in fundraising.												
4. Explore the development of a human rights endowment fund.												
5. Continuously enhance efficiency in the utilisation of resources.												
6. Proactively reach out to and seek support from non-traditional funders.												

3.1.3 Partnerships

Context

KHRC accomplishes most of its work through coalitions and partnerships. However, KHRC does not have comprehensive policies and procedures to guide the development and management of partnerships and participation in coalitions.

Objective:
To nurture and strengthen partnerships.

Key Interventions and Activities:

- Develop a policy and procedures manual to guide the development and management of partnerships i.e. with HURINETs, sub-grantees and coalitions.
- Map out and prioritise potential partners at various levels of operations (county, national, regional and international).

Activity Work plan

ACTIVITIES	YEAR 2021											
	J	F	M	A	M	J	J	A	S	O	N	D
1. Develop a policy and procedures manual to guide the development and management of partnerships i.e. with HURINETs, sub-grantees and coalitions.												
2. Map out and prioritise potential partners at various levels of operations (county, national, regional and international).												

3.1.4 Staff Capacity and Motivation

Context

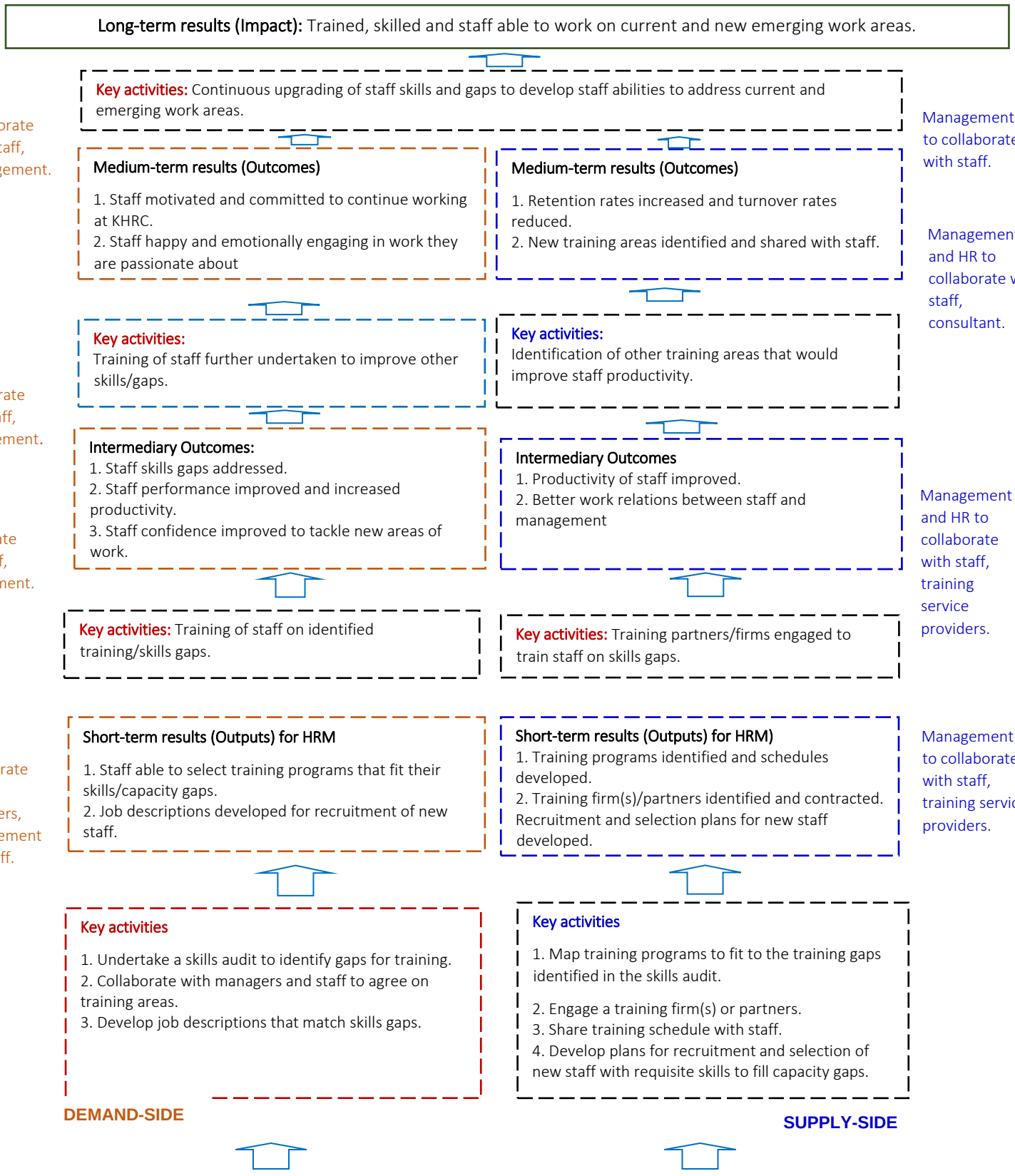
KHRC continues to expand its services to work in new areas and tackle emerging issues. For instance, under this strategic plan, KHRC will expand its work in environmental justice and corporate accountability. This requires new skills and competencies that KHRC staff may currently not have and may require KHRC to train and/or hire new staff to fill the capacity gaps. In recent years, KHRC has experienced high staff turnover with exit interviews pointing to limited staff motivation and retention strategies.

Objective:
To strengthen the leadership and technical capacities of staff.

Key Interventions and Activities:

- Revise the KHRC organisational structure to align it with the new strategic plan.
- Conduct a skills audit based on the strategic plan, identify gaps and make recommendations on filling the gaps.
- Review staff remuneration structure to ensure it is competitive and aligned to market rates.
- Review the human resource policies and practices to enhance support for staff performance, development, motivation and retention.
- Develop and implement a training program for staff to develop both technical and leadership skills.

Cascaded Results Chain and Critical Partnerships



The Problem

KHRC has experienced a high turnover that has created a skills shortage affecting performance and well-being of staff. The skills shortage requires KHRC to train and/or hire new staff to fill capacity gaps.

Activity Work plan

ACTIVITIES	YEAR 2021											
	J	F	M	A	M	J	J	A	S	O	N	D
Output Level (demand) 1. Undertake a skills audit to identify gaps for training.												
2. Collaborate with managers and staff to agree on training areas.												
3. Develop job descriptions that match skills gaps												
Output Level (supply) **4.** Map training programs to fit to the training gaps identified in the skills audit.												
5. Engage a training firm(s) or partners.												
6. Share training schedule with staff.												
7. Develop plans for recruit and selection of new staff with requisite skills to fill capacity gaps.												
Intermediary Outcome Level (demand) **8.** Training of staff on identified training/skills gaps.												
Intermediary Outcome Level (supply) **9.** Training partners/firms engaged to train staff on skills gaps.												
Outcome Level (demand) 10. Training of staff further undertaken to improve other skills/gaps.												
Outcome Level (supply) 11. Identification of other training areas that would improve staff productivity.												
Impact level (demand) **12.** Continuous upgrading of staff skills and gaps to develop staff abilities to address current and emerging work areas.												

3.1.5 Work Environment

Context

KHRC plans to move from its current office address to a new location. In making this move, KHRC will ensure that the new location is conducive to staff and clients through the improvement of the infrastructure, enhancing security and facilities and provision of adequate equipment to enable staff to discharge their duties effectively. KHRC will also be keen to enhance positive work and organisational culture.

Objective:
To develop a safe and conducive work environment.

Key Interventions and Activities:

- Set up and develop infrastructure at new location that is conducive to staff and clients.
- Promote a work culture that is positive, encourages consultation, teamwork and mutual respect.
- Develop measures to promote security, safety and well-being of staff.
- Ensure all staff have appropriate work equipment, tools and facilities.

3.1.6 Communication

Context

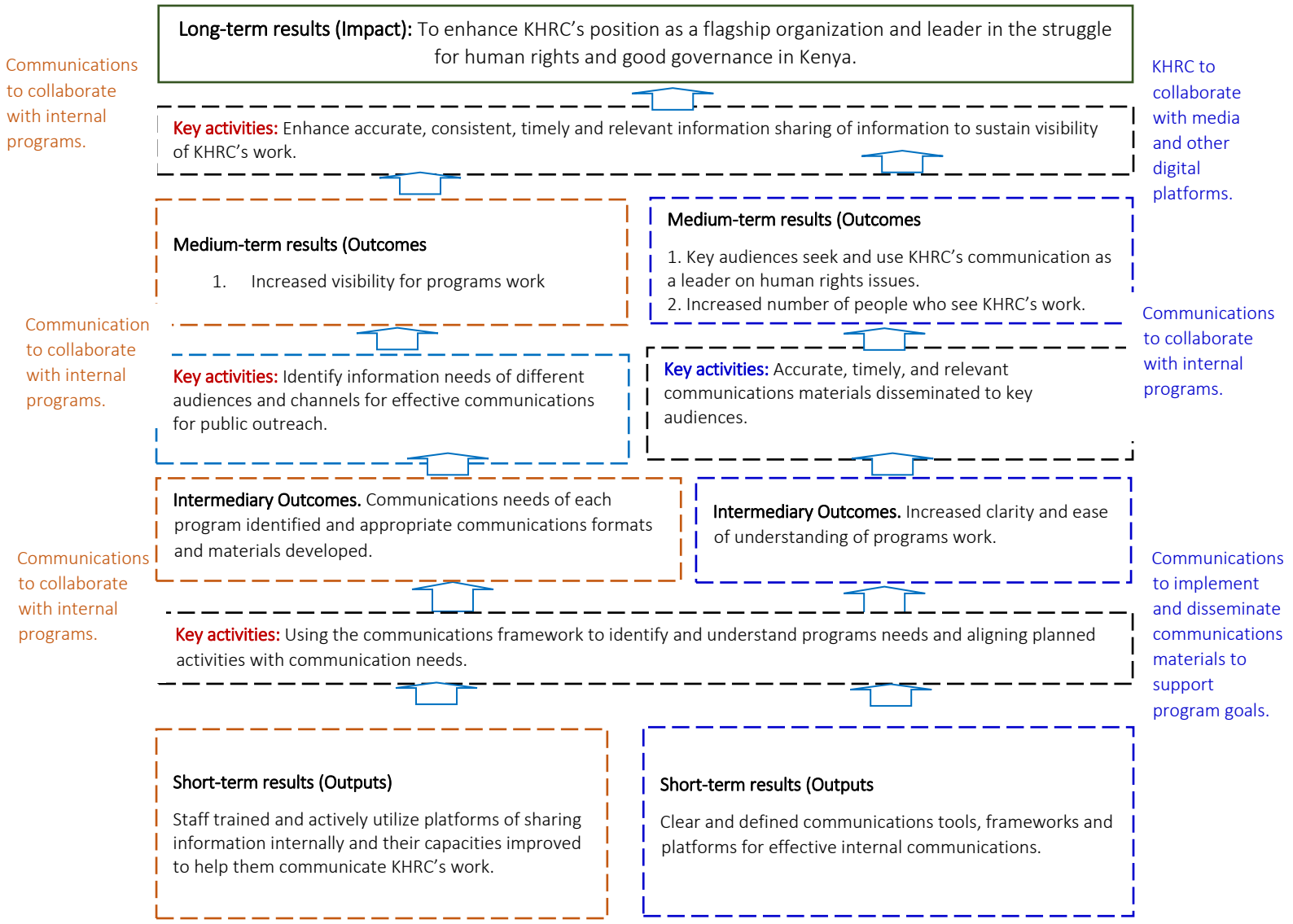
From experiences in implementing the communication strategy, KHRC appreciates the need for more effective engagement with the media. KHRC further needs to enhance the capacity of staff to better engage with the media and respond to fake news and bad press. Additionally, the systems of communication and responsibilities need to be streamlined to enable the organisation to respond to its external environment more effectively.

Objective:
To enhance the public image and profile of the Commission.

Key Interventions and Activities:

- Review the communication strategy for more effective engagement with internal and external stakeholders.
- Maintain an updated database of key media outlets, contacts of editors and journalists.
- Create and maintain linkages with the media to share institutional information and keep them updated on issues.
- Generate frequent, accurate and timely content for social media platforms based on thematic areas.

Cascaded Results Chain and Critical Partnerships



Communications to collaborate with internal staff.

Communications to establish platforms for sharing information internally.

Key activities

1. Assess and map out appropriate instruments of communications.

Key activities

1. Identify appropriate communications resources and steps that can integrate efficiency in internal communications.
2. Establish platforms for sharing information internally.

DEMAND-SIDE

SUPPLY-SIDE

The Problem

There is limited visibility and public awareness on human rights issues and inadequate appreciation of human rights as an issue of broad public interest resulting in hostility of duty bearers to human rights issues.

Activity Work plan

ACTIVITIES	YEAR 2021											
	J	F	M	A	M	J	J	A	S	O	N	D
Output Level (demand) 1. Assess and map out appropriate instruments of communications.												
Output Level (supply) 2. Identify appropriate communications resources and steps that can integrate efficiency in internal communications.												
3. Establish platforms for sharing information internally.												
Intermediary Outcome Level (demand) **4.** Using the communications framework to identify and understand programs needs and aligning planned activities with communication needs.												
Intermediary Outcome Level (supply) **5.** Identify information needs of different audiences and channels for effective communications for public outreach.												
Outcome Level (demand) 6. Identify information needs of different audiences and channels for effective communications for public outreach.												
Outcome Level (supply) 7. Accurate, timely, and relevant communications materials disseminated to key audiences.												
Impact level (demand) **8.** Enhance accurate, consistent, timely and relevant sharing of information to sustain visibility of KHRC's work.												

3.1.7 Monitoring and Evaluation

Objective:
To ensure timely and results based conceptualisation, documentation and dissemination of KHRC's interventions and achievements

KHRC captures changes in duty bearer': a) commitments; b) responsiveness; and c) actions. At the same time, KHRC measures changes in: a) community empowerment; and b) results for communities. In this way, KHRC identifies results from the duty bearer (supply), rights holder (demand) and outcomes angles. Overall, we apply four main approaches and frameworks across the board: Planning, Learning, Monitoring and Reporting Framework (PLMR); Results Based Management (RBM), Most Significant Change (MSC), Power Analysis, and Scorecards.

Moreover and in understanding differences made on account of our work, KHRC uses individual stories of change and, on a more systematic and aggregated basis, assesses and documents who has been helped, how many have benefited and in what kinds of ways and, evaluates the extent to which its programmes have brought about lasting changes in people's lives, as well as changes in policy and legislation. These approaches are coupled with a number of reflection processes to enable realignment of the KHRC's work.

With regards to understanding what difference has been made through the implementation of these approaches KHRC will;

- Be able to do this both in terms of individual stories of change and on a more systematic and aggregated basis.
- Be able to say who has been helped, how many have benefited and in what kinds of ways.
- 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.

With regards to understanding how KHRC has made a difference through the implementation of these approaches KHRC will;

- Learn from its work so it can 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.
- Understand what characteristics of Human Rights Networks (HURINETS) and other partners are most effective in supporting change for different groups in a variety of contexts. For example, the importance of partner institutional capacity, management structures, difficulties in co-ordination or communication etc.

In addition, KHRC combines mid-term reviews, programme evaluations, and staff personal development reviews together with a number of internal reflection processes at community, team, organisational, management and board levels to ensure that learning is used to adapt KHRC's interventions and guide planning. We prepare quarterly and bi-annual progress reports during our operational year that runs between April and March.

Our annual report is therefore the ultimate document that provides a synopsis of the main strategies we applied, results achieved, and funds received and utilised during the period under review. It systematically and progressively captures the achievements documented in our reflections and quarterly reports each year (sometimes building on the previous years due to the tenacious and continuous nature of our interventions). **We purpose to revise and upgrade our Monitoring, Learning, Reporting and Evaluation tools and hire an M & E Manager to assist in tracking and documenting our results.**

4 ANNEXTURES

4.1 ANNEX 1

4.1.1 Core Values

i) *Courage and conviction:* We believe in the fundamental rights and liberties of all people. We always strive to do what is right and just for the people regardless of the consequences.

ii) *People-centered:* We believe in the inherent ability of people to defend their own rights. We stand between power and powerless and serve as a catalyst and facilitator that empowers the people to defend their rights and tames the proclivity of the state to violate rights**.**

iii) *Fairness and social justice:* We believe in equitable treatment of all people and provision of services and opportunities to all in a manner that targets the many who are in disadvantaged situations.

iv) *Liberty and human dignity***:** We believe that we are all born free, with inherent rights and dignity. To that effect, nothing shall limit us from advancing the full enjoyment of people's rights and freedoms and the preservation of their dignity and human development.

v) *Transparency and Accountability:* We discharge our duties in an open and honest manner and take responsibility for all our choices and actions, and demand for the same in the governance of societal affairs.

vi) *Equality and inclusion:* Our work ensures that all individuals and groups are treated equally and are actively and meaningfully involved in and benefit from the social, economic and political affairs of the society regardless of race, gender, religion, creed, health status, political opinion, ethnicity, sex, sexual orientation or any other ground.

4.1.2 Key Strategies

i) *Advocacy:* KHRC engages duty bearers at the county, national, regional, and international levels with an aim of influencing policy and decisions on human rights, social justice and democratic governance. KHRC utilises various advocacy approaches including high level lobbying and negotiation, petitioning, mass action, public interest litigation, multi-stakeholders conferences, and media campaigns.

ii) *Research, documentation and knowledge sharing*: KHRC conducts research, policy analysis and fact-finding missions to generate, organise, publish and share knowledge and information to inform its work and the work of its partners and peers. This positions KHRC both as a learning organisation and a thought leader in human rights and governance.

iii) *Civic action***:** In the spirit of community-led action, KHRC catalyses and facilitates affected groups and communities to mobilise and organise for a common cause in the protection of human rights and dignity.

iv) *Coalition and movement building***:** KHRC is a convener and a member of several coalitions and movements formed to address specific issues on democratic governance and human rights. KHRC will continue to play an active role in supporting coalitions, movements and solidarity missions that are relevant and valuable to its work.

v) *Human rights education (HRE):* There is limited human rights awareness in the communities we serve. KHRC aims to address this gap through public education and awareness creation about fundamental rights and freedoms.

vi) *Legal action:* In order to enhance equitable access to justice, KHRC provides legal assistance, representation, advice and reference to individuals and groups that are unable to access justice due to various reasons and situations that disadvantage them.

4.2 ANNEX 2

4.2.1 Targeted Populations

Broad Categories	Specific Targets
Persons in disadvantaged situations	• Citizens in need of legal aid • Special interest groups and populations (PWDs, LGBTI, women, youth) • Ethnic minorities • Small holder farmers • Workers
People victimised by diverse injustices	• Internally displaced persons (IDPs) • Workers that are victims of abuse • Stateless persons and other undocumented persons • Citizens with difficulties in accessing government services • People victimised by arbitrary arrests, detentions, torture, extrajudicial executions, forced disappearances • Communities excluded from natural and other land based resources • People victimised by land injustices • People victimised by historical and emerging injustices
Government agencies and institutions that suffer interference by the Executive	• The judiciary • The Security forces • Constitutional commissions and independent offices Parliament • County assemblies • Regional and international human rights mechanisms

4.3 ANNEX 3: RISKS AND MITIGATION STRATEGIES

RISKS	MITIGATION STRATEGY
COVID 19 which limits capacities to work effectively and continuously on the ground.	• We will keep on monitoring the situation and innovate ways of working with our partners , including use of the online and offline platforms • Also facilitating and empowering them to independently lead key interventions on the ground. • Remain responsive to human rights violations related to adverse government actions
Political repression and shrinking civic space towards the constitutional referendum envisaged in 2021 and the 2022 General Elections	• Litigation to challenge any government actions to restrict our operations. Also organising the sector to be more prepared, protective and responsive to possible threats and exposures. • Appeals for solidarity with our national and international networks to pressure the Kenyan government against such draconian measures. • Clear the air/rebuttal press conferences and media interviews.
Political contestation towards the constitutional referendum envisaged in 2021 and the 2022 General Elections	• Monitor and document the state of political governance in the country • Support a political group to lead dialogues and conversations among the different actors. • Push for interventions of the international community. • Organise citizenry to engage with electoral and political governance issues in the country
Shrinking financial resources	• Proactively reach out to and seek support from non-traditional funders. • Develop opportunities for generating direct income. • Enhance staff skills and involve them in fundraising. • Continuously enhance efficiency in the utilisation of resources. • Explore the development of a human rights endowment fund.
Staff capacity gaps and also transitions that can cripple operations and programmes	• Review and implement the Human Resource Policy and practices to ensure more support and opportunities for all staff. • Creation of more supportive and motivating environment, staff retreats, meetings, trainings, benefits, leaves etc. • We will also create a succession plan to be able to manage transitions beyond our sphere of control.
Deepened impunity, with mass and gross violations and less accountability.	• Formation of effective urgent action and response teams, within and outside the Commission. • Sustained partnerships and collaborations • Periodical reviews and refocusing, to remain more targeted and responsive to systemic violations
Disengagement by critical actors such as State agencies	• Use of intermediaries to engage with non-responsive stakeholders. • Develop a policy and procedures manual to guide the development and management of partnerships i.e. with HURINETs, sub-grantees and coalitions. • Map out and prioritise potential partners at various levels of operations (county, national, regional and international).

4.4 ANNEX 4: INSTITUTIONAL BUDGET (SUMMARY).

Action Area	Thematic focus(key human rights and governance issues)	Estimated Cost per Project/ Issue Area (Ksh)	Estimated Cost per Project/ Issue Area in (USD)
Inclusion and Political Justice	Statelessness and Citizenship	16,957,200.00	169,572.00
	Electoral Justice, including the Constitutional Referendum	53,857,500.00	538,575.00
	Transitional Justice(historical injustices and security excesses)	15,109,700.00	151,097.00
	Staff Cost	21,114,336.76	211,143.37
	Share of Administrative Costs	4,866,020.83	48,660.21
Sub - Total		111,904,757.59	1,119,047.58
Social and Economic Justice	Public Finance Management	12,616,200.00	126,162.00
	Land and Natural Resource Justice	12,773,500.00	127,735.00
	Corporate Accountability and Labour Justice	11,418,000.00	114,180.00
	Staff Cost	10,318,257.20	103,182.57
	Share of Administrative Costs	2,780,583.33	27,805.83
Sub - Total		49,906,540.53	499,065.41
Cross Cutting across programmes	Protection of Civic and Democratic Space	5,930,000.00	59,300.00
	Human rights Monitoring and Response	13,843,000.00	138,430.00

	Legal Aid and Litigation	5,000,000.00	50,000.00
	Staff Cost	15,431,535.49	154,315.35
	Share of Administrative Costs	2,697,046.24	26,970.46
Sub - Total		42,901,581.73	429,015.82
Institutional Development	Management systems	10,320,000.00	103,200.00
	Financial sustainability	12,113,000.00	121,130.00
	Staff capacity and motivation	11,400,000.00	114,000.00
	Work environment /Relocation	15,500,000.00	155,000.00
	Partnerships	2,500,000.00	25,000.00
	External Communication	6,400,000.00	64,000.00
	Staff Cost	36,274,355.39	362,743.55
	Share of Administrative Costs	6,339,849.59	63,398.50
Sub - Total		100,847,204.98	1,008,472.05
OVERALL INSTITUTIONAL BUDGET		305,560,084.84	3,055,600.85

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