

WILL MORE TAXATION  
LEAD TO LOW  
COST OF LIVING?

*Quarterly*

**Narrative**

**Progress**

**Report**

April 1, 2023 - June 30, 2023

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# Disclaimer

“This quarterly report has been produced by The Kenya Human Rights Commission with support of development partners. The views, opinions expressed herein do not necessarily reflect the views of the Commission nor that of its funding partners.”

# List of abbreviations

CBC	Competency Based Curriculum
CS	Cabinet Secretary
CTWOO	Come Together Widows and Orphans Organization
DPP	Director of Public Prosecution
DRC	Democratic Republic of Congo
EACC	Ethics and Anti-Corruption Commission
EANN	Executive Committee of the Eastern Africa Nationality Network
EBWG	Elimu Bora Working Group
FBO	Faith Based Organization
FIDA	Federation of Women Lawyers
GBP	Great Britain Pound
HMK	Haki Madini Kenya Coalition
HRD	Human Rights Defenders
IPJ	Inclusion and Political Justice
IPJ	Inclusion and Social Justice
KHRC	Kenya Human Rights Commission
KLA	Kenya Land Alliance
LGBTI	Lesbians, Gay, Bisexual, Queer, Transgender and Intersex
LRF	Legal Resources Foundation
LSK	Law Society of Kenya
MoE	Ministry of Education
NAP	National Action Plans
NIA	National Integrity Alliance
PWPER	Presidential Working Party on Education Reforms
SGBV	Sexual Gender Based Violence
SRHR	Sexual Reproductive Health Rights
TJRC	Truth, Justice and Reconciliation Commission
TSC	Teachers Service Commission
Yrs	Years

# Executive Summary

This quarterly report presents the progress and achievements made by Kenya Human Rights Commission (KHRC) during the first quarter (between April and June 2023) under the one year Operational Plan (OP). It discusses priority interventions implemented across three action areas namely; (i) Economic and Social Justice ; (ii) Inclusion and Political Justice; and (iii) Operational action areas that focuses on promoting institutional excellence of KHRC.

The government finally launched the National Action Plan (NAP) on Business and Human Rights on 12th May 2023, where KHRC is a member of the NAP Steering Committee that was actively involved in the development of the NAP. To promote corporate accountability, KHRC continued work demanding accountability from corporates that violate human rights by conducting investigations into cases reported to KHRC. One major case relates to Del Monte, which has been accused on human rights violation. After the investigation by Leigh Day, a UK law firm working with KHRC and Ndula Resource Centre exposed human rights violation at Del Monte, leading retailers in the United Kingdom (UK) suspended products from corporates like Del Monte a case filed by major UK retailers suspended Del Monte products from its markets.

KHRC adopted a multi-pronged approach to ensure a sustained campaign against the punitive Finance Bill, 2023. KHRC through the Okoa Uchumi campaign held several media briefings during the quarter on the punitive tax proposals in the Finance Bill, 2023. The campaign involved making television appearances and writing articles in the print media to influence the removal of the punitive tax proposal. Over 14 television broadcast and 5 print media articles on issues raised during the meeting were spotlighted leading to the publicity and sustained awareness and advocacy against the unpopular Bill by the Okoa Uchumi members in the following months of the Finance Bill/Act conversations. Over 300 concerned Kenyans took to the streets of Nairobi to protest the high cost of living and proposed higher taxes. The National Assembly adopted least 15 recommendations from the Okoa Uchumi campaign memorandum regarding the punitive tax proposals in the Finance Bill, 2023 by the Finance and planning committee report and in the Finance Act 2023.

The National Integrity Alliance (NIA), which pushes for higher levels of integrity and advocates against corruption in Kenya, continued to put up a spirited fight in questioning the integrity of the then Director of Public Prosecution (DPP), Mr. Noordin Haji and subsequent contestation of his nomination/appointment as the National Intelligence service boss on the grounds of gross misconduct, incompetence and non-compliance with Chapter Six of the Constitution on leadership and integrity. KHRC implemented a number of actions under this priority area including 3 petitions

to the Public Service Commission (PSC) and the Ethic and Anti-Corruption Commission (EACC) commission, and National Assembly. Unfortunately, due to the continued impunity by the current government, Mr. Noordin Haji was cleared unquestioned for the NIS boss position, a setback to the fight against corruption and the rule of law.

On land and natural resources governance, KHRC was appointed on 14th March 2023 as the hosting organization for Haki Madini Coalition (HMK), a coalition with 19 members from a wide range of stakeholders after a competitive process involving a series of rigorous screening steps by the steering committee that saw the KHRC emerge not only as the successful but also preferred organizations. HMK has made tremendous progress in the space and sector since its inception in 2014.

On digital justice, KHRC in partnership with Legal Resources Centre, a South African CSO, applied to be enjoined as amicus at the African Court on Human and Peoples Rights. The application filed on 26th June 2023 calls for accountability against the government of Benin for turning off the country's internet during the 2019 parliamentary elections. The internet shut down lasted for almost 24 hours, adding Benin to the statistics of a growing but worrying global trend in election-related shutdowns as witnessed in Tanzania and Uganda in 2020 and 2021 respectively.

On education reforms, Elimu Bora Working Group (EBWG) where KHRC is a convener, developed a framework for the minimum standards and principles of education to serve as a reference document for engagement with the ongoing education reforms in the country spearheaded by the Presidential Working Party on Education Reforms (PWPER). EBWG successfully held 5 media engagements where it made 2 press releases and 3 strategic meetings with journalists in the education sector to flag out the implementation gaps in the ongoing transition to Competency Based Curriculum.

KHRC held strategic media engagements on excesses by security agencies in partnership with other civil society organizations, issued several press statements condemning the unlawful use of force, unlawful arrests and the continued use of lethal crowd control weapons to disperse peaceful protesters during the commemoration of Saba Saba Day, peaceful protests against the high cost of living and amendments to the Finance Act and more recently, the repressive response by police to peaceful protesters during Mandamano.

Finally, KHRC convened stakeholders in the Sexual Reproductive and Health Rights (SRHR) and LGBTQI rights organizations, experts, activists and donors from across the country in Nairobi with the main objective of brainstorming the development of an Opposition Mitigation Strategy for Sexual Reproductive Health Rights (SRHR) and

LGBTQI rights within the prevailing context of the growing anti-rights movement in Kenya and in light of the proposed Family Protection Bill that seeks to criminalize SRHR and LGBTQI.

# 1. Introduction

## 1.1 Overview of the KHRC programmes

The period between April-June 2023 saw KHRC embark on a journey aimed at actualizing its broad strategy and annual Operational Plan (OP) themed “Nurturing a progressive people’s movement that delivers a human rights state”. The OP outlines main strategies and priority areas of intervention for the Commission between April 2023 to March 2024 as the next Strategic Plan (SP) is being prepared. The OP seeks to achieve the following results;

- i. Initiated people-based political mobilization and engagements with key governance processes.
- ii. Sustained strategic actions and responses to systemic human rights issues at all levels.

The purpose of this quarterly report is to share progress on activities and initiatives undertaken by KHRC between April and June 2023 that are geared towards these results. The Commission implements interventions across three pillars namely; (i) Economic and Social Justice ; (ii) Inclusion and Political Justice; and (iii) Operational action area that focuses on promoting institutional excellence of KHRC to realize the first and second action areas. Apart from the three pillars, KHRC has a cross cutting pillar that deals with overarching issues that require urgent response to emerging human rights matters.

## 1.2 Development in the Operating Context

The operating context was characterized by discussion on the burgeoning public debt, the Finance Bill, now Finance Act, with Kenyans hitting the streets to protest against the high cost of living and runaway inflation that is driving Kenyans deeper into poverty. The Azimio La Umoja coalition continued to push the Kenya Kwanza regime to remove the punitive taxes through weekly demonstrations and protests across the country to demand removal of these taxes in the Finance Bill 2023 and instead demand the government to put in place measures to cushion Kenyans the rising cost of living to additional taxes levied on basic commodities. On the educational front, there was confusion with regard to learning under the Competency Based Curriculum (CBC) as the first cohort of learners transitioned to Junior Secondary Schools (JSS). CSOs and stakeholders in the education sector cited challenges related to the inadequate preparedness by the Ministry of Education (MoE) and the Teachers Service Commission (TSC) to post enough teachers to JSS. Questions have been raised as to whether learning is actually happening in the JSS due to lack of teachers, learning materials and delayed disbursement of funds to these schools which will compromise the quality of learning. The KHRC through the Elimu Bora Working Group (EBWG) made submissions to the

Presidential Working Party on Education Reforms (PWPER) with recommendations on the kind of reforms that should be made to address challenges in the education sector.

The 'stakeholder' narrative and the quest for inclusive governance in Kenya continued to gain momentum during the review period. Bipartisan talks between the Kenya Kwanza regime and the opposition failed to kick off as planned, resulting to a call for public protests across the country by the opposition. The opposition cited lack of commitment from the government side to tackle issues raised as the main reason for the collapse of the talks. To further promote inclusion and political justice, there were calls for the re-constitution of the IEBC selection committee whose timelines are said to be running out and likely to paralyze the operations of the commission and its ability to deliver its mandate. Within the reporting period, the Supreme Court ruled on the LGBTQ right to association. This was a landmark ruling that made religious organizations raise concerns on its effects on the religious and Kenyan cultural fabric.

KHRC continued with urgent response measures to address emerging human rights issues and police excesses during demonstration and public protests-. Due to unprecedented police excesses during public protests against the cost of living as KHRC issued statement to condemn the police excesses and brutality meted on peaceful protestors.

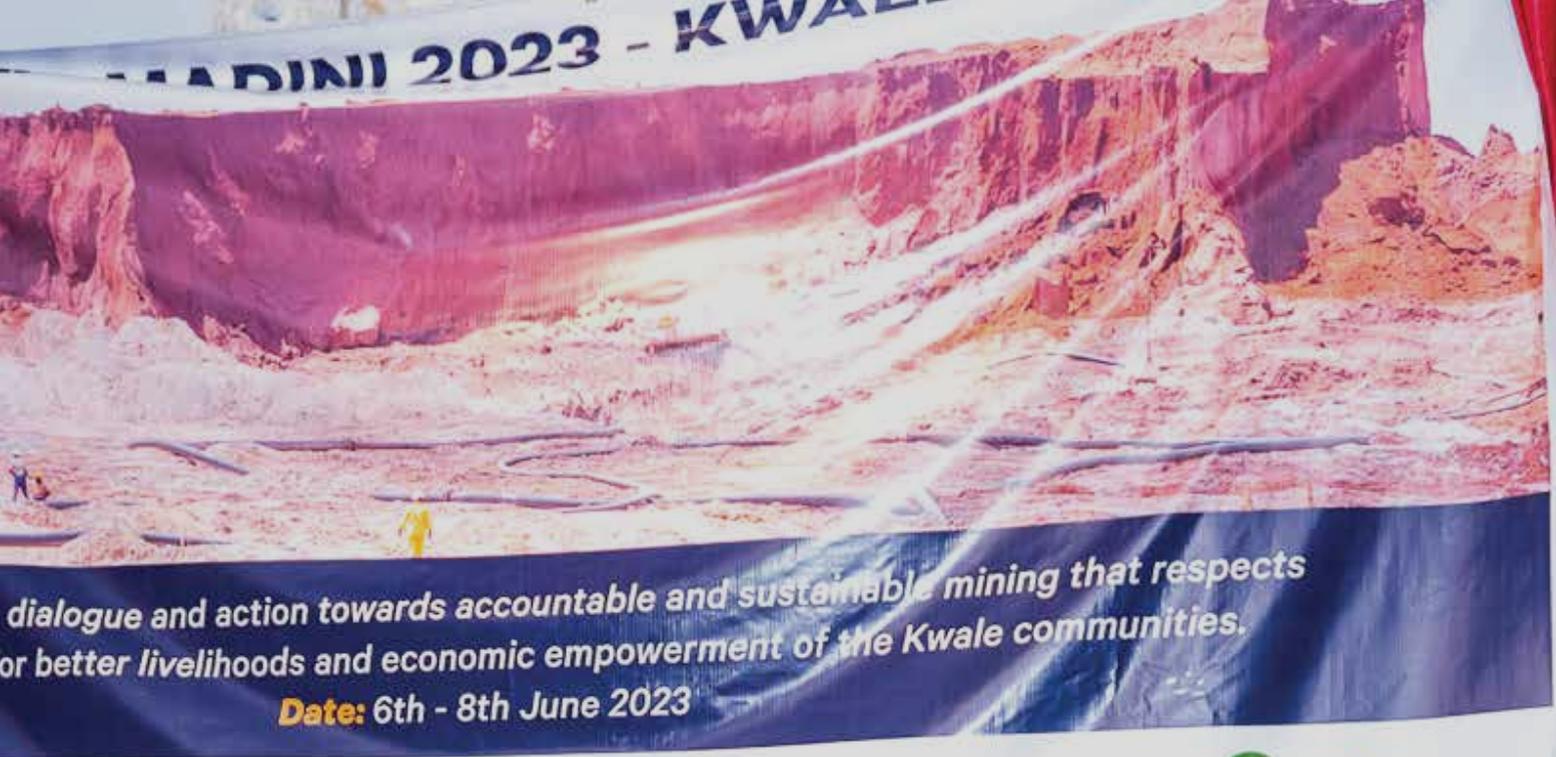
The media brought to the limelight the Shakahola deaths with discovery of additional graves in Kilifi County. The arrest of Pastor Mackenzi and Ezekiel who are leaders of two evangelical that preach the gospel of prosperity, miracles and urge people to fast until they meet 'God'. So far more than 300 bodies had been exhumed. As a result, a parliamentary inquiry committee was set up to inquire into the Shakahola deaths.

In a report dubbed 'True cost of our tea: Sexual abuse on Kenyan tea farms revealed' BBC uncovered sexual exploitation on tea farms that supply some of the UK's most popular brands, including PG Tips, Lipton and Sainsbury's Red Label. KHRC has been working on the matter under its corporate accountability thematic area. As a result of the expose, a new momentum to pursue justice for the victims was initiated in partnership with local civil society groups.

KHRC continued to intervene in the transnational conflicts. For instance, the commission has been involved in designing mechanism to tackle conflicts in Ethiopia, Sudan, and Democratic Republic of Congo (DRC). Due the efforts by KHRC, it was involved in the launch of the first- ever civil society monitoring mechanism of the Ethiopia Cessation of Hostilities agreement. As part of our continued efforts towards enhancing the realization of key Transitional Justice interventions in Africa, KHRC together with

Atrocities Watch Africa and Africans for the Horn successfully launched the first-ever civil society monitoring mechanism of the Ethiopia Cessation of Hostilities Agreement on the 10th of July 2023.

In response to the quest for CSO unity in the wake of shrinking civic space and anti-rights movement, KHRC convened CSOs so as to counter government efforts to limit spaces for CSOs to operate. As such KHRC sustained efforts aimed at mobilizing CSOs to unite and speak with one voice through consensus building and identifying strategies for strengthening ongoing initiatives that are actively involved in addressing the challenges facing the country under the Kenya Kwanza administration.



*KHRC's Furaha Charo (right) during a panel discussion at Jamvi la Madini forum held in Kwale County this year.*

2.

# Implementation progress

This section discusses the progress made in implementing planned activities against each pillar.

## 2.1. Economic and Social Justice

During the reporting period, KHRC implemented activities across the following four priority areas.

### **i) Corporate accountability/ business and human rights**

Following an acceptance to adopt the United Guiding Principles on Business and Human Rights in 2015, the government finally launched a National Action Plan (NAP) on Business and Human Rights on 12th May 2023. KHRC has been a member of the NAP Steering Committee that was responsible for development of the NAP. As part of the development process, KHRC led in the National Baseline Assessment that provided general guidance for NAP development. KHRC now sits in the NAP Implementation Committee.

Efforts by the KHRC demanding corporates and human rights violation continued bearing fruits after one of the leading retailers in the United Kingdom (UK), Tesco suspended Del Monte products from its markets following an investigation by Leigh Day, a UK law firm, working closely with KHRC and Ndula Resource Centre. The suspension by Tesco came after the investigations revealed claims by community members that Del Monte's security guards used violence and excessive force them leading to grave assault and killings. KHRC provided insights and supporting documents to the Guardian newspaper published in the UK, on the violations reported in Del Monte in a combat and expose corporate impunity.

### **ii) Public Finance Management (financial inclusion/inclusive economies)**

KHRC adopted a multi-pronged approach to ensure a sustained campaign against the punitive Finance Bill, 2023, which is now law. KHRC through the Okoa Uchumi campaign held a media briefing on 22nd May 2023 on the punitive tax proposals in the Bill. The campaign involved making television appearances and writing articles in the print media to influence the removal of the punitive tax proposal. Over 14 television broadcast and 5 print media articles on issues raised during the media breakfast meeting held on 22nd May 2023 were spotlighted leading to publicity and sustained awareness and advocacy against the unpopular Bill by the Okoa Uchumi members in the following months of the Finance Bill/Act conversations. Over 300 concerned Kenyans took to the streets of Nairobi on 6th June 2023 to protest the high cost of living and campaign against the torturous tax proposals resulting in arrests of more than 11 (5 women; 6

men) peaceful demonstrators. Although they were later released on bail the same day, the arbitrary arrests point to shrinking of civic space and disregard by law enforcers of Constitution provisions under Article 37 on right to peaceful demonstrations. Similarly on 13th, 14th and 20th June 2023, KHRC launched at least 7 captivating hashtags which were generated to facilitate a cohesive and easily trackable Twitter campaign on the Bill. The hashtags adopted for the campaign included; *#HustlerAmechoka, #FinanceBill2023, #Maandamano, #FinanceBillDebate, #RejectHousingLevy, #RejectFuelTaxIncreament, and #Nanihanakwao*. The campaign targeted all Kenyans and was spearheaded by youth drawn from the university garnering at least 96,000 reach and trending the entire campaign period.

Out of this campaign, participatory approach to addressing governance issues was realized. At least 15 recommendations were adopted by the National Assembly from the Okoa Uchumi campaign memorandum regarding the punitive tax proposals in the Bill. This is after KHRC made submissions to the National Assembly of Kenya on 21st June, 2023, bringing out a human rights lens to the proposed law. The brief was/is instrumental in the engagement of critical stakeholders among them the court, parliamentarians, and Kenyans towards raising awareness and actioning against the tax proposals in the now Finance Act, 2023.

The National Integrity Alliance (NIA), a united front whose broad objective is to push for higher levels of integrity as a critical precursor and key ingredient in turning the tide against corruption in Kenya, has since November 2022 put up a spirited fight in questioning the integrity of the then Director of Public Prosecutions (DPP), Mr. Noordin Haji and subsequent contestation of his nomination/appointment as the National Intelligence service boss on the grounds of gross misconduct, incompetence and non-compliance with Chapter Six of the Constitution on leadership and integrity. Since the start of Kenya Kwanza regime, Kenyans witnessed unjustifiable dropping of cases by the DPP of high-profile individuals many of whom are currently occupying high positions including cabinet offices. As integrity champions, KHRC and partners conducted a series of activities including petitioning the Ethics and Anti-Corruption Commission (EACC), press conferences and media interviews.

The KHRC through the NIA held a media briefing with editors and journalists on 22nd May 2023 and shared its petition to calling for the DPP to be ousted from office on grounds of gross misconduct and abuse of office. In addition, 3 petitions to remove from office the DPP were submitted to critical offices including the Public Service Commission (PSC) and the Ethics and Anti-Corruption Commission (EACC) and National Assembly. Unfortunately, due to the continued impunity by the current government, Mr. Noordin Haji was cleared for the NIS boss position, which remains

a setback to the fight against corruption and the rule of law.

On 26th May, 2023, the Transparency International Kenya (TI) withdrew the leadership and Integrity award granted to Mr. Noordin Haji in 2019. The withdrawal was on grounds of gross misconduct and abuse of office. KHRC and other NIA members piled pressure on TI, also a member of the National Integrity Alliance to withdraw the award indicating that the continued existence of the award is a setback in the integrity quest.

### **iii) Land and resource justice**

KHRC implemented a number of actions under this priority area. First, KHRC was appointed on 14th March 2023 as the hosting organization for Haki Madini Kenya (HMK) after a competitive process involving a series of rigorous screening steps by the steering committee that saw the KHRC emerge not only successful but also the most preferred organization. HMK is a coalition of 19 organizations that works with communities in and around mining areas. Its membership comprises of CSOs, Faith-Based Organizations (FBOs) and individuals engaging in the extractives industry, the government, private sector, academia and the media, with the primary aim of promoting responsible stewardship of extractive resources for inclusive growth, sustainable development and structural transformation in Kenya. HMK has made tremendous progress in the space and sector since its inception in 2014. However, the coalition activities were slowed down mainly due to financial and coordination challenges; as well as the onset of the Corona Virus Disease of 2019 (COVID-19) pandemic. KHRC was entrusted to revamp the coalition after demonstrating its consistency in the human rights space and remarkable track record of incubating and nurturing local organizations and networks. The country is currently facing twin governance challenges manifesting in retrogressive policy frameworks that fail to protect the people and public interest in resource management; thus, the need for a strong coordination framework to confront the status quo. Being a strategic network, the revamping of HMK remains key towards framing the natural resources justice discourse in the region. In addition, the appointment comes at an opportune time when KHRC has partnered with Oxfam in a project focusing on advancing sustainable mining practices, thus strategically profiling KHRC and its work in the mining sector.

Since the appointment of KHRC to host HMK, the membership of the coalition and its visibility continue to grow both at the grassroot and national levels. This is attributable to the fact that KHRC is a reputable brand that enjoys trust in the civil society sector. The growth of HMK is also due to KHRC's positioning of the coalition in strategic convenings. KHRC has received requests from reputable institutions such as Kwale Mining Alliance, Catalyste+ and International Alert to join the coalition.

Further, the leadership of the Kenya Chamber of Mines has expressed willingness to partner with HMK in undertaking joint interventions in the mining sector. New funding partners have also expressed willingness to support KHRC to spearhead HMK initiatives.

#### **iv) Digital Justice**

Initiative for Economic and Social Rights, an organization in the Republic of Serbia, submitted to the Constitutional Court an Initiative to commence proceedings to assess the constitutionality of the Law on Social Card due to its incompatibility with the Constitution, ratified international treaties and the principle of unity of the legal order. The Law on Social Card processes 135 pieces of personal data on citizens who are beneficiaries of rights from the social protection system or those citizens who want to exercise these rights. The processing of such a large amount of personal data does not exist in any other life situation in the Republic of Serbia and indicates a violation of one of the basic principles of personal data protection – the principle of data minimization and restrictions on the purpose of processing. At the same time, the provisions of the Law on Social Card do not clearly prescribe the manner in which this processing is performed, leaving room for violating the rights of the poorest citizens of Serbia.

The KHRC and five other organizations from various parts of the world drafted and filed a legal opinion (equivalent of an amicus application in the Serbian context) in the Serbian Constitutional court supporting the “A-11 Initiative”<sup>1</sup>. Apart from the Serbian case, KHRC in partnership with Legal Resources Centre, a South African CSO, applied to be enjoined as amicus at the African Court on Human and Peoples Rights. The application filed on 26th June 2023 calls for accountability against the government of Benin for turning off the country’s internet during the 2019 parliamentary elections. The internet shut down lasted for almost 24 hours, adding Benin to the statistics of a growing but worrying global trend in election-related shutdowns as witnessed in Tanzania and Uganda in 2020 and 2021 respectively.

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<sup>1</sup>The A 11 Initiative is a non/profit, non-partisan and non-governmental organisation incorporated in Serbia which promotes and protects the rights of individuals from vulnerable, marginalised and discriminated groups, with a particular focus on economic and social rights. The A 11 Initiative just as KHRC is part of an International Network for Economic, Social and Cultural Rights (ESCR-Net) which connects NGOs and social movements in more than 75 countries to build a global movement to make human rights and social justice a reality for all. The All Initiative had submitted to the Constitutional Court an Initiative to initiate proceedings to assess the constitutionality of the Law on Social Card due to its incompatibility with the Constitution, ratified international treaties and the principle of unity of the legal order.

## **v) Educational Rights**

On 20th April 2023, KHRC and other partners developed a framework for the minimum standards and principles of education to serve as a reference document for engagement with the ongoing education reforms in the country spearheaded by the Presidential Working Party on Education Reforms (PWPER). This was done through the Elimu Bora Working group (EBWG) which also successfully held 5 media engagements where it made 2 press releases and 3 strategic meetings with journalists in the education sector to flag out the implementation gaps in the ongoing transition to Competency Based Curriculum (CBC). In addition, membership to EBWG increased from 5 to 13 members which demonstrates greater acceptance and understanding of the role in leading advocacy in education reforms in Kenya. Through sustained engagement and advocacy efforts of the working group, there has been a notable intensification of education reforms discourse in the mainstream and social media involving the public and education stakeholders and shaped media and policy conversations. There has been a general increase in the number of media houses hosting education reforms talk shows where EBWG members have been enlisted as panelists to discuss the ongoing reforms in the education sector. The Increased budgetary allocation to employ additional 20,000 teachers in the FY 2023/24 to partly address the burgeoning staffing gap in the Junior Secondary Schools can be attributed to EBWG campaign efforts.

## **2.2 Inclusion and Political Justice**

Inclusion and Political Justice (IPJ) implemented interventions in the following four priority areas.

### **i) Electoral and political governance**

In May, 2023 KHRC partnered with students' caucus and other CSOs to convene student leaders from across various universities and colleges in Kenya. The two-day event organized by KHRC was led by the students' caucus organizations that brought together 30 student leaders from across the universities. This was achieved as a result of goodwill by the student leaders to work with the CSOs in an effort to amplify the voices of universities' student leadership that has been lost overtime and claim their space in Kenya's politics and governance.

"The Big Tent and Political Mobilization approach" was used to establish a Vanguard Leadership and Peoples Movement to advocate for a Democratic Kenyan State. The movement is aimed at creating political consensus on the root causes of

Kenya's political and economic governance, consolidating the core issues and strategies from the different convenings and identify the existing opportunities. Through the invited and invented spaces, KHRC brought together 13 consortiums that operate at both the national and county governments levels. The consortiums have agreed to join and form the vanguard leadership on the political, economic and social quest in the country. From the KHRC's broader plan, this will feed into citizens mobilization and conscientization to build political movement outcomes.

## **ii) Transitional justice: Sustaining remembrance and memories**

KHRC participated in the launch of the first-ever civil society monitoring mechanism of the Ethiopia Cessation of Hostilities agreement. As part of our continued efforts towards enhancing the realization of key transitional justice interventions in Africa, KHRC together with Atrocities Watch Africa and Africans for the Horn successfully launched the first-ever civil society monitoring mechanism of the Ethiopia Cessation of Hostilities Agreement on the 10th of July 2023. The mechanism illustrates gaps that may significantly impact on the protection of civilians in Ethiopia and proposes broad recommendations on how the African Union Peace deal should be implemented. In addition, KHRC led CSOs and torture victims in the commemoration of the 20th Anniversary since the opening of the Nyayo Torture Chambers on 18th May 2023 during which commemoration was a submission of a petition to the Cabinet Secretary (CS) Interior Coordination on the revocation of legal notice number 1 of 1991. KHRC partnered with over 200 survivors, human rights defenders and other critical actors to commemorate the 20th anniversary since the opening of the Nyayo House Torture Chambers on the 18th of May 2023). The petition was part of KHRC's larger advocacy efforts to urge the Government to fulfil its outstanding promise and commitments made in 2003 to establish a memorial monument and to follow up on the implementation of similar recommendations contained in volume 4 of the Truth, Justice and Reconciliation Commission (TJRC) report. This commemorative convening has revived public discussions around the urgent need to implement the Restorative Justice Fund.

## **iii) Civic space and security injustices**

KHRC held strategic media engagements on excesses by security agencies in partnership with other civil society organizations and issued several press statements condemning the unlawful use of force, unlawful arrests and the continued use of lethal crowd control weapons to disperse peaceful protesters during the commemoration of Saba Saba Day, peaceful protests against the high cost of living and amendments

to the Finance Act and more recently, the repressive response by police to peaceful protesters during Mandamano. The numerous statements issued by KHRC and partners contributed to the decision of the African Commission on Human and Peoples Rights and the United Nations to respond to the repressive conduct of Kenya's police. As such, the African Commission on Human and Peoples Rights issued a statement calling on the Kenyan Government to respect the right to protest. The United Nations issued a statement condemning the use of force by security agencies in Kenya.

#### **iv) Minorities rights: LGBTI, stateless, refugees, women, youth among others**

In May and June 2023, the KHRC organized a one-of-a-kind convening of Sexual Reproductive and Health Rights (SRHR) and LGBTQI rights organizations, experts, activists and donors from across the country in Nairobi. The objective of the convening was to brainstorm and discuss the development of an Opposition Mitigation Strategy for Sexual Reproductive Health Rights (SRHR) and LGBTQI rights within the prevailing context of the growing anti-rights movement in Kenya and in light of the proposed Family Protection Bill that seeks to criminalize SRHR and LGBTI. A total of 50 representatives attended the convening. As a result, a steering committee comprised of 13 organizations and 3 individuals from both SRHR organizations and LGBTI organizations was established to champion for SRHR and LGBTI issues in the country.

In June 2023, KHRC in partnership with Jinsi Yangu and Amka Africa and the 3 organization's lawyers held a two-day litigation strategy meeting to deliberate on lodging a Public Interest Litigation on gender recognition for Transgender Persons. It was established that there was already a petition before the High Court for legal recognition of transgender persons by three petitioners Constitutional Pet No. 20 of 2020 Audrey Mbugua & others-vs- Attorney General & others. The strategy meeting concluded that KHRC should join the existing petition as an interested party to argue out other aspects of transgender rights not articulated by the existing petition. Consequently, KHRC applied to be enjoined as an interested party and on 21st June 2023 KHRC was enjoined as the 1st Interested Party to which it was directed to file replying to affidavits within 21 days. To this end, 19th October 2023 is the date fixed for mention on the petition.

On 23rd June 2023, the KHRC in partnership with Come Together Widows and Orphans Organization (CTWOO) and other stakeholders organized celebrations to mark the United Nations International Widows Day in Nakuru County. The objective of the convening was to bring together widows from across the country to network and build a solidarity movement. The convening also sought to highlight the challenges

that widows face in the society and deliberate on ways of addressing the challenges through capacity building and socio-economic empowerment. The main challenges identified included disinheritance, sexual and gender based violence (SGBV), harmful cultural practices among others. The widows present received legal aid support from KHRC, FIDA, Kenya Land Alliance (KLA) among other organizations present. They also received financial and investment advice from financial institutions such as Women Enterprise Fund and banks as well as mentorship on leadership from women leaders present.

During the reporting quarter, KHRC as the host and Chairperson of the Executive Committee of the Eastern Africa Nationality Network (EANN) concluded the drafting of the Network's strategic plan and workplan. EANN is a network of fifteen Civil Society Organizations working on nationality rights in six Eastern African countries established in 2022. An abridged version of the strategic plan is available [here](#).

### **2.3 Urgent response to emerging human rights issues**

The KHRC managed to secure the unconditional release of 85 peaceful protestors, that were arrested on 6th June 2023 for protesting over the high cost of living. The 85 were held at various police stations within Nairobi County from where KHRC secured their release.

***KHRC Executive Director (left), Davis Malombe, together with other members of CSOs, presents a petition to the Public Service Commission against the nomination of Noordin Haji as the Director-General of National Intelligence Service.***



# 3. Constraints, opportunities and lessons learned

### **3.1. Constraints / challenges**

- Networking and Partnership- KHRC works through several CSOs thematic networks. Due to many competing interests and the rapidly evolving political landscape, the ability for KHRC to quickly respond to urgent human rights concerns has been curtailed through slow decision making/turn around in implementation of network resolutions.
- Late disbursement of grants occasioned delay in the rolling out of the annual operational plan 2023.
- Violent demonstrations by opposition supporters disrupted normal office attendance and implementation of programmes. Further, the demand for legal representation and bailing arrested demonstrators overstretched our internal capacity. This was further compounded by profiling of demonstrators as Azimio sympathizers.

### **3. 2. Lessons Learnt and best Practices**

‘Walking with donors’ through constant sharing of planned interventions, success, and challenges as part of donor care is an effective strategy of promoting good donor relations and upward/downward accountability. KHRC will have to develop a communication plan to facilitate a mechanism for relaying timely and verifiable information to partners and the public on the emerging human rights concerns and response undertaken respectively.



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*KHRC's Mary Kambo (right) during the May 12, 2023, launch of the National Action Plan (NAP) on Business and Human Rights.*

# 4. Research, monitoring and evaluation

The following are the studies conducted between April and June 2023.

<b>Title of the study</b>	<b>Status</b>
History of Constitutional struggles in the country	Ongoing
Civic space on crowd control management	Ongoing
Functionality and independence of PFM institutions	Ongoing
Composition and constitutionality of the appointments made to different public offices, independent commissions, and boards by the government of Kenya	Ongoing

*Table 1: Studies (baseline, scoping and evaluations) conducted during the reporting period.*

Regular monitoring was conducted of KHRC activities. Key priorities for the quarter will include developing key monitoring tools and a template to overcome the challenges of reporting. Priority tools include activity, weekly planning and reporting, monthly and quarterly reporting templates.

*KHRC's Brian Olang (right in suit) addressing representatives of the Solai dam tragedy after a hearing at the Naivasha High Court.*



# 5. Management and changes in staffing

## 5.1. Management and staff capacities

Human Resource: Four staff were trained on statutory areas (CPD points) as a requirement of professional bodies like the Institute of Certified Public Accountants of Kenya (ICPAK), the Law Society of Kenya (LSK) and Kenya Institute of Supplies Management (KISM) as a way of ensuring KHRC staff comply with requirements from professional membership entities. Two staff recruitments were made to strengthen communications and MERL capacities of KHRC. A Communications Officer was recruited to re-invigorate delivery of communication aspects while an M&E consultant was recruited to revamp the M&E frameworks and ensure timely capturing of results and reporting . In addition, two (2) students were engaged on attachment to meet university obligations while six (6) interns were recruited and engaged to support programs and administration. Last but not least, for the first time in many years, there was a 95% uptake of leave which enabled staff to rest and recharge.

**Staff sensitization/education:** One (1) Pension AGM and Member Education was held enabling staff to understand their pension contributions.

**Salary survey:** This was conducted in partnership with Legal Resources Foundation (LRF). The report will inform future staff salary reviews for KHRC.

## 5.2: Finance and Administration

## 5.3 Donor management and relations

KHRC continued implementing current active grants and reaching out to lapsed (closed) grants.



***KHRC's Irine Soila (left) with Nakuru Deputy Governor Erick Korir after showcasing the organization's work during the International Widows Day held at Nakuru Nyayo Gardens.***

6.

# Conclusion and recommendation

## **6.1: Conclusion**

The implementation of the operational plan is on course, and if the current trend continues, set objectives and targets will be met by the end of the third quarter.

## **6.2. Recommendations/Way forward**

- There is need to continuously scan and analyze the operation context which seems to be very fluid and changing quite fast. This will inform the interventions that will require to be implemented over time.
- Strengthen monitoring and reporting capacity by developing data collection and reporting tools and thereafter induct staff on how to utilize these tools.
- Fastrack research studies and ensure they are completed on time, an assessment matrix developed to assess the practicability of implementing these recommendations.
- Visibility and communication- KHRC will invest in a modern, state of art communication equipment to enhance her visibility, timely and quality reporting while exploring new and emerging media. We shall be deliberate in reaching out to the youth constituency among others that we have not actively engaged with.
- Dove-tailing our activities alongside key commemorative dates and events to track human rights compliance and sustain momentum for public conscientization for rule of law and accountability.
- Entrenching Digital Justice in our action areas as a new frontier for safeguarding human rights.

## 6.3. Summary Plans for Next Quarter (Jul-Sep 2023)

Activity/ Pillar	Date
<b>Action Area 1: Economic and Social Justice</b>	
Undertake training of communities in Kwale and Kajiado counties to engage on the existing gaps with the process and possibly stop the project pending determination of their concerns.	8 <sup>th</sup> -25 <sup>th</sup> August 2023
Co-host Kenya Mining Week	July 2023
Co-host climate summit	5th-8th September
Convene a meeting with Haki Madini partners to review and launch the strategic plan 2020-2025	July 2023
Undertake study on royalties framework in the extractives sector within Kwale County.	September 2023
Continuous monitoring and response to emerging topical land and resource justice issues.	Ongoing
File a case on NHIF	11 <sup>th</sup> -15 <sup>th</sup> Sept 2023
Hold a roundtable with directors of civil society organizations to screen a video on the plight of refugees.	8 <sup>th</sup> -20 <sup>th</sup> July 2023
File a case against the government on crowd-controlled weapons	4 <sup>th</sup> -8 <sup>th</sup> September
File a case by KHRC and MUHURI against Base Commanders to hold them accountable for use of excessive force by police resulting to violations during protests.	21st-25th August
Engage with the Ministry of Interior regarding settlement of the Huduma number case. KHRC, Haki na Sheria, Nubian rights Forum, and Katiba Institute.	1 <sup>st</sup> September 2023
Hold a partners' meeting to develop a legal strategy on addressing the plight of refugees	7 <sup>th</sup> – 28 <sup>th</sup> July 2023
Participate in the 2 <sup>nd</sup> African Forum on Business and Human Rights in Addis Ababa, Ethiopia	5-7 <sup>th</sup> September
Conscientization of flower farm managers on corporate accountability, labour justice and emerging trends in business and human rights	24-25 <sup>th</sup> August 4 <sup>th</sup> -15 <sup>th</sup> September 1 <sup>st</sup> -22 <sup>nd</sup> September
Undertake mapping of corporations implicated in human rights violations and expose them.	Continuous
<b>Action Area 2: Inclusion and Political Justice</b>	
Mapping of community organizing/individuals to join the political movement at the counties	2023
Two media engagements on political organizing on the state of the nation	August-September
One research on the history of Constitutional struggles in the country	July 2023
Celebration of Katiba Day	July 2023
Issuance of 1000 birth certificates granted to the Shona community	
Launch of the EANN	August 2023
Push for development of regulations on public protests and crowd control management	August 2023
Planning for 75 <sup>th</sup> commemoration of the UDHR	By September 2023
Follow up on political and legal action on Finance Act 2023	
Celebration of Katiba @ 13	August 2023
<b>Cross-cutting issues</b>	
Respond to emerging issues that relate to human rights abuses	Throughout
<b>Action Area 3: Operational support</b>	
Conduct staff appraisals and target setting for Year 2023	August 2023
Support staff capacity building	September 2023
Engage potential new donors and meet donors annually (active & lapsed)	July-September 2
Review processes/mechanisms for proposal and concept development	21 <sup>st</sup> July 2023
Develop and roll a procurement plan for KHRC	September 2023
Rebrand KHRC website	September 2023
KHRC Communications Strategy Reviewed	September 2023
The board manual & KHRC constitution amended	September 2023
Develop an M&E strategy	September 2023
Develop a strategic plan for period 2023-2027.	July 2023
Hold quarterly reflection meetings.	September 2023
Host the Ford Foundation's 60 <sup>th</sup> anniversary.	July-Sept 2023
Host German Ambassador	July 2023
Commemorate KHRC at 30	September 2023
Reform staff committees	July 2023



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