

KHRC, a catalyst for change

Annual Report
2023-2024

Police arrested a youth in Mombasa who, in June 2023, protested the high cost of living. Photo: John Chesoli

Foreword

Dear comrade,

The Kenya Human Rights Commission (KHRC) presents its 2023-2024 annual report, fully aware that the injustices our founders sought to end persist today. State impunity and human rights violations remain entrenched in our society.

Nevertheless, we celebrate our victories, however modest they seem to others. For us, they represent significant achievements that must be acknowledged.

We understand that the path to a free society is rugged and challenging. Our mission is to smooth this road, making it more navigable. Giving up is not an option—we remain firm in our commitment.

Friend,

The Kenya Kwanza regime completed its first year in office in 2023, yet its leadership remains in perpetual campaign mode. The electorate's expectations are unmet, and campaign promises have not been fulfilled. Impunity and hostility toward human rights organizations have grown.

This regime continues to violate constitutional and human rights through its enforcement agencies. Inclusive governance remains a distant goal, and public figures, including the president and deputy president, make divisive statements based on ethnic and regional voting patterns.

The high cost of living burdens citizens, with no relief measures in place. Protests demanding affordable living costs are met with excessive police force, brutality, killings, and arbitrary arrests.

Meanwhile, multinational corporations continue to violate the rights of our people through sexual abuses, denial of land rights, and other transgressions.

Comrade,

These examples highlight the many battles we still face. We need your support in this struggle. Remember, united we stand, divided we fall. Join us now.

As you read this report, may it inspire you to advocate for justice. Every effort counts, no matter how small it may seem. Take action, and you will see the change you desire.

Aluta continua!

THE KHRC

EXECUTIVE SUMMARY

KHRC in numbers

2

Wildlife Works managers fired after report implicated them in sexual abuse

Sh47.2 million

Money paid to victims of Solai dam tragedy

7,000+

Pemba community members recognized as Kenyan citizens

4,000+

National IDs issued to the Pemba community members

1,000

Land in acres under Kajiado carbon credit project with local benefit-sharing

200

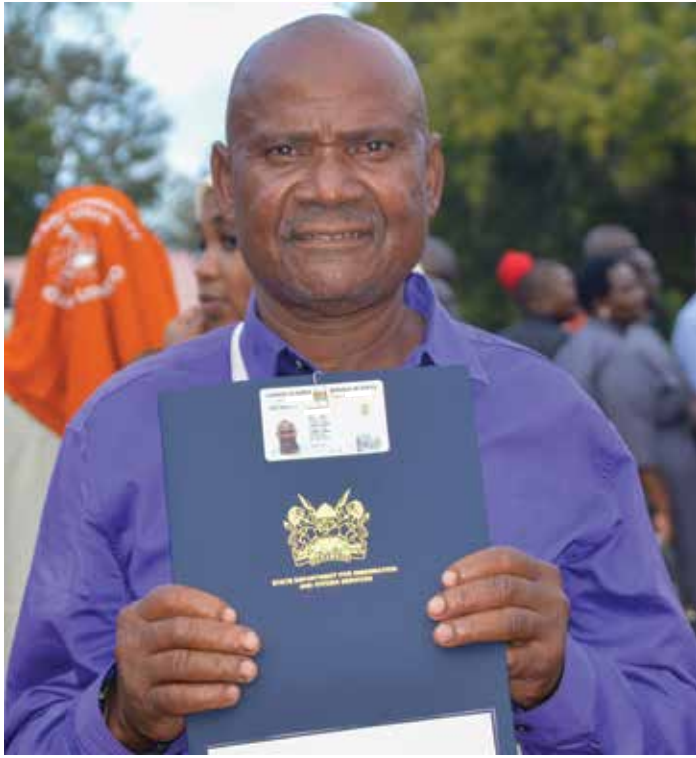
Solai dam victims being represented in a civil case

156

Peaceful protesters unconditionally released from police custody

15

amendments influenced to the 2023's finance law



Juma Omar Ali, from the Pemba community, displays his national ID. Photo: Dominic Odipo

Big win for Pemba, once a stateless community

After eight years of lobbying by KHRC and partners like Haki Centre and UNHCR, on July 28, 2023, the government recognized 7,000 Pemba community members from Kilifi as Kenyan citizens, issuing them over 4,000 identification cards.

However, community members with ID cards found them nonfunctional because they were not incorporated into the IPRS. KHRC intervened, engaging Cabinet Secretary Kindiki Kithure and Majority Leader Kimani Ichungwah. Incorporation was done. Now, they enjoy equal rights that were denied to them for years.

Wildlife Works senior managers sacked over sexual abuse

Wildlife Works (WLW), a leading carbon credit trading company, terminated employment contracts for its two senior managers who were implicated for sexual abuse and exploitation of women workers at the company.

WLW sells credits to multinational companies such as Shell and Netflix.

The November 2023 termination followed a damning report by KHRC and SOMO, a Dutch-based research organization.

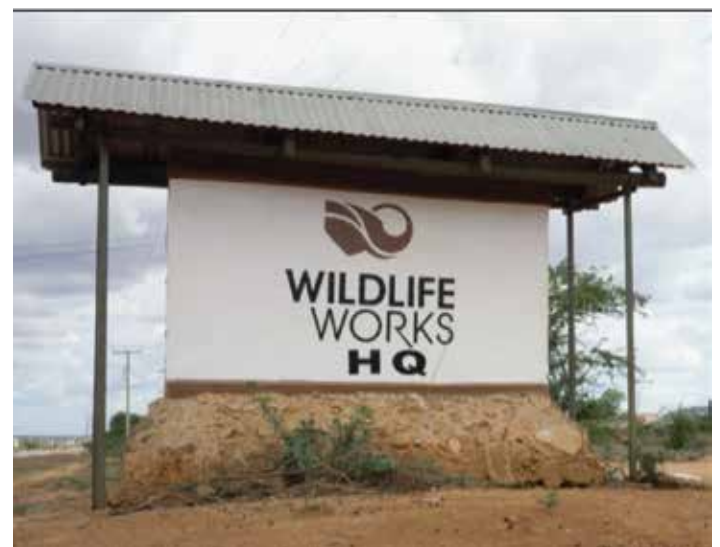
The report brought to bear the fallacy of companies dealing in carbon credits and using local communities for their trade yet are riddled with human rights transgressions.

The termination marked a significant move

towards holding managers accountable and served as a warning to implicated corporates.

Verra, a top carbon credit standard setter, also halted credit issuance to WLW after the report's release, pending its investigation.

This impacted WLW's market access.



Wildlife Works HQ Photo: BBC Panorama Big Brands' Green Claims Uncovered

Win as Solai dam tragedy victims reach settlement

On November 7, 2023, the Solai dam tragedy victims reached a Sh47.2 million out-of-court settlement with owners.

The May 2018 dam collapse killed 47. Nine, including owners, faced manslaughter charges.

KHRC represented 29 victims. Settlement terms included Sh1.2 million for adult deaths and Sh800,000 for minors' demise. Beyond the cash payout, bringing Perry Mansukh—the owner of the ill-fated dam—to the local communities made the greatest impact. Mansukh was once seen as untouchable.

However, he met the community and issued a public apology, the first since the dam burst, symbolizing our advocacy's success in the Solai dam tragedy.

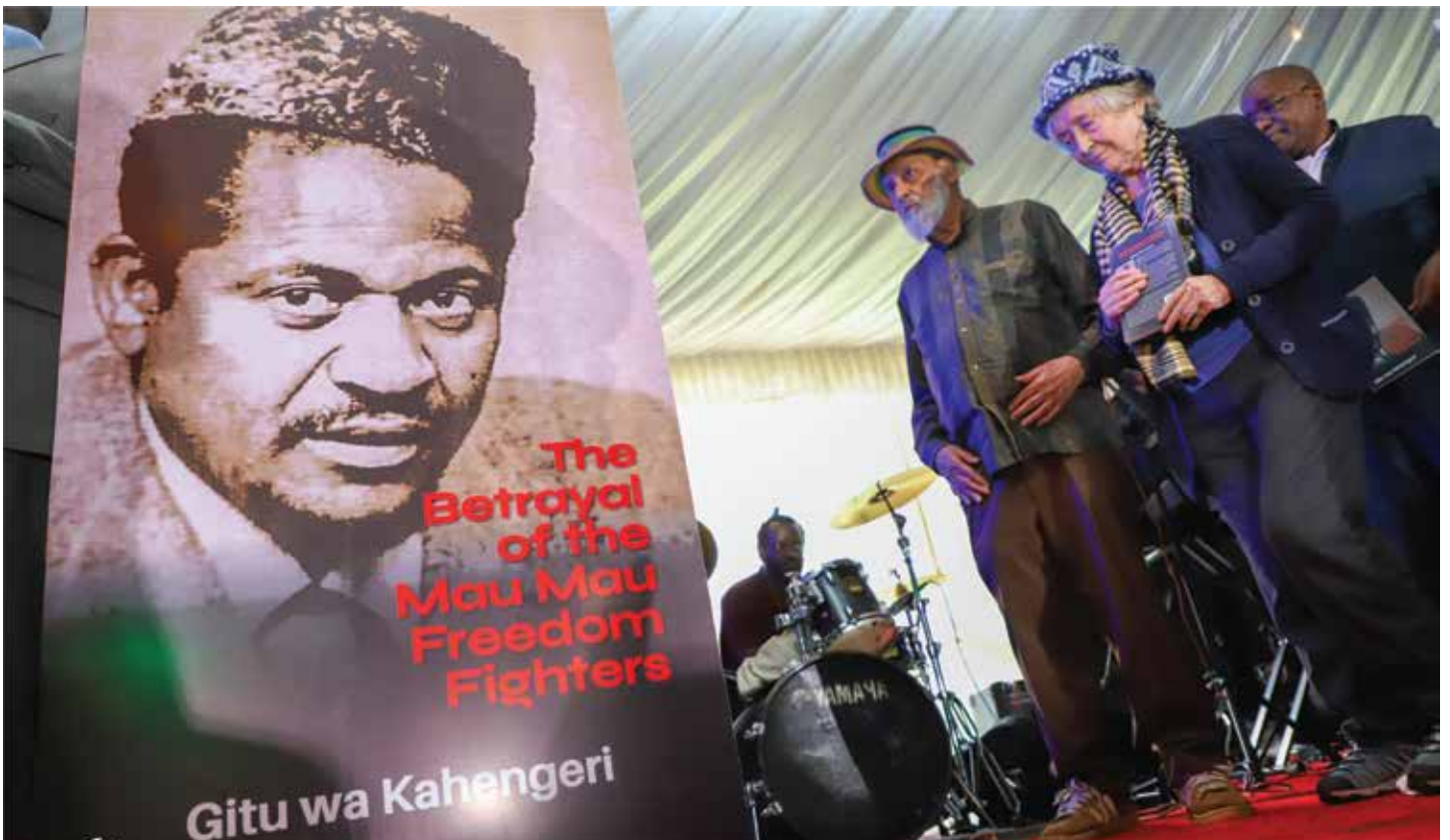
Mau Mau veterans' legacy safeguarded

KHRC has been critical in promoting transitional justice and memorialization interventions with Mau Mau Veterans Association (MMVA) members, who were instrumental in Kenya's liberation struggles.

A great milestone was realized on November 8, 2023, when KHRC, in partnership with MMWVA, supported the launch of the Mau Mau Freedom Fighters Foundation, their website, and Gitu Wa Kahengeri's memoir, "The Betrayal of the Mau Mau Freedom Fighters."

The Foundation's website archives historic recordings of Kenya's liberation struggle contributors.

It is an inspiration and testament to the indomitable spirit of those who fought during the Mau Mau uprising in 1959.



Davinder Lamba, KHRC's board chairperson (left) and Diana Smith (right), walks past a mock-up of Gitu Wa Kahengeri's memoir, "The Betrayal of the Mau Mau Freedom Fighters." Photo: Ernest Cornel

Tesco suspends Delmonte products

Tesco, a major UK retailer, suspended Del Monte products from its shelves on June 22, 2023, after allegations of human rights abuses by the firm's security guards emerged.

Our collaboration with stakeholders was instrumental in exposing these violations against locals in Thika. We did this with Leigh Day, a UK-based law, and Ndula Resource Centre, leading to a market boycott that affected Del Monte.

Del Monte responded to community claims by hiring its first human rights manager and implementing measures to address security guards' violence.

Court halts Maisha Namba

On December 5, 2023, Kenya's High Court halted the rollout of the Universal Unique Personal Identifier (UUPI) - "Maisha Namba," - and digital ID card due to KHRC and Katiba Institute's lawsuit citing lack of legal framework.

Separately, KHRC and five global partners submitted a legal opinion to the Serbian Constitutional Court, backing a local CSO's challenge against Serbia's Law on Social Card, which breaches personal data protection principles.

These actions showcase KHRC's capacity to engage in regional accountability mechanisms and standing in solidarity with CSOs globally.

US restores \$43 billion PEPFAR funding

In March 2024, the US government reinstated and authorized the release of \$43 billion in PEPFAR funding for HIV and TB treatment. The funds were suspended by the US Congress in June 2023, prompted by false claims in a letter signed by nine Kenyan MPs and Catholic Bishops.

KHRC and other CSOs intervened, seeking clarification from the National Assembly. The clerk confirmed the MPs acted independently. Through these efforts, crucial funds supporting health services, especially for HIV treatment and SRHR, were restored, aiding vulnerable groups, including LGBTQI persons.

Additionally, KHRC convened LGBTQI groups and issued statements defending them against attacks.

KHRC spearheads first post-constitution State of the Nation report

KHRC's effective leadership enabled civil society to publish the first comprehensive State of the Nation report post-constitution adoption. Collaborating closely with like-minded organizations, KHRC spearheaded this effort that critically evaluated the Kenya Kwanza regime's performance under President William Ruto's inaugural year.

The report analyzed constitutional adherence, human rights, integrity, and public finance management. Further, President Ruto's delayed address on November 17, 2023, fell short of Article 132 (1) expectations, as highlighted in KHRC's press release, addressing governance issues he overlooked.



KHRC and other civil society members during a press conference in Nairobi, demanding that King Charles III apologize for British colonial atrocities in Kenya. Photo: Dominic Odipo

Royal visit spurs reparations commitment after historical injustices

A successful campaign during the visit by King Charles III to Kenya on October 29, 2023, resulted in a commitment to reparations over British atrocities during colonial rule from 1895 to 1963.

Ahead of the King’s visit, KHRC penned an open letter highlighting human rights abuses when colonial government was in power. We also touched on abuses that British corporations continue to commit in Kenya.

Other violations addressed included land alienation, neocolonialism, and military abuses.

In response, the British government committed to addressing historical injustices,

marking a significant step towards healing and reconciliation in Kenya.

The British government also accepted to have a meeting with KHRC to further this conversation.

Additionally, when the King visited, Parliament’s Justice, Legal, and Human Rights Committee pledged to craft a legal framework addressing historical injustices, sparked by KHRC’s Senate petition on October 3, 2022.

This led to a November 3, 2023 public hearing in Kitui, where stakeholders, including Muindi Mbingu Foundation, the Office of the Attorney General presented.

The committee demanded President William Ruto and the King to ensure community justice and compensation.

**INCLUSION
AND
POLITICAL
JUSTICE**

IN KENYA, MINORITY RIGHTS GAIN GROUND AFTER YEARS OF STRUGGLE



Mfaki Hassan Mfaki (second-left), from Pemba community, receives a national ID waiting card from Immigration PS Julius Bitok (center). Photo: Dominic Odipo

Triumph for Pemba as it finally gets Kenyan citizenship

On July 28, 2023, the government granted recognition as Kenyan citizens to over 7,000 members of the Pemba community residing in Kilifi, Kwale, and Mombasa. After an eight-year struggle led by KHRC and partners, this victory enabled the issuance of Kenyan identity and national identification cards, with 4,000 IDs given so far.

However, the victory was short-lived. The community discovered that the government had not included these IDs in the Integrated Population Registration System (IPRS) and e-citizen platforms. Since 2016, private parties like banks, mobile network operators and insurance companies have used IPRS to verify identity documents like IDs before they can offer services.

This omission also affected the Shona and

Nubian communities, hindering their access to government and banking services. KHRC previously collaborated with the two communities to secure Kenyan citizenship status.

Subsequently, KHRC engaged Cabinet Secretary for Interior Kindiki Kithure and National Assembly Majority Leader Kimani Ichungwah to ensure the inclusion of ID details for all three communities in the IPRS.

This effort bore fruit as the government integrated approximately 4,000 IDs issued to Pemba, Shona, and Nubian community members into the IPRS and e-citizen platforms on October 24, 2023.

This integration marked a significant milestone, granting these individuals access to essential government services and finally affording them the same rights as other Kenyan citizens, which had been denied for many years.

Coordinated advocacy restores vital PEPFAR health funding in Kenya

The US government in March 2024 reinstated and authorized the release of Sh43 billion in PEPFAR funding, earmarked for combating HIV and Tuberculosis.

This decision came after a period of uncertainty, during which the US Congress had temporarily halted the funding in June 2023.

The suspension followed a letter signed by nine Kenyan Members of Parliament (MPs) and several Catholic bishops, igniting controversy. The letter contained false claims alleging support for abortion and homosexuality through PEPFAR funding.

KHRC, along with allied civil society groups, wrote to the Speaker of the National Assembly, Moses Wentagula, seeking clarity on the authority of the MPs to write to the US Congress.

The National Assembly's clerk clarified that the MPs had acted independently, not as representatives of the August House.

Meanwhile, KHRC went the extra mile, reaching out to influential figures in Parliament and urging them to engage with their counterparts in the US to address the situation.

The collective efforts bore fruit.

The crucial PEPFAR funds, vital for enhancing access to healthcare services, especially for HIV treatment and Sexual Reproductive Health Rights (SRHR), and supporting marginalized communities, including LGBTQI individuals, were reinstated.

Kenya officially recognizes refugees' IDs

On September 19, 2023, the government officially recognized refugees' identification documents as valid for accessing government services.

This historic moment marked the first formal acknowledgment by the government of asylum seekers' passes, proof of registration, movement passes, refugee identity cards, letters of recognition, and conventional travel documents.

The formal declaration of these documents is the culmination of extensive advocacy efforts led by KHRC over the past two years.

Notably, KHRC's initiatives included adding refugee ID cards to the dropdown menu on the e-citizen portal, which we successfully achieved in April 2023.

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Kenya Gazette Supplement No. 171 19th September, 2023
(Legislative Supplement No. 58)

LEGAL NOTICE NO. 143

REFUGEES ACT
(No. 10 of 2021)

AND

THE KENYA CITIZENSHIP AND IMMIGRATION ACT
(No. 12 of 2011)

REFUGEE IDENTIFICATION DOCUMENTS

IT IS HEREBY NOTIFIED for the general information of the public that pursuant to section 28 (7) of the Refugees Act, as read together with section 56 (2) of the Kenya Citizenship and Immigration Act, the Cabinet Secretary for Interior and National Administration declares the following documents as Refugee Identification Documents for purposes of acquiring services provided by the Government of Kenya:

1. Asylum Seeker Pass
2. Proof of Registration
3. Movement Pass
4. Letter of Recognition
5. Refugee Identity Card
6. Conventional Travel Document.

Made on the 19th September, 2023.

KITHURE KINDIKI,
Cabinet Secretary,
Ministry of Interior and National Administration.

BEYOND THE BALLOT, OUR COMMITMENT TO ELECTORAL JUSTICE CONTINUED



The State of the Nation report observed that many Kenyans faced economic challenges, including difficulties affording food due to high taxes. Photo: Ernest Cornel

Landmark State of Nation report advocates presidential accountability

On September 13, 2023, KHRC spearheaded a coalition of Civil Society Organizations (CSOs) to release the nation's first-ever sectoral State of the Nation report.

This document, culminating in rigorous research and analysis, checked the country's political landscape and human rights climate.

Glaring concerns about the integrity of public finance management were highlighted in the report, and so was a surge in human rights violations, escalating insecurity, and the worrying trend of law enforcement being exploited for political gain.

The report drew attention to constitutional lapses about inclusive executive appointments, dwindling democratic spaces, and disregarding public input in legislative processes.

Economic challenges were also brought to the forefront, including soaring public debt and allegations of executive interference in the judiciary.

Following this release, KHRC, on October 27, 2023, petitioned Parliament to compel President William Ruto to present the delayed State of the Nation report, citing a breach of Chapter Six and Article 132 of Kenya's constitution.

Subsequently, President Ruto addressed the nation on November 17, 2023, delivering the long-awaited address.

MOMENT WHEN PROTESTS OVER RISING LIVING COSTS MET POLICE BULLETS



Police in Mombasa arrested several locals who participated in an anti-tax hike protest. Photo: John Chesoli

KHRC secures unconditional release of peaceful protesters

Protests in 2023, spurred by soaring living costs, turned violent as police clashed with demonstrators, resulting in civilian casualties and injuries, a breach of constitutional rights.

Among those affected were numerous human rights activists, arbitrarily detained despite calls for their release on bail or bond.

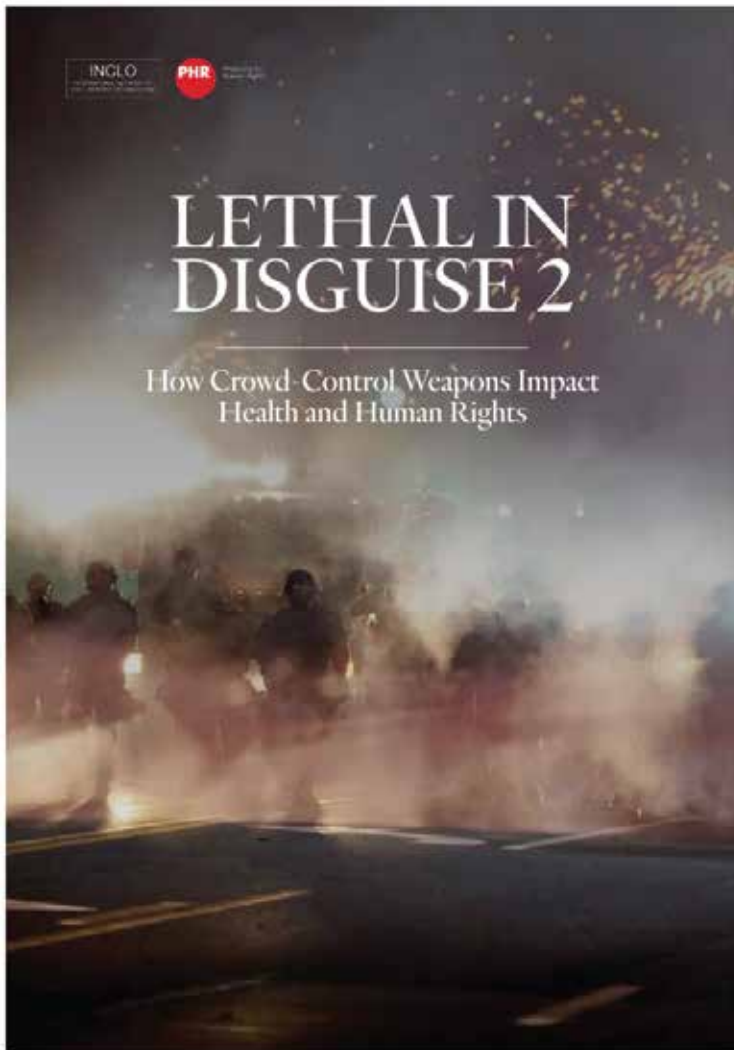
KHRC intervened, securing the unconditional release of 85 peaceful protesters arrested on June 6, demanding a reduction in living expenses and the removal of punitive taxes proposed in the Finance Bill, 2023. Held across various Nairobi police stations, KHRC ensured their release on the same day as their arrest.

However, the wave of arbitrary detentions went on. On July 9 and 10, KHRC once again successfully intervened to get the release of 71 peaceful protesters apprehended on July 7. While slated for arraignment at Milimani Law Courts, KHRC's advocacy prompted the Director of Public Prosecution to forgo charges against the 71, leading to their unconditional release.

The fight to protect our right to protest also involved working with fellow members of the Police Reforms Working Group (PRWG) and Civic Freedoms Forum (CFF).

This relentless advocacy effort garnered international attention, with the African Commission on Human and Peoples Rights and the United Nations referencing one of KHRC's statements, urging the Kenyan government to uphold the right to protest and condemn the use of excessive force by security agencies.

African Commission passes resolution to protect right to protest



This March 2023 report is the most comprehensive to date on the dangers of crowd-control weapons. It was produced by INCLO members and Physicians for Human Rights, with the collaboration of the Omega Research Foundation.

The African Commission on Human and Peoples' Rights (ACHPR) issued resolutions urging African governments to protect the right to protest.

The resolutions specifically emphasize the importance of protecting freedoms of assembly, association, expression, and access to information. Furthermore, they call for strict compliance with human rights obligations outlined in regional and international instruments.

These resolutions come from collaborative advocacy efforts by KHRC and its partners.

During the 77th ordinary session of ACHPR on October 27, KHRC, in conjunction with Article 19 Eastern Africa, Zimbabwe Lawyers for Human Rights, Legal Resources Centre, and the International Network of Civil Liberties Organizations, presented findings from the report titled "Lethal in Disguise."

This report paints a grim picture of the global civic and political landscape.

Key findings from the report reveal that since 2015, over 119,000 individuals have suffered injuries from tear gas and other chemical irritants during protests worldwide.

Additionally, at least 2,190 people have sustained injuries from rubber bullets and other types of kinetic impact projectiles.

In response to these findings, KHRC and its partners, while appearing at the 77th ordinary session, called for the prohibition of rubber bullets and stricter regulations on the use of indiscriminate weapons. We also advocated for enhanced reporting and accountability measures for the misuse of crowd control weapons.

Our rallying call was for the ACHPR to consider adopting resolutions to strengthen the protection of fundamental rights and freedoms across the continent, which they did.



2017 polls: Protest shootings prompt lawsuit against IG Koome

On September 18, 2023, KHRC, Muslims for Human Rights (MUHURI) and activist Khelef Khalifa sued the Inspector-General of Police over the 2017 police killings during election-related protests.

The shootings and violence claimed 33 lives. The lawsuit aimed to establish command responsibility for the fatalities, given Japhet Koome's role as the Nairobi police commander at the time.

This suit was prompted by a disturbing pattern of reckless police shootings and a lack of accountability for the deaths of protesters during a months-long protest over the high living cost in June and July 2023.

After filing the lawsuit, KHRC noted a significant decrease in the police's aggressive response to demonstrators between October and December 2023.

Nyanza governors pledge memorial museum for police brutality victims

Governors from Kenya's Nyanza region, led by Kisumu's Anyang' Nyong'o, announced plans to establish a memorial museum for victims of police brutality.

The governors said this during the third annual Civic Space Protection Summit, organized by the Civic Freedoms Forum (CFF), of which KHRC is a member.

Themed "Taking Stock of Civic Space Achievements and Challenges Thirteen Years After Promulgation of the Constitution," the summit provided a platform to assess the progress in advancing human rights since the enactment of Kenya's constitution in 2010.

Discussions focused on critical areas such as public order management, freedom of association, digital rights, and freedom of expression and the media.

The governors further pledged to provide support to victims of police brutality by offering legal assistance and ensuring access to justice and other remedies.

The summit attendees endorsed calls for developing Community Groups Registration Act regulations.

They emphasized joint advocacy efforts with CSOs to operationalize the Public Benefits Organizations (PBO) Act in 2024.

Interior Cabinet Secretary Kindiki Kithure on May 9, 2024, gazetted the PBO Act.

The Act's commencement started on May 14, 2024, after an 11-year delay.

Report on Ethiopia's fragile ceasefire sparks international action

Civilian structures in Tigray, including hospitals, schools, factories, and businesses, were shelled, looted, and destroyed by Ethiopian federal forces, regional militias, and Eritrean armed forces, causing the displacement of over two million people - Human Rights Watch

In November 2022, Ethiopia's federal government and the rebellious authorities of Tigray reached a ceasefire agreement during talks in South Africa after two years of devastating conflict that claimed hundreds of thousands of lives.

Following the ceasefire, in July 2023, KHRC, Atrocities Watch, and Africans for the Horn released a report assessing the progress of the peace agreement.

This report, the first from civil society, provided crucial insights into implementing Ethiopia's cessation of hostilities accord.

However, the report's findings revealed troubling indications of the ceasefire's collapse.

The African Union has used the report's findings to intensify efforts to exert pressure on Ethiopia's federal government and the interim regional administration of Tigray to halt the ongoing conflict.

The report's launch coincided with the African Union mid-year summit in Nairobi, Kenya. Despite the challenges outlined in the report, notable strides have been made

towards stabilizing Ethiopia in recent months.

These include establishing a Tigray interim regional administration, resuming essential services, increasing humanitarian assistance, and facilitating regional human rights monitoring efforts.

There has been implementation of the African Union Monitoring, Verification, and Compliance Mechanism, with the Ethiopian federal government and the Transitional Justice Working Group of Experts moving towards establishing a national transitional justice policy.

The African Union's leaders have a special responsibility to insist that the parties adhere to the agreement and ensure that the peace deal serves as a basis for future, better agreements across Ethiopia.

Decades after the Kisumu massacre, demands for justice rage

On October 27, 2023, KHRC and grassroots organizations in the Nyanza region held an inaugural Kisumu community dialogue, marking 55 years since the tragic massacre in the county.

The event, themed "Confronting Five Decades of State Brutality and Negative Narratives," aimed to address the enduring impact of state violence and distorted narratives that have plagued the region for over half a century.

The Kisumu massacre of 1969, a harrowing chapter in Kenya's history, cast a long shadow over the fortunes of Kisumu and its people, who have borne the brunt of police brutality ever since.

Following the assassination of Tom Mboya, the late President Jomo Kenyatta's visit to Kisumu to inaugurate the New Nyanza Provincial General Hospital led to clashes with the crowd, who accused him of involvement in Mboya's murder.

Tensions escalated as Kenyatta exchanged words with his former vice president, Oginga Odinga, resulting in a riot.

The presidential guard and police fired on the crowd, causing casualties. Official reports stated 11 deaths, but other sources claim up to 100 fatalities, including victims shot as far as 50 kilometers away.

Despite efforts to sweep these atrocities under the rug, they continue to reverberate, stifling intergenerational dialogue and impeding the documentation of community resilience.

At the heart of the Kisumu dialogue was a commitment to provide victims of police brutality with a platform to share their stories and pursue justice.

Both the Kisumu and Siaya county governments pledged to collaborate closely with KHRC, grassroots organizations, and relevant authorities to ensure victims receive justice.

King Charles III commits to discuss reparations for colonial atrocities

Amidst King Charles III's visit to Kenya from October 31 to November 3, 2023, KHRC pressured the British government to acknowledge, apologize and address colonial-era human rights abuses.

Through an open letter detailing atrocities during colonial rule from 1895 to 1963, including land theft and corporate exploitation, KHRC ignited public discourse on historical injustices.

This compelled the King to pledge to engage with affected communities and consider restitution for past wrongs.

In tandem, the Senate's Justice, Legal, and Human Rights Committee committed to crafting legislation addressing historical grievances.

The Senate's action followed a petition by Machakos Senator Agnes Kavindu, tabled on October 3.

This petition led to a hearing on November 3 at the Ngelani chief's camp in Machakos, where victims of British colonial crimes demanded compensation.



Mzee Gitu Wa Kahengeri (center, in red) pictured during the launch of the Mau Mau Freedom Fighters Foundation. Photo: Ernest Cornel.

Launch of Mau Mau Freedom Fighters Foundation honors Kenya’s liberators

On November 8, 2023, KHRC, and the Mau Mau War Veterans Association (MMWVA), supported the launch of the Mau Mau Freedom Fighters Foundation, introducing its website and Mzee Gitu Wa Kahengeri's memoir titled “The Betrayal of the Mau Mau Freedom Fighters.”

This was KHRC's ongoing commitment to transitional justice and memorialization initiatives, especially with MMWVA members, key figures in Kenya’s liberation movement.

The website is a comprehensive archive, preserving historical records of those who contributed to Kenya’s struggle for independence.

The foundation stands as a symbol of resilience, honoring the courageous people who fought during the Mau Mau uprising in the 1950s.

5,228
Number of Mau Mau freedom fighters who won £19.9 million against the UK government in 2013 for colonial abuses in a case KHRC filed

**ECONOMIC
AND
SOCIAL
JUSTICE**

MULTINATIONAL CORPORATIONS FACE PEOPLE POWER AGAINST UNCHECKED PRACTICES



A Denyenye resident walks past a contested land in Kwale. Allegations of rape and violence against locals have been leveled against G4S guards and GSU officers hired by Bamburi Cement company. Photo: Ernest Cornel

Tesco, a major UK retailer, suspended the sale of Del Monte products from its shelves on June 22, 2023, following allegations of human rights abuses by the firm's security guards.

Investigations conducted by Leigh Day, a UK-based law firm, partnering with KHRC and Ndula Resource Centre, uncovered instances of violence and excessive force against locals, prompting a market boycott.

Del Monte implemented measures to address community grievances, including appointing a human rights manager—a first for the company.

Solai dam tragedy

Approximately 197 kilometres northwest of

Del Monte's plantation in Thika, the Solai dam in Nakuru burst in 2018, claiming the lives of 45 people.

Five years later, in July, a chief magistrate's court in Naivasha ruled that the dam owners and eight others had a case to answer for the tragic event.

They faced 45 counts of manslaughter in a case in which KHRC represented the victims. The court's ruling to put the accused in defense confirmed KHRC's own findings regarding the cause of the tragedy.

Subsequently, an out-of-court settlement was reached in November 2023, with the accused agreeing to pay compensation totaling Sh47.2 million, a step forward in providing restitution to the victims.

Kelly Malenya (right, in suit), a High Court advocate representing KHRC in the Solai dam tragedy case, speaks with victims in Nakuru. Photo: Ernest Cornel



Beyond monetary compensation, the public apology rendered by Perry Mansukh, the dam owner and colloquially referred to as the ‘god of Solai,’ was a significant moment in the community's pursuit of justice.

Currently, KHRC is actively developing a comprehensive framework for reparations to address various forms of loss stemming from the tragedy, including psychological trauma, physical injuries, property damage, and ongoing post-tragedy effects.

This framework will guide KHRC's involvement in a civil matter against Mansukh and eight others. In this case, KHRC represents over 200 victims.

Kasigau sexual abuse exposé shakes Wildlife Works

Southeast of Solai Dam is Kasigau, a sleepy

town situated in the coastal county of Taita Taveta, where Wildlife Works's (WLW) carbon credit project is battling allegations of sexual abuse.

KHRC and SOMO, a Dutch-based research organization, released a damning report in November 2023, exposing systemic sexual exploitation, abuse, and harassment within WLW's senior management.

The report revealed the fallacy of companies that deal in carbon credits and use local communities for their trade yet are riddled with human rights transgressions.

WLW is a prominent carbon credit trading company, selling to multinationals like Shell and Netflix.

Following this exposé, WLW terminated the employment contracts of two senior managers

implicated in the sexual abuse and exploitation of women workers.

The termination is a big step towards accountability for the egregious abuses and a stern warning to corporations implicated in human rights violations.

Verra, a leading certifying body for carbon credit projects, also acted. It suspended WLW's certification pending the outcome of its own investigations. This meant the company could not access certain markets until remedial plans were instituted.



Kajiado community halts another exploitative carbon credit project

In Kajiado, similarly, Soil for the Future Africa Limited (SftFA) faced community opposition to its carbon credit project covering over 1,000 acres of land, prompting a halt in August 2023.

KHRC, in collaboration with the Kenya Oil and Gas Working Group, facilitated dialogue between the company and the affected community, resulting in demands for a more transparent and inclusive process.

Local voices were empowered through advocacy and community engagement efforts led by KHRC, leading to reevaluating the project's development and benefit-sharing framework.

Bamburi brute guards stopped

On November 7, 2023, Bamburi Cement pledged to probe allegations implicating its G4S guards in the tragic incidents of rape and fatalities among Denyenye locals in Kwale. Bamburi and G4S are multinational entities operating in Kenya.

KHRC, Transparency International-Kenya (TI-Kenya), Kwale Mining Alliance (KMA), and Denyenye-Maweni, a local community-based organization, documented the abuse and carried out an intensive media advocacy campaign in November 2023 to expose the injustices.

The revelations compelled G4S guards to cease further transgressions against the community, following Bamburi's commitment to investigate the allegations and restore its reputation. Bamburi's statement acknowledged the egregious violations committed by its security personnel against the host community, marking the initial step toward rectifying the harm caused.

Kenya launches action plan to hold corporations accountable for abuses

On May 12, 2023, Kenya took a significant step forward in promoting human rights in the business sector by launching its National Action Plan (NAP) on Business and Human Rights.

NAP aims to implement the United Nations Guiding Principles on Business and Human Rights, adopted back in 2015.

It is a critical commitment by the government to hold corporations accountable for any human rights abuses they may commit.

KHRC was deeply involved in NAP's development. It has long served as the sole representative of civil society organizations on the Steering Committee.

Our litigation influence transcends borders

In October 2023, civil society organizations safeguarded the proposed Legally Binding Instrument (LBI), led by the UN Working Group on Business and Human Rights, from being compromised by corporate and state interests.

For years, KHRC has actively participated in elaborating the LBI in Geneva, Switzerland, in collaboration with the International Network for Economic, Social and Cultural Rights (ESCR-Net) and the International Federation for Human Rights (FiDH).

We have consistently advocated for robust alternative text to prevent the LBI's language from being diluted.

Internet shutdown

At the African Court on Human and Peoples' Rights (ACHPR), KHRC, in partnership with South Africa's Legal Resources Centre, sought to intervene as amicus curiae in a case challenging Benin's internet shutdown during the 2019 parliamentary elections.

The application, submitted on June 26, 2023, aimed to hold the Benin government accountable for its actions.

Despite KHRC's application being dismissed for procedural reasons, this stresses our commitment to combat impunity on local, regional, and global scales.

Championing data privacy

KHRC and five other organizations worldwide collaborated to draft and submit a legal opinion to the Serbian Constitutional Court in support of a Serbian CSO's challenge against the constitutionality of the Law on Social Card.

This law compiles extensive personal data for social protection beneficiaries, violating data protection principles and international law.

Our involvement in these legal actions highlights our ability to escalate human rights violations to regional accountability mechanisms and demonstrate solidarity with CSOs globally.

'Maisha Namba' legal hurdles

In Kenya, the High Court halted the rollout of the Universal Unique Personal Identifier (UUPI) rollout, known as "Maisha Namba," and the digital identity card on December 5, 2023.

KHRC, in partnership with Katiba Institute and others, initiated this suit due to Kenya's lack of a comprehensive policy and legal framework governing the digital ID system.

KHRC, partners revive Haki Madini Kenya

The appointment shows that people trust KHRC to lead the fight against laws that take away communities' fair share of land and resources.

KHRC assumed leadership of the Haki Madini Kenya (HMK) coalition on March 14, 2023, and its impact became evident within a short span.

KHRC worked with other coalition members to revitalize the outfit, establishing it as a formidable force advocating for reforms, justice, and accountability in the land and natural resources while addressing emerging human rights issues.

Under KHRC's guidance, HMK spearheaded a sustained campaign that partially lifted a 2019 ban on the issuance of prospecting and mining licenses.

Since 2015, Kenya had not renewed existing licenses, leading to the revocation of permits for at least 65 companies.

Operational licenses were maintained through a gazette notice, while expired permits required special clearance from the ministry.

The ban's removal safeguarded artisanal miners from exploitation by middlemen. It also marked a significant stride towards empowering local communities to benefit equitably from resource extraction in their areas.

The coalition's renewed vigor and influence have attracted reputable organizations such as the Kwale Mining Alliance (KMA), Catalyste+, International Alert, and Solidaridad Central and Eastern Africa.

KHRC's appointment signifies a vote of confidence in its capacity to lead efforts against policies and legislation that deprive communities of their rightful benefits from land and natural resources.

Several organizations have expressed interest in partnering with the coalition to spearhead joint initiatives, including the Kenya Chamber of Mines, Thomson Reuters Foundation, Drylands Learning and Capacity Building Initiative, Pastoralist Parliamentary Group, and Alliance of Civil Society Organizations for Clean Energy Access (ACCESS).

New funding partners have also signaled readiness to support KHRC in leading the HMK work.

Historic NLC hearings commence

After an over eight-year hiatus, the National Land Commission (NLC) initiated hearings on historical land injustices and petitions filed by Kakuzi communities.

Held on February 28 and March 2, 2024, in Nairobi, these hearings compelled Kakuzi PLC's senior management to account for the acquisition of vast land holdings dating back to the colonial era.



NLC Commissioner Esther Murugi Mathenge (in white) during a site visit to land contested by Kakuzi Company and locals. Photo: Ernest Cornel

The hearings dealt a significant blow to Kakuzi and other multinational corporations, thwarting their attempts to legally challenge the NLC's jurisdiction in hearing such cases.

Importantly, the hearings provided victims of historical land injustices access to reparative measures for past land violations endured during the colonial period.

Following the Commission's directives,

Kakuzi communities were granted unrestricted access to contested land during a site visit on March 14, 2024, conducted alongside NLC commissioners.

32,900
Acres of land Kakuzi Plc controls, part of which local communities lay claim to

KHRC, Okoa Uchumi influence amendments to 2023's finance law

The Okoa Uchumi coalition, which KHRC is part of, lodged a petition with the National Assembly opposing the punitive taxes outlined in the Finance Bill, 2023.

After deliberations, the assembly adopted at least 15 recommendations, subsequently incorporated into the Finance Act, 2023.

The adoption mitigated the punitive aspects of the law, which had sparked widespread outrage.

New university education funding model challenged

KHRC, the Elimu Bora Working Group (EBWG) and activist Boaz Waruku, filed a lawsuit to halt the implementation of a new funding model for university education.

The Presidential Working Party on Education Reforms (PWPER) introduced this new model, which the petitioners argued discriminates against hundreds of thousands of students.

Central to the petitioners' argument is the contention that the new Valuable Scholarship and Loan Funding (VSLF) model is opaque and expensive.

This model effectively replaced the Maximum Differentiated Unit Cost (DUC) system.

There was a lack of public participation in developing and implementing the VSLF model, contravening legal requirements.

Before taking legal action, KHRC and EBWG collaborated on April 20, 2023, to formulate

a comprehensive framework for education standards.

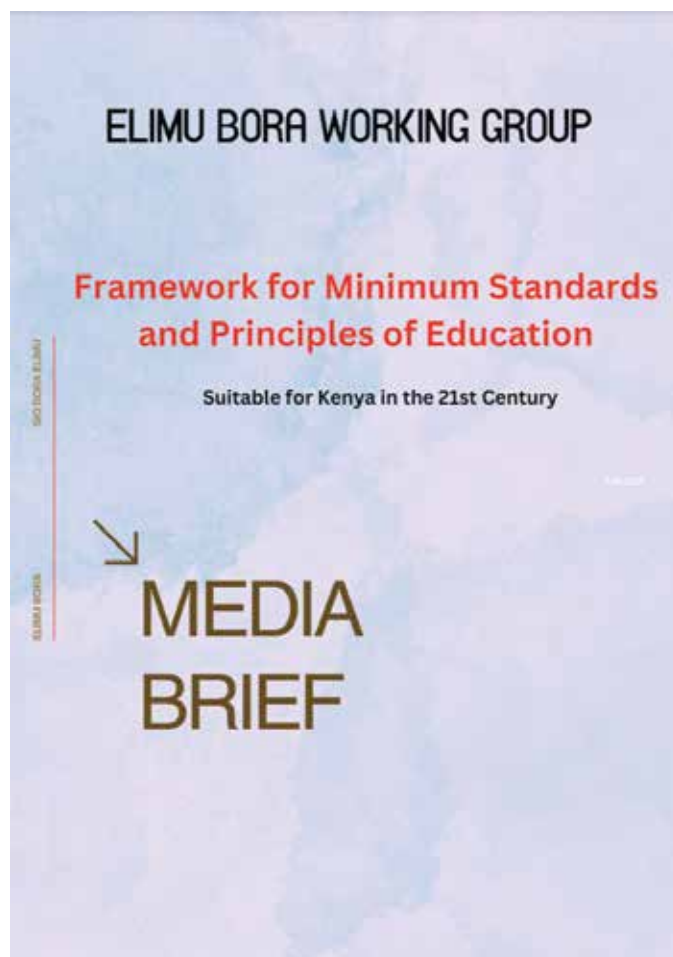
This framework now serves as a blueprint for engaging in education reform efforts.

Encouragingly, the government has already taken steps to address some of the concerns outlined in the report.

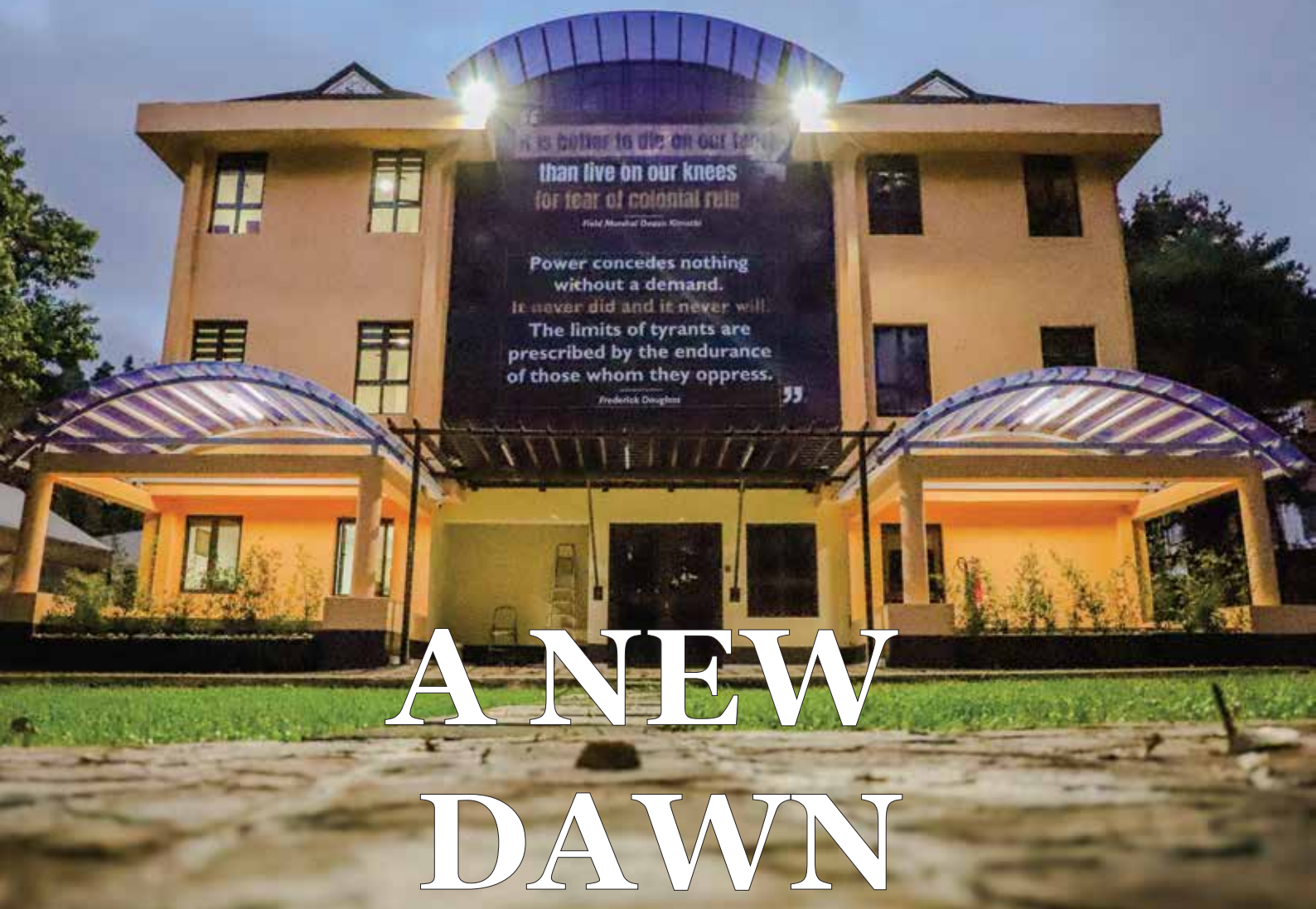
Notably, in the 2023-24 financial year, the government allocated Sh4.8 billion to recruit 20,000 intern teachers, a positive response.

In the preceding financial year of 2022-23, the Teachers Service Commission (TSC) received only Sh2.5 billion for teacher recruitment.

Meanwhile, the increased membership of EBWG to 13 from five shows KHRC's growing recognition as a leader in education advocacy in Kenya.



**INSTITUTIONAL
EXCELLENCE
AND
RESPONSE**



A NEW DAWN

The new KHRC office is located along Amboseli Road, Off Gitanga Road, in Nairobi. Photo: Ernest Cornel

KHRC occupies its new building

After almost two years of construction, KHRC's relocation to its new premises in March 2024 marked a significant milestone towards sustainability for the organization.

With the property's purchase in 2018, KHRC now stands on a foundation of stability and autonomy.

The institution can redirect funds to bolster its core activities by eliminating rental expenses, ensuring long-term resilience.

Moreover, acquiring the new building opens

avenues for revenue diversification through space leasing, allowing KHRC to strategically navigate the challenging donor-funding landscape.

Beyond its financial implications, the new building also serves as a hub for civil society actors in the region, providing a space to convene and collaborate and symbolising the progress made on the civic front.

22

Months it took to construct and furnish the new KHRC office

Leave uptake increases as staff prioritizes work-life balance

KHRC witnessed significant improvement in staff leave uptake, a positive shift in the organizational culture toward prioritizing employee well-being.

This increase in leave utilization shows a healthier work-life balance for staff, contributing to higher morale, reduced burnout, and improved productivity.

Additionally, there has been a noteworthy improvement in staff retention, as indicated by a significant decrease in staff turnover to five per cent in 2023-24, down from 15 per cent in the previous year.

Only three staff members left in the last fiscal year, with just one leaving in the current year.

This improvement in staff retention has reduced turnover costs, including recruitment expenses and staff training expenditures.

Strategic media partnerships boost KHRC brand

KHRC strategically cultivated partnerships with media organizations and influential figures, significantly enhancing the organization's visibility and outreach.

Through these collaborations, KHRC secured widespread coverage of its press conferences, legal proceedings, reports, and more across various media platforms.

In fiscal year 2022-23, KHRC issued 25 press statements, conducted 20 press conferences, and published three opinion articles.

However, during the 2023-24 financial year, the organization exceeded these figures, issuing 56 press releases, hosting 24 media addresses, and publishing six opinion articles.

Furthermore, these strategic alliances facilitated a surge in media interest in KHRC, with media outlets increasingly seeking the organization for interviews and expert commentary on human rights matters.

Notably, KHRC's communication efforts extended beyond traditional media channels; utilizing social media platforms and a revamped website allowed the organization to amplify its messages and achieve a comparable impact to mainstream press, reaching diverse audiences and sparking meaningful conversations.

These initiatives have heightened the KHRC brand recognition, respect, and prominence in traditional and digital media.

KHRC to celebrate over 30 years of impactful legacy

KHRC celebrated its 30th anniversary in April 2022.

To honor this milestone, the organization plans to commemorate its journey by connecting with Kenya's historical struggles, to which KHRC has been deeply committed over its three decades of existence.

KHRC shall use this anniversary to understand better our history, context, key actors and concerns that remain critical as we advance our transformative mandate.

As part of the celebration, KHRC will publish a book that shows its impactful legacy over the past 30 years.

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