



KENYA HUMAN RIGHTS COMMISSION

ANNUAL REPORT APRIL 1, 2016 TO MARCH 31, 2017



Vanguard For Human Rights

Our Operational Goal (2016-2018)

**Deepened Political Leadership to the Key Governance
Issues in the Society**

Our Strategic Goal(2014-2019)

Enhanced Human Rights-Centred Governance at All Levels

**GET UP,
STAND UP!
FEAR NO
MORE**



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Published by

KENYA HUMAN RIGHTS COMMISSION

Opposite Valley Arcade, Gitanga Road,

P.O Box 41079, 00100 GPO, Nairobi, Kenya.

Tel. +254-020-3874998/9 3876065/6

Fax. +254-020-3874997

Email: admin@khrc.or.ke

www.khrc.or.ke



a. Kimosop Kipruto, Coordinator, Baringo Human Rights Network reading a press statement after delivering a petition to parliament to address issues of insecurity in Baringo.
b. Women marching together in Karura Forest in Nairobi, Kenya for the protection of women rights, liberties and leadership in Kenya and a round the world.
c. A dialogue on the state of human rights in Kwale.
d. International Anti-Corruption Day: The people summit discussion on how to detect, disrupt, deter and defeat corruption.
e. A member from the Makonde Community displaying her newly issued identity card.
f. George Kegoro, Executive Director of Kenya Human Rights Commission answering questions from journalist during a press conference.
g. Kura Yangu Sauti Yangu Community forum on issues of electoral governance in Eldoret- Uasin Gishu County.

TABLE OF CONTENTS

ACRONYMS.....	v
ACKNOWLEDGEMENTS.....	vii

PART 1: INTRODUCTION.....	1
----------------------------------	----------

PART 2: DETAILS OF THE RESULTS ACHIEVED

A. Transformative Justice (TJ)	4
B. Economic and Social Justice (ESJ).....	10
C. Political Pluralism and Diversity (PPD).....	15
D. Institutional Support and Development (ISD).....	21

PART 3 STORIES OF CHANGE

1. Confronting Stateless.....	32
2. Creating a formidable civic coalition for credible elections.....	34
3. Enhancing policy leadership in corporate accountability.....	36
4. Safeguarding the right to housing and public Participation in courts.....	38
5. Taking the transitional justice discourse a notch higher.....	38
6. Rebalancing of power in a horticulture supply chain.....	39
7. Expanding space for women’s political participation.....	40
8. Fostering successful mediation processes with our Legal aid clinic.....	42
9. Protecting civil and political liberties in Kenya and beyond.....	42
10. Celebrating our heroines and heroes.....	43
11. Combating and confronting theft of public resources.....	45
12. Strengthening partnerships with grassroots communities.....	46

PART 4: PART 4: OUR DEVELOPMENT PARTNERS.....	48
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PART 5: OUR FINANCIAL REPORT

ACRONYMS

ACHPR	- African Commission on Human and Peoples' Rights
AFFA	- Fisheries and Food Authority
AfriCOG	- African Centre for Open Governance
AGM	- Annual General Meeting
ANC	- Amani National Congress
ASP	- Assembly of State Parties
CAF	- County Assemblies Forum
CAJ	- Commission on Administrative Justice
CEC	- County Executive Committee
CORD	- Coalition for Reforms and Democracy
CPTA	- Committee on the Prevention of Torture in Africa
CRAWN	- Community Advocacy and Awareness Trust
CREAW	- Centre for Rights Education and Awareness
CRECO	- Constitution and Reforms Education Consortium
CSOs	- Civil Society Organizations
CSPRI	- Civil Society Prison Reform Initiative
CSRG	- Civil Society Reference Group
CSVR	- Centre for the Study of Violence and Reconciliation
EAC	- East African Community
EJKs	- Extra-Judicial Killings
EPA	- Economic Partnership Agreements
ESJ	- Economic and Social Justice
ETI	- Ethical Trading Initiative
FIDH	- International Federation on Human Rights
GLWC	- Global Living Wage Coalition
HRIS	- Human Resource Information System
HURINETs	- Human Rights Networks
ICC	- International Criminal Court
ICJ-K	- International Commission of Jurists, Kenya Chapter
IDPs	- Internally Displaced Persons
IEBC	- Independent Electoral and Boundaries Commission
ILO	- International Labor Organization
IMLU	- Independent Legal Medical Unit
IPOA	- Independent Policing Oversight Authority

ISD	- Institutional Support and Development
KANU	- Kenya African National Union
KHP	- Kenya Horticulture Project
KHRC	- Kenya Human Rights Commission
KLRC	- Kenya Law Reform Commission
KNCHR	- Kenya National Commission on Human Rights
KPTJ	- Kenyans for Peace with Truth and Justice
KTJN	- Kenya Transitional Justice Network
KUDHEIHA	- Kenya Union of Domestic Hotels Educational Institutions Hospitals & Allied Workers
KYSY	- Kura Yangu Sauti Yangu
LGBTI	- Lesbian, Gay, Bisexual, Transgender and Intersex
LSK	- Law Society of Kenya
LSNSAs	- Land Sector Non-State Actors
M & S	- Marks & Spencer
MSC	- Most Significant Change
NARC	- Rainbow Coalition Kenya
NGEC	- National Gender and Equality Commission
NGO	- Non Governmental Organizations
NHRIs	- National Human Rights Institutions
NVSN	- National Victims and Survivors Network
OPSA	- Outstanding Police Service Awards
PBOs	- Public Benefits Organizations
PIL	- Public Interest Litigation Cases
PLMR	- Planning, Learning, Monitoring and Learning Framework
PPD	- Political Pluralism and Diversity
PRWG	- Police Reforms Working Group
RBM	- Results Based Management
SGBV	- Sexual and Gender Based Violence Victims
SOGIE	- Sexual Orientation Gender Identity and Expression
SPOs	- Small Producer Organisations
TJ	- Transformative Justice
TJRC	- Truth Justice and Reconciliation Commission
UN	- United Nations

ACKNOWLEDGEMENTS

The work of the KHRC is usually inspired and driven by both its internal and external stakeholders. This report is therefore dedicated to those who support our work over the years. Indeed, KHRC's partnerships with key state and non-state actors, including our county-based Human Rights Networks (HURINETs), national and international coalitions have combined efforts that keep us moving us closer towards our goal according to the 2014 – 2019 Strategic Plan, which focuses on enhanced human rights-centred government at all levels .

We salute our staff members who continue to work faithfully and diligently in the advancing the vision, mission, programmes, and values of the Commission. Specifically, we applaud our programme, finance, and administration team whose individual interventions and reports became the basis for our Programme Managers' (PMs) thematic reports that were compiled into the annual institutional report. In this regard, we appreciate Andrew Songa (PM, Transformative Justice); Elizabeth Kariuki (PM, Economic and Social Justice); Diana Gichengo (PM; Political Pluralism and Diversity); Kasiki Mudachi (Human Resources Manager); and Catherine Kamatu (Communications Officer) for compiling KHRC's thematic reports.

We thank Davis Malombe, our Deputy Executive Director, for compiling the final report. We acknowledge Peter Mbage, the Director of Finance and Administration for overseeing the development of our financial statements. We salute George Kegoro, our Executive Director for his strategic leadership in the development of this report.

We also take this opportunity to recognize Kenne Mwikya, our Programme Advisor overseeing the LGBTI rights and ethnicity programme at KHRC for editing the report. Medika Medi, our Communications Assistant, designed the layout of the report, while Cate Kamatu, our Communications Officer copy edited and oversaw its final production.

In addition, we appreciate our Board of Directors for their guidance. Over the years, our Board has proved to be a wellspring of knowledge, insight, and strategic leadership and we are thankful for their availability for consultations and in assisting the Commission achieve its maximum potential.

We also recognize our interns who continue to offer very fresh insights and exceptional services both in the planning and execution of our work. Every year, we are privileged to host 10 interns who serve the Commission with diligence.

Finally, we wish to express our deepest gratitude to our partners and beneficiaries who supported our work at all levels. We are sincerely grateful to our development partners who provided the financial, technical and political support that enabled our programmes and operations to run smoothly and achieve the expected results.

To all, we say Asante sana.

PART 1: INTRODUCTION

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

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

2017 marks the 25th (Silver Jubilee) of the Commission. The anniversary is a time to take cognizance of our growth and transformation both within and outside the KHRC. During this time of celebration, reflection, and memorialization, KHRC seeks to work with a cross section of actors in the human rights and governance sector as a means of consolidating our image and brand as well as affirming the organization's role in key moments in Kenya's history.

Our work remains grounded on the 2014/2019 Strategic Plan whose Vision is to secure human rights states and societies. Our Mission is to foster human rights, democratic values, human dignity and social justice. We espouse a very holistic concept of human rights that straddles civil and political rights (as fundamental to political democracy); economic and social rights (as critical building blocks for social democracy); and equality and non-discrimination (both as integrated and specific interventions in programming).

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

Towards this, we remain committed to working with our more than thirty Human Rights Networks (HURINETs) and other grassroots communities (based in more than thirty counties in Kenya); partnering with more than thirty national level- state and non-state actors and coalitions and engaging with the more than fifty sub-regional, regional and international human rights organizations and networks.

-
- *Pioneering work in addressing key societal concerns, e.g. workers' rights; LGBTI rights, constitutional democracy, electoral governance, trade justice, corporate accountability, transitional justice, citizenship among others.*
 - *The tenacity, ability, and commitment to provide the requisite political and technical responses and leadership to key human rights issues at all the levels in society. Currently, the KHRC has remained at the forefront of the major conversations on elections, civic space, corruption, security, ethnicity, citizenship, business and human rights, transitional justice among others.*

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

As we celebrate our Silver Jubilee, we stand recognized for countless and remarkable capacities and accomplishments, including but not limited to:

- *Building the human rights movement through the facilitation of community-based human rights networks and incubation and support of nascent human rights organizations at all levels.*
- *The continued production of and support to a pool of internationally and nationally recognized workers and scholars within the fields of governance and human rights.*

Consequently, the Commission has received many awards and accolades , including the Ford Foundation’s Champions of Democracy 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**”.

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

This report draws together information related to KHRC’s work over the last year in a simple, concise, cumulative and results-focused manner. This report is by no means exhaustive and we would urge you to contact KHRC directly if you require further information related to our work. Basically, the report outlines what differences KHRC made between April 2016 and March 2017. The results of our work have been presented to capture the following:

- a) Commitments by duty bearers in the form of statements, policies and laws*
- b) Actions and efforts towards change, reform, or transformation, and*
- c) Results for communities.*

1. For details on our awards and achievements see: <http://www.khrc.or.ke/achievements/awards.html>. See also our annual reports and results.

2. See also the Commission’s documentary entitled: *KHRC - The Vanguard for Human Rights*: <https://www.youtube.com/watch?v=hW51kKMiRXU>

3. 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”.

4. Human Rights Indicators: *A Guide to Measurement and Implementation*, 2012, United Nations, accessed from http://www.ohchr.org/Documents/Publications/Human_rights_indicators_en.pdf (Accessed on September 11 2017)

These correlate to the UN Office of the High Commission for Human Rights' recommendations of using structural, process and outcome indicators of change. At the same time, this report seeks to highlight changes in community empowerment and in the relationship between duty bearers and rights holders. The latter will look at responsiveness, transparency, and changes to the structures/rules for decision making. In this way, the KHRC will be measuring results from the duty bearer (supply), rights holder (demand) and outcomes angles. KHRC monitors its work on an ongoing basis using 5 tools: the 'results tracker, activity tracker, registration forms, training evaluation forms, and stories of change.' 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, organizational, management and board levels ensure that learning is used to adapt KHRC's interventions and guide planning.

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

Our annual report is therefore the ultimate document that provides a synopsis of the main strategies we applied, results achieved, and funds received and utilized during the period under review. It 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). The main body of the Annual Report is presented in 4 parts: 'Details of the Results Achieved,' 'Stories of Change,' 'Our Development Partners,' and 'Our Financial Report.' The results section of the report is structured under KHRC's programmes and strategic objectives, outputs and interventions both at the international and national levels. We welcome you to read it and get to learn more about our work, achievements, and challenges.

The results achieved are in line with our institutional mandate of enhancing human rights centred governance at all levels and new approach of *deepening political and policy leadership to key governance issues and processes in the society*. For further information and enquiries, do not hesitate to reach us via the contacts provided above.

PART 2: DETAILS OF THE RESULTS ACHIEVED

A. TRANSFORMATIVE JUSTICE PROGRAMME:

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

a) Strategic Output 1:

Flawed electoral systems exposed and improvements effected

Electoral Governance Project/ Interventions

Key Achievements and Evidence of Results:

Provided Leadership and Shaped the agenda of Electoral Reforms through Kura Yangu Sauti

Yangu (KYSY) as evidenced by the following:

i. KHRC has demonstrated leadership in the public discourse on electoral reforms and overall preparedness ahead of the 2017 General Elections. KHRC helped formulate and now coordinates KYSY, a civil society-led public movement that ensures a holistic approach to ensuring free, fair and credible elections beyond the traditional focus on policy and technical considerations. This is epitomized in KYSY's 6-point agenda which includes: leadership and governance in the management of elections; the credibility of the electoral governance process; security in electoral governance; discrimination in electoral governance; dispute resolution in electoral governance and; coordination among public agencies working on elections.

ii. Since its launch KYSY has influenced various stakeholders to either support or identify with aspects of the 6-point agenda through more than 24 bilateral consultations, 2 public dialogue forums in Nairobi County and numerous press briefings since December 2016. Key stakeholders engaged include political leadership with the opposition, senior officials in government, parliamentary committees, the IEBC, the Inter-Religious Council of Kenya, the Kenya Private Sector Alliance, and the Law Society of Kenya among others. While the debate eventually zeroed in on a Joint Parliamentary Select Committee on matters relating to the Independent Electoral and Boundaries Commission (hereinafter JSC) as the framework to steer the reforms process, KYSY was instrumental in not only shaping the agenda of the JSC but also the character of some of its recommendations. It is worth noting 4 of KYSY's 6-point agenda were taken up by the JSC; save for security and coordination of public agencies.

iii. In the aftermath of the JSC report and the legislative amendments it occasioned, KYSY has remained a key voice in critiquing the gaps in the JSC recommendations as well as holding state actors to account on the implementation of the sound recommendations. Most notably, KYSY spoke against the send-off package for the outgoing IEBC commissioners and insisted on accountability measures for the improprieties that took place during their tenure. KYSY's positions continue to be a point of reference and consultation for the political leadership as well as the IEBC.

A coalition of civil society organizations in Kenya that is committed to providing a framework of boosting the political consensus and preparedness for the 2017 General Elections. The initiative is meant to minimize the risks related to dysfunctional electoral competition in the country, as evidenced with past elections. <http://www.shitemi.com/politics/civil-society-launch-kura-yangu-sauti-yangu-initiative/>. "Kura Yangu, Sauti Yangu" is a Kiswahili phrase that literally means "My Vote, My Voice".

iv. In order to broaden the inclusion of citizens' voices in the national dialogue process, KYSY conducted two more community dialogues in Mombasa which took place in February 2017 and in Kirinyaga in March, 2017. These dialogues served as a platform for gathering public views on KYSY's 6 thematic issues which will be consolidated with those from prior forums to develop a position paper to be delivered at a National Elections Conference that KYSY hopes to convene with duty bearers in the second quarter of 2017.

v. In anticipation of the upcoming electoral campaign and Election Day itself, KHRC through the KYSY has retained and successfully retained 21 human rights monitors as long-term observers having conducted an election observation and monitoring training in March 2017 in Nairobi. Importantly, the monitors were taken through both the Elections Monitoring and Reporting Tool that had been developed by KHRC.

These monitors are currently active and monitoring political party primaries in the following counties: Garissa, Meru, Nyamira, Uasin Gishu, Tharaka Nithi, Kakamega, Nairobi, Nyeri, Lamu, Baringo, Bungoma, Kwale, Nakuru, Machakos, Kisii, Kitui, Kiambu, Migori, Embu, and Mombasa. Initial outputs from the monitors are expected at the end of April, 2017 and will be utilized by KYSY to engage with electoral stakeholders to inform the electoral reforms agenda.

For details, see an article under the stories of change and case study section entitled: **CREATING A FORMIDABLE CIVIC COALITION FOR CREDIBLE ELECTIONS: "The Emergence of Kura Yangu Sauti Yangu as the Ultimate Voice for the Citizenry"**

Major Challenges

b) Strategic Output 2:

Excesses in Kenya's security policies confronted to assert a Human Rights State

Security Sector Reforms Project/ Interventions

Key Achievements and Evidence for Results:

Confronted the State on Extra-Judicial Killings, Catalyzed a Public Movement on the same and advanced aspects of Security Sector Reforms as evidenced by the following:

In the aftermath of the tragic Extra-Judicial Killings (EJKs) of Willie Kimani, Joseph Muiruri and Josephat Mwenda, KHRC coordinated a multi-stakeholder engagement aimed at enhancing visibility and accountability for EJKs in Kenya. As a start, KHRC helped coordinate and mobilize a well-attended and publicized protest dubbed #StopEJKs which put pressure on the Kenyan government to investigate and prosecute those responsible for these deaths as well as institute an inquiry into the systemic nature of EJKs by security officers. Prosecutions on the Willie Kimani case are currently ongoing.

KHRC contributed to the development of a joint database on EJKs with a view to illuminating the systemic nature of this concern as well as pave way for other interventions such as litigation in partnership with the Law Society of Kenya (LSK). Aspects of this database were utilized by the Nation Media Group who carried out an in-depth feature on EJKs.

<https://www.flickr.com/photos/135533708@N03/sets/72157680641355095>
<https://www.flickr.com/photos/135533708@N03/sets/72157679918813231>

KHRC within this multi-stakeholder engagement is in the midst of developing a broad based strategy of sustained engagement and outreach to the public on the matter of EJKs and the other contemporary concern of the excesses of counter-terrorism. One public dialogue on security and counter-terrorism was undertaken in Eastleigh during the 2016 Samosa Festival.

KHRC as a member of the International Network of Civil Liberty Organizations has undertaken advocacy at the regional and international level on the issues of policing public protests and the issue of surveillance as a threat to human rights. In this regard two publications have been prepared, namely: “Lethal in Disguise: The Health Consequences of Crowd Control Weapons” and “Surveillance and Democracy: Chilling Tales from around the World.” These reports illuminated the excesses by the Kenyan security forces while also influencing regional normative frameworks on these issues such as the African Commission’s Guidelines for the Policing of Assemblies by Law Enforcement Officials in Africa.

On policy advocacy, KHRC has contributed to the development of the Prevention of Torture Bill and the National Coroners’ Bill.

During this period, KHRC also actively supported urgent response to the escalating insecurity problem that has been ongoing in Baringo and Laikipia Counties. The insecurity which has been a result of attacks and cattle raids mostly by the Pokot community, targeted towards the Illchamus and Tugen Communities has had a tremendous bearing on human rights. The attacks have also been said to be politically instigated.

To this end, KHRC in collaboration with the Police Reforms Working Group (PRWG) facilitated a press conference on March 12, 2017 in Nairobi and further collaborated with the Baringo Human Rights Consortium to develop a petition addressed separately to the National assembly and the Senate regarding the insecurity in Baringo. March 15, 2017 representatives from KHRC and 100 representatives from Baringo County proceeded to parliament where the petition was submitted and received.

Following these interventions, the government through the National Assembly’s Leader of Majority commenced discussions on the removal of the Chair of Parliament’s National Security Committee, Hon. Asman Kamama (MP for Tiaty Constituency). This was also as a result of the several complaints that were made about Hon. Kamama’s continued stay as Chair of the Committee, due to his alleged involvement in promoting conflict in the region .

As a way of enhancing professionalism within the Kenyan Police Service and furthering rights based policing, KHRC together with the Independent Policing Oversight Authority convened the second annual Outstanding Police Service Awards 2015/2016 that saw forty-six police officers (25 male officers and 21 female officers) from various police stations in Kenya recognized for their outstanding work to the community. Several police stations and detention facilities were recognized for orderliness, cleanliness, and effective community policing. KHRC intends to continue to engage with the IPOA with the view that the

<https://www.flickr.com/photos/135533708@N03/sets/72157672704006366>
<http://www.khrc.or.ke/publications/113-lethal-in-disguise-health-consequences-of-crowd-control-weapons/file.html>
<http://www.khrc.or.ke/publications/133-online-version-surveillance-and-democracy/file.html>
Press release available here: <http://www.khrc.or.ke/2015-03-04-10-37-01/press-releases/585-press-statement-on-the-insecurity-situation-in-the-north-rift.html> . Press coverage available here: <http://www.capitalfm.co.ke/news/2017/03/rights-group-wants-more-done-to- quell-north-rift-volatility/>
<https://www.youtube.com/watch?v=HKmH5O3hRkQ>
<https://www.youtube.com/watch?v=eW3hL6nZtdc>
<https://www.youtube.com/watch?v=mOxXnWbbqp8>
Please see: <http://ntv.nation.co.ke/news/national/2725528-3855914-fri82dz/index.html> On March 19, The leader of majority in the house; Hon Aden Duale announced on national television that talks were ongoing to move Asman Kamama the chairman of the national assembly’s security committee another committee following several complaints about his continued stay. <http://ntv.nation.co.ke/news/national/2725528-3855914-fri82dz/index.html>

next awards will have two new categories that would be aimed at awarding Police Officers and facilities that strictly adhere to and promote human rights.

Finally, KHRC in partnership with the Independent Legal Medical Unit (IMLU) and other civil society organizations under the auspices of Police Reforms Working Group commemorated the International Day Against Torture on the 26th of June at Kariobangi Catholic Church. The commemoration of the International Day Against Torture was preceded by a series of community dialogues were in Rongai, Mukuru, Eastleigh, and Kariobangi on the 17th, 24th, 25th and 26th of June 2016 respectively.

KHRC made contributions to a memorandum by Civil Society Organizations to the Attorney General to fast track the enactment of the Prevention of Torture Bill 2014 and the Coroners Service Bill 2015. KHRC also contributed to an open letter to the President of the Republic of Kenya that was published in the Daily Nation on the 26th of June 2016 expressing dismay at the delayed enactment of the Protection against Torture Bill 2014 and the National Coroners Service Bill 2015. In this letter, the KHRC together with partner-members of the Police Reforms Working Group recommended the following to the Government of Kenya:

- ***The enactment of the Prevention Against Torture Bill 2014 with all relevant provisions to ensure that the definition of Torture conforms with Article 1 of the Convention against Torture.***
- ***Enact the National Coroners Service Bill 2015 to enable credible and independent medical investigations for all mysterious deaths in Kenya.***

Major Challenges

- *It has been difficult to develop the joint database on EJKs as organizations have exhibited reluctance to share information despite an agreement to do so.*
- *Maintaining the coordination and vibrancy of the multi-stakeholder network formed during the #StopEJKs protests has proved difficult and more so sustaining outreach at the grassroots. This will require more resources and an inclusive strategy that is under development.*
- *The government continues to remain largely silent and refuses to acknowledge the systemic nature of extra-judicial killings and the need for a Judicial Inquiry.*

Strategic Output 3:

*Gross Human Rights violations confronted to secure accountability and serve justice
Transitional Justice Project/ Interventions*

Maintained and advanced a platform for completion of Kenya's transitional justice agenda and in particular, reparations for victims as evidenced by the following:

KHRC has advanced and kept on the public agenda redress for historical injustices and reparations for victims by supporting survivor groups to articulate their demands to the state and other mandate holders. Some notable engagements include commemoration of the anniversary for the construction of the Mau Mau monument as a rallying point for revisiting the liberation narrative and the importance of fully addressing the legacies of colonialism; KHRC's convening of the National Victims and Survivors Network (NVSN) and supporting their public petitions for the implementation of the TJRC report; and KHRC's involvement as Interested Parties in two cases on behalf of IDPs and Sexual and Gender Based Violence (SGBV) Victims seeking reparations.

For details, see an article under the stories of change and case study section entitled: CELEBRATING OUR HEROINES AND HEROES: “The First Anniversary of the Memorial to Victims of Torture and ill treatment during the Colonial Era (1953 – 1963)”

KHRC submitted draft regulations under the Public Finance Management Act to inform the use of the Restorative Fund as part of a technical committee led by the Department of Justice. The Restorative Justice fund, declared by the President of the Republic in 2015, was a matter of foremost concern during the event to celebrate the International Day for the Right to the Truth Concerning Gross Human Rights Violations and for the Dignity of Victims organized by KHRC alongside its partners under the Kenya Transitional Justice Network (KTJN). In attendance were victims of gross human rights violations, the Senior Human Rights Adviser at the Office of the UN resident and humanitarian coordinator, the Chair of the Kenya National Commission on Human Rights (KNCHR) and the Attorney General who was the Keynote speaker for the event.

Notable outcomes from the event included the following:

- The Attorney General acknowledged KTJN's pivotal role in developing the Reparations for Historical Injustices Fund Regulations, 2017 under the Public Finance Management Act.
- The Attorney General also indicated that Kenya Shillings 100 million had already been allocated to operationalize the fund and thereafter, a budgetary allocation of Kenya Shillings 1 Billion would be made available for each financial year to cater for reparations presumably over the next 10 years.
- The Attorney General suggested that he was working closely with the Speakers of the National Assembly and Senate to have the TJRC report adopted by both houses before the August 2017 elections. This is however unlikely given the current political focus on electoral campaigns.

KHRC spearheaded the agendas to redress historical land injustices and advancing women’s land rights within broader land reforms as a member of the Land Sector Non-State Actors (LSNSAs). Significantly, KHRC influenced the provisions within the Land Laws (Amendments) Act that deal with the investigation and resolution of historical land injustices and continues to advise the Endorois community on the implementation of the positive decision at the African Commission on Human and Peoples’ Rights that affirmed the community’s rights to their ancestral land. KHRC has also enhanced the capacities of communities in understanding and respecting women’s land rights within the community land tenure system by carrying out dialogue forums, radio shows and campaigns such as the Kilimanjaro Initiative where women from various communities climbed Mt. Kilimanjaro in a bid to call attention to women’s land rights.

KHRC is also currently engaging the Government of Kenya on the development of regulations to the Land Laws (Amendment) Act, particularly regulations concerning the processing, extension, and renewal of leases. More specifically, KHRC as part of LSNSA is developing a memorandum on the proposed Community Land Regulations for consideration by the government. KHRC will be seeking to facilitate

Press release available here: <http://www.khrc.or.ke/2015-03-04-10-37-01/press-releases/592-international-day-for-the-right-to-the-truth-concerning-gross-human-rights-violations-and-for-the-dignity-of-victims.html> and press coverage available here: (1) <http://www.capitalfm.co.ke/news/2017/03/ag-blames-bureaucracy-delays-settling-reparation-claims/> (2) <http://www.capitalfm.co.ke/news/2017/03/nyayo-torture-victims-plead-quick-reparation-restorative-justice-fund-established/> (3) <http://www.mediamaxnetwork.co.ke/news/311375/ag-assures-speedy-payout-victims-historical-justice/>
Photos of the meeting available here: <https://www.flickr.com/photos/135533708@N03/albums/72157679919864411/with/32834804064/>

the engagement of communities with the government-led taskforce on leases once they commence their public hearings scheduled for May 2017.

KHRC continues to engage with the International Criminal Court (ICC). At the 26th Session of the Assembly of State Parties (ASP) in December 2016, KHRC, as a member of Kenyans for Peace Truth and Justice (KPTJ), contributed to insights and the development of an advocacy brief that insisted on the need to address the issue of Kenya's non-cooperation with the court as well as the unfinished business of reparations of victims. KHRC further called on African states to desist from the clamour to withdraw from the court . At a side-event convened by KHRC and the International Federation on Human Rights (FIDH), the Director of the ICC Trust Fund for Victims conceded that they had failed Kenyan victims and would embark on assessing claims for reparations in early 2017. The brief informed KPTJ's input to a panel on Africa and ICC convened by ASP President Sidiki Kaba; Njonjo Mue on behalf of KPTJ was the only NGO representative on the panel. Similarly, a representative from the Ministry of Interior conceded that they had not done nearly enough for SGBV victims and that they would be willing to engage us on this issue.

KHRC presided over the successful adoption of the Draft General Comment on the Right to Redress for Victims of Torture and Other Cruel, Inhuman or Degrading Punishment or Treatment under Article 5 of the African Charter on Human and Peoples' Rights. This General Comment was adopted at the 21st Extra-Ordinary Session of the African Commission on Human and Peoples' Rights (ACHPR) in Banjul, Gambia in February 2017. KHRC was a co-presenter in the final submission to the Commissioners by virtue of its membership to the Reference Group appointed by the ACHPR's Committee on the Prevention of Torture in Africa (CPTA) which was tasked to develop the draft General Comment. The General Comment essentially guides states, national human rights institutions (NHRIs), and civil society on how to implement the right to redress in law and practice. It envisages the outcomes of redress to be transformation and healing for victims. KHRC played a pivotal role in conceptualizing the General Comment by first successfully advocating for a resolution on the right to rehabilitation as well actively participating in the drafting of the text as a member of the reference group .

*For details, see an article under the stories of change and case study section entitled:
**TAKING THE TRANSITIONAL JUSTICE DISCOURSE A NOTCH HIGHER:
"Realising a Milestones for Victims of Torture in Africa as a Regional Instrument on the Right to
redress is Adopted***

Major Challenges

- The government remains evasive when it comes to implementing the TJRC report and reparations for victims.
- Addressing historical land injustices remains a challenge on account of a law short-circuited by a series of political compromises.
- The government remains needlessly aggressive and insecure towards civil society organizations working on issues of accountability.

<http://www.khrc.or.ke/publications/135-advocacy-brief-on-kenya-15th-session-of-the-assembly-of-state-parties-asp-to-the-rome-statute-of-the-international-criminal-court-16-24-november-2016-1/file.html>
Background on that work is accessible here: <http://www.khrc.or.ke/2015-03-04-10-37-01/press-releases/346-khrc-applauds-african-commission-resolutions-from-56th-session.html>
See past releases here: (1) <http://www.achpr.org/news/2015/09/d191> (2) <http://www.achpr.org/press/2016/02/d289/> and (3) <http://www.achpr.org/press/2016/08/d311/>

B. ECONOMIC AND SOCIAL JUSTICE PROGRAMME

Strategic Outcome 1: Protection of producers', workers', consumers' and host communities' rights

Strategic Outcome 2: Improved accountability in service delivery leads to improved access to economic and socio-cultural rights in select counties

a) Strategic Output 1:

Unfair trade practices and corporate impunity revealed as gross injustices

Business and Human Rights/ Corporate Accountability Project/ Interventions

Key Achievements and Evidence for Results:

Deepened policy engagements with duty bearers and rights holders around corporate accountability and labour rights issues in the society as evidenced by the following:

During the reporting period, KHRC offered leadership in the process of developing a National Action Plan (NAP) on Business and Human Rights in Kenya. Its entry point into this process was the development of a Kenya County Guide on Business and Human Rights as well as the undertaking of a National Baseline Assessment on Business and Human Rights. The Kenya Country Guide provides guidance to help companies respect human rights and contribute to development with information and analysis specific to Kenya. The National Baseline Assessment, on the other hand, provides an analysis of the legal, policy and regulatory framework for Kenya and identifies gaps in law, policy and initiatives by the state to prevent negative human rights impacts by companies.

These two documents, to be launched in June 2017, have become a critical reference point for the NAP process and have been used by the National Action Plan Steering Committee to guide stakeholder consultations as well as inform the constitution of working groups. In addition to the foregoing, KHRC has convened high level policy dialogue meetings to discuss and popularise the United Nations Guiding Principles on Business and Human Rights and engage key policy makers and independent offices on their role in the National Action Plan process. KHRC is a member of the National Action Plan Steering Committee and is the Civil Society representative in this committee.

For details, see an article under the stories of change and case study section entitled:

ENHANCING POLICY LEADERSHIP IN CORPORATE ACCOUNTABILITY:

“The Role of KHRC in the Development of a Policy Framework for Business and Human Rights.”

- National high-level meetings with key policy makers as well as supply chain actors to disseminate lessons learnt from the Kenya Horticulture Project (KHP) and explore legal and policy measures to redress corporate impunity.
- High level meetings in the UK, among them with the UK Grocery Code Adjudicator, the Joint Committee on Human Rights of the UK Parliament and Ethical Trading Initiative (ETI).

During these meetings, KHRC made the case for the need for collaboration with these actors so as to hold UK based importers and retailers (those importing and retailing beans from Kenya) accountable for human rights violations occurring in their supply chains.

The Joint Committee on Human Rights has since expressed interest to visit UK companies with operations in Kenya who have been accused of gross human rights violations with the intention of prosecuting those found culpable in the UK. One among these is Kakuzi.

KHRC also met with large scale retailers and importers in the UK and used the forum to facilitate cross learning among these actors, sharing of best practices on accountability and exploring ways of mitigating and addressing negative impacts of their operations on less powerful supply chain actors.

These initiatives not only showcased KHRC's work but helped advance the opportunity of using the market to enhance accountability of actors within global supply chains.

*For details, see an article under the stories of change and case study section entitled:
**REBALANCING OF POWER IN A HORTICULTURE SUPPLY CHAIN:
"Successes for Smallholder Farmers and Pack House Workers in Meru".***

With regard to advancing policy work at the national level, KHRC in partnership with the Kenya Law Reform Commission (KLRC) developed the Meru County Farm Inputs and Produce Board, 2017 aimed at enhancing regulation of the distribution and packaging of farm inputs and produce within the county. The need to develop a bill emanated from an outcry by more than 300 farmers participating in the Kenya Horticulture Project on loss of livelihoods as a result of huge losses occasioned by purchase of adulterated farm inputs. Once enacted, the law will regulate the distribution and packaging of farm inputs and produce and to offer a fair compensation to farmers affected by the sale of counterfeit farm inputs

KHRC shaped discussions as part of a Technical Steering Committee convened by the Kenya Union of Domestic Hotels Educational Institutions Hospitals & Allied Workers (KUDHEIHA) to lead advocacy work aimed at pushing the government to ratify ILO Convention 189 that enhances the protection of the rights of domestic workers. In view of the unique challenges faced by domestic workers, KHRC considers ratification of the convention a major step towards safeguarding the rights of domestic workers in Kenya.

KHRC participated in a meeting organised by the Global Living Wage Coalition (GLWC) in which the discourse on the living wage was advanced. During this meeting, KHRC shared the findings of a living wage study it conducted in Timau in Nanyuki. The findings of the report conducted in Timau will be used to corroborate information contained in a Living Wage report concluded by the GLWC and hence will shape the discourse on the living wage in the global arena.

Major Challenges

The lack of goodwill by corporations within global supply chains coupled with weak accountability mechanisms remain a big challenge to our corporate accountability work. Whereas KHRC was able to report some remarkable results from this engagement, much more could have been achieved had there been a stronger legal and regulatory framework at the county, national and international level. These are critical in addressing the stark imbalance of power between corporations (exporters, importers and retailers) and actors lower end of the supply chain, namely, small scale farmers and workers.

b) Strategic Output 2:

Enhanced civic demand for accountability in service delivery in select counties

Devolved Governance and Service Delivery Project/ Interventions

Key Achievements and Evidence for Results:

Enhanced engagements with key state and non-state actors towards human right centred governance in devolved governance as evidenced by the following:

KHRC supported HURINETs to monitor changes in Devolved Governance

We supported Mombasa HURINET, North Rift HURINET, and Wajir HURINET to monitor service delivery (water, education & health) in Mombasa, Nakuru and Wajir Counties respectively. The monitoring exercise took the form of a survey based on our “Ten Point Model County Award Criteria and Scheme” and reached a total of 390 respondents across the 3 counties.

KHRC provided both the technical and financial support to the intervention. Generally, the findings revealed massive public frustration against county governments. Specifically, the interventions resulted into generation of a report that is intended for use by the HURINETs to further evidence based advocacy with the view of influencing government policies relating to water, education and health services.

KHRC conducted interface meetings with County government officials

KHRC engaged the Nakuru and Wajir county governments through interface meetings with county officials aimed at establishing areas of synergy. These engagements resulted into four duty bearers interface meetings, one in Nakuru County and three in Wajir County.

The meetings were organized principally with the view of sharing the Ten Point County Model Award Criteria and Scheme, for duty bearers’ acquaintance and consideration for adoption. KHRC also held successful discussions on the status of service delivery particularly regarding the provision of water, health and education services in devolved governance.

In Wajir County, three different meetings were held successfully. In the first meeting, we engaged the County Secretary, his Deputy, and the Chief Officer. In the second meeting, we engaged the County Assembly Clerk and his staff while in the third meeting, we held discussions with the (CEC) County Executive Committee Member for Education and his staff.

In Nakuru County, a meeting was held with the Principal Clerk of the Nakuru County Assembly. The interface meetings were productive and KHRC gained key insights on the relationship between the County Assembly and the County Executive. The meetings were also instrumental in cementing KHRC presence and work in devolved governance in Nakuru County.

The county government officials we interacted with appreciated KHRC’s Ten Point County Model Award Criteria and Scheme and committed to consider adopting it for monitoring purposes. The engagements also acted as springboard for stronger partnerships with county governments premised on their proposal for technical guidance in the implementation of devolved governance, capacity building of the county executives and legislature on policy and legislative work respectively.

KHRC supported the 2nd Annual Legislative Summit hosted by the County Assemblies Forum

During the reporting period, KHRC established partnership with the County Assemblies Forum (CAF), premised on the need to contribute towards the realization of an effective and efficient implementation of devolved governance, characterized by good governance and the respect for human rights. In a meeting held in March, both organizations agreed to areas of possible partnership to include:

- Advocacy for human right centred governance in devolved governance.
- Advocacy for effective public participation agenda in devolved governance
- Capacity build County Assembly Members on their legislative, oversight and representative role
- Capacity build County Assembly Members on how to politically and effectively manage County Governors who in most cases are experienced politicians, creating a situation where differentials of power between them lead to challenges in ensuring oversight and accountability on the part of the County Executive
- KHRC also shared the Ten Point County Model Award Criteria and Scheme as the preferred instrument around which our partnership will be built, and

KHRC committed to support CAF's Second Annual Legislative Summit that was held at in Mombasa County from March 20 to 24, 2017. KHRC provided both technical (moderating sessions and participating as discussants in plenums) and financial support to CAF's Second Annual Legislative Summit premised on the need to provide a national platform to advance the anti-corruption agenda in devolved governance. During the summit, KHRC hosted a session dubbed Enhancing Mechanisms Available to the Legislatures to Strengthen Integrity, Ethics and Anti-Corruption Initiatives in County Governance.

KHRC's support played a key role in facilitating the convergence of various actors that promote devolution to speak against the increased entrenchment of corruption in the Kenyan public sector. CAF's Second Annual Legislative Summit was also space to publicise KHRC's work and achievements, especially given the fact that key actors in the devolved governance sector were in attendance.

In addition, KHRC and the County Assemblies Forum agreed on collaborative engagements aimed at confronting and exposing mega corruption in devolved governance . The Summit climaxed with a communique highlighting the key issues and recommendations canvassed.

Major Challenges

Service delivery particularly water, education and health services remain inadequate and of low quality owing largely to increased corruption and lack of clear particularized plans to effectively and efficiently deliver these services to citizens. Although KHRC has done well in building the capacity of HURINETs as community networks with the ability and capacity to hold county governments accountable, a lot more needs to be done to strengthen civilian oversight mechanisms in the counties. Such mechanisms will increase the quality and frequency of civilian demand for good governance, including quality service delivery at the county level.

KHRC's engagement with CAF in convening the legislative forum was initiated two weeks to the summit. As a result, we only participated minimally in the planning process. We have however agreed with CAF that, in the spirit of partnership, to commence engagement earlier enough in convening the 3rd Annual Legislative Summit.

The Legislative Summit is an establishment of the Senate and County Assemblies organized annually with the view of promoting positive engagement between the Senate and county assemblies and in identifying capacity building and technical assistance needs for the county assemblies with a view to enabling them effectively fulfill their legislative and oversight roles in the devolved system of government.

During the pre-summit Session III held on March 20th, Diana Gichengo, the KHRC's Programme Manager in charge of our Political Pluralism and Diversity programme moderated a session on "Women and Elections: Preparing for Pre-Election processes, during and post election processes". More over and on March 21st, George Kegoro, our Executive Director moderated a high level Plenary 2 entitled: "Auditing the Implementation of Devolution: A Review of the Legislative Capacities of County Assemblies". Finally, and March 23rd, Andrew Songa, our Programme Manager responsible for our Transformative Justice Programme was a panelist in the General Session V about: "Enhancing National Cohesion through Credible and Peaceful Elections".

c) Strategic Output 3:

Anti-Corruption Project/ Interventions

Key Achievements and Evidence for Results:

Enhanced political conversations and response to the mega corruption scandals in the country as evidenced by the following:

While addressing corruption and accountability in governance is a new area of work for KHRC, we moved swiftly to provide leadership in this area owing to the entrenchment of grand corruption and the growing culture of lack of accountability by public officers. Below are the highlights of our achievements:

i) KHRC successfully organised and led a large demonstration against corruption on 3rd November, 2016. While this demonstration was brutally disrupted by a heavy contingent of anti-riot police minutes after it had begun, it sent a strong message to the ruling class by calling on the President of the Republic to Act on Corruption or Resign. Further, KHRC and its partners drafted a strongly worded petition to the President outlining what he ought to do to fight corruption. Additionally, KHRC wrote a petition to the Independent Policing Oversight Authority (IPOA), the Kenya National Commission on Human Rights, and the Commission on Administrative Justice (CAJ) rebuking, in the strongest terms possible, the unnecessary and excessive force used by the police to scuttle the protest.

ii) KHRC, having been a key player in the organisation of the Anti-Corruption Week (2nd to 9th December, 2016), convened a Peoples Summit on Anti-Corruption at Ufungamano House during the International Anti-Corruption Day. This summit was attended by more than 500 people substantially surpassing KHRC's target of 350 people. Additionally, it received live television coverage which further extended its reach remarkably. A key achievement of this meeting was that it gave ordinary citizens the opportunity to voice their frustrations on spiralling mega-corruption and also gave them an opportunity to demand accountability from state officers, as well as providing civil society organisations a platform to showcase their work in addressing corruption in Kenya.

iii) In November 2016, KHRC commissioned a study titled Political Analysis of the Relationship between Mega-Corruption and Failed Electoral Reforms in Kenya. This study is unique and timely in that it seeks to draw the nexus between mega-corruption, political patronage, and the deep state. By investigating and theorizing how the three aspects work together, the study seeks to expose the entrenchment of the deep state, mega-corruption, and the frustration of electoral reforms in Kenya. Undoubtedly, the study will strengthen the discourse on mega-corruption and electoral reforms and stir intellectual introspection among actors on strategies for remedying the deep-rooted and structural problem of corruption in Kenya.

*For details, see an article under the stories of change and case study section entitled:
**COMBATING AND CONFRONTING THEFT OF PUBLIC RESOURCES:
KHRC leads a public protest against rampant Corruption in Kenya.***

Major Challenges

The growing tendency by the state to curtail the right, peaceably and unarmed, to assemble, demonstrate, picket, and present petitions to public authorities as enshrined in Article 37 of the Constitution is worrying. This was witnessed in the anti-corruption protest organised by KHRC in November as well as the citizens' organised anti-corruption walk which was violently scuttled by the police on 12th December, 2016 moments after it was flagged off. This level of high-handedness is aimed at muffling the voices of the people against speaking out on corruption and is a clear indication that organisations such as KHRC will face resistance in its work on mega-corruption.

The growing inertia by Civil Society Organisations to actively confront and combat corruption was very apparent while we were organising the anti-corruption protest and the International Anti-Corruption Day. Very few organisations supported these two initiatives. As such, galvanising the civil society for concerted effort against mega-corruption is becoming increasingly difficult but is a challenge that KHRC is willing, prepared, and fashioned to take.

C. POLITICAL PLURALISM AND DIVERSITY(PPD)

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

a) Strategic Output 1:

Progressive pluralism enhanced in governance structures

Core Interventions:

i) Citizenship Project

Key Achievements and Evidence for Results:

Secured Citizenship for the Makonde Community and engaged in the key national and regional conversations on statelessness as evidenced by the following:

The Kenya Human Rights Commissions took part in a four-day walk from Kwale County to Nairobi as part of activities to pressure the government to recognise the citizenship and rights of the Makonde community. The walk, dubbed Trekking against Statelessness, brought members of the Makonde community and civil society organisations under KHRC's leadership. KHRC's advocacy in favour of the citizenship rights of stateless communities in Africa is premised on sound research. In 2016, KHRC submitted a paper that made proposals on the registration of stateless persons. The paper has been referred to in documents by the government of Kenya and other African governments in the formulation of policies concerning citizenship and registration of stateless persons.

KHRC's work to address the issue of stateless has had tangible effects on the lives of stateless communities. On 10th October 2016 (the first day of Trekking against Statelessness), the government of Kenya issued a 3-year extension of the period for registration of stateless persons. The deadline for registering stateless persons had expired and was the subject of media advocacy and a petition by the KHRC and signed by over 200 stateless persons asking the government to extend the deadline.

On 13th October 2016 (the fourth day of the trek), the trekkers were received in State House in Nairobi for an audience with the President. This was a symbolic victory for the Makonde in that the state was

recognising their demands as worth listening to. During the meeting, the President apologized to the Makonde for decades of exclusion and promised to look into their grievances. Significantly, the President addressed core issues linked to the citizenship rights of the Makonde, including allotment of land and lack of title deeds as well as the exclusion of the Makonde from civic life. In reference to the latter, the President promised that an initial 100 opportunities in the National Youth Service, the National Police Service and the Kenya Defence Forces would be reserved to the Makonde, a first step in the integration of this community within the public service. Additionally, President Kenyatta promised bursaries for Makonde children to further their secondary and college studies. All these promises were tied to the recognition of the Makonde as Kenyan citizens and to that end, the President directed that adult members of the Makonde community be issued registration certificates and identity cards by December 2016.

Although successive governments had made commitments to address the statelessness of the Makonde community of Kenya, these commitments had gone unimplemented. The work of the KHRC and partners in civil society, local communities, and intergovernmental organisations ensured that commitments made by the President made the transition from policy to full implementation. Thus, on 25th October 2016, an interdepartmental team comprising the Department of Immigration, the National Registration Bureau, and the Civil Registration Services commenced the process of registering the Makonde as Kenyan citizens. The process made great effort to include as many members of the Makonde community as possible. As a result, 1590 persons were issued with citizenship certificates, over 1800 have been issued with birth certificates, and 1104 have been issued with national identity cards and voters cards.

KHRC was involved in every step of the way when it came to the registration of the Makonde, including sharing lists of persons who had not been reached in the first round of registration with relevant government agencies. This was a crucial element of our work after the citizenship rights of the Makonde were affirmed by the government, considering that the turnout for the first round of registration was low. In addition, KHRC helped 23 persons with disabilities access the registration centres in a bid to ensure that all members of the Makonde community had an opportunity to be registered as Kenyan citizens.

Together with community representatives, KHRC developed a plan of action on how the Makonde will access affirmative action programs by both the national and county government. So far, the Makonde have submitted to KHRC over 2000 names of Makonde youth eligible for government programs. KHRC also supported the Makonde to develop a list of the elderly persons and persons with disabilities for enrolment in social protection programs to be submitted to the County Commissioners' for Kwale and Kilifi counties.

On March 23rd 2017, the Makonde invited the KHRC to a celebration of their newly acquired Kenyan citizenship. The celebrations were also attended by government officials led by Nelson Marwa, the Coast Regional Coordinator who committed to establishing a mobile identity card registration programme for the Makonde and other communities.

During the 59th session of the African Commission on Human and People's Rights (ACHPR), KHRC was asked to speak on the role of citizens and stateless persons in pushing for nationality rights. This opportunity was in recognition of KHRC's role in securing the citizenship rights of the Makonde.

The ACHPR lauded the Kenyan government for recognising the Makonde as Kenyan citizens and taking active steps to ensure their registration and integration in Kenyan public life and requested KHRC to guide the Special Rapporteur on Refugees, Asylum Seekers, Migrants and Internally Displaced Persons in Africa on how best to monitor the implementation of the new policy for the Kenyan government.

In addition to advocacy at the continental level, KHRC was active in invigorating the discourse on statelessness and citizenship at the regional level as well. In March 2017, KHRC convened a conference on stateless at the East African Community (EAC) in Arusha. The convening was aimed at creating a common understanding among the 6 member states of the EAC on what needs to be done to address the issue of the statelessness in the region, especially considering the role of conflict, political instability, and economic integration has had on the movement of people in eastern Africa. Also in March 2017, as a member of the Nationality Coalition, KHRC took part in a joint meeting with representatives of member states of the EAC to further discuss the issue nationality and statelessness in the region.

KHRC recognises that, due to historical and institutionalised exclusion over the course of Kenya's political development, many communities are affected by statelessness and irregular citizenship status. With this in mind, KHRC has used the victory of the Makonde community in securing Kenyan citizenship as a pivot to working with other stateless communities. To this end, KHRC has held meetings with members of the Pemba community and descendants from Rwanda and Burundi, stateless communities in Kenya, to create an advocacy roadmap for their legal recognition and affirmation as Kenyan citizens. A direct outcome of this work has been the curation of a working history of the Pemba to be used as an advocacy tool by CSOs and local communities. On March 23rd 2017, the Makonde invited the KHRC to their celebration of being citizens. The celebrations were also attended by government officials led by Nelson Marwa. Senior government officials such as the Coast Regional Coordinator have also supported calls for the extension of citizenship rights to other stateless communities such as the Pemba and descendants from Rwanda and Burundi, urging these communities to work closely with KHRC in order to present their claims before government.

*For details, see an article under the stories of change and case study section entitled:
CONFRONTING STATELESS:
"The Makonde Success Story: From Inexistence to life"*

Major Challenges

A substantial number of the Makonde had acquired identify cards illegally and were blocked from returning these documents by government officials who feared that this would expose the gaps and shortfalls in Kenya's

registration and identifications systems. The refusal by government officials to receive applications by persons who had illegally acquired identity documentation resulted in the low uptake of the amnesty and registration opportunity that was established after the government committed to recognising the Makonde.

Although Trekking against Statelessness focussed on the citizenship rights of the Makonde as a distinct ethnic, cultural, and linguistic entity, KHRC's campaign also brought together other stateless communities that live alongside the Makonde. However, these communities were not included under the new government policy to address statelessness and feel that their needs were not addressed. Considering that the registration of the Makonde was done via Presidential Directive, enactment of laws such as the National Registration and Identification of Persons Bill are key in addressing statelessness among all communities faced by this problem in Kenya.

ii) Political participation of marginalized groups

Key Achievements and Evidence for Results:

Involved in shaping the legal and political frameworks for expanding the space for women and other marginalized groups in governance processes as evidenced by the following:

Advancing the Two thirds gender principle through courts:

In early 2017, KHRC became a petitioner in a case challenging the failure by both the National Assembly and the Senate to enact two bill that would have given effect to the constitutional provision that requires all elective and appointive positions be filled by not more than two-thirds of one gender (the Two-Thirds Gender Bill, also known as the Duale Bill and the "Sijeny Bill respectively). Together with actors from the women's movement, KNCHR, and NGEK, KHRC filed a petition in the High Court seeking the Judiciary's intervention in creating a mechanism for the implementation of the two-thirds gender rule in the 2017 elections. The petition received a favourable judgement requiring parliament to enact a law to implement the two-thirds gender rule within 60 days which lapsed in May 2017.

Advancing Women representation through NIMAMA Campaign and other interventions :

'Ni Mama' is a nationwide movement that brings together women to claim power. It was initiated in January 2017 by the KHRC, the Centre for Rights Education and Awareness (CREAW) and Community Advocacy and Awareness Trust (CRAWN Trust), a partner of the National Women Steering Committee in Kenya, Kura Yangu Sauti Yangu, among other partners.

The 'Ni Mama' campaign has the following objectives:

- Increase the number of elected and appointed women in leadership to reflect the 50-50 numerical gender parity in Kenyan society.
- Enhance women's full participating in decision-making processes.

For details, see an article under the stories of change and case study section entitled:

EXPANDING SPACE FOR WOMEN'S POLITICAL PARTICIPATION: "The Ni Mama Campaign"

A constitutional amendment bill of 2015 introduced at the National Assembly by Hon. Duale that provides that if the tow third gender rule is not met through elections, persons of the lesser gender would be nominated to ensure that the senate and national assembly attain the two third gender rule. A constitutional amendment bill of 2015 introduced at the Senate by Senator Sijeny, that provides that if the tow third gender rule is not met through elections, persons of the lesser gender would be nominated to ensure that the senate and national assembly attain the two third gender rule 'Ni Mama' is a Kiswahili word that means "It's for a woman".

- Enhance women’s role in influencing national policy and the legislative agenda.
- Enhance women’s full involvement in the management and distribution of resources.
- Prioritize issues that are of concern to women at all levels in Kenya society.

On March 10, 2017, the above-mentioned partners organized the biggest national women convention in Kenya’s history at the Bomas of Kenya during which the Ni Mama campaign was launched. The National Women Leaders Convention was also an opportunity, on a live national stage, to create awareness and consensus among women leaders regarding their participation in political governance.

KHRC also monitored party nominations with a view of assessing the performance of women candidates and has since compiled a list of all women candidates who were successful in the party primaries, including information about party affiliation. The findings of this study will be used to develop an action plan to influence policies of the country on issues of concern to women.

Major Challenges

Women seeking elective leadership continue to face historical, systematic, and intersecting challenges tied to Kenya’s patriarchal political system, whereby the control of power and resources is restricted to men. Although a small group of women have been able to rise to leadership, including in the political area, persistent myths about women’s leadership continues to have significant negative effect on the spaces available for women to participate in elective politics. In many cases, the entrenchment of a mindset that privileges men when it comes to leadership has meant that women suffer violence on account of their decision to pursue elective positions, face reduced funding compared to their male counterparts, have little support from their political parties and male colleagues, and do not have the benefit of relying on robust social movements (e.g. the women’s movement) that have benefited other women politicians in other countries.

Confronting the politicization of ethnicity in Kenyan politics.

KHRC is in the process of finalizing a study on the politicization of ethnicity in Kenya. The project, an intensive research following four key themes that track the history of the Kenyan political project are titled as follows:

- Politicization of Ethnic Identity Kenya: Historical Evolution, Major Manifestations and the Enduring and the Enduring Implications by Japhet Biegon
- Ethnicity, Coalition-Building and Political Inclusivity in Kenya: Retrospective Analysis and Prospective Solutions by Dr Patrick Asingo
- Kenya’s Experience with Negotiated Democracy in the Multiparty Era (1992 – 2017) by Dr Joshua M Kivuva
- Who belongs in the civil service? Ethnicity and discrimination in Kenya’s civil service by Winluck Wahiu

The study will be unveiled in early September with the view of reinvigorating critical discussions on the role of ethnicity in Kenyan public life soon after the General Elections of August 2017. In addition, KHRC seeks to interrogate the role of ethnicity in Kenya’s political system as well as propose innovative and cutting-edge alternatives to the way politics and government is conducted in the country. The timing of the National Dialogue as well as unveiling of the study is aimed at invigorating discussions of this important topic in the context of the August 2017 elections.

Key Achievements and Evidence for Results

Enhanced leadership and partnership in creating awareness of and protecting the rights LGBTI persons in the society as evidenced by the following:

In June 2016, KHRC became a petitioner in a case aimed at decriminalising consensual, adult, and private same-sex conduct. Section 162 (a) and (c) of the Penal Code criminalise ‘carnal knowledge against the order of nature’ while Section 165 of the Penal Code criminalises ‘gross indecency’ between male persons – laws that have been used to criminalise sexual and gender minorities, especially gay men, lesbian women, and bisexuals. Petition 234 of 2015 seeks to prove that, as legislation forms the basis of violence and discrimination

on grounds of sexual orientation, gender identity and expression, Sections 162 (a) and (c) and 165 are violate provisions of Chapter Four of the Constitution of Kenya (Bill of Rights), specifically article 27 which outlines the prohibition on discrimination. In addition, the petition seeks an interpretation of the rights to human dignity, security, health, privacy, and health relevant to members of the country’s LGBTI community. KHRC’s support for strategic and public interest litigation that aims to promote the rights of sexual and gender minorities also includes creating awareness among our networks and the wider public by integrating LGBTIs in our civic education initiatives as well as working closely with LGBTI organisations to create a security plan.

As part of its work to build the capacity of the National Police Service (NPS) to engage in the policing of LGBTI communities in a rights-based manner, KHRC trained 37 police officers from Siaya, Nyamira, Kisii, Homa Bay, Migori, Kisumu, Mombasa, and Kwale over the course of two training events held in June and December, 2016. In seeking to build a culture of accountability and professionalism among the police when it comes to their engagement with the LGBTI community, KHRC sought to address the root causes of police abuses against sexual and gender minorities: an institutionalised homophobia and transphobia fuelled by myths, misconceptions, and beliefs that seek to limit the rights of LGBTI persons. To this end, KHRC approached a broad-based approach to our training that provided information about the LGBTI community, discussed societal views regarding sexuality and gender identity, discussed the role of police officers are human rights defenders rather than violators, and discussing police welfare issues within the context of law and cultural reforms that seeks to address the human rights of all including police officers and the LGBTI community. In addition, KHRC worked closely with human rights networks, religious leaders, and LGBTI community representatives on the ground, in a bid to ‘localise’ LGBTI rights discourses as a way of enhancing the relevance and legitimacy of this issue at the local level. This was most apparent during our police training initiative in Mombasa and Kwale counties where KHRC invited a Muslim cleric to speak about the need to promote the human rights of all as a religious duty.

KHRC’s work with actors in the criminal justice sector also included Court User Committees – formal grouping which seek to enhance the relationship between the judiciary and actors in the access to justice chain at the local

level. In March 2017, KHRC in conjunction with the National Gay and Lesbian Human Rights Commission, carried out a two-day training targeting police officers and members of Court User Committees in Nairobi County. In total, the training activity saw the successful engagement and network-building between the two organizations and 45 officials, including 20 officers and 25 Court User Committee members.

In January 2017, KHRC participated in a meeting on transgender rights in Africa, organized by the International Network of Civil Liberties Organizations in Cape Town, South Africa. The meeting was a great networking opportunity and a chance for the Kenya Human Rights Commission to lay out its vision for transgender rights work in Kenya. Through engagements with transgender rights stakeholders from across the globe, the PPD team has a better grasp of the issues at stake in transgender rights discourses and work in Kenya, and Africa in general as well KHRC's upcoming transgender rights report (forthcoming in March 2018) in particular.

Throughout the year KHRC attends the SOGIE forum meetings hosted by the Swedish embassy and has made contributions on decriminalization of same sex acts, advocacy initiatives at the regional level and has also contributed in development of submission to the UN special expert, communications to neighbouring countries and demarches to the government of Kenya.

Major Challenges

The main challenges faced by KHRC in its LGBTI rights work is the lack of awareness on human rights protections on the basis of sexual orientation, gender identity and expression among. In many cases, this lack of awareness leads to bias against LGBTI persons as well as unwillingness to engage with information that challenges homophobic and transphobic myths and perspectives. This is particularly worrying in terms of KHRC's work to train various stakeholders on the importance of integrating LGBTI rights as part of a human rights approach. In addition, there is currently lack of research and data as a basis for advocacy. To mitigate this, the Kenya Human Rights Commission is poised to be a leader in promoting high quality research and data as a basis for its work and the work of other human rights organizations in promoting human rights protections on the basis of sexual orientation, gender identity and expression.

D. INSTITUTIONAL SUPPORT AND DEVELOPMENT (ISD) PROGRAMME

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

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

i) Media, Communications and Information Management

Key Achievements and Evidence for Results

Enhanced visibility in both the traditional and social media in response to the emerging human rights and governance issues as evidenced by the following:

The KHRC in collaboration with other human rights organizations issued 29 statements and organized for 23 press conferences. Such outputs have publicized our position on matters of public interest, relevant to our mandate and programmes. Some of the key press statements in the past year have addressed the following issues:

- The termination of the Ruto and Sang cases at the International Criminal Court and allegations of witness tampering
- The establishment of a joint select committee to resolve the IEBC crisis impasse (made as part of Kura Yangu Sauti Yangu coalition)

- The killings of the lawyer Willie Kimani, Josphat Mwendwa, and Joseph Muiruri by police officers. This issue addressed extra-judicial killings of human rights defenders and members of the public by police.

In addition to press statements and releases, KHRC is active in Kenya's both mainstream and social media, providing much needed analysis on the political issues of the day. In November 2016, KHRC was invited by BBC Sema to participate in a Twitter chat dubbed "What are the underlying issues in the dispute between MCAs & Governors?" Our robust media engagement has contributed to the growth of KHRC's presence on social media. In 2016, KHRC's likes on Facebook increased by 50% from 32,402 to 37,436. On Twitter, our followership has increased by an average of 350 followers monthly, change that is attributable to the use of infographics and KHRC's long term engagement with human rights issues. KHRC staff knowledge and skill about on social media, cyber security, and photography immensely improved after training on the technical areas. KHRC now has a collection of powerful photos on its Flickr account from staff and more staff are active as human rights defenders on their social media while still practicing best practices on maintaining the safety and integrity of their social media and online accounts. This not only shows that KHRC is a vanguard in the social media circles but also an influencer of agendas.

A HURINETs blog, documenting their engagements through articles and photographs, has been incorporated into the KHRC website to help the HURINETs connect to local, regional and international partners.

Enhanced citizen awareness on basic rights is a key objective of KHRC's social media engagement. For example, KHRC led an online campaign dubbed #MobilePrivacyIsMyRight with the aim of exposing the Communications Authority's continued surveillance on private citizens contrary to Article 31 of the Constitution on the right to privacy. In addition, KHRC has strengthened its SMS system for reporting human rights violations and by installing a bulk SMS platform and a short code to allow the public report cases of human rights violation. The Short Code is 22582. Awareness has been also raised about KHRC's Information Centre and Digital Library through engagement during the 19th Nairobi International Book Fair. During this fair, KHRC distributed of 500 of its publications and reports and publicized the Digital library. Cumulatively, KHRC distributed a record 8900 copies of our publications. On our Digital Library, our most popular publications are:

- *Redress for Historical Land Injustices in Kenya (3883 downloads)*
- *A Comparative Study of the Tea Sector in Kenya – A Case Study of Large Scale Tea Estates (3819 downloads)*
- *The ABC of EAC-EU Economic Partnership Agreements (EPA) (3014 downloads)*

Major Challenges

- Lack of video production equipment for in house production which limits our ability to quickly and timely produce high quality video content as well as incur huge costs when it comes to sourcing production equipment externally.

All press releases and statements by KHRC can be accessed from our website <http://www.khrc.or.ke/2015-03-04-10-37-01/press-releases.html>

*<https://www.flickr.com/photos/135533708@N03/albums>
<http://www.khrc.or.ke/partners/hurinets-blog.html>*

- Inadequate coordination with communications personnel from the civil society organisations that KHRC coordinates with. This has causing KHRC’s communications unit to be overwhelmed when carrying out interventions that are premised on partnerships between KHRC and other organisations.
- Staff members have not fully adopted the use of digital media and internal communication platforms like the intranet.
- Lack of technical capacity to code and sequence new publications in the Resource Centre.
- High cost transferring resources from the digital library to the repository.
- Lost copies of old KHRC publications (between 1992 and 2005), some of which are core to KHRC’s legitimacy as a longstanding commentator on social and political issues and remain relevant to this day, means that we are not in possession of all our publications.
- Lack of incorporation of the need to reprint a majority of KHRC’s publications into our strategic and institutional priorities has caused delays in restocking our resource centre.

ii) Point of political leadership

Key Achievements and Evidence for Results

As evidenced in most of the interventions in this report, KHRC has lived up to its mandate of enhancing human rights centred governance and its operational goal of deepening political engagement in key governance issues in Kenya. We have remained at the leadership of key decision-making processes in society, a fact that is mainly attributable to our new strategy of designing and implementing our interventions, not only within the afore-mentioned programmes but also along the four categories of approaches: core issues for political leadership; key issues for policy leadership; major cross cutting issues, and important operational issues.

This has further been enhanced by the strategy of complementarity strategy evidenced by the convening of high level forums on sectoral issues. For instance, we organized key state and non-state actors to celebrate the work and life of Dr Willy Mutunga and Maina Kiai in July 18 and March 24, 2017 respectively. These also became strategic platforms for inspiring partners in the struggles for human rights states and societies and for consolidating KHRC’s ability as the ultimate mobilizer and convener of the key players on matters of public interest.

b) Strategic Output 2:

Prompt action on emerging and systemic injustices

Key Achievements and Evidence for Results

Enhanced systems and strategies to address the emerging human rights violations through the following interventions:

i) Legal Aid Support

During the 2016/2017 period, the Legal Aid Programme offered legal advice to at least 470 clients. An increase in the number of clients attended to in the 4th quarter of the year was attributed to partnership and collaboration with the SALAR externship programme which increased the uptake of clients. Of the clients attended to, KHRC mediated 16 disputes, 11 of which were successful. 12 persons were taken through self-representation training, which provides some clients with tips on how to represent themselves in legal disputes in court.

The Legal Aid Programme developed key linkages and partnerships that fed directly to its work. For instance,

on the margins of the East African Community Summit in May 2017, KHRC in partnership regional and continental human rights organisations in solidarity with the people of Burundi and South Sudan held a candlelight vigil aimed at shedding light on the conflict raging in these countries as well the plight of four Kenyan citizens unlawfully imprisoned in South Sudan. By coinciding with the presence of heads of state of both countries in Nairobi, the candlelight vigil aimed at putting pressure on these leaders to address the ongoing human rights abuses in these countries. In May 2017, KHRC collaborated with the Judiciary, the International Development Law Organisation (IDLO) and the International Commission of Jurists in implementing an evaluation of the Court-Annexed Mediation Pilot Programme aimed at independently and comprehensively assessing the project as well as its relevance, efficiency, effectiveness, and sustainability. The evaluation procedure involved gauging the successes, challenges and methodologies of the pilot as it comes to a close April 2017.

In 2016 KHRC participated in a Referral Partners Network Legal Aid forum hosted in Nakuru County by the KNCHR as the county of focus for the activity. Over 3,200 members of the public were sensitized on human rights, the mandates and complaints handling procedures. Around 65 complaints received and documented by KNCHR. Several others received and processed by the various partner institutions.

ii) Public Interest Litigation (PIL) Cases

KHRC instituted 14 ongoing public interest litigation cases, represented our clients as a petitioner, interested party, or friend of the court (*Amicus Curiae*). Out of the 14 cases 4 have been concluded pending advocacy and lobbying for their implementation:

- 1) Judicial Review 431 of 2016 Republic v Cabinet Secretary Ministry of Devolution & Others: This matter was withdrawn on grounds that it had been rendered spent by an Executive Order dated 28th October 2016 transferring the Non-Governmental Organizations Coordination Board from the Ministry of Devolution and Planning to the Ministry of the Interior and Coordination of National Government, and secondly, there had been an earlier decision regarding it.
- 2) Petition 439 of 2016 CREAM & Others v Attorney General: Parliament and the Office of the Attorney General were given 60 days within which to enact legislation to give effect to Article 81 (b) – the two-thirds gender rule – failure to which a petition shall be delivered to the Chief Justice to advise the President to dissolve parliament.
- 3) Petition 351 of 2015 Trusted Society of Human Rights Alliance v. Ag, CS Ministry of Devolution & Others: The Interior Cabinet Secretary was ordered to publish in the Gazette within the next 30 days, the commencement date of the Public Benefit Organization (PBO) Act (2013).
- 4) Petition 39 of 2016 Legal Advice Centre & 3 Others v County Government of Mombasa & 2 Others: Court held that there was insufficient public participation in the planning of a public project and was required to ensure and adhere to public participation at every level of the project. The court also ordered the design of a robust continuing plan for public participation and the same communicated to the public for input.

Both Maina Kiai and Dr. Mutunga are founders of the KHRC, and served as its first and second Executive Directors respectively. Dr. Mutunga is the immediate former Chief Justice and President of the Supreme Court of the Republic of Kenya, while Maina Kiai is the immediate former UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association.

Africa Atrocities Watch, Zinduka Festival, Africa Raising-For Peace, Justice and Dignity, Crisis Action and The Centre for Citizens participation of the African Union

<https://www.flickr.com/photos/135533708@N03/albums/72157680273600183>

Challenges

Public interest litigation is a time-consuming initiative, requiring a lot of investment in research and strategy to guarantee success at the courts. This has led to the overstretching of organisational resources as the Legal Advisor conducts duties related to Legal Aid. In addition, public interest litigation takes a long time to be concluded. This is attributed to case backlog at the Judiciary as well as their slow pace of proceedings most attributed to government's slow response to petitions.

iii) Human Rights Reports and Urgent Actions

In 2016, KHRC produced a draft State of Human Rights Report for 2014 and 2016 entitled: Democratic Reversals: Where Regression Meets Inertia. This report provides a perspective on the human rights situation in Kenya for the period, including statistics of the most reported patterns of human rights violations during the period. The report was discussed in the National Human Rights and Governance conference and also presented during the Annual Judges and Magistrates Forum convened in December 2016.

In July 2016, KHRC took up a case where teachers and students of the Gatitu Secondary School were injured and threatened as they resisted attempts by Kakuzi Limited to grab land belonging to the school. In November 2016, we took up a case of 4 Kenyans arbitrarily detained in South Sudan over trumped-up charges of attempted fraud. One major milestone covered in our advocacy was the huge media coverage that the campaign attracted, both in Kenya and in South Sudan, creating awareness on this injustice as well as sparking public debate and outrage. Out of this, in April 2017, the South Sudan High Court quashed the conviction of the 4 to 72 years imprisonment and ordered a re-trial for all 4 Kenyans.

In MONTH YEAR, KHRC took up the issue around the politically instigated conflicts that continue to mar Kenya's north rift region, which have over a long time had a negative impact on enjoyment of human rights. In collaboration with the Baringo Human Rights Consortium and the Police Reforms Working Group, KHRC undertook a vigorous campaign to raise awareness about the situation in Kenya's north rift including holding a joint press conference, radio talk shows, as well as petitioning the National Assembly. Based on our engagement on this issue, we learned that conversations had begun within government to replace the Chair of the Parliamentary Committee on National Security based on evidence by KHRC's and other (BHRC) that implicated the chair as a key player in the ensuing violence. This was confirmed by comments made by the Majority Leader of Parliament regarding this issue.

The effectiveness of the interventions highlighted above are attributed to legal, policy, media advocacy and campaigning as well as partnerships with key state and non-state actors. We purpose to create and expand our urgent action team, guidelines, and funding for even more effective, rapid, and timely responses to emerging violations at all levels.

c) Strategic Output 3:

Expanded and Consolidated Civic Space in the society
Civic Space Protection project and interventions

Key Achievements and Evidence for Results;

Lead and supported partnerships and policy conversations geared towards safeguarding civic space in the society as evidenced by the following:

KHRC supported heavily the drafting of the strategic plan, constitution, and programmes of the Civil Society Reference Group (CSRG) between April and August 2016. We also co-convened the organisation's Annual General Meeting (AGM) in March 2016 that established its new leadership in line with its constitution. KHRC remains an active member and partner of the CSRG with Davis Malombe, KHRC's Deputy Executive Director convenes the CSRGs Leadership and Development programmes. In addition, KHRC has continued to support CSRG by providing fiscal and administrative hosting; technical and financial support. During the year under review, the CSRG with support from KHRC, played a crucial role in convening and providing leadership on the issue of the protection of civic space and has been a safe space that enables individuals and civil society organisations to come together to discuss this issue.

KHRC is also one of the key founders and members of the Protection Working Group on Human Rights Defenders established in April 2016 and currently convened by the National Coalition of Human Rights Defenders. The Protection Working Group is a forum for human rights organisations to support, respond to, and coordinate emerging and longstanding issues affecting human rights defenders.

By convening key stakeholders on issues affecting human rights defenders, the Protection Working Group further seeks to reduce the duplication of organisational efforts in this regard. Already, the Protection Working Group has been integrated into existing networks addressing the protection of human rights defenders' issues including the Civic Space Protection Platform (explained below) as well as monthly donor hosted by the Dutch Embassy and chaired by the Norwegian Embassy.

KHRC successfully co-convened the first ever National Public Benefits Organizations (PBOs) Summits in Nairobi, adopting Summits as the strategy and forum for periodical and high-level convening of civil society leadership and membership to canvass and take joint positions on key policy and political issues affecting PBOs and the society. The first summit was held on October 2016 within the context of the government's failure to commence the Public Benefits Organizations Act (as directed by the Devolution and Planning Cabinet Secretary in a policy directive dated September 7, 2016).

The 1st PBO Summit discussed the current the challenges facing PBOs including the retrogressive legal, policy, administrative and political actions being enforced against PBOs and provided a space for strategizing on how to of deepening the protection and expansion of the civic space, both on short and long-term perspectives. As a result, of this summit, the National Strategy Document for the Protection of Civic Space, whose development had collaboratively been spearheaded by KHRC, Civil Society Reference Group (CSRG), Kenya for Peace, Truth and Justice (KPTJ), and the International Centre for Not-for-Profit Law (ICNL) was adopted by civil society. N The document which is now operational, the National Strategy Document highlights the key issues

Duale on Kamama: Security committee chair to be move to another committee, NTV News, 19 March 2017, <http://ntv.nation.co.ke/news/national/2725528-3855914-fri82dz/index.html> (accessed 28 August 2017)

CSRG is a membership self-regulatory forum established in accordance with the Public Benefits Organizations Act 2013. The CSRG aims to coordinate and demonstrate sectoral leadership in practice through the following mechanisms and programmes: mutual protection, leadership development, self-regulation, policy advocacy, and institutional strengthening and development.

affecting the sector PBOs, including the tactics used by the state to restrict civic space, while also providing an elaborate strategy and action plan to aimed at protect the civic space in Kenya.

The 2nd Summit was convened in February 2017 as a dialogue session with state institutions and follow-up to the 1st PBO Summit. It was held within the context of the prolonged failure by the government to operationalize the PBO Act (2013) and the unilateral and irregular transfer of the management of public benefits organisations to the Ministry of Interior and Coordination of National Government. The transfer was done without any consultation with civil society organisations and in a way that undermined the achievement of a harmonious and respectable working relationship between PBOs and the government. A key outcome of the summit was a joint communique by civil society organisations that captured the resolutions around key issues affecting civil society. A total of 250 leaders in the PBO sector attended the summit.

In November 2016, KHRC and the CSRG successfully petitioned the Commission on Administrative Justice to declare the Executive Director of the NGO Coordination Board – Mr Fazul Mohammed – as being unfit for public office on account of his abuse of office and the fraudulent misrepresentation of his qualifications. KHR’s petition was in keeping with our work to create awareness on accountability, integrity, and administrative malpractices by the NGO Coordination Board.

This petition was presented to the Ethics and Anti-Corruption Commission and the Commission on the Administration of Justice during a protest convened on the same day. In response to our petition, the Commission on the Administration of Justice found that the Executive Director of the NGO Coordination Board was not suitable to hold the office. In response to this finding, the Cabinet Secretary in charge of Devolution and National Planning suspended the Executive Director and dissolved the NGO Coordination Board. Although the directive by the Cabinet Secretary was contested in court, the decisions by the CAJ and the Cabinet Secretary for Devolution and National Planning highlight the leadership and boldness of our work to protect civic space. Together with KPTJ, ICNL and CSRG, KHRC took leadership in developing the first ever National Civic Space Protection Strategy and Platform which aims at providing a sectorial update on the status of civic space and while providing elaborate intervention strategies in Kenya and beyond. The document also considers looks forward to actions aimed at countering shrinking civic space and ensuring the participation of a diverse pool of national and regional civic actors. These interventions are captured in an action plan that envisages policy and judicial actions; research and documentation; partnerships and consultative forums; training and capacity building; and sustainability and communications

*For details, see an article under the stories of change and case study section entitled:
**PROTECTING CIVIL AND POLITICAL LIBERTIES IN KENYA AND BEYOND:
“A Strategy for Safeguarding and Consolidating Civic space in the Society”.***

Organized by the Civil Society Reference Group (CSRG), Adeso, Diakonia, Inuka Trust, Poverty Eradication Network Kenya (PEN), Constitution & Reforms Education Consortium (CRECO), Kenya Human Rights Commission (KHRC), WomanKind Kenya, Trocaire, Care International, the National Council of NGOs, Society for International Development, Transparency International Kenya, International Commission of Jurists (ICJ) and Kenya Community Development Foundation (KCDF).

314 PBO leaders (105 women and 209 men) from 33 counties, senior representatives from the Kenya National Commission on Human Rights, Inter-Religious Council of Kenya, development partners from several embassies and the United Nations attended the Summit.

Organized by Civil Society Reference Group, Society for International Development (SID), Transparency International – Kenya, Kenya Human Rights Commission, Diakonia, Inter-Religious Council, HIVOS People Limited, Constitution and Reform Education Consortium (CRECO) and Inuka Ni Sisi among others.

Following a threat in December 2015 by the NGO Coordination Board to cancel KHRC's registration, we proceeded to challenge this decision at the High Court. In this case, the High Court found that the failure by the NGO Coordination Board to give KHRC a hearing before deciding to cancel its registration was a violation of KHRC's rights under the Constitution. KHRC through this action curbed the impetuous and high-handed character of NGO Board officials, chiefly the Executive Director, by de-legitimising their arbitrary approach towards the regulation of the sector. Through court actions, and support from partner CSOs, the Kenya National Commission on Human Right, and the Ministry of the Interior and Coordination of National Government, KHRC was successfully reversed the second round of attacks against KHRC by the NGO Coordination Board in January 2017.

KHRC also developed a virtual platform where CSOs could share and disseminate information and resources on shrinking civic space. The virtual platform consists of a web portal on the KHRC website which collects and collates information on civic space issues national, regionally and globally. This information ranges from press releases, information relating to events and reports, as well as links to organizations working on civic space. This platform has been a very instrumental digital resource for local CSO's working on the protection of civic space.

Major Challenges

The state remains intent on maintaining policy and political impediments to the smooth function of civil society organisations in Kenya. It does so by creating extra-legal impediments to the smooth function of CSOs as well as subjecting human rights defenders and persons working in the civil society sector to harassment, intimidation, disappearances, torture, and even killings. In addition, the NGO Coordination Board, whose mandate as the regulating body of all CSOs has since lapsed, continues to exhibit lack of organisational independence from elements of Kenya's deep state. For instance, all instances whereby KHRC has faced an onslaught from the NGO Coordination Board have come at a time when the organisation was dealing with key issues affecting Kenyan society as well as the functions of CSOs including human rights compliance in counter-terrorism operations; free, fair, and credible elections; integrity and anti-corruption; as well as the constitutional guarantee of a free, open, and vibrant civic space.

In the policy arena, the lack of political goodwill to commence the PBO Act (2013) means that CSOs continue to function in an archaic, oppressive, and compromised legal framework, regulated by the NGO Coordination Board under the legal moribund NGO Act. In addition, the state continues to apply retrogressive provisions of the NGO Act to 'punish' organisations critical of the state. KHRC and civil society in general has come under increasing pressure in the context of the 2017 General Election including smear campaigns that organisations supporting free, fair, and credible elections are working for foreign interests, unlawful intrusion into the internal affairs of CSOs, undue and unlawful surveillance, smear campaigns, and violence and intimidation.

Strategic Output 4:

KHRC is more efficient, effective and accountable

Key Achievements and Evidence for Results;

Ensured human and finance resource systems and policies to drive institutional operations and programmes as evidenced by the following:

i) Human Resources

In any organisation, the Human Resources team serves as the institutional backbone as it supports the People, Systems, its operations that form the organisation. Some key achievements of KHRC's Human Resources team are outlined below:

Human Resource Information System (HRIS)

The HRIS - SAGE VIP and Premier HR systems that were implemented in the previous financial year are now fully operational and in use. The automation of the entire employee management cycle has boosted and strengthened the capacity of the human resource function by simplifying our operations and making the retrieval of employee data and information more effective and efficient. These systems have also enabled us to create various reports which support decision making within the organisations.

Performance Management & Use of the Balance Score Card

KHRC was able to have carry out performance appraisals on its staff using the automated balance score card approach, with the majority of our staff members getting a chance to interact and engage with the online tool. The appraisal process was simplified and was made more objective in its administration. We nonetheless had challenges because not all staff members completed their appraisals on time.

Competency Framework

All staff within the organization were taken through the competency framework in preparation for its implementation in the next performance appraisal cycle. The use of the competency framework will strengthen the talent management cycle, which involves all our HR processes, and will look to improve our recruitment & selection, performance management, training & development and eventually succession planning.

Training & Development

KHRC secured substantial resources to enhance our institutional and staff capacity within the different programmatic and thematic areas. In addition, we were able to funds group and institutional trainings that went beyond individual needs to address priorities and gaps that face our organisational work in a bid to promote interdepartmental synergies. Some of the institutional training events addressed on sensitivity about sexual and gender diversity and mainstreaming issues of sexual orientation, gender identity, and expression at KHRC, online safety and security, and how to use photography to document the work that the KHRC does.

Change Management

The appointment of a new Executive Director in December 2015 saw the injection of new ideas into how KHRC manages its operations from a programmatic and people perspective. This resulted in the restructuring of positions within the organization resulting in some unsettlement amongst staff members. However, the Executive Management & HR were able to implement change in a way that would cause the least amount of aggravation, disgruntlement, and apathy amongst our staff. In addition, proper channels of communication were used with communications being done in a timely manner.

ii) Procurement

- The prequalification of suppliers for the 2016/17-2017/18 financial period complete. This process had faced delays leading up to its completion due to the transition of key procurement and finance staff at KHRC.
- Collation and verification of obsolete assets has been finalized and actual disposal is expected to commence early 2018.

iii) Financial Sustainability

The budget for the 2015/2016 financial year was Kshs. 354.53 million Kenya Shillings out of which Kshs. 284.5 million was secured, representing 80% of our total budget. There was a funding deficit of Kshs. 69.9 million (20%). Most of the funding was secured from our historical core donors Ford Foundation (36.1%) and the Norwegian Embassy in Nairobi (28%). In line with our strategy aimed at diversifying our sources of funding, KHRC reached out to more donors resulting in increased funding from sources such as the Open Society whose funding amounted to 15% of our institutional budget.

The Executive Management remains committed to implementing the institutional sustainability strategy adopted by the Board of Directors on July 22, 2015. The strategy proposes concrete strategies and actions, ranging from diversifying resource mobilization through reaching out to potential donors, prospecting, and engaging existing and lapsed donors (what is referred to as donor care), enhancing institutional investments to acquisition of premises.

iv) ICT

- We have commenced the replacement of computers and laptops and are currently awaiting the delivery of 10 laptops.
- KHRC's successfully migrated to Google email platform which is more secure, reliable, accessible and very economical since it is costing the Commission only \$50 per year.
- Enhancement of our ERP (MS Dynamics NAV) to include a grant management module has commenced. It is expected that the enhancement will improve donor reporting and management.

v) Programmatic, Board, Management, and Staff engagements

KHRC held quarterly programmes meetings during which progress reports were presented, critiqued and strategies and priorities clarified. This has continued to enhance programmatic and financial effectiveness and accountability. KHRC has continued to hold senior management, staff, welfare and other ad-hoc meetings at which key operational and programmatic decisions are made.

Moreover, from the 5th to the 10th of February, 2017, KHRC held a staff retreat which achieved the following:

- Briefings from the senior management on programmatic achievements and priorities;
- Advancement of plans to celebrate KHRC's Silver Anniversary;
- Adoption of a framework for enhancing institutional synergies;
- Change of the name and programmatic scope of the Political Pluralism and Diversity (PPD) (now referred to as the Identity and Inclusion department);
- Development and adoption of additional programmatic outcomes and outputs;
- Development and approval of the Operational Plan for April 2017 to March 2019.

Below find the budgetary allocations for April 2017 to March 2018 per programme:

In addition to this, KHRC has held two board meetings in July and December, 2016 at which institutional reports and policies were discussed and approved, and strategic direction provided in response to the emerging challenges and opportunities. Our annual report for April 2015 to March 2016 was developed and published on the website by August 2016.

No.	Programme	2017/2018	
		Amount Kshs.	%
1.	Transformational Justice	74,737,034	20.7
2.	Economic and Social Justice Programme	47,947,791	13.3
3.	Political Pluralism and Diversity	45,662,492	12.7
4.	Institutional Support and Development	192,060,039	53.3
	Total	360,407,356	100

vi) Engagements with HURINETs

The KHRC has continued to partner with its partner HURINETs virtually in all interventions. This is based on the framework that was developed following the consultative meetings held with the leaders of HURINETs between August 15 to September 5, 2016. The consultations were held with a view to sharing and creating a common understanding of our programmatic priorities and formulating a framework of engagement. A partnership framework capturing the key issues for joint actions, the structure for coordination and funding arrangements for the same was developed and put into application.

*For details, see an article under the stories of change and case study section entitled:
**STRENGTHENING PARTNERSHIPS WITH GRASSROOTS COMMUNITIES:
“A New Framework for Engagement with HURINETs”.***

Major Challenges

- Our servers and some of our computers, primarily used by interns, have not been upgrade although this equipment has reached end of life. The continued use of outdated equipment affects the productivity of some of our staff.
- KHRC experienced significant transitions over the 2015/2016 period which disrupted our programming and operations.
- KHRC continues to grapple with a funding environment that privileges projects as opposed to work that speaks to its core mandate. This often undermines KHRC’s flexibility in designing and implementing long term strategies.
- Less funding to our community based organizations HURINETs among other organisations at times puts financial, logistical, administrative, and strategic strain on the work of the Commission.
- Threats and attacks from the NGO Board in January 2017 disrupted our work as we were forced to divert some of our personnel and time to address the continued onslaught from the state.
- KHRC continues to face pressure from the society to respond to numerous emerging issues. This puts our staff and programmes at risk of being spread too thin and if not well managed may cause resentment from the public and deviation from our institutional priorities.

Moreover, our board also meets and converses electronically, on needs basis.

Programmatic and financial documents, including institutional evaluation reports. For instance, in the July 2016 meeting, the April 2015 to March 2016 Annual audit reports were approved. In December 2016, the Diakonia and Viwango Evaluation reports and recommendations were considered and approved.

In total, we managed to reach out 103 community members drawn from 12 Networks and 15 counties in Kenya. Out of these, 59 (57%) were men and 44(43) were women

PART 3: STORIES OF SUCCESS OR CHANGE

1. CONFRONTING STATELESS:

“The Makonde Success Story: From Inexistence to life”

Imagine your child not sitting for an exam that would open their door to a bright future because you couldn't secure the bursary offered by your county government. Imagine having a business idea that you can't bring to life because you cannot access a bank loan or worse, you can't save for your children's future because you are not in a position to open a bank account? Imagine living on a piece of land that you don't hold a title to and every morning you have to wake up with the fear of uncertainty staring at you with questions like “What will happen to my family if I am evicted from this place?” lingering at the back of your mind every single day. Imagine your freedom of movement being curtailed: you are confined to one place, you can't move in search of greener pastures when the rest of the world is moving very fast in front of you. Imagine yourself not being able to seek justice because you lack the legitimate claim to do so. Imagine yourself not being able to secure employment, not because you are not qualified, or because you do not belong, but because you cannot substantiate your claim; that you belong. Imagine your children falling sick, or you wife going into labour but you cannot access the health care services at the county and national hospitals. This has been the life of the Makonde community for the last over 60 years in Kenya.

The Makonde are a Bantu speaking community originating from what is now Northern Mozambique, who first arrived Kenya in 1936 to work in the Sisal plantations in the coastal region of Kenya. After losing their jobs in the early 1990's, most Makonde were unable to go back to their country of origin because as it were then Mozambique didn't exist a state. Subsequently, the Makonde were not recognized as Kenyans citizens because they were not classified as an ethnic community originating from Kenya. This simple classification had far reaching effect since Makonde could not acquire Kenyan citizenship as by birth and, considering they had lost their right to legally work in Kenya, did not have the requisite documentation to acquire Kenyan citizenship through naturalisation. In effect, the Makonde community as a whole were rendered stateless.

Considered the role Kenyan citizenship plays in the social, economic, and political lives of Kenya, the lack of legal recognition had devastating consequences. The Makonde were left destitute and had to endure constant police harassment due to their inability to prove their citizenship. The Kenyatta, Moi, and Kibaki administrations failed to fulfil their promises to legally recognise and register the Makonde.

As Kenya continued to develop economically, socially and politically, the Makonde were stuck in time, left to watch life go on. In all aspects of their lives, the Makonde were Kenyan nationals: they were born and raised in Kenya, some attended Kenyan schools, all spoke Swahili, they enjoyed Kenyan television and consumed Kenyan news, they sang the Kenyan National Anthem and swore the Kenyan Loyalty Pledge. However, even as they tried hard to participate fully in Kenyan life, and recognised each other as Kenyans, the state continued to see them as foreigners and not-Kenyan. Theirs was a deep hunger for belonging, the desire to be part of the Kenyan whole whole.

Stateless touched on every aspect of the Makonde's social life. Makonde children could not pursue their education past primary school due to lack of legal identification, a mandatory requirement when registering for the Kenya Certificate of Primary Examinations. Makonde persons could not seek free or subsidised healthcare, including maternal and child care, since they were unable to prove their Kenyan citizenship.

Economically, the Makonde lagged behind. This arose from the fact that members of the Makonde community could not engage in economic transactions, open bank accounts, buy or sell property, or even prove ownership for the property they had managed to acquire. The Makonde's economic marginalisation meant that many were unable to effectively plan their future or that of their children. In addition, although the Makonde have their distinctive wood carving technique, the fact that they could not effectively invest in this endeavour has meant that they continue to inadequately reap from its benefits.

For the Makonde, life was reduced to a daily cry for citizenship. With the introduction of the devolved system of government under the new Constitution, members of the Makonde community sought help from the Kwale County Assembly that petitioned the President to be recognised and registered as Kenyan citizens. Between 2013 and 2014, the Makonde underwent a survey led by the UNHCR and civil society organizations including the KHRC which was meant to assess how many Makonde were living in Kenya and how many were effectively stateless. However, even after this exercise, as well as an initiative by the government to register all stateless persons, their pleas to the Senate and the National Assembly through mainstream media went unanswered: the government was still not listening.

As the August 2016 deadline by the government to register all stateless persons neared, the Makonde reached out to the Kenya Human Rights Commissions for help to assert their resolve and love for their country and their aspiration for Kenyan citizenship. As a member of the Makonde community stated:

“We are ready to die so that our children may have a home, a name, a right, a belonging and a Kenyan nationality. Kenya is our home and we will show that to the whole world.”

KHRC, in partnership with fellow civil society organizations based in the coastal region of Kenya went on a fact-finding mission to establish the issues faced by the Makonde, after which a series of engagements with county and national government officials were held. A trek from Kwale to State House Nairobi dubbed “Trekking against Statelessness” was organized by the Makonde with the assistance from civil society organizations in order to seek audience with the President over the issue of their protracted statelessness. Hurdles such as police intimidation, fatigue, thirst, and hunger did not dampen the Makonde's spirits nor did it deter them from continuing their journey towards Kenyan citizens. The Makonde's trek against statelessness was a powerful metaphor for their struggle for citizenship in Kenya. By literally marching from their homes in Kwale to State House, the seat of governmental power in Kenya, the Makonde were boldly and publicly stating their claim to Kenyan citizenship and asserting their right to state recognition as a moral as well as legal right.

Once in Nairobi, the Makonde's claim to Kenyan citizenship was affirmed by the President who issued a declaration ordering that the Makonde be issued with identity documentation. Again, this declaration was suffused with metaphor: the Makonde were invited to and hosted by the President at State House, a rare feat for an initiative coordinated solely by citizens and civil society which had been received with hostility by some elements of the state.

With the President's declaration, the Makonde's long journey had just started to bear fruits: all hope was renewed. By December 2016 the process of registering the Makonde and issuing them with identity cards was complete. In February 2017 1496 citizenship certificates, 1176 identity cards and 1731 birth certificates were issued to members of Makonde community. To date, three Makonde-led self-help groups have been registered, 200 Makonde youth have been employed with the National Youth Service, 6 Makonde youth have been enrolled in the the armed forces including the National Police Service, the Kenya Prisons Service, and the Kenya Defence Forces. The Makonde are excited to finally have a vote in the 2017 elections after being shadows in previous Kenyan election. In their own words they say, "we can now breathe normally, we are human." The success of the KHRC and its civil society, community based, government, and international partners has not only meant good prospects for the future, but has also sparked hope for other stateless communities in Kenya like the Pemba, Rundi, and also the Somalis who remain stateless although they have been part of the Kenyan social fabric since before Independence. The Kenya Human Rights Commission continues to work on the rights of this community to ensure citizenship rights for all.

2. CREATING A FORMIDABLE CIVIC COALITION FOR CREDIBLE ELECTIONS:

"The Emergence of Kura Yangu Sauti Yangu as the Ultimate Voice for the Citizenry"

The aftermath of the 2013 general elections revealed the frailties of viewing electoral governance as solely about technical and operational issues to the exclusion of political issues related to free, fair and credible elections. This has seen the electoral process in the past, as 2007 indicated, fatally disrupted by dysfunctional competition among the political elite despite the numerous policy and legislative prescriptions available to govern the electoral process. It is this realization that saw KHRC initiate strategy sessions with partners in civil society on interventions that will provide an opportunity for both the right holders and duty bearers to have candid political dialogues around securing free, fair and credible elections.

It these consultations that culminated in the formation of Kura Yangu Sauti Yangu (KYSY): A broad-based platform fronted by civil society that enable political dialogues on free, fair and credible elections to take place. KHRC's outreach brought together civil society organizations with diverse skills, competencies and experience in electoral governance, namely: The International Commission of Jurists, Kenya Chapter (ICJ-K), African Centre for Open Governance (AfriCOG), InformAction, The Constitution and Reforms Education Consortium (CRECO), Amnesty international, Open Society Initiative East Africa (OSIEA), Freedom House, Independent Medical Legal Unit (IMLU), Inuka Trust, Kenyans for Peace with Truth and Justice (KPTJ), Katiba Institute, CSO reference Group, and URAIA.

With the enlistment of these organizations, we were able to discuss and identify six key electoral issues that required political discussions as a pathway to securing free, fair and credible elections. The six issues are as follows:

1. *Leadership and governance in the management of elections;*
2. *Credibility of the electoral governance process;*
3. *Security in electoral governance;*
4. *Discrimination in electoral governance;*
5. *Dispute resolution in electoral governance and;*
6. *Coordination among public agencies working on elections.*

A series of subsequent internal meetings enabled the KYSY platform to identify the following objectives:

- a) Provide a platform for political dialogue, input and answers to the six issues previously identified;
- b) Encourage public discussions around the issues, collect proposals from stakeholders and encourage implementation of such proposals and;
- c) Generate the requisite political oversight on policy and other technical issue related to electoral governance in Kenya.

Based on its leadership in facilitating the formation of the platform, KHRC was appointed as the secretariat to KYSY.

With the conceptual and structural framework in place, KYSY went on to reach out to other stakeholders with critical roles to play in enhancing electoral governance. This was done through a series of bilateral and multi-lateral consultations. These stakeholders included the IEBC, the Women's Movement, the Kenya Correspondents Association, the Law Society of Kenya, trade unions, faith based organizations, the Federation of Kenya Employers, Article 59 Commissions, the Kenya Union of Journalists, the Kenya Private Sector Alliance, the Council of Governors, the Judiciary, the Coalition for Reforms and Democracy (CORD) coalition, the National Rainbow Coalition Kenya (NARC Kenya), the Amani National Congress (ANC), Kenya African National Union (KANU) and some of the 2013 presidential candidates such as Paul Muite and Prof James Ole Kiyapi.

KYSY also met with the Deputy President and the Leader of Majority in the National Assembly. This culminated in a successful public launch of KYSY in May 2016 that saw stakeholders from the government, the opposition and CSOs attend and have candid discussions around the 2017 elections. The launch came at a strategic juncture of a public debate that had emerged on the credibility of the IEBC commissioners and whether they were suited to preside over the 2017 elections. The launch not only situated KYSY as a critical stakeholder in informing this debate but also enabled the stakeholders present to interact with the broader questions raised by KYSY. A majority of the stakeholders publically declared their support for KYSY's approach and objectives. Even prior to the launch, KYSY had already been able to build consensus among other stakeholders such as the faith based organization, the opposition parties and the LSK for the need for political dialogue around the key electoral issues. For example, after our meeting with the Faith based organizations under the auspice of the Inter-Religious Council on 23rd February 2016, the religious groups went ahead and issued a statement a week later expressing concerns over a number of key electoral issues such as the IEBC, security during elections, and the judiciary. The issues the council raised were among the six that KYSY had earlier identified as needing to be addressed before the 2017 elections.

The statement by the Inter-Religious Council was followed by the Law Society of Kenya (LSK) which called for dialogue among political leaders. This statement was issued after we met with LSK representatives including the then LSK president – Mr. Eric Mutua – on 19th February 2016 to discuss our approach to key electoral issues. After meeting the Coalition for Reforms and Democracy (CORD) on 6th of April, 2016 CORD went ahead and released a statement on 26 April 2016 that addressed a number of electoral issues key among them technologies used by the IEBC, the voter register, partiality of security agencies during elections, and the calls for dialogue with Jubilee.

At its very nascent stage, KYSY has shown the potential of influencing the political agenda around elections, creating solidarity among key stakeholders that can provide a concerted approach to electoral reforms and providing a platform to continuously demand for accountability and credibility in the electoral process. These will be critical in enhancing the possibility of a free, fair and credible elections in 2017. KYSY will in the future look to engage in community dialogues and ultimately convene a National Conference on Elections as the apex of political dialogue to safeguard the electoral process.

3. ENHANCING POLICY LEADERSHIP IN CORPORATE ACCOUNTABILITY:

“The Role of KHRC in the Development of a Policy Framework for Business and Human Rights”

Today, decision-making on matters of public interest in Kenya are more far-reaching than ever before. Since so many crucial areas of life are affected, all sectors including the civil society naturally aspire to be part of this decision-making process. However, few civil society organisations (CSOs) have the access, robustness, legitimacy, expertise, knowledge and clout to effectively engage in the policy making process. Additionally, the civic space necessary for CSOs to exist and function freely without undue interference has drastically reduced thus impeding their engagement in policy processes.

Since inception, policy advocacy at the national, regional and international level has been a key intervention strategy for the Kenya Human Rights Commission (KHRC) in the advancement of human rights. Over time, KHRC has recorded impeccable results from this engagement and positioned itself as a key player in the policy making process.

During United Nations Forum on Business and Human Rights held in 2014, KHRC in a conversation with the Danish Institute for Human Rights (DIHR, mooted the idea of engaging the government of Kenya to develop a National Action Plan on Business and Human Rights (hereinafter referred to as a National Action Plan). In the realm of business and human rights, a National Action Plan is a policy framework through which the United Nations Guiding Principles on Business and Human Rights are contextualized and operationalized by respective states that endorse them.

The DIHR has broad experience in supporting states to develop National Action Plans and therefore offered to support KHRC to engage in this process. Resultantly, in 2016, with financial and technical support from DIHR, KHRC embarked on a process of developing a National Baseline Assessment on business and human rights (hereinafter referred to as a National Baseline Assessment). This assessment is a critical pre-requisite of the National Action Plan process as it unearths the gaps in the policy, legal and regulatory framework for business with the intention of proposing suitable policy recommendations to address these gaps. These recommendations together with views generated through consultations are what will inform the National Action Plan.

See “Kura Yangu Sauti Yangu Launch” available on: <https://www.youtube.com/watch?v=5Z749nlepLU>

Statement available at: <http://www.ackkenya.org/pdf/Press-Statement-by-Inter-Faith-31032016%20.pdf>

Report available at: <https://tuko.co.ke/122916-cord-receives-major-boost-as-another-body-joins-to-demand-disbandment-of-iebc.html>

Further to the foregoing, KHRC, in March 2016, started engaging the state on the need to develop a National Action Plan which was one of the key recommendations that was made by state parties to Kenya during its Universal Periodic Review in 2015. Fortunately, the government of Kenya through the Department of Justice had been considering to kick start the process of developing a National Action Plan. Consequently, with close collaboration with KHRC, the government formally announced its intention of initiating the National Action Plan process through a multi-stakeholder meeting on business and human rights organised by KHRC in Nairobi in April 2016.

Given KHRC's work on the National Baseline Assessment, its footprint on business and human rights work in particular and policy advocacy in general, it became an obvious founder member of the National Advisory Steering Committee of the National Action Plan process and the automatic representative of the civil society in this committee. Further, KHRC was unanimously appointed the convenor of the Revenue Transparency and Management thematic working group of the National Action Plan process.

In addition to developing the National Baseline Assessment, KHRC continues to play a critical role in shaping the National Action Plan process, providing technical input and guidance on an array of issues and convening consultations with key stakeholders to enhance public participation in the process. Through our active engagement in the National Action Plan process, we believe that we have conferred legitimacy to this process, increased the pool of policy ideas, shaped the business and human rights discourse, underscored the important role of the civil society in the policy making process and brought on board critical voices that are extremely important for the success of this process.

The process of developing the National Action Plan has moved swiftly and great strides have already been made. It is hoped that by the end of the first quarter of 2018, a draft National Action Plan will have been developed and presented to the attorney general for further action. We applaud the Department of Justice and the Kenya National Commission on Human Rights (KNCHR) for their diligent leadership in this process and remain steadfast in engaging in it until its maturity.

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4. SAFEGUARDING THE RIGHT TO HOUSING AND PUBLIC PARTICIPATION IN COURTS

By a petition dated 5th August 2016 KHRC faulted a project proposed by the County Government of Mombasa titled, “Mombasa Urban Renewal and Redevelopment of Old Estates” as being in violation of the right to housing and public participation on grounds that the county government did not involve the public, the residents of Mombasa, and the concerned tenants in the conceptualization, formulation and implementation of the programme. In the judgement delivered on 23rd of December 2016 it was held that the County Government was tasked to engagement with tenants through their elected officials. The county government was required to ensure the continuity of public participation and adherence to the provisions of Article 10 of the Constitution at every level of furthering the programme. The design of a robust continuing plan for public participation should be made and furnished to the court and the same communicated to the public for input.

5. TAKING THE TRANSITIONAL JUSTICE DISCOURSE A NOTCH HIGHER:

“Realising a Milestones for Victims of Torture in Africa as a Regional Instrument on the Right to redress is Adopted”

KHRC has been privileged to be part of a pivotal turning point for the African human rights system. This was the adoption of a precedent-setting General Comment on the Right to Redress for Victims of Torture and Cruel, Inhuman or Degrading Punishment or Treatment on February 2017 at the 21st Extra-Ordinary Session of the African Commission on Human and Peoples’ Rights (ACHPR).

The adoption of the General Comment was the culmination of a two-year endeavour that saw KHRC work alongside REDRESS, the Centre for the Study of Violence and Reconciliation (CSVR), and the Civil Society Prison Reform Initiative (CSPRI) as members of an Advisory Reference Group to the ACHPR with the responsibility of drafting the General Comment. KHRC was at the forefront of facilitating consultations with stakeholders, incorporating their input, and making the final submissions to the ACHPR when the General Comment came up for consideration at the 21st Extra-Ordinary Session.

This general comment was necessitated by the reality of violations under Article 5 of the African Charter on Human and Peoples’ Rights (Banjul Charter) that have been the subject of litigation at both the local level and regionally before the ACHPR. Such violations have also been the subject of inquiry and scrutiny through the documentation done by civil society and national human rights institutions in African. This collective experience has pointed to the need for guidance to state parties, national human rights institutions (NHRIs), national preventive mechanisms and civil society organizations on the implementation and monitoring of the right to redress for victims as part of the obligations under Article 5 of the Banjul Charter.

As the first-ever regional instrument on this subject matter, the General Comment is an authoritative interpretation on the scope and content of the right to redress for victims of torture and other ill treatment and takes into account the specific African context. It identifies the ultimate goal of redress to be transformation; which is the investment in long-term and sustainable perspectives that are responsive to the multiple justice needs of victims and therefore restore human dignity. Such interventions must occasion changes in social, economic and political structures and relationships in a manner that deals effectively with the factors which allow for torture and other ill-treatment to occur. This creates huge potential for improved jurisprudence in the arena of address as well reparation programmes that provide holistic reparations to victims.

*The National Advisory Steering Committee members are Department of Justice, KHRC, KNCHR, UNOHCHR, UN Global Compact, COTU, Ministry of Labour, KEPSA, Ministry of Mining and Federation of Kenya Employers
High Court Constitutional Petition No 39 of 2016, Legal Advice Centre & 3 Others v County Government of Mombasa & 2 Others*

Most importantly, the General Comment envisages a strong collaboration between State and Non-State actors in the realization of redress for victims of torture and other ill-treatment. It calls on civil society as practitioners to take the initiative to disseminate and sensitize the public on the General Comment by working closely with victims as well as mandate holders such as NHRIs. Civil society should further utilize the General Comment to strengthen the interventions they undertake in pursuit of redress such as in litigation seeking reparations for victims as well as in their evaluation of state measures aimed at providing redress.

This is also linked with utilizing the General Comment to strengthen policy and legislative advocacy in the arena of redress. The ACHPR on its part should make reference to the General Comment in its decisions and other interactions with state parties as well as work with civil society to exploit opportunities for sensitization in the context of country visits. Another point of collaboration would be in the development of context-specific indicators for the General Comment in addition to harnessing available good practices such as witness protection and rehabilitation models as well as compensation funds.

Considering the contemporary debates on redress in Kenya and other parts of the continent that are in transitional justice contexts, this is a timely instrument that can hopefully move states toward realizing the obligation of redress for victims of torture and other ill treatment as an integral component of the socio-economic transformation envisioned in Agenda 2063 which aspires to an Africa of good governance, democracy, respect for human rights, justice, and the rule of law.

6. REBALANCING OF POWER IN A HORTICULTURE SUPPLY CHAIN:

“Successes for Smallholder Farmers and Pack House Workers in Meru”.

The KHRC in partnership with Traidcraft Exchange was involved in the implementation of a three-year project dubbed “The Kenya Horticulture Project: A Fair Deal for Workers and Smallholder Farmers”. The three-year trade justice project aimed at unearthing and addressing aspects of the supply chain that adversely affect the human rights and livelihoods of 300 small-scale farmers and 3000 workers involved in growing and packaging horticultural produce for the export market in Meru.

The workers and farmers were an integral part of the supply chain of Finlays Horticulture Kenya (FHK), a horticultural produce exporter, and Marks & Spencer (M&S), one of FHK’s retailers. However, for the longest time before the project started, farmers and workers were relegated to the periphery of the supply chain where they were largely recipients of decisions made by the exporter and the retailer.

A Baseline Survey and a Human Rights Impact Assessment conducted by KHRC at the inception of the project revealed untold power imbalances along the supply chain as well as gross trade injustice perpetrated by the exporter and the retailer. The findings of the two reports were further buttressed through KHRC’s engagement with the workers and farmers during the entire project period. Some of the key challenges faced by farmers and workers included:

Inadequate and unpredictable incomes

Decisions on pricing were unilaterally and arbitrarily made by the exporter and imposed on the farmers. Oftentimes, and as confirmed through demonstration plots set up by the project, the cost of production of green beans exceeded the returns made by farmers. In addition, the volumes of produce rejected by the exporter for failure to meet cosmetic market requirements were very high thus dipping the incomes even further.

Inadequate support by the government

The Agriculture, Fisheries and Food Authority (AFFA) Act guarantees farmers the right to agronomical support from government extension officers. However, this was impeded by inadequate resourcing at the Ministry of Agriculture at the county level. In fact, the office of the County Director of Agriculture confirmed there were only two extension officers charged with dispensing agronomical support to farmers across the vast county.

Lack of bargaining power

Farmers were organised in Small Producer Organisations (SPOs) as part of market access requirements. On the other hand, FHK workers were not unionised and therefore represented by a Workplace Welfare Committee. In both forms of organizing, farmers and workers lacked a strong voice to effectively negotiate with the exporter and employer respectively.

Difficult working conditions

Pack-house workers were engaged for long hours in cold temperatures without adequate protective equipment. Additionally, they were engaged on short notice for overtime work which was unpredictable and inadequately compensated. In a bid to correct the status quo, the project employed a number of strategies ranging from setting up of demo plots, capacity strengthening for workers, farmers and FHK management, dialogue meetings, local and international exchange visits for farmers and workers to foster learning and sharing of ideas, development of information education and communication (IEC) materials and policy review and formulation. Specifically, the trainings focused on negotiation and bargaining skills, the right to organize and to bargain collectively, leadership skills, the labour rights legal framework, good agricultural practices and contractual farming.

Further, Ways of Working meetings were initiated to foster dialogue among the supply chain actors but most importantly, provide a common platform for the players to identify mechanisms to mitigate against challenges experienced along the chain. This was achieved after an unprecedented Ways of Working Agreement was developed to streamline relations along the supply chain. This unique platform provided farmers and workers the much-needed space to articulate their problems without fear of retribution by either the retailer or the exporter.

Noteworthy, the Ways of Working meetings which have seen a major rebalancing of power among the players in the supply chain have been sustained even after the close of the project. Through the Ways of Working platform, other gains were registered such as improved working conditions for pack-house workers which included provision of warm protective equipment and hot beverages served during two breaks from the cold temperatures.

Additionally, farmers recorded improved profits with lower volumes of produce rejected by the exporter and occasional raise in the prices. Although prices fluctuated throughout the project period, farmers confirmed that it was during the project implementation period that they enjoyed the highest prices in green beans. Notably, in one of the instances the prices shot to a high of 170 Kenya Shillings per kilogram from a minimum price of 55 Kenya Shillings.

Further, useful linkages were created between the farmers and the government through the Horticulture Crops Directorate (HCD) and the Ministry of Agriculture. This has proved useful to date as farmers continuously seek support from the two offices while the government offices have remained proactive in streamlining commercial relations between the farmers and the exporter.

Lastly, the project supported farmers to organize and register a Cooperative Society with a bid to enhance their control and strengthen their bargaining power. Moving forward, the Cooperative Society will be a useful vehicle for farmers to source for markets for other horticultural produce as well as alternative markets for the rejected produce.

7. EXPANDING SPACE FOR WOMEN’S POLITICAL PARTICIPATION:

“The Ni Mama Campaign”

While the Constitution of Kenya guarantees the right to participation and inclusion in decision making, women still continue to experience institutional, economic and social barriers that limit their participation in decision making. One of the biggest impediments is the lack of political will by parliament to adhere to timelines provided in Schedule 5 of the Constitution, its blatant disregard of the 2012 Supreme Court Advisory Opinion and Ruling by Justice Mumbi Ngugi in 2015 on instituting legislative measures to give effect to the not more than two-thirds principle specifically at the legislature.

The project commenced in September 2013 and closed in August 2016.

The project mainly focused on production of green beans.

Currently Flamingo Horticulture Kenya

It is against this context that the ‘Ni Mama’ campaign was initiated through a joint partnership composed of the KHRC, Centre for Rights Education and Awareness (CREAW), and Community Advocacy and Awareness Trust (CRAWN, a partner of the National Women Steering Committee in Kenya), Kura Yangu Sauti Yangu in January 2017. ‘Ni Mama’ is a nationwide movement that brings together women to claim power. The movement is mobilizing and uniting women across the social, economic, and political sectors to provide visionary leadership and solutions to challenges that Kenya has been facing.

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Specifically, ‘Ni Mama’ seeks to:

- *Unite women into a strong political movement;*
- *Inspire women to seek political office;*
- *Rally women and male voters to support women leadership;*
- *Set and control the agenda on women’s issues and to rally women behind leadership that subscribes or upholds women issues;*

To crown the launch of the movement, the institutional convenors of the Ni Mama campaign hosted the largest convention of women political leaders in Kenya on the 10th of March 2017 at the Bomas of Kenya. The aim for the convention was to create public awareness and sensitization on women’s rights; respect, defend, uphold and promote women’s rights and opportunities in politics as enshrined in the Constitution of Kenya and international human rights laws. This was the largest convention of women political leaders in recent years as women leaders from all over Kenya converged to speak as one voice.

The convention brought together over 3500 women aspirants and incumbents for all positions from MCAs, Governors, Deputy Governors, MPs, Women Representatives and Senators regardless of their tribe, political party, or creed. The event was also graced by women currently holding senior leadership positions united to demonstrate the need for women to unite and front more women leaders into positions of power. Ni Mama 2017 convention also had an intergenerational component in that older and younger women from all political parties come together to voice their unity of purposes. Hon Martha Karua and Hon Charity Ngilu led the older generation and upcoming university and women’s movement leaders like Irene Kendi represented younger women political leaders.

The convention provided a platform for women leaders to air their views and issues and to brainstorm on solutions to their common intention to take up elective leadership roles under the banner of ‘NI MAMA 2017’. The convention resolved that:

- In order for there to be a significant increase in the number of elected and appointed women in leadership women must demand a minimum 50% of all elective and appointive positions.
- Women must leverage their numbers to support those seeking elective positions and nominations prior to, during, and after the August 2017 elections
- Women leaders must set the standard of accountability in leadership by ensuring that they remain engaged and connected with their constituency around championing women's issues.
- Women's political capital must transcend party and ethnic to guarantee that women's rights issues are reflected at the national and county policy and legislative agenda.

KHRC together with CREAW and CRAWN Trust (partners from the National Women Steering Committee) also engaged in an active media campaign on social media and mainstream media. The campaign was able to get over 20 media slots to discuss the campaign and managed to reach over 3,000,000 accounts on Facebook and Twitter. The Convention will be followed by 13 other regional conventions before the General Elections to build a broad base of support base for women's leadership.

8. FOSTERING SUCCESSFUL MEDIATION PROCESSES WITH OUR LEGAL AID CLINIC:

“The Case of Anthony Muli Mbithi”

Anthony Muli Mbithi worked with African Finance Business. Part of the terms and conditions of engagement was that he open a Retrenchment Cover Account with Barclays Bank. The requirements for opening the Retrenchment Account were that the account holder would make payments to the account and upon retrenchment the bank would pay him 3 months' salary as per the terms of engagement with African Finance Business. Anthony opened a Retrenchment Account and diligently made his contributions to the said account. On the 1st September 2015, he was retrenched and applied to Barclays Bank for payment of the 3 months' salary as a result of retrenchment but the bank failed to honour its obligation. By a demand letter dated 30th January 2017, KHRC demanded the payment of 143,937 Kenya Shillings owing to Anthony from Barclays Bank pursuant to the terms and conditions stipulated in his insurance policy. By a response letter dated 3rd March 2017, Barclays Bank instructed Pan-African Insurance to make payments in three instalments to Anthony. By a Declaration commissioned by Sandra Oyombe Advocate on 21st March 2017, Pan African Life Assurance committed to pay Anthony his Retrenchment pay in 3 instalments constituting 52,000 Kenya Shillings (see a copy of the declaration below). Anthony has since been paid the 1st instalment which has enabled him pay all his rental arrears since November 2016 and has additionally been able to use this money to secure a job with another company.

9. PROTECTING CIVIL AND POLITICAL LIBERTIES IN KENYA AND BEYOND:

“A Strategy for Safeguarding and Consolidating Civic space in the Society”.

From 2013 to date, there have been several attempts by the Kenyan state to constrain the civic and democratic space through punitive and prohibitive governance frameworks targeting the Public Benefits Organizations (PBOs), Faith Based Organizations (FBOs), media organizations, trade unions, Constitutional Commissions, among other independent state and non-state actors.

Some of repressive tactics being applied by the Government against these actors includes:

- Burdensome registration requirements and unlawful threats of deregistration.
 - Broad discretion to seize assets of public benefit organisations accused of terrorism financing.
 - Restrictions to financing from foreign sources and threatening of donor organisations.
 - Harassment, arrests, intimidation, targeting, clampdowns, and vilification of actors/ activists.
 - Undue surveillance by security forces and restrictions on online access and spaces (e.g. hacking, unlawful online surveillance, online harassment and intimidation etc.)
 - Challenges faced by foreign nationals in obtaining work permits and visas and in-country registration of international agencies.
 - Disproportionate penalties for non-compliance with regulatory laws and severe reporting requirements.
 - Punitive court decisions against HRDs including exorbitant bails and costs for suits.
 - Difficulty in getting approvals from governments especially for governance programmes as compared to humanitarian programmes.
 - Limited government consultation with respect to policy development.
 - Banning, criminalization, and violent disruption of protests and other forms of picketing.
 - Introduction of draconian and unconstitutional laws in a hurried and undemocratic manner that restrict freedom of association, assembly and expression. For instance, harmful amendments within the Security Laws Amendment Act of December 2014; amendments to media laws; Public Benefits Organizations Act (PBO Act) among others.
 - Delays in the commencement and implementation of the PBO Act enacted in January 2013.
-
- **Policy and judicial actions for** positive policy and judicial engagements and actions on civic space;
 - **Research and Documentation** for timely joint gathering, production, and dissemination of information and reports on civic space issues;
 - **Partnerships and Consultative forums** for enhanced sectoral collaborations, reflections and engagements with civic space issues at all levels;
 - **Training and Capacity Building** for more skilled, empowered and responsive sectors, in operations and interventions, and;
 - **Sustainability and Communications** for adequate resources and visibility on the work of civil society.

Finally, and in a follow-up Executive Director’s meeting organized on November 28, 2016, stakeholders committed to either take up, lead, and/or participate in the different interventions within the different action points. The KHRC, ICNL and CSRG were mandated to continue playing the oversight and coordination role of the Civic Space Protection Platform.

10. CELEBRATING OUR HEROINES AND HEROES:

“The First Anniversary of the Memorial to Victims of Torture and ill treatment during the Colonial Era (1953 – 1963)”.

On 24th of September, the Kenya Human Rights Commission, together with its partners: the Mau Mau War Veterans Association, the British High Commission, and the National Museums of Kenya, came together and held the first anniversary of the Memorial to Victims of Torture and Ill Treatment During the Colonial Era (1953 – 1963), located in Freedom Corner at Uhuru Park in Nairobi.

This event was held to celebrate Kenya's liberation heroes and heroines and also provide an initial space to start discussions on the essence of intergenerational inclusivity in the realization of a culture of perpetual democracy in Kenya. The occasion was themed: Intergenerational commitment to justice. The theme of the day was inspired by a verse from the national anthem "justice be our shield and defender" which is also inscribed on one of the walls on the memorial.

Apart from the presence of the Mau Mau War Veterans Association, members of other liberation movements like Dini Ya Musambwa, Koitalel Arap Samoei and Mekatilili Wa Menza also attended the event. There was also representation from the civil society, donors, and representatives from five universities and twenty-five primary and secondary schools. Contributors from the older generations were called upon to give words of encouragement and wisdom to younger generations that came after them. So far five generations were epitomized i.e. the 90s & 80-year-olds, the 70s & 60-year-olds, the 50s & 40-year-olds, the 30s & 20-year-olds, and those below twenty years.

The highlight of the event was when each generation shared symbolic mementos with a younger generation. The 90s & 80-year-old generation shared a picture of the memorial and the flag of Kenya. The flag symbolized the fight for self-determination and the picture captured the reparation gesture that the memorial stands for.

Their message to the 70s & 60-year-old generation was that they should impart knowledge and give guidance to younger generations as they were witnesses to the historical events that took place during independence. The 70s & 60s shared the Constitution of Kenya (Katiba ya Kenya) with the 50s & 40-year-olds; the Katiba symbolizes the struggle for the second liberation and for the realization multipartism, which this generation was heavily involved in. Their message to the 50s & 40-year-olds was that they should implore younger generations to adhere to the culture of constitutionalism to ensure entrenchment of justice as a norm in Kenya. The 50s & 40-year-olds shared their experiences through four key reports i.e. Krigler, TJRC, CIPEV, and Ndung'u Report on Historical Land Injustices. These are some of the important documents that detail what bedevils Kenya as a country yet their recommendations are yet to be implemented. Their message to the 30s & 20-year-olds and those below twenty, was that they should read these reports and get to understand issues as per the recommendations contained in these reports. After comprehension, they should continue pointing out the injustices that these reports offered solutions to, and undertake actions that will facilitate implementation of the same.

The 30s & 20-year-olds shared a whistle and a picture of a flash disk with the below 20s generation. These mementos signified the new space of online advocacy platforms and the culture of whistleblowing. Their message to this young generation was that they should not condone any form of injustice that takes place in their presence. The below 20s generation which were represented by students from secondary and primary schools, were also encouraged to be agents of change in their day-to-day lives.

Lessons learnt during from this occasion included:

- a) That there is need to create unswerving spaces for intergenerational impartation of knowledge.
- b) There is need for each generation to continuously document their day to day struggles in their quest towards a better Kenya for posterity's sake.
- c) That there is need to celebrate the "little" victories as much as the "big" victories realized towards expanding democratic spaces including protecting achieved milestones.

In conclusion, the lingering dilemma is how to sustainably ensure an inclusive intergenerational commitment to justice while employing innovative ways of expanding democratic spaces in dynamic environments.

11. COMBATING AND CONFRONTING THEFT OF PUBLIC RESOURCES:

“KHRC leads a public protest against rampant Corruption in Kenya”

On 3th October 2016, the Kenya Human Rights Commission led other Civil Society Organizations and the public to demonstrate against the increased number of publicly reported mega corruption scandals in the country. The demonstration was informed by the deepened public disgruntlement following reports that the country was losing billions of tax payers' money through reckless looting of state coffers over the years. On the maiden day, KHRC also planned to submit a petition to the president with clear actionable demands to address in the country. The demands included:

- Immediate sacking of state and public officers within the executive adversely mentioned in corruption scandals.
- Immediate publication of all the wealth declaration forms among the state and public officers.
- Initiate the legal process of freezing the bank accounts of all persons implicated in grand corruption scandals pending investigations.
- Immediate initiation of a process of recovering all stolen public funds and property. This should go as far back as is judicially possible to cover all past corruption activities since independence.
- Immediate stop and recovery salaries and allowances paid illegally to officers who have been suspended or removed from public service on graft allegations.
- Expeditious implementation of the recommendations of the Auditor General's reports.
- Ensure protection and adequate resourcing of the Auditor General's office and other independent offices to enable them to effectively discharge its mandate.
- Ensure that public money is spent in a prudent and responsible way by cutting down on the aggravating extravagance and recklessness witnessed during the last four years.
- Ensure protection of all whistle blowers who have exposed corruption scandals. We also demand reward of whistle blowers to a tune of at least 20% of stolen funds recovered.
- Fully operationalize the Campaign Financing Act. All political aspirants must publicly declare all sources of their campaign funds.
- Ensure that the annual state of the nation report includes a information on corruption and how much of state resources lost through past corruption scandals has been recovered.
- Ensure open advertising and recruitment of all officials and board members of government agencies and parastatals.
- Ensure that tax returns for companies and individuals implicated in grand corruption scandals be released for public scrutiny; and
- Deepen openness and accountability, including genuine public participation in governance, especially in financial matters.

In our address to the nation at Freedom Corner at Uhuru Park, where patriotic Kenyans gathered to commence the public protest against shameless public theft, KHRC educed some of the grand corruption scandals through which hard working Kenyan have been defrauded to include:

- The theft of over 5 Billion Kenya Shillings at the Ministry of Health exposed in a leaked internal audit report.
- The reported loss of 791 Million Kenya Shillings at the National Youth Service (NYS).
- The inability by the Kenya government to satisfactorily explain how it spent 250 Billion Kenya Shillings raised from the Eurobond issue in September 2016.
- Revelations alleging that Kenyan electoral officials at the Independent Elections and Boundary Commission (IEBC) were bribed by officials of a UK security printing firm to win a ballot printing tender for the 2013 General Election materials (Chickengate Scandal).

In addition to these scandals, reports by the Auditor General Reports have exposed an environment of unprecedented permissiveness for corruption by indicating that only 1.2 per cent of Kenyan government expenditure could be properly accounted for. Such revelations are a clear manifestation of deeply entrenched corruption in the Kenyan society and a failed system of governance. Former EACC Chair Philip Kinisu, while speaking to Reuters in March 2016, indicated that Kenya is losing a third of its state budget - the equivalent of about \$6 billion or 600 Billion Kenya Shillings to corruption every year. Such revelations are shared by the anti-corruption advocate John Githongo who stated in an interview with Sunday Nation in August 2015 that corruption under the current administration (2013 to date) was worse than ever witnessed in Kenyan history.

It is in recognition of the existence of such massive plunder of state resources that the President hosted an Anti-Corruption Summit at State House in October 2016. Kenyans surmised that the televised event with all the relevant anti-corruption agencies in attendance would put forth compact strategies to commence the end of corruption in our public sector. This unfortunately did not happen as the whole event turned histrionic with the President pointing fingers at everybody else except himself. He even expressed frustration in his purported attempt to battle graft and at one point asked what the public wanted him to do (“Sasa mnataka nifanye nini?”).

The President’s comments during the Anti-Corruption Summit, coupled with public discontent motivated the KHRC anti-corruption demo as an opportunity by members of the public to provide answers to the president. However, no sooner had the speeches at Freedom Corner ended than a large contingent of heavily armed police mercilessly descended upon the demonstrators with teargas canisters, water cannons and rubber bullets. A number of demonstrators were badly injured and others arbitrarily arrested and later released without any charges preferred against them. We later learned that the security agents had infiltrated demonstrators with the sole purposes of attacking both the protesters and journalists covering the demonstration.

KHRC has since issued a press statement to condemn the excessive use of force by the police in dispersing a public protest that was peaceful in nature. In the statement, KHRC also called upon the Independent Policing Oversight Authority (IPOA) to investigate the police officers who brutally attacked peaceful demonstrators and journalists and ensure they are brought to book. In addition, KHRC demanded a review of the police standing orders to reflect international standards on the use of force and reiterated our commitment to fight for a corruption-free Kenyan society.

12. STRENGTHENING PARTNERSHIPS WITH GRASSROOTS COMMUNITIES:

“A New Framework for Engagement with HURINETS”

Since its formation in 1992, the KHRC has initiated and fostered partnerships with community based HURINETs as key entry points to its county/local level advocacy. However, particularly during the last seven years, the KHRC has had challenges engaging deeply with HURINETs owing to strategic shifts that focused more on national level policy advocacy owing to legislation related to the implementation of the Constitution of Kenya (2010).

It is on that basis that the Commission organized consultative meetings with key HURINET leaders from August 15 to September 5, 2016 with a view to sharing its programmatic priorities; understanding community priorities; agreeing on the partnership framework; and building the capacity of HURINETs on key issues of public interest.

In total, we managed to reach out 103 community members drawn from 12 Networks and 15 counties. Out of these, 59 (57%) were men and 44 (43%) were women. From here, HURINETs prepared work plans which were submitted to KHRC for consideration. On November 11, 2016, KHRC held a team meeting to review the plans and develop a concrete framework of partnership.

Civil Society statement on use of excess force by police; <http://www.khrc.or.ke/2015-03-04-10-37-01/press-releases/568-press-statement-by-a-section-of-the-civil-society-on-the-excessive-use-of-force-by-the-police-to-brutally-scuttle-the-anti-corruption-protest-at-freedom-corner.html>

A framework was therefore developed encompassing the following components:

a) Issues for Engagement

Moving forward, there will be 2 levels of engagement with HURINETs:

- Political and policy dialogues and action on key issues : This is where KHRC and HURINETs shall organize joint forums to engage national and county level duty bearers on local and national issues. This will be linked to the programmatic interventions that are common to the KHRC and the HURINETs.
- Urgent Action and response to emerging human rights issues. This shall be undertaken on a case by case basis and within the KHRC's Human Rights Monitoring and Response strategy where HURINETs within the affected areas remain the first points of call; after which fact finding missions and responses/ remedial actions would follow, in consultation with the network involved and other interested parties.

Thus, urgent action interventions may go beyond the rapid response to organised programmatic interventions that seek sustainable resolution of both emerging and longstanding human rights issues. Thus, though urgent actions may be initiated as short-term measures, they may lead to long term actions within the political and policy dialogues and actions above.

b) Structure for engagement

Towards this, the following support structure of engagement will apply across the board:

- Stakeholders Mobilization: While HURINETs are responsible for the local level mobilization of actors participating in local and national forums, the KHRC shall be responsible for the stakeholders required for the local and national consultations.
- Preparatory meetings and follow-up engagements: HURINETs shall be responsible for the local level preparatory and follow-ups; while the KHRC shall be in charge of the national level engagements.

Note: There may be county level engagements where KHRC's political leverage may be required, or the need to upscale the issues to national or regional levels actors. In the same way, there may be national level issues or engagements where HURINETs may be required to inform or follow-up at local levels (either with their members or duty bearers).

- Coordination Mechanisms: To enhance coordination and liaison with the HURINETs, each program will be responsible for coordination of a region. Urgent action matters on the other hand will be coordinated by Sylvia Mbataru the program Advisor Human Rights Monitoring

The various program leads will act as liaison persons as here-below;

- ✓ Western and Nyanza (Kakamega, Siaya, and Migori) – ESJ, Elizabeth Kariuki
- ✓ Coast (Kwale Mombasa, Taita Taveta, and Makueni) – PPD, Diana Gichengo
- ✓ Northern Kenya (Isiolo, Wajir, and Kirinyaga) – TJ, Andrew Songa
- ✓ Central Kenya (Nairobi, Nyeri, Kiambu, and Nakuru)– ISD, Davis Malombe

- Funding Arrangements: KHRC will purpose to support joint activities agreed upon. For now, KHRC will directly fund the activities, as mechanisms are put in place to strengthen the policies and systems of our HURINETs. Joint application for funds on county based interventions will be explored. There is also a need for HURINETs to be supported to mobilize their own resources. Capacity building and references to potential donors is critical.

KHRC works with 30 HURINETs (22 geographical-county based and 8 issues/ national groups) drawn from more 35 counties. However, KHRC has decided to refocus and narrow its engagements to 12 HURINETs spread across the different region Kenya. This is to deepen its support and interventions, for better impact. Others may be supported depending on the gravity of the issues at hand and availability of resources.

The meeting was held at the Heron Hotel in Nairobi and attended by the following team members: Davis Malombe – Deputy Executive Director; Peter Mbage – Director; Finance & Administration; Diana Gichengo – Program Manager PPD; Elizabeth Kariuki – Program Manager ESJ; Faith Alubbe – Program Advisor TJ; Sylvia Mbataru – Programs Advisor Human Rights Monitoring & Response; Catherine Kamatu – Communications Officer; Martin Mavunjina – Programs Assistant TJ; Faith Kirui – IT Assistant and Mary Kimemia – Intern PPD.

Political and policy leadership on the above identified issues is core to KHRC's new strategic direction.

A standard MOU agreement will be developed to be used when funding or facilitating HURINET partnerships. To begin with, the International Human Rights Days and events slotted for December 1-11, 2016 will form the first and best platform for applying the proposed framework. Finally, reflections with communities would be hosted by the KHRC at a national level forum after the end of the operational year between May and June 2017. This would provide the forum to review the successes and challenges realized, and deepen partnership onwards.

PART 4: OUR DEVELOPMENT PARTNERS

KHRC continued to enjoy great financial and technical support from its development partners – mainly foreign governments through their local embassies, foundations, and Non-Governmental Organizations. We take this opportunity to thank the following donors for their generous support during the 2016/17 financial year:

Development Partner	Project/ Initiative
Act!	Enhancing participatory and equitable land governance in Kenya
CIPESA	Promoting Open Government, Human Rights, Right to Information and Civic Agency in Kenya
Danish Institute for Human Rights (DIHR)	National Baseline assessment on Human Rights and Business in Kenya
SOMO/ DIHR	National Action Plan on Business and Human Rights
SOMO	Stand up for your Rights
DAP (Drivers for Accountability Programme)	A More Accountable and Human Rights Centred Governance Project
Diakonia 1	Democracy, Governance and Human Rights
Diakonia 2	Madini Yetu Project
Ford Foundation-Regional Office for Eastern Africa	Support for operational plan
Ford Foundation-Global Human Rights Initiative	Enhanced Human Rights Centred Governance in Africa
HIVOs	The Labour Rights Programme in Kenya
OSF – Justice Initiative	Citizenship Rights in Kenya
OSIEA	Towards Enhanced Civic Space in Kenya
OSF	The Executive Fund
OSF	Institutional Support to Build Capacity of CSOs Working towards the Adoption of a Protocol on the Right to Nationality
OSIEA	Towards Ensuring that Every Vote Counts: on Behalf of Kura Yangu Sauti Yangu
Royal Norwegian Embassy	Core Support for our operational plan
Traidcraft	Kenya Horticulture - A Fair Deal for Small Farmers and Workers
Trocaire	Towards a Human Rights Centred Devolved Governance
UHAI	Combating LGBTI Stigma through Litigation and Legal Aid
Swiss Embassy	Enhanced Ethnic Diversity and Inclusion in Political Processes
URAIA	<i>Towards Human Rights-Centred Governance in Kenya</i>
UNHCR	Advocacy on Statelessness Among Other Inequalities in Kenya

Note: Some of our partners manage funds mobilized from other donors. For instance, CIPESA and Diakonia 1 are basket funds from the Swedish International Development Co-operation (SIDA), while Traidcraft funds came from Comic Relief, our Uraia grant is from DANIDA, the SOMO/DIHR is channelled from the US State Department. For details about our grants-sources, amounts, allocations and utilization, see our financial report below.

PART 5: OUR FINANCIAL REPORT

**KENYA HUMAN RIGHTS COMMISSION
ANNUAL REPORT AND FINANCIAL STATEMENTS
FOR THE YEAR ENDED 31 MARCH 2017**



Table of contents	<u>Page No</u>
Organisation information	1
Directors report	2
Statement of directors responsibilities	3
Report of the independent auditor	4 – 5
Financial statements:	
Statement of comprehensive income	6
Statement of financial position	7
Statement of changes in fund balance	8
Statement of cash flows	9
Notes to the financial statements	10 – 30

ORGANISATION INFORMATION

REGISTERED OFFICE

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

PRINCIPAL PLACE OF BUSINESS

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

INDEPENDENT AUDITOR

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

PRINCIPAL BANKERS

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

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

SOLICITORS

Waruhiu K'Owade & Ng'ang'a Advocates
4th Floor TAJ Towers
Upper Hill Road
P.O Box 47122, 00100
NAIROBI

DIRECTORS REPORT

The directors submit their report together with the audited financial statements for the year ended 31 March 2017, which disclose the state of affairs of the Kenya Human Rights Commission.

PRINCIPAL ACTIVITIES

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

RESULTS

The surplus for the year of Shs 70,002,059 (2016: Surplus of Shs 43,346,331) has been added to the general fund.

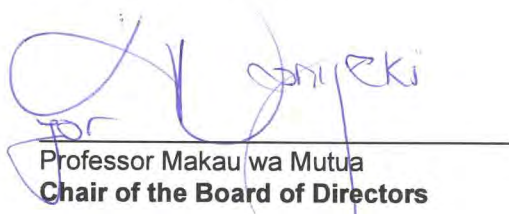
DIRECTORS

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

Makau wa Mutua (Chair)
L. Muthoni Wanyeki (Vice Chair)
George Kegoro (Executive Director)
Davinder Lamba
Maina Kiai
Gabriel Dolan
Godwin Murunga
Rahma Gulam Abbas

AUDITOR

The Organisation's auditor, PricewaterhouseCoopers, continues in office.
By order of the Board



Professor Makau wa Mutua
Chair of the Board of Directors

29 June 2017

STATEMENT OF DIRECTORS' RESPONSIBILITIES

The Non –Governmental Organisations (NGO) Act requires directors to prepare financial statements for each financial year which give a true and fair view of the financial position of the Organisation at the end of the financial year and its financial performance for the year then ended. The directors are responsible for ensuring that the Organisation keeps proper accounting records that are sufficient to show and explain the transactions of the Organisation; disclose with reasonable accuracy at any time the financial position of the Organisation; and that enables them to prepare financial statements of the Organisation that comply with prescribed financial reporting standards and the requirements of the NGO Act. They are also responsible for safeguarding the assets of the Organisation and for taking reasonable steps for the prevention and detection of fraud and other irregularities.


The directors accept responsibility for the preparation and presentation of these financial statements in accordance with International Financial Reporting Standards and in the manner required by the NGO Act. They also accept responsibility for:

- i. Designing, implementing and maintaining internal control as they determine necessary to enable the preparation of financial statements that are free from material misstatements, whether due to fraud or error;
- ii. Selecting suitable accounting policies and then apply them consistently; and
- iii. Making judgements and accounting estimates that are reasonable in the circumstances

In preparing the financial statements, the directors have assessed the Organisation's ability to continue as a going concern and disclosed, as applicable, matters relating to the use of going concern basis of preparation of the financial statements. Nothing has come to the attention of the directors to indicate that the organisation will not remain a going concern for at least the next twelve months from the date of this statement.

The directors acknowledge that the independent audit of the financial statements does not relieve them of their responsibility.

Approved by the Board of Directors on 29 June 2017 and signed on its behalf by:



Prof. Makau wa Mutua
Chair of the Board of Directors



Mr. George Kegoro
Executive Director



Independent auditor's report to the directors of Kenya Human Rights Commission

Report on the audit of the financial statements

Opinion

We have audited the accompanying financial statements of Kenya Human Rights Commission (the Organisation) set out on pages 6 to 30 which comprise the statement of financial position at 31 March 2017 and the statements of comprehensive income, changes in equity and cash flows for the year then ended and the notes to the financial statements, which include a summary of significant accounting policies.

In our opinion, the financial statements give a true and fair view of the financial position of Kenya Human Rights Commission at 31 March 2017, and its financial performance and cash flows for the year then ended in accordance with International Financial Reporting Standards and the requirements of the NGO Act.

Basis for opinion

We conducted our audit in accordance with International Standards on Auditing (ISAs). Our responsibilities under those standards are further described in the *Auditor's responsibilities for the audit of the financial statements* section of our report.

We are independent of the Organisation in accordance with the International Ethics Standards Board for Accountants' Code of Ethics for Professional Accountants (IESBA Code) together with the ethical requirements that are relevant to our audit of the financial statements in Kenya, and we have fulfilled our ethical responsibilities in accordance with these requirements and the IESBA Code.

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

Other information

Our opinion on the financial statements does not cover the other information and we do not express any form of assurance conclusion thereon.

In connection with our audit of the financial statements, our responsibility is to read the other information identified above and, in doing so, consider whether the other information is materially inconsistent with the financial statements or our knowledge obtained in the audit, or otherwise appears to be materially misstated. If, based on the work we have performed on the other information, we conclude that there is a material misstatement of this other information, we are required to report that fact. We have nothing to report in this regard.

Responsibilities of the directors for the financial statements

The directors are responsible for the preparation and fair presentation of the financial statements in accordance with International Financial Reporting Standards and the requirements of the Kenyan NGO Act, and for such internal control as the directors determine is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error. In preparing the financial statements, the directors are responsible for assessing the Organisation's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the directors either intend to liquidate the Organisation or to cease operations, or have no realistic alternative but to do so.

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



Independent auditor's report to the directors of Kenya Human Rights Commission (Continued)

Auditor's responsibility for the audit of the financial statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISAs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

As part of an audit in accordance with ISAs, we exercise professional judgement and maintain professional scepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the directors.
- Conclude on the appropriateness of the directors' use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the Organisation to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

We communicate with the directors regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

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

PricewaterhouseCoopers

**Certified Public Accountants
Nairobi**

29 June 2017

Statement of comprehensive income

	Notes	Year ended 31 March	
		2017 Shs	2016 Shs
INCOME			
Grant income	5	299,424,555	235,500,991
Amortisation of capital grant		-	3,564,063
Other income	6	2,837,317	4,553,401
Total income		302,261,872	243,618,455
EXPENSES			
Projects costs			
Civil and political rights		21,407,853	28,052,889
Economic and social rights		19,303,064	28,238,475
Institutional development and sustainability		40,956,533	35,924,592
Equality and non-discrimination		18,850,165	17,354,750
Sub grantees costs		40,314,805	5,898,162
Administration costs		10,451,096	6,339,711
Staff costs	7	82,425,855	80,807,908
Depreciation	8	1,760,105	1,899,257
Amortisation	9	27,899	-
Total expenses		235,497,375	204,515,744
Net operating income		66,764,497	39,102,711
Finance income	10	3,237,562	4,243,620
Surplus for the year		70,002,059	43,346,331
Other comprehensive income, net of tax		-	-
Total comprehensive income for the year		70,002,059	43,346,331


The notes on pages 10 to 30 are an integral part of these financial statements

Statement of financial position

	Notes	31 March 2017 Shs	31 March 2016 Shs
ASSETS			
Non-current assets			
Property and equipment	8	2,511,966	2,214,230
Intangible asset	9	55,799	-
		<hr/>	<hr/>
		2,567,765	2,214,230
Current assets			
Grants receivable	11	3,148,397	58,823,499
Debtors and other receivables	12	54,183,858	1,864,616
Cash and cash equivalents	13	177,250,702	67,702,971
		<hr/>	<hr/>
		234,582,957	128,391,086
		<hr/>	<hr/>
TOTAL ASSETS		237,150,722	130,605,316
FUND BALANCE AND LIABILITIES			
General fund balance		56,075,497	55,110,014
KHRC premises fund		10,375,643	10,375,643
Restricted fund		69,036,576	37,685,709
		<hr/>	<hr/>
		135,487,716	103,171,366
		<hr/>	<hr/>
Current liabilities			
Deferred income	11	72,782,017	16,550,841
Payables	14	28,880,989	10,883,109
		<hr/>	<hr/>
		101,663,006	27,433,950
		<hr/>	<hr/>
TOTAL FUND BALANCES AND LIABILITIES		237,150,722	130,605,316

The notes on pages 10 to 30 are an integral part of these financial statements

The financial statements on pages 6 to 30 were approved for issue by the Board of Directors on 29 June 2017 and signed on its behalf by:


 Prof. Makau wa Mutua
 Chair of the Board of Directors


 Mr. George Kegoro
 Executive Director

Statement of changes in fund balance

	General fund Shs	KHRC premises fund Shs	Restricted fund Shs	Total Shs
Year ended 31 March 2016				
At start of year	49,449,392	10,375,643	12,805,814	72,630,849
Surplus for the year	43,346,331	-	-	43,346,331
Transfer to restricted income	(37,685,709)	-	37,685,709	-
Funds utilised		-	(12,805,814)	(12,805,814)
At end of year	55,110,014	10,375,643	37,685,709	103,171,366
Year ended 31 March 2017				
At start of year	55,110,014	10,375,643	37,685,709	103,171,366
Surplus for the year	70,002,059	-	-	70,002,059
Transfer to restricted income	(69,036,576)	-	69,036,576	-
Funds utilised	-	-	(37,685,709)	(37,685,709)
At end of year	56,075,497	10,375,643	69,036,576	135,487,716

The notes on pages 10 to 30 are an integral part of these financial statements.

Statement of cash flows

	Notes	Year ended 31 March	
		2017 Shs	2016 Shs
Cash flows from operating activities			
Surplus for the year		70,002,059	43,346,331
Adjustment for:			
Depreciation	8	1,760,105	1,899,257
Amortisation	9	27,899	-
Restricted income from prior year	11	(37,685,709)	(12,805,814)
Gain on disposal of fixed assets		(156,780)	-
		<hr/>	<hr/>
		33,947,574	32,439,774
		<hr/>	<hr/>
Movement in working capital			
Debtors and other receivables		(52,319,242)	3,578,237
Grant receivable		55,675,102	(50,378,237)
Deferred income		56,231,176	(9,365,277)
Payables		17,997,880	(13,194,966)
Capital grants		-	(3,564,063)
		<hr/>	<hr/>
Net cash (used in)/ from operating activities		77,584,916	(72,924,306)
		<hr/>	<hr/>
Cash flow from investing activities			
Purchase of property and equipment	8	(2,129,129)	(336,361)
Purchase of intangible assets	9	(83,698)	-
Disposal of fixed assets		228,068	-
		<hr/>	<hr/>
Net cash used in investing activities		(1,984,759)	(336,361)
		<hr/>	<hr/>
Net movement in cash and cash equivalents			
		109,547,731	(40,820,893)
Cash and cash equivalents at beginning of year		67,702,971	108,523,864
		<hr/>	<hr/>
Cash and cash equivalents at end of year	13	177,250,702	67,702,971
		<hr/>	<hr/>

The notes on pages 10 to 30 are an integral part of these financial statements.

Notes

1 General Information

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

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

2 Summary of significant accounting policies

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

(a) Basis of preparation

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

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

Changes in accounting policy and disclosures

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

A number of new standards and amendments to standards and interpretations are effective for annual periods beginning after 1 January 2016, and have not been applied in preparing these financial statement. None of these is expected to have a significant effect on the financial statements of the Organisation, except the following set out below.

IFRS 16, "Leases". After ten years of joint drafting by the IASB and FASB they decided that lessees should be required to recognise assets and liabilities arising from all leases (with limited exceptions) on the balance sheet. Lessor accounting has not substantially changed in the new standard. The model reflects that, at the start of a lease, the lessee obtains the right to use an asset for a period of time and has an obligation to pay for that right. In response to concerns expressed about the cost and complexity to apply the requirements to large volumes of small assets, the IASB decided not to require a lessee to recognise assets and liabilities for short-term leases (less than 12 months), and leases for which the underlying asset is of low value (such as laptops and office furniture).

A lessee measures lease liabilities at the present value of future lease payments. A lessee measures lease assets, initially at the same amount as lease liabilities, and also includes costs directly related to entering into the lease.

Notes (continued)

2 Summary of significant accounting policies (continued)

(a) Basis of preparation (continued)

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

Lease assets are amortised in a similar way to other assets such as property, plant and equipment. This approach will result in a more faithful representation of a lessee's assets and liabilities and, together with enhanced disclosures, will provide greater transparency of a lessee's financial leverage and capital employed.

One of the implications of the new standard is that there will be a change to key financial ratios derived from a lessee's assets and liabilities (for example, leverage and performance ratios).

IFRS 16 supersedes IAS 17, 'Leases', IFRIC 4, 'Determining whether an Arrangement contains a Lease', SIC 15, 'Operating Leases – Incentives' and SIC 27, 'Evaluating the Substance of Transactions Involving the Legal Form of a Lease'.

The standard is effective for annual periods beginning on or after 1 January 2019 and earlier application is permitted. The Organisation is currently assessing the impact of the amendment on its financial statements.

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

(b) Revenue recognition

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

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

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

Interest income is accrued using the effective yield method. The effective yield discounts estimated future cash receipts through the expected life of the financial asset to that asset's net carrying amount. The method applies this yield to the principal outstanding to determine interest income each period.

(c) Foreign currency translation

(i) Functional and presentation currency

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

Notes (continued)

2 Summary of significant accounting policies (continued)

(c) Foreign currency translation (continued)

(ii) Transactions and balances

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

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

(d) Property and equipment

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

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

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

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

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

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

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

(e) Intangible assets

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

- it is technically feasible to complete the software product so that it will be available for use;
- management intends to complete the software product and use or sell it;
- there is an ability to use or sell the software product;

Notes (continued)

2 Summary of significant accounting policies (continued)

(e) Intangible assets (continued)

- it can be demonstrated how the software product will generate probable future economic benefits;
- adequate technical, financial and other resources to complete the development and to use or sell the software product are available; and
- the expenditure attributable to the software product during its development can be reliably measured.

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

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

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

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

(f) Leases

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

(g) Financial assets

(i) Classification

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

(ii) Recognition and measurement

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

(iii) Offsetting financial instruments

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

Notes (continued)

2 Summary of significant accounting policies (continued)

(g) Financial assets (continued)

(iv) Impairment

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

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

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

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

(h) Receivables

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

(i) Cash and cash equivalents

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

(j) Employee benefits

Retirement benefit obligations

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

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

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

Notes (continued)

2 Summary of significant accounting policies (continued)

(k) Payables

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

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

(l) Provisions

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

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

3 Critical accounting estimates and judgments

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

(i) critical accounting estimates and assumptions

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

Useful lives of property and equipment

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

4 Financial risk management objectives and policies

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

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

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

Notes (continued)

4 Financial risk management objectives and policies (continued)

Market risk

(i) Foreign exchange risk

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

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

The table below summarises the effect on surplus had the Kenya Shilling weakened/strengthened by 10% (2016:10%) against each currencies held, with all variables held constant.

Year 2017

	US \$	Euro	GBP
Effect on surplus/ (deficit) increase	8,616,219	26,213	2,695

Year 2016

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

(ii) Price risk

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

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

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

Credit risk

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

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

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

Notes (continued)

4 Financial risk management objectives and policies (continued)

Credit risk (continued)

The amount that best represents the organisation's maximum exposure to credit risk at 31 March 2017 is made up as follows:

	2017 Shs	2016 Shs
Cash at bank and short term bank deposits	177,215,742	67,684,324
Debtors and other receivables	57,332,255	60,111,495
	<u>234,547,997</u>	<u>127,795,819</u>

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

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

Liquidity risk

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

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

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

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

Notes (continued)

4 Financial risk management objectives and policies (continued)

Liquidity risk (continued)

	Less than 1 year Shs	Between 1 and 2 years Shs	Between 2 and 5 years Shs	Over 5 years Shs
At 31 March 2017				
Payables	28,880,989	-	-	-
Deferred income	72,782,017	-	-	-
	<hr/>	<hr/>	<hr/>	<hr/>
At 31 March 2016				
Payables	10,984,894	-	-	-
Deferred income	16,550,841	-	-	-
	<hr/>	<hr/>	<hr/>	<hr/>

Capital risk management

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

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

Financial instruments by category

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

Notes (continued)

5 Grant income

	2017 Shs	2016 Shs
Office of the High Commissioner for Human Rights (OCHCHR)	-	25,093
United Nations Development Programme (UNDP) – Amkeni 2	-	(2,106,250)
Danish International Development Agency (DANIDA) through DAP Programme 2	738,901	10,230,846
Ford	2,722,042	11,550,000
Ford Global	81,315,473	77,578,217
Norwegian embassy	117,514,607	62,320,916
Trocaire	7,758,203	6,118,277
Uhai	2,916,847	222,500
Stichting Onderzoek Multinationale Ondernemingen (SOMO)	504,962	504,963
Comic relief through Traidcraft	5,134,525	25,760,315
Global Partners Digital (GPD)	299,194	299,194
Open Society Foundation	768,467	4,470,226
Open Society Foundation	14,989,811	5,833,333
British High Commission	33,421	7,093,383
LANDESA	(21,461)	453,882
SIDA-CIPESA	3,723,785	5,891,705
SIDA-ACT!	(157,571)	5,057,166
SOMO	(24,104)	1,243,165
UNHCR	5,003,389	2,435,935
GI-ESCR	-	2,605,310
HIVOS	1,496,316	5,671,560
ESCR-NET	-	1,630,755
DIHR	1,532,021	610,500
Diakonia - Governance	17,264,520	-
Diakonia - Haki Madini	3,045,158	-
IIE	1,013,486	-
TGHR	3,030,750	-
IHRDA	737,610	-
Open Society Institute	4,797,217	-
Foundation Open Society Institute	9,552,449	-
OSIEA	2,534,750	-
OSF - Executive Fund	3,000,000	-
Swiss Embassy	1,800,000	-
URAIA	6,399,787	-
	299,424,555	235,500,991

Notes (continued)

6 Other income

	2017	2016
	Shs	Shs
Foreign exchange gain/(loss)	426,721	2,101,135
Bank interest	1,440,293	459,785
Miscellaneous income	813,523	1,992,481
Gain on Disposal of Fixed asset	156,780	-
	<hr/>	<hr/>
	2,837,317	4,553,401
	<hr/>	<hr/>

7 Staff costs

	2017	2016
	Shs	Shs
Salaries & allowances	65,586,675	67,317,682
Retirement benefit costs		
-Defined contribution scheme	5,279,753	5,279,594
-National social security fund	121,400	121,400
Others	11,438,027	8,089,232
	<hr/>	<hr/>
	82,425,855	80,807,908
	<hr/>	<hr/>

Notes (continued)

8 Property and equipment

	Prefabs	Furniture and fittings	Office equipment	Motor vehicles and motorcycles	Computers	Total
	Shs	Shs	Shs	Shs	Shs	Shs
Year ended 31 March 2017						
Cost						
At 1 April 2016	2,424,716	4,022,142	11,542,380	5,920,000	18,066,016	41,975,254
Additions	-	-	70,000	-	2,059,129	2,129,129
Disposals	-	-	-	-	(723,840)	(723,840)
At 31 March 2017	2,424,716	4,022,142	11,612,380	5,920,000	19,401,305	43,380,543
Depreciation						
At 1 April 2016	2,424,716	3,185,487	10,693,742	5,865,000	17,592,079	39,761,024
Disposal	-	-	-	-	(652,552)	(652,552)
Charge for the year	-	201,058	490,907	55,000	1,013,140	1,760,105
At 31 March 2017	2,424,716	3,386,545	11,184,649	5,920,000	17,952,667	40,868,577
Net book amount	-	635,597	427,731	-	1,448,638	2,511,966

Notes (continued)

8 Property and equipment (continued)

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

Notes (continued)

9 Intangible assets

	2017 Shs	2016 Shs
Cost		
At start of year 1 April 2016	2,721,954	2,721,954
Additions	83,698	-
	<hr/>	<hr/>
At 31 March 2017	2,805,652	2,721,954
	<hr/>	<hr/>
Amortisation		
At start of year 1 April 2016	2,721,954	2,721,954
Amortisation for the period	27,899	-
	<hr/>	<hr/>
At 31 March 2017	2,749,853	2,721,954
	<hr/>	<hr/>
	55,799	-
	<hr/>	<hr/>

10 Finance income

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

	2017 Shs	2016 Shs
Finance income	3,237,562	4,243,620
	<hr/>	<hr/>

Kenya Human Rights Commission
Financial Statements
For the year ended 31 March 2017

Notes (continued)

11 Restricted fund

Grant income and receipts are analysed as follows:

Revenue grants

Year ended 31 March 2017

Donor	Bal as at 1st April 2016	Receipts	Transfer from deferred income	Grant receivable	Transfer to deferred income	Refunds	Income receivable for 2016 which had already been recognise d in the prior year	Grant income	Foreign exchange gain	Interest Rec'd r to general funds	Capital grant	Expended	Bal as at 31 March 2017
DAP 2	738,901	-	-	-	-	-	738,901	738,901	-	-	-	-	738,901
Ford National	(1,602,787)	-	4,324,829	-	-	-	2,722,042	2,722,042	-	-	-	2,722,042	-
Ford Global	4,148,451	153,467,235	-	-	57,550,213	18,750,000	81,315,473	81,315,473	-	-	-	42,925,914	38,389,559
Norwegian	18,696,801	132,349,870	-	-	-	33,532,064	117,514,607	117,514,607	-	-	-	117,514,607	-
Trocaire	(388,111)	2,207,600	5,948,714	-	-	-	7,758,203	7,758,203	870,600	-	-	8,073,596	555,207
UHAI	56,397	-	1,312,000	1,548,450	-	-	2,916,847	2,916,847	-	-	-	2,028,174	888,673
Somo-Flower	504,963	-	-	-	-	-	504,963	504,963	-	-	-	-	504,963
Tradecraft	6,684,281	5,043,182	-	-	-	6,308,633	5,134,524	5,134,524	-	-	-	5,134,524	-
Open Society Foundation	768,468	-	-	-	-	-	768,468	768,468	-	-	-	768,468	-
OSF - Civic Space Global Development Partners	4,697,766	10,179,379	4,356,161	-	4,243,515	-	14,989,811	14,989,811	-	-	-	11,814,395	3,175,416
British High Commission	299,194	-	-	-	-	-	299,194	299,194	-	-	-	-	299,194
LANDESA	33,419	-	-	-	-	-	33,419	33,419	-	-	-	-	33,419
	(21,461)	-	-	-	-	-	(21,461)	(21,461)	-	-	-	-	(21,461)

Kenya Human Rights Commission
Financial Statements
For the year ended 31 March 2017

Donor	Bal as at 1st April 2016	Receipts	Transfer from deferred income	Grant receivable	Transfer to deferred income	Refunds	Income receivable for 2016 which had already been recognise d in the prior year	Grant income	Foreign exchange gain	Interest Rec'd	Transfe r to general funds	Capital grant	Expended	Bal as at 31 March 2017
	Shs	Shs	Shs	Shs	Shs	Shs	Shs	Shs	Shs	Shs	Shs	Shs	Shs	Shs
	a	b	c	d	e	f	g	Z=a+b+c+d-e- f-g	h	i	j	k	l	X=Z+h+i+j- k
SIDA-CIPESA	892,538	2,831,247	-	-	-	-	-	3,723,785	-	-	-	-	1,963,040	1,760,745
SIDA-ACTI	(157,571)	-	-	-	-	-	-	(157,571)	-	-	-	-	-	(157,571)
SOMO	208,697	-	-	-	-	-	232,802	(24,105)	-	-	-	-	(231,657)	207,552
UNHCR	28,923	5,003,389	-	-	-	28,923	-	5,003,389	-	-	-	-	4,869,248	134,141
HIVOS	1,496,320	-	-	-	-	-	-	1,496,320	-	-	-	-	800,204	696,116
DIHR	610,500	312,384	609,137	-	-	-	-	1,532,021	-	-	-	-	1,516,138	15,883
Diakonia - Governance	-	17,264,520	-	-	-	-	-	17,264,520	-	-	-	-	10,928,280	6,336,240
Diakonia - Haki Madini	-	3,045,158	-	-	-	-	-	3,045,158	-	-	-	-	1,089,914	1,955,244
IIE	-	1,013,486	-	-	-	-	-	1,013,486	-	-	-	-	-	1,013,486
TGHR	-	3,030,750	-	-	-	-	-	3,030,750	-	-	-	-	763,105	2,267,645
IHRDA	-	737,610	-	-	-	-	-	737,610	-	-	-	-	-	737,610
Open Society Institute Foundation Open Society Institute	-	7,795,478	-	-	2,988,261	-	-	4,797,217	-	-	-	-	6,521,581	(1,724,364)
OSIEA	-	10,149,477	-	-	597,028	-	-	9,552,449	-	-	-	-	3,712,370	5,840,079
OSF - Executive Fund	-	2,534,750	-	-	-	-	-	2,534,750	15,156	-	-	-	2,503,406	46,500
Swiss Embassy	-	10,393,000	-	-	7,393,000	-	-	3,000,000	-	-	-	-	744,792	2,255,208
URAI	-	1,800,000	-	-	-	-	-	1,800,000	-	-	-	-	325,518	1,474,482
		4,799,838	-	1,599,947	-	-	-	6,399,785	-	-	-	-	4,786,076	1,613,709
	37,685,709	373,958,351	16,550,841	3,148,397	72,782,017	313,229	58,823,499	299,424,555	885,756	-	-	-	231,273,735	69,036,576

Notes (continued)

11 Restricted fund (continued)

Grant income and receipts are analysed as follows:-

Revenue grants

Year ended 31 March 2016

Donor	Bal as at	Receipts	Transfer	Grant	Transfer to	Refunds	Income	Grant	Foreign	Interes	Transfer to	Capital	Expended	Bal as at
	1st April	Shs	Shs	Shs	Shs	Shs	receivable	income	exchange	t Rec'd	general	grant	Shs	31 March
	2015	b	c	d	e	f	for 2015	Z=a+b+c+d-	gain	fund	Shs	Shs	Shs	2016
	A						which had	e-f-g	h	g	j	k	l	X=Z+h+i-j-
							already been			year				l-k
							recognised							
							in the prior							
							year							
OCHCHR	25,093	-	-	-	-	-	-	25,093	-	-	25,093	-	-	-
UNDP- Amiken2	(2,106,250)	-	-	-	-	-	-	(2,106,250)	-	-	(2,106,250)	-	-	-
DAP	5,252,491	-	-	-	-	5,252,491	-	-	-	-	-	-	-	-
DAP 2	3,839,995	6,390,851	-	-	-	-	-	10,230,846	-	-	-	-	9,491,945	738,901
Ford National	-	15,874,829	-	-	4,324,829	-	-	11,550,000	-	-	-	-	13,152,787	(1,602,787)
Ford Global	(2,944,377)	35,856,476	25,916,118	18,750,000	-	-	-	77,578,217	2,101,135	-	-	-	75,530,901	4,148,451
Nonwegian	(7,679,084)	36,467,937	-	33,532,064	-	-	-	62,320,917	-	-	-	-	43,624,116	18,696,800
Trocaire	320,658	12,663,000	-	-	5,948,714	-	916,667	6,118,277	-	-	-	-	6,516,388	(398,111)
UHAI	-	1,534,500	-	-	1,312,000	-	-	222,500	-	-	-	-	166,103	56,397
Somo- Flower	504,963	-	-	-	-	-	-	504,963	-	-	-	-	0	504,963
Tradecraft	3,089,237	16,362,445	-	6,308,633	-	-	-	25,760,315	-	-	-	-	19,076,034	6,684,281
OSF	4,470,226	-	-	-	-	-	-	4,470,226	-	-	-	-	3,701,758	768,468
OSF	-	10,189,494	-	-	4,356,161	-	-	5,833,333	-	-	-	-	1,135,547	4,697,786
GDP	299,194	-	-	-	-	-	-	299,194	-	-	-	-	-	299,194

Kenya Human Rights Commission
Financial Statements
For the year ended 31 March 2017

Donor	Bal as at 1st April 2015	Receipts	Transfer from deferred income	Grant receivable	Transfer to deferred income	Refunds	Income receivable for 2015 which had already been recognised in the prior year	Grant income	Foreign exchange gain	Interes t Rec'd	Transfer to general funds	Capital grant	Expended	Bal as at 31 March 2016
	Shs	Shs	Shs	Shs	Shs	Shs	Shs	Shs	Shs	Shs	Shs	Shs	Shs	Shs
	A	b	c	d	e	f	g	Z=a+b+c+d- e-f-g	h	i	J	k	l	X=Z+h+i-j- l-k
BHC	7,093,383	7,528,595	-	-	-	-	7,528,596	7,093,382	-	-	-	-	7,059,963	33,420
LANDESA	453,882	-	-	-	-	-	-	453,882	-	-	-	-	475,343	(21,461)
SIDA- CIPESA	186,403	5,705,302	-	-	-	-	-	5,891,705	-	-	-	-	4,999,167	892,538
SIDA-ACTI	-	5,057,166	-	-	-	-	-	5,057,166	-	19,316	-	-	5,234,053	(157,571)
SOMO	-	1,010,363	-	232,802	-	-	-	1,243,165	-	-	-	-	1,034,468	208,697
UNHCR	-	2,435,935	-	-	-	-	-	2,435,935	-	6,346	-	-	2,413,358	28,923
GH-ESCR	-	2,605,310	-	-	-	-	-	2,605,310	-	-	-	-	2,605,310	0
HIVOS	-	5,671,560	-	-	-	-	-	5,671,560	-	-	-	-	4,175,240	1,496,320
ESCR-NET	-	1,630,755	-	-	-	-	-	1,630,755	-	-	-	-	1,630,755	0
DIHR	-	1,219,637	-	-	609,137	-	-	610,500	-	-	-	-	-	610,500
	12,805,814	168,204,155	25,916,118	58,823,499	16,550,841	5,252,491	8,445,263	235,500,991	2,101,135	25,662	(2,081,157)	-	202,023,236	37,685,709

Notes (continued)

12 Debtors and other receivables

	2017 Shs	2016 Shs
Staff advances	3,170,213	1,729,420
Less: provision for impairment	-	-
Net staff advances	<u>3,170,213</u>	<u>1,729,420</u>
Other debtors	50,930,000	-
Prepaid expenses	-	36,140
Interest receivable	83,645	99,056
Total debtors and other receivables	<u>54,183,858</u>	<u>1,864,616</u>

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

13 Cash and cash equivalents

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

	2017 Shs	2016 Shs
Bank and cash balances	129,558,790	23,264,032
Fixed deposit	47,691,912	44,438,939
	<u>177,250,702</u>	<u>67,702,971</u>

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

	2017 Shs	2016 Shs
Kenya Shillings	87,426,285	64,757,353
US Dollar	89,535,345	1,288,255
Euro	262,126	1,512,126
UK Pound	26,946	145,237
	<u>177,250,702</u>	<u>67,702,971</u>

Notes (continued)

14 Payables

	2017 Shs	2016 Shs
Accrued expenses	10,250,079	6,273,205
Other creditors	18,630,910	4,609,904
	<hr/>	<hr/>
At end of year	28,880,989	10,883,109
	<hr/>	<hr/>

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

15 Contingent liability

KHRC underwent a five year assessment by the Kenya Revenue Authority between the months of February and April 2017 leading to a demand of Shs 8,514,489 relating to tax liability for withholding tax, interest income and foreign exchange gains. The directors have made a provision of Shs 944,608 relating to withholding tax, in these financial statements. The balance of Shs 7,569,881 relating to income tax has been objected to vide an objection letter dated 14 May 2017. Accordingly, no provision has been made for this balance.

16 Operating lease commitments

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

	2017 Shs	2016 Shs
Falling due within one year	2,600,000	2,770,000
Falling due between one and five years	2,190,000	5,110,000
	<hr/>	<hr/>
	4,790,000	7,880,000
	<hr/>	<hr/>

17 Related party transactions

(i) Key management compensation

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

	2017 Shs	2016 Shs
Salaries	21,192,769	16,260,793
Post-employment benefits	1,963,456	1,182,479
	<hr/>	<hr/>
At end of year	23,156,225	17,443,272
	<hr/>	<hr/>

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

Notes (continued)

18 Taxation

The Organisation's income are not subject to income tax.
Consequently, no provision for income taxes has been made in these financial statements.

19 Employees

The number of employees at the end of the year was 21 (2016: 24).

20 Incorporation

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

21 Currency

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

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Opposite Valley Arcade, Gitanga Road,
P.O Box 41079, 00100 GPO, Nairobi Kenya.
Tel: 020-2044545/2106763 Office Cell: 0733 629034, 0722 264497
www.khrc.or.ke Email: admin@khrc.or.ke Talk to us on: Twitter: @thekhrc Facebook: thekhrc