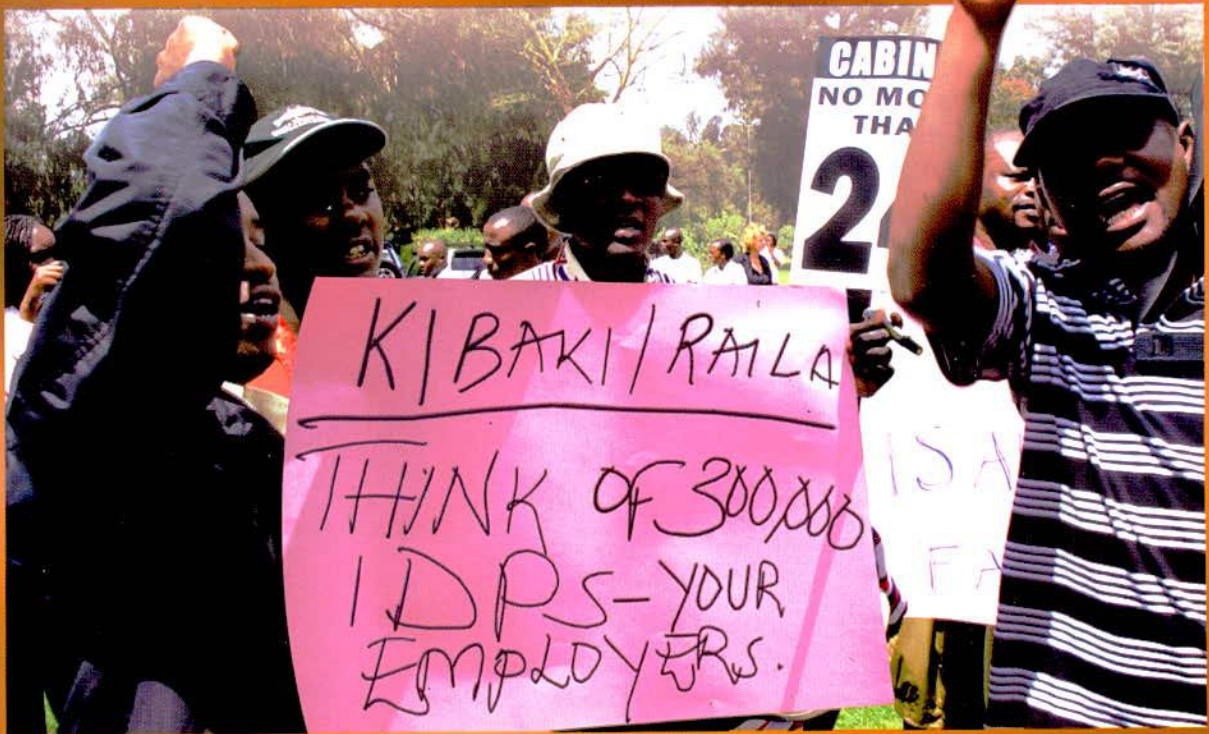




KENYA HUMAN RIGHTS
COMMISSION

ANNUAL REPORT

& Financial Statements 2007-2008



Energizing Independent Advocacy Movements for a
Human Rights State in Kenya

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List of Abbreviations

ACHPR	African Commission on Human and Peoples' Rights
AIDS	Acquired Immunodeficiency Virus
APRM	African Peer Review Mechanism
BBC	British Broadcasting Corporation
CBOs	Community-Based Organisations
CDF	Constituencies' Development Fund
CIPEV	Commission of Inquiry into the Post-Elections Violence
CKRC	Constitution of Kenya Review Commission
CSOs	Civil Society Organisations
DED	Deputy Executive Director
ECK	Electoral Commission of Kenya
EPAs	Economic Partnership Agreements
EWS	Early Warning System
ESCRC	Economic Social Cultural Rights Committee
FIDH	International Federation of Human Rights
GJLOS	Governance, Justice, Law and Order Sector
HIV	Human Immunodeficiency Virus
HRC	Human Rights Council
ICCPR	International Convention on Civil and Political Rights
ICESCR	International Convention on Economic and Social Rights
IDPs	Internally-Displaced Persons
IEC	Information Communication Education
IHRD	International Human Rights Day
IREC	Independent Review Commission
IRIN	Integrated Regional Information Networks
IWD	International Women's Day
KHRC	Kenya Human Rights Commission
KHRI	Kenya Human Rights Institute
K-HURINET	Kenya Human Rights Network
KLA	Kenya Land Alliance
KNCHR	Kenya National Commission on Human Rights
KPTJ	Kenyans for Peace, Truth and Justice
KSB	Kenya Sugar Board
LATF	Local Authority Transfer Fund
LASDAP	Local Authority Service Delivery Action Plan
LGBTI	Lesbian, Gay, Bisexual, Transgender/Transsexual and Intersex
M & E	Monitoring and Evaluation
MP	Member of Parliament
NGO	Non-Governmental Organisation
SUPAC	Sugar Parliamentary Committee
TJRC	Truth, Justice and Reconciliation Commission
UDHR	Universal Declaration of Human Rights
UN	United Nations

Acknowledgements

The production of the 2007/2008 Annual Report was a collective effort of the Kenya Human Rights Commission (KHRC) fraternity. We would like to thank all the staff, associates, interns and board members who contributed to the process.

We wish to acknowledge individuals, communities and institutions that supported the work of the KHRC in this operational year. These include the Partner Community Human Rights Networks, Partner Non Governmental Organisations, Development Partners, Partner Government of Kenya Institutions, Regional and International State and Non-state Actors.

The KHRC would like to thank Emma Njoki Wamai, Programme Associate, Outreach for compiling the first draft and seeing through the production of the report. Much thanks to the Deputy Executive Director, Dan Juma for his useful comments and further editing of this report. Zarina Patel went through the final draft skilfully to ensure that the report was factually and grammatically accurate.

The Organization

KHRC BOARD OF DIRECTORS

Makau Mutua-Chair
 Betty K. Murungi-Vice Chair
 Karuti Kanyinga
 Mumina Konso
 John Githongo
 Mwambi Mwasaru
 L. Muthoni Wanyeki-Executive Director

PROGRAMMES COORDINATOR /DEPUTY EXECUTIVE DIRECTOR

Dan Juma

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Louiza Kabirū	- Programme Officer (Advocacy)
John Ambani	- Programme Associate (Research and Advocacy)
Late Japheth Kyalo	- Programme Officer (Monitoring and Documentation)
Cynthia Mugo	- Programme Officer (Media and Communication)
Maximilla Wekesa	- Assistant Programme Officer (Resource Centre)
Edward Mgangha	- Office Assistant (Archiving)

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Nduta Kweheria	- Senior Programme Officer
Lillian Kantai	- Programme Officer (Rift Valley)
Virginia Munyua	- Programme Officer (Western)
Josephine Gikuyu	- Programme Officer (Coast)
Emma Njoki Wamai	- Programme Associate(Coast)
Tabitha Nyambura	- Programme Officer (Eastern)
Vincent Musebe	- Assistant Programme Officer (Northern)

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The Organization (contd.)

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Petronella Mukaindo
Stephen Chege

Introduction

MISSION OF KHRC AND CONTEXT OF REPORT

1.1 Overview

The Kenya Human Rights Commission (KHRC) is a national Non-Governmental Organisation (NGO) founded in 1991 with the aim of defending human rights and advocating for political reforms in Kenya. At the time of its inception, this was a revolutionary achievement and vision, in a country in which human rights or political reforms were anathema to the Kenya African National Union (KANU) regime. Today, it has observer status with the African Commission on Human and People's Rights (ACHPR), the United Nations (UN)'s Economic and Social Council (ECOSOC) and is a member of the International Federation of Human Rights (FIDH).¹ The Commission is the 1998 winner of the MS International Award, (A Danish Development Organisation based in Kenya) 2003 winner of the Corporate Conscience Award (bestowed by the Social Accountability International), and the 2005 winner of the Utezezi (Defender) Award bestowed by the Kenya National Commission on Human Rights (KNCHR).

In 2003, the Kenya Human Rights Commission embarked on a process of internal reflection after a decade of experience in defence of human rights in Kenya. This process culminated in a new Strategic Plan that captured a new vision and mission, as well as Vision 2012 - Towards Enhancing Community-Driven Human Rights-Centred Governance, the road map for the Commission's work between 2004 and 2012. Vision 2012 is built on two fulcrums: first to work towards the establishment of grassroots people's movements imbued with democratic and human rights values; and second, to advocate towards a State built on pillars of accountability and human rights-centred governance. To operationalise this scheme, KHRC utilises various forms of community organising on human rights issues, an engagement that has seen the "righting" of issues hitherto considered as purely sectoral, developmental or political. This approach has set communities on the path of social transformation and contributed to enlargement of the human rights constituency in Kenya.

1.2 Mission Statement

The mission of the KHRC is to promote, protect and enhance enjoyment of all human rights for all. To achieve this mission, in 2007-2008, the KHRC was functionally divided into four teams:

- Civic Action Campaign leading us in our engagements with our partner communities on issues pertinent to their struggles and the national reform processes
- Public Accountability Campaign dealing with policy, legal and institutional reforms, urgent action and publications among other interventions at the national and international levels
- Trade, Business and Human Rights Campaign
- The 2007 General Elections Campaign which laid the foundation for the protection and promotion of the political and procedural rights necessary to guarantee political accountability and a high quality of citizens' participation in the electoral process.

¹FIDH – Fédération Internationale des Ligues des Droits de l'Homme is an International NGO based in France.

2. Reformulated Strategic Objectives towards Vision 2012

The KHRC's work is still inspired by the Vision 2012 goal. It is constantly interrogating its ability to meet its mission, goals and aspirations, and every operational year provides a venue to review, reflect and reformulate the strategies.

During the KHRC's staff and board retreat in August 2007, the team reformulated the strategic objectives in view of the current environment. This reformulation affirms the KHRC's commitment to the creation of a human rights constituency premised on people's movements hence the need to empower communities to claim and defend their rights. It recognises that a vibrant social movement, founded on human rights, social justice and equality is the only way Kenya can achieve dignity, freedom and equal protection for all.

The new Strategic Objectives are:

- 1: Communities organised around specific human rights issues strengthened and developed into powerful people's organisations by 2012
- 2: Accountability and human rights-centred governance of selected state and non-state actors improved by 2012
- 3: The position of KHRC as a leader in human rights discourse and democratic development in Kenya solidified by 2012
- 4: Selected spheres of public and private life engendered in Kenya by 2012
- 5: Organisational sustainability of KHRC improved by 2012

2. Reformulated Strategic Objectives towards Vision 2012

2.1 Foreword from the Executive Director



The operational year 2007-8 was a year of change for the KHRC no less than the rest of the country. The end of the year was taken up with trying to address the announcement of the disputed presidential results and the violence that that announcement triggered. The mediation process outcomes, unsurprisingly, brought to the fore issues that the KHRC had long advocated around.

To address reforms of our electoral system, a Commission of Inquiry into the 2007 General Elections, the Independent Review Commission (IREC) was instituted. A second Commission of Inquiry into the Post-Elections Violence (CIPEV) has also been instituted to address the immediate and underlying causes of the violence. Also, a bill to establish a Truth, Justice and Reconciliation Commission (TJRC) has finally (!) been prepared for presentation to Parliament. Nonetheless, deeper changes are hoped for from the to-be-revived Constitutional reform process. A bill establishing an expert and parliamentary-led process on the same awaits presentation to Parliament.

These potentially critical mechanisms for the deepening of our democracy and the advancement of human rights came at great cost: over 1,000 deaths and an estimated 350,000 internally displaced persons (IDPs). However, they should also be celebrated for they represent the collective achievement of the Kenyan human rights community after almost two decades. Many of the proposals which lay behind the mechanisms are proposals which we have, individually and collectively, pushed prior and following the first 1991 Constitutional amendments restoring political pluralism in Kenya.

To make sure their aims are not subverted and their potential is, in fact, realised will continue to be a focus of the KHRC for the 2008-9 operational year. It would be easy, in the aftermath, to simply focus on carrying the momentum forward, it is important that we reflect on the totality of the year behind us, not just its most defining moments.

2. Reformulated Strategic Objectives towards Vision 2012

The KHRC went through internal changes of its own. Governance guidelines were adopted by the Board of Directors and a new Board member, Davinder Lamba of the Mazingira Institute (not to mention the iconography of the human rights community!) came on, as did I as the new Executive Director. Long-serving Deputy Executive Director, Steve Ouma, left for further studies, to be succeeded initially in an acting capacity, by Dan Juma, a former Programme Officer with the Research and Advocacy Programme. Personnel policies were revised and a sustainability strategy developed to see KHRC into the future.

The KHRC's incredibly bright and committed staff, having contributed to (indeed, sometimes initiated) all of these changes, continued to deliver on the KHRC's innovative core programmes.

The civic action team worked with the 23 human rights networks across the country not just on human rights concerns of local relevance (such as those relating to citizenship, labour, mining, the sugar industry) but also on a unique contribution to the electoral process -- the People's Manifesto. Developed through a participatory process in 54 constituencies, with a national one drawn from the same, the People's Manifesto outlined key human rights concerns which constituents used to garner commitments from aspirants to civic and parliamentary seats. It was thus an important experiment in trying to shift electoral debate from promises from up-high to demands from below -- from personalities to issues.

The business, trade and human rights team continued its work on labour and the protection of workers' rights. It celebrated the adoption and entry into force of five new pieces of labour legislation. It also supported Kenya's small farmers in trying to influence the course of trade negotiations in favour of human rights resulting in the filing of what is potentially an important and precedent-setting case with those farmers, against Kenya's accession to the Economic Partnership Agreements (EPAs).

The public accountability team continued to advocate for constitutional, legal and policy reform in a range of areas. Seeking to strengthen Kenya's commitment to second generation rights, the KHRC led in the preparation of a shadow report to the Kenyan Government's report to the United Nations (UN)'s Economic, Social and Cultural Committee. Other work on constitutional reform, land reform and the resettlement of IDPs continued and new work on reproductive and sexual rights began with the convening of a tribunal on unsafe abortion and the provision of support to Kenya's growing and strengthening LGBTI community.

Finally, the elections team, through monitoring and documentation, helped focus attention on, and create public debate on, issues of hate speech, violence against female, general elections-related violence (such as the forced displacements in Kuresoi) and the abuse of public resources in the electoral process.

2. Reformulated Strategic Objectives towards Vision 2012

All of this work meant that the KHRC was able to respond, individually as well as in partnership, together with existing coalitions and networks including the new Kenyans for Peace with Truth and Justice (KPTJ) when the country exploded. Our monitors and network members not only fed us with critical information from the ground - which we forwarded to the media and used in our public advocacy - but where possible, also played equally critical roles in protecting citizens at risk and organising appropriate collective responses. Our staff, without question, forfeited their leave and returned to work to help contribute to, and lead various collective initiatives of, the human rights community -- from responses in low income urban areas, to supporting the networks in the rural areas and so on. And our board and staff at the national level were also important in generating analysis and solutions to pressurise for a settlement and inform the mediation process once it was underway. It was a trying time -- but everyone, without exception, rose to the occasion. I count myself lucky to have been working for the organisation, among so many of Kenya's most brave, courageous, ethical and principled people.

Did we make a difference? Certainly not the difference that would have saved the lives lost, the girls and women (and men) raped, or protected the livelihoods and properties destroyed, but we tried to ensure that citizens' voices were heard -- loud and clear -- not only against what was happening to us, but also for a settlement on the elections and violence based on truth and on justice. In so doing, we know we made it easier for all those trying to save lives, protect citizens, ensure refuge and support in the field. We know too that we contributed to what eventually came out of the mediation process.

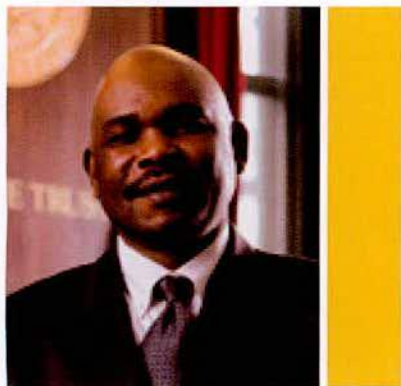
We know the road ahead is hard. It is clear that the country has retreated on gains with respect to civil and political rights that we thought we had won. Prolonged detentions, extrajudicial killings and torture are back with us as are closures on the freedoms of assembly, association and expression. The aftermath of the post election violence, coupled with global fuel and food prices, have meant that economic and social rights are even more precarious than before. But we know that we can make a difference, however frustratingly small, when we pull together -- internally as well as with the rest of our human rights community. This we commit to continuing to do so as we move ahead.

With gratitude, to our board and our staff, as well as to our networks and our many partners, who so quickly threw in their weight during the worst of it.

L. Muthoni Wanyeki

2. Reformulated Strategic Objectives towards Vision 2012

2.2 A Message from the Chair of the Board of Directors



The Kenya Human Rights Commission, our country's most prominent human rights organisation, has grown in leaps and bounds over the past decade. It is exhilarating to note that over the past year, the KHRC regained its leadership role of civil society because of the stellar leadership of L. Muthoni Wanyeki, its new Executive Director. Working closely with Dan Juma, its Deputy Executive Director, and the exemplary staff of the KHRC, Ms. Wanyeki led the KHRC during arguably the most difficult time in the country's history since independence from Britain in 1964. They say that the measure of great leadership is not known until there is a crisis. Ms. Wanyeki and the KHRC are more than ample demonstration of this truism.

Since its founding in 1992, the KHRC has been closely linked to the reformation of the Kenyan post-colonial state. It is not possible to think about the struggle to reform the Kenyan state without recalling the pivotal roles that the KHRC has played in that struggle. Whether it was the initiation of the national debate for a democratic constitution in the early 1990s, the active participation of its staff and leadership in the Bomas constitutional process and the fight for women's rights in a new constitution, or the struggle for a truth commission, the KHRC has always been at the epicentre of reform. That is not all. Our vision has been to create a human rights state in Kenya. To achieve this, the KHRC has pioneered a new approach to human rights in Kenya by rooting human rights in communities; where the people at the grassroots themselves can defend and protect their dignity from the privations of the state and vested interests.

It is the work of the KHRC, when the country was at the brink of collapse because of the December 2007 elections that I want to honour in this message. First, the KHRC understood early on that the political landscape was badly scarred as the country prepared for the polls. We as an organisation recognise the bile of tribal nativism that continues to eat at the fabric of society. We have also long been aware that Kenya suffers from the failure of the project of nation building. That is why most of our programmes – transitional justice, economic and social rights, constitutional reform, elections, outreach, monitoring, advocacy and building civil society – have centred on creating a coherent nation. We recognise in our programmes that human beings – citizens, individuals, and communities – are the purpose for which we exist.

2. Reformulated Strategic Objectives towards Vision 2012

Our work and skills in these areas were in full display during and after the ill-fated 2007 elections. We monitored problems with the elections and steered the public discourse towards recognising the dangers therein and how a more open and fair process could be achieved. Once the political class failed at the democratic process – and plunged the country into a near genocidal inferno – we again rose to the challenge. Working with other civil society organisations, the KHRC monitored the perpetrators of the post-election violence and documented the fate of its victims. We publicised these problems widely and lobbied at both the national and international levels to bring sanity back to the political process. We were actively involved in the mediation efforts by Kofi Annan, the former UN Secretary General, by providing information to the mediators on transitional justice, peace building, and advised on what it would take to put Kenya back together again.

As the Chair of the KHRC, I am filled with pride and gratitude for serving the organisation with such an inspired and visionary leadership and staff. The work of the KHRC and the selfless people who serve it are testament to the critical link between democracy and civil society. It is difficult to imagine one without the other, and certainly impossible to fathom the former without the latter. I am honoured to say that the KHRC's work this past year is evidence of the pivotal role that it continues to play in building the society of the future. I know that the challenges ahead for Kenya are daunting. That is why we are called upon to raise our game a notch to meet them. I am confident we will.

Let's Go Team KHRC!

Prof. Makau Mutua

2. Reformulated Strategic Objectives towards Vision 2012

2.3 Executive Summary

This report assesses the progress made in the 2007-2008 operational year. To the extent that this was the last Operational Report in the Strategic Plan 2004-2008, the Annual Report captures progress towards the realisation Vision 2012,¹ the foundation of the Strategic Plan 2004-8.

The theme of the Operational Plan was “Transformative Participation for Equitable Power Relations” hereby reflecting the political, economic, social and cultural context obtaining in Kenya in 2007-8, as well as regionally and globally. The Commission worked towards consolidating constituencies and regional advocacy networks around specific human rights issues. These activities provided impetus for the communities’ participation in transforming power relations that renounce their human rights. The electoral process leading to the General Elections in December 2007 provided a turning point.

This period was marked by both achievements and challenges. Some major achievements noted were strengthened leadership and increased partnership of KHRC with other governance, human rights and legal organisations as well as communities on specific human rights issues; strategic international and regional advocacy on human rights issues; and expansion of strategies for doing human rights work, including public interest litigation.

The KHRC’s leadership role in the aftermath of the disputed presidential election was particularly seminal. Through Kenyans for Peace with Truth and Justice (KPTJ), a coalition of legal, human rights and governance organisations, the KHRC was in the forefront in the protection of human rights defenders and civil society’s engagement in the national reconciliation process both at the national, regional and international levels. At the regional and international levels, the KHRC and KPTJ appeared before the African Union (AU), the United Nations (UN)’s Department of Political Affairs (DPA) and the Human Rights Council (HRC) as well as the United States (US) State Department and Congress.

In the period covered by this Report, the KHRC also worked with communities across the country on human rights issues such as governance and accountability issues. One key area in this regard was the process through which communities in 54 constituencies produced the People’s Manifestos. This process also became a means of ensuring that the electoral process is issue-driven. This process will be built upon in the ensuing peace building, transitional justice and other reform processes.

¹ Vision 2012 is the road map which guides the Commission’s work from 2004-12.

2. Reformulated Strategic Objectives towards Vision 2012

The KHRC also continued to engage in reflection on human rights theory and practice. With the establishment of the Kenya Human Rights Institute (KHRI) in December 2006, a number of public debates were convened by the Institute to advance debate on contemporary human rights issues. During the reporting period, the KHRI launched policy briefs and reports on among other issues Civil Society Responses to the Post election Violence in Kenya, Interventionism and Human Rights in Somalia and Mungiki Violence and Human Rights. As these issues remain contemporary, follow-up consultations will be held this year.

Another key activity in the period was regional and international advocacy on economic, social and cultural rights. The KHRC prepared a parallel list of issues for the UN's Economic and Social Council (ECOSOC)'s Committee on Economic, Social and Cultural Rights in November 2007. This resulted in the list of questions the Committee issued to the Kenyan state in December 2007. The KHRC also submitted a memorandum to the African Commission on Human and People's Rights (ACHPR), during the examination of Kenya's State Report in May 2007. In the following year, the KHRC will strengthen its regional and international advocacy, to ensure follow-up with domestic advocacy. The KHRC will also establish additional networks within the regional and international human rights community.

Vision 2012 and the vision of the UDHR will only be achieved if the KHRC acts creatively and self-critically in an ever-changing national, regional and global terrain. The KHRC thus strives to become stronger by being a "learning organisation." Several KHRC staff attended a range of training courses ranging from administration and management to courses on advocacy, human rights monitoring and documentation, and regional and international protection of human rights. These training courses were supplemented by quarterly programme reflections in which programmatic themes, implementation techniques and challenges were reviewed. Emphasis was made on tackling power and powerlessness, methodologies for doing human rights work and human rights organising.

The KHRC remained committed to gender mainstreaming. A gender audit was undertaken, which highlighted successes and limitations of the KHRC's gender mainstreaming work. In the upcoming year, the KHRC will ensure institutional arrangements are in place to address these limitations. Importantly, a new strategic objective of the new Strategic Plan is to engender selected public and private spheres.

A financial sustainability report was adopted by the Board. It explores ways to address organisational sustainability, including financial sustainability. Further, Governance Guidelines have now codified the KHRC's practice of governance by the Board vis-a-vis the secretariat.

3. Programmes Reports

3.1: Strategic Objective One

Communities organised around specific human rights issues, strengthened and developed into powerful advocacy networks by 2012

A key objective of the KHRC's third phase (2004-8) has been to expand and deepen appreciation of human rights towards the creation of a human rights state. Human rights are best defined, promoted and secured by individuals, groups or communities who are well-organised around specific human rights issues. For the past three operational years in the ending Strategic Plan, the KHRC worked with organised, community-based advocacy initiatives. The result has been increased institutionalisation of human rights in communities. We realise that a lot more needs to be done on social economic rights, but we are confident that the community based human rights approach will continue to define this.

The KHRC partnered with communities in consolidating their organisational capacities to claim and defend their human rights, increase their numbers and reinforce programmatic connections. This resulted in the expansion of the KHRC's presence in six regions; Eastern, Western, North and South Rift, Northern and Coast regions.

Pursuant to this Strategic Objective, the Civic Action Team worked with communities in the following areas:

- People's Manifesto and Scorecard Initiative
- Network Audits
- Regional Advocacy Initiatives
- Schools Project
- Internship Programme
- Mizizi Newsletter
- Community Reflection Session

3. 1.1 People's Manifesto and Scorecard Initiative

The People's Manifesto was one of the innovations during this reporting year. The manifesto was an accountability tool whose development process gave the ordinary citizens in 54 constituencies in Kenya an opportunity to develop criteria for holding their councillors and Members of Parliament (MPs) accountable for development after elections.

3.1: Strategic Objective One (Cont'd)

The process was carried out in three stages; demand collection, validation and engagement with aspirants. By means of this tool, community networks collected demands from wananchi in villages, markets, religious institutions and schools which they used to develop the People's Manifesto. The networks then held consultative engagement forums which they used as avenues to ensure understanding and commitment of leaders to the manifesto by appending signatures. The exercise was closely monitored by the KHRC to ensure gender mainstreaming and that the rights based approach was instructive.

The process of monitoring the People's Manifesto Demands is the next phase and the KHRC will continue to partner with communities in the six regions on this.



From Right The Executive Director Muthoni Wanyeki, The Deputy Executive Director Dan Juma and Board Member Mwambi Mwasaru witness the People's Manifesto launch in Korogocho

3.1: Strategic Objective One (Cont'd)

The process was carried out in three stages; demand collection, validation and engagement with aspirants. By means of this tool, community networks collected demands from wananchi in villages, markets, religious institutions and schools which they used to develop the People's Manifesto. The networks then held consultative engagement forums which they used as avenues to ensure understanding and commitment of leaders to the manifesto by appending signatures. The exercise was closely monitored by the KHRC to ensure gender mainstreaming and that the rights based approach was instructive.

The process of monitoring the People's Manifesto Demands is the next phase and the KHRC will continue to partner with communities in the six regions on this.

3.1.2 The Network Audit

The KHRC audited its partner community networks to identify their strengths, challenges and opportunities for engagement in human rights protection and promotion. The audit revealed that most networks lack the capacity to engage in human rights struggles from the rights based approach due to weak internal governance structures and limited human and financial resources to inspire human rights struggles at the grassroots.

The lessons learnt from the network audit will inform the strategic planning process. In addition, the study is now the basis; of ongoing strengthening of networks through training on the Rights Based Approach and gender among others; restructuring networks' governance structures and promoting peer learning through exchange visits. During the 2007 General Election, network members were encouraged to run for elective office to ensure human rights discourse is injected in mainstream political leadership as part of KHRC's vision of building a human rights state. As a result, 8 male and 4 female members of the human rights networks were elected and/or nominated as councillors in local authorities.

3.1.3 The Regional Advocacy Initiatives

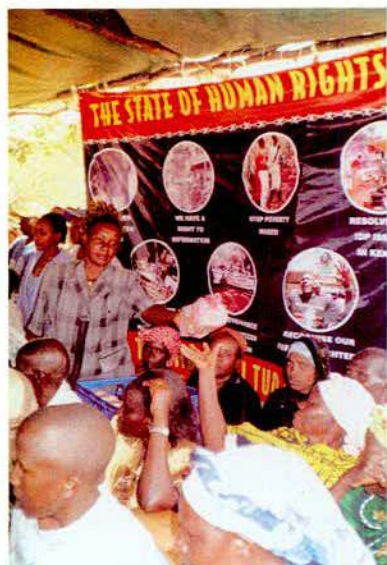
3.1.3.1 Eastern Region (Nairobi, Central and Lower Eastern Provinces)

In the reporting year, the Eastern Region engaged in three main activities. These included the People's Manifesto, the land advocacy in Kieni, Maragua and Thika Districts and the networks audit.

The Eastern Region successfully partnered with 6 networks; Centre for Human Rights and Civic Education, Nairobi Human Rights Network, Citizen Land Network, Mount Kenya Human Rights Network, and Central East Human Rights Network covering the Maragua, Juja, Kandara, Gatanga, Tetu and Othaya areas in Central, Kibwezi, Mwingi North and Mwingi South in Eastern and Kasarani and Westlands in Nairobi, in developing 12 constituency People's Manifestos.

3.1: Strategic Objective One (Cont'd)

The exercise sensitised communities on their right to participate through engaging their leaders in accountability forums. The main challenge experienced in this region was low turnout of youth, aspirants and community members due to apathy and the leadership's fear of appraisal by the community.



Peoples Manifesto engagement forum - Eastern region

The campaign for land reforms has remained one of the most critical issues in the campaign for social justice, accountable and human rights centred governance in the region. The region engaged key stakeholders including the Minister for Lands, Hon. Kivutha Kibwana. Our greatest challenge in this campaign was to access the list of squatters from the District Land Office due to the restrictive Official Secrets Act. The lessons learnt from the network audit will be used to inform our work in the region.

3.1.3.2 Coast

Mombasa (Kisauni, Changamwe, Mvita, Likoni), TaitaTaveta (Voi, Taveta, Mwatate, Wundanyi), Kwale Human Rights Network (Msambweni and Matuga), Kinango and Lamu Human Rights Network.

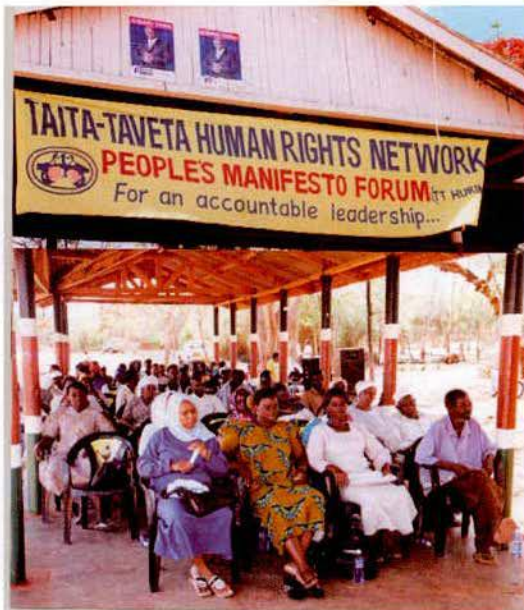
The major achievements recorded in the year include the People's Manifesto, which was conducted in 12 constituencies¹ at the Coast, sustained advocacy and awareness around women rights, land rights and workers' rights. Additionally Lamu and Kinango Human Rights Networks were co-opted to the Coast Human Rights Networks and legal-hosting of the Taita Taveta Human Rights Network by the KHRC was effected. Fruitful partnerships with duty bearers and election of human rights defenders as councillors and devolved fund committee members were other achievements recorded in the year.

3.1: Strategic Objective One (Cont'd)

The networks creatively adopted the People's Manifesto & Scorecard Initiative to lay emphasis on gender related rights of women and children, land and labour rights. For example, the awareness created through training on the Sexual Offences Act in Taita, Taveta and Kinango districts has remarkably increased the number of cases reported on sexual offences and resolved by the state (chiefs, police and children officers) and non-state duty bearers in the pursuit of eradicating violence against women and children in the said districts.

Through project hosting, KHRC supported networks while also ceding or disengaging from networks with the capacity to sustain their activities on their own. For example, the Taita Taveta Human Rights Network was supported by the KHRC in accessing funds for a Campaign to End Gender-Based Violence from CIDA-GESP. The activities were implemented by the former.

The main challenges in the year included governance crisis within networks and lack of sufficient capacity for networks to take advantage of their recognition in the community as agents of change. This shows that there is need for further capacity building of networks. Secondly, the network members failed to detect early warnings of post election violence and most of them lacked capacity to link peace, human rights and development.



Participants listen keenly in a People's Manifesto engagement forum in Voi.

3.1: Strategic Objective One (Cont'd)

3.1.3.3 Northern Region (Isiolo, Marsabit, Moyale, Wajir, Mandera, Garissa and surrounding areas)

In addition to the People's Manifesto and the score card initiative, work in the Northern Region was mainly involved in citizenship issues and water services governance. These issues were raised as demands in all the People's Manifestos within the two constituencies of the Wajir District i.e. Wajir East and South, and Isiolo District which include Isiolo North and Isiolo South.

The networks in the Northern Region partnered with the Northern Water Services Board (NWSB) in Isiolo District. This resulted in increased partnerships with duty bearers and awareness of the human rights perspectives of water. Sensitisation forums carried out within the six divisions of Isiolo District on the new Water Act, 2002, were highly appreciated by both the community members and the provincial administration.

On mining issues affecting the region, the KHRC, its partner networks and other like-minded organisations such as Kenya Land Alliance, Institute for Law and Legal Environmental Governance (ILEG), RECONCILE, WASO Trust land and the Kenya National Commission on Human Rights organised consultative meetings to address issues of transparency in the oil mining project. This was prompted by the signing of an oil exploration contract in Isiolo and Wajir Districts, between the Kenyan Government and the Chinese Government without consulting the resident communities.

North Eastern Kenya is the only region that did not experience the post election violence that threatened to destabilise the country. This could be attributed to the general feeling of apathy and exclusion amongst the communities following many years of discrimination and inequalities. There are ongoing efforts to ensure equal participation of marginalised groups within the region such as women, youth and people living with disabilities.

Main challenges in the year included lack of capacity of networks to steer effective human rights struggles and lack of understanding and commitment to the People's Manifestos process by the elected Members of Parliament.



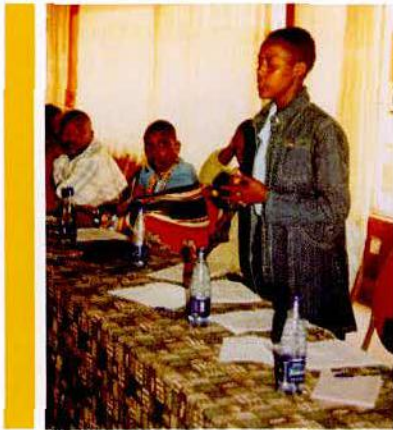
A candidate shares her vision with community in a People's Manifesto engagement forum - Isiolo

3.1: Strategic Objective One (Cont'd)

3.1.3.4. North and South Rift region (Community based human rights organisations working in Nakuru, Marakwet, Baringo, Mt Elgon, Narok North and South and Laikipia East districts of the Rift Valley province.)

In the run-up to the 2007 general election, over 10,000 community members were directly involved with the people's manifesto and score card initiative. Eight (8) constituency manifestos were developed under this initiative. A total of 45 political aspirants signed the manifestos, signifying their acceptance of the content of these manifestos. An achievement noted was the nomination of two network members as councillors in Laikipia East.

Human wildlife conflict (HWC) has been a grave human rights issue affecting communities living within the wildlife dispersal areas. The Narok HURINET led these communities in participating in the Government-led Draft Policy and Wildlife Bill formulation process through a working team. Contentious issues on compensation for loss of human lives, livestock and property were incorporated. Also incorporated was a proposed structure for community involvement/participation in the management and conservation of wildlife resources.



Young girl who dropped out of school due to injuries caused by wildlife attack gives her testimony in Narok

3.1: Strategic Objective One (Cont'd)

In Baringo District, the KHRC supported the Ngelecha community who had been denied access to a road and water by the Laikipia Conservancy Trust Fund, to advocate for user rights of the road. Following this, dialogue was initiated with the ranch owner. Additionally, in 2007, the Minister for Justice and Constitutional Affairs committed to gazette the road. There has been notable participation and leadership by women in the community.



Human Wildlife engagement forum in Narok. A KWS official responds to issues raised.

Finally, during the post election crisis, the North Rift networks were actively involved in peace building through forums and radio programmes in an attempt to manage the conflict after the 2007 disputed general elections. The Baringo District Commissioner (DC) enhanced, at the prompting of the KHRC and the networks, security measures for the Ilchamus following increased cattle rustling. The DC's actions were informed by a fact-finding report which was done by Laikipia and Baringo networks.

3.1.3.5 Western Region (Western and Nyanza Provinces)

While the People's Manifesto was the main activity in the year, communities in the Western Region embarked on addressing governance in the sugar sector, conflict management of the post election violence, as well as efforts aimed at enhancing public participation through monitoring and management of public resources.

Migori Human Rights Networks registered increased accountability from local civic authorities through monitoring of public funds by Local Authority Service Delivery Action Plan (LASDAP) forums to hold their councillors accountable. In the same spirit, the network actively participated in the budget reading forums on June 26, 2007, which marked the first time in the history of the councils to publicly read the budgets following a directive from the Minister for Local Government. The forum provided a useful interactive forum between the public and civic authorities and recommendations were made on prudent use of the resources.

3.1: Strategic Objective One (Cont'd)

Regarding advocacy on the issues around sugarcane, which remains a primary means of livelihood in the region, the networks advanced the work done on the amendments on the Sugar Act and which had been previously presented to the Sugar Parliamentary Committee (SUPAC). These have now been formulated and articulated as demands in the constituency People's Manifesto. Such demands included the call on the MPs to push for the amendment and implementation of the Sugar Act to address interests of the farmers, as well as proper utilisation of cess and Local Authority Transfer Fund (LATF) funds which would aid in the reduction of transportation costs and hence more proceeds to farmers. The manifestos presented by the community, if implemented, can lead to the reduction of poverty, and of course, promotion of human rights and fundamental freedoms. Finally, the network utilised the media as a tool for creating social change especially *The Link Monthly* and *Mizizi* publications, in educating the public on ongoing human rights struggles at the grassroots.



A Western
Region
Consultative/
reflection
Meeting

3.1.4 The Schools Project

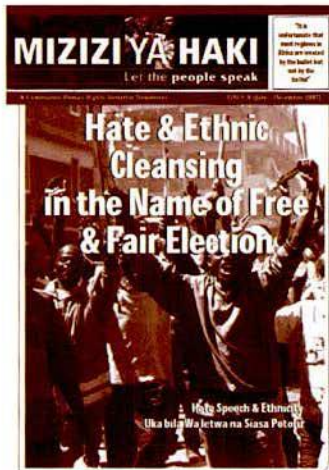
The KHRC believes that schools offer the best opportunities to create a human rights culture in children in their most formative years. The schools project was revived during this operational year. One of the major achievements was that children's awareness on the relationship between elections and development increased, this being an election year. Children's demands were also mainstreamed into 54 constituency manifestos after their teachers collected their demands. The schools project will continue as a major project of KHRC's work in other constituencies to increase its effectiveness through training of teachers on human rights.

3.1: Strategic Objective One (Cont'd)

3.1.5 Mizizi Newsletter

The KHRC believes community media is critical in accentuating human rights struggles and increasing advocacy on issues. Mizizi is a community newsletter written by community human rights networks documenting their struggles, challenges and best practices. Two editions of Mizizi were published in the year whose themes were "Ethnicity, Corruption & General Elections" and "Human Wildlife Conflict" respectively.

The main achievements included increased participation and quality of articles and the mainstreaming of overarching themes in gender and women's political participation. There was an increased ownership of Mizizi at the community level due to the increased involvement of the community. For instance, 9 community representatives from the six communities were involved in editing the Mizizi community newsletter. This ensured that the content of the newsletter was informative and relevant to the communities.



A copy of the Mizizi Publication

3.1.6 Internship

The KHRC is one of the leading human rights mentoring organisations for young human rights workers. The internship programme's core objective is to provide practical learning and work experience to students while developing significant relationships with the various institutions of learning.

In the year under review, the KHRC provided internship opportunities to thirteen (13) local and international interns, 10 women and 3 men. The internship programme period was reviewed to a maximum of six months, up from three months, to allow full cycle projects rather than work on isolated activities.

3.1: Strategic Objective One (Cont'd)

The Elections Monitoring and Response Centre (EMRC) also recruited three interns. These interns acquired some general skills on among other areas participatory rural appraisal, monitoring of human rights violations in elections, legal and human rights research and networking with state and non-state actors on the specific human rights issues.

The KHRC also supported the placement of a community intern from Taita Taveta to work with the Coast Region networks. The intern was instrumental in ensuring effective linkage between the KHRC and Community human rights networks at the Coast.

In order to effectively root human rights in communities, KHRC will engage more community interns and establish an internship alumni association which will be instrumental in re-energising KHRC's alumni to effectively become agents of change in their communities in protecting and promoting human rights.

3.1.7 Community Reflection Sessions

During the year, two reflection sessions were held with communities to share common grounds on the KHRC's Operation Plan and to share experiences on the post-election crisis. These reflection sessions exposed that communities lacked capacity to forestall violence and to respond to the violence. Strengths and weaknesses of networks in responding to gross human rights violations were highlighted by the crisis as were opportunities for networks to participate in transformation of their communities through peace building and human rights education (HRE). Lastly, identification of capacity gaps was done and plans for training made in the next operational year. Training sessions are scheduled on the Rights Based Approach, Conflict Transformation and Early Warning Systems and Inequality and Discrimination.

Community Human Rights Networks and KHRC staff after a reflection meeting in Nairobi.



3.2: Strategic Objective Two

Accountable human rights-centred governance amongst State and key non-State actors enhanced by 2008 and attained by 2012

In pursuit of this Strategic Objective, the KHRC has placed emphasis on norms and mechanisms as a means of ensuring accountability towards human rights obligations. These range from monitoring, documentation and reporting (publication), to advocacy for normative frameworks for freedom of information, the right to public participation and access to justice. In its work with communities, the KHRC emphasised the need for accountability through three main campaign areas:

- The General Elections Campaign
- Public Accountability Campaign
- The Trade Business and Human Rights Campaign.

3.2.1 General Elections Campaign

The KHRC believes that elections provide opportunities for communities and civil society to set the pace for sustainable, genuine and transformative public participation in governance and politics in Kenya. Since 1997, the KHRC has been providing oversight and leadership roles in monitoring, research and advocacy on elections and democratic processes. These interventions have sought to lead to accountable and human rights centred governance of political affairs in Kenya.

To implement its elections monitoring project, the KHRC established an Elections Monitoring and Response Centre (EMRC). The Centre focused on monitoring hate speech, media, violence against women aspirants and misuse of state resources. Towards that end, the Centre trained 117 people on human rights monitoring and reporting skills, research methodology, Early Warning Systems and review of previous elections.

In sum, the KHRC's EMRC remained a credible source of information during the election period, based on referrals and communications received by the Centre during its operations. Secondly, inculcation of human rights agenda into the media debates on elections programmes content was also notable. Lastly, KHRC elections centre has been consulted by local, national, regional and international actors such as Commonwealth Observers' Group (COG), European Union Observers' Mission (EUOM) and others.

3.2: Strategic Objective Two (Cont'd)

In the aftermath of the disputed elections, the EMRC trained 29 monitors to document and respond to violence and displacement occasioned by the far-reaching impact of the post election crisis between January and March 2008 in Nairobi, Rift Valley, Western and Nyanza Provinces. The KHRC also organised national fact finding missions and national reflections with partner communities in order to get first hand information and develop strategies on how to pro-actively respond to the post election crisis and enhance national recovery and reconstruction.



KHRC Associates in a fact-finding mission in Nyanza after post election violence

3.2.2 Public Accountability Campaign

This covers: Legal issues (Public Participation Bill, Land Policy, Mining Policy, Right to Information Bill, Wildlife Bills, National Human Rights Policy), Policy issues, Constitutional and Institutional Reforms (Police Reforms), Publications, International Accountability including Africa Peer Review Mechanism, ECOSOC Advocacy and Transitional Justice (TJRC, IDPs Justice and Resettlement, Memorialisation and the Mau Mau reparations case).



A public demonstration against Impunity

3.2: Strategic Objective Two (Cont'd)

2.2.2.1 Legal, Policy and Institutional Reforms

(Constitutional Reforms, Police Reforms and National Human Rights Action Plan)

The KHRC partnered with other civil society organisations in sustaining the demand for a new constitution. In addition to this, KHRC participated in the development of the National Action Plan on Human Rights and National Consultative Forums. Sustained advocacy and demands by the public and NGOs for constitutional reforms centred on a human rights framework, especially after the post election violence.

Police accountability was another advocacy project during the year in review, due to increased demand by the public for police accountability. The KHRC partnered with the police in human rights training to enhance accountability of the police to human rights standards. The challenge remains the ambivalence of the police towards reform.



A Police Training Session in Kiganjo

Land Policy Reforms

The KHRC's work on land reforms is based on the premise that comprehensive reforms in the governance of land based resources would ensure the protection and promotion of the rights to own, control and use land in an equitable and sustainable manner. Towards this, the KHRC has been advocating for resettlement of the landless communities and enactment of the draft land policy and eviction guidelines.

The KHRC plans to partner with the Civil Society Coalition on Land Reforms in pursuit of, not only the above issues, but also the land reforms agenda in the TJRC and constitutional reforms processes to ensure better livelihoods.

3.2: Strategic Objective Two (Cont'd)

Public Participation Bill

The KHRC believes that effective public participation is critical in ensuring accountability of state and non-state actors in a democracy. This was noted in the ending year, where some networks held accountability fora to scrutinise budgeting and public expenditure by local governments and/or relevant committees, while demanding information on decentralised funds and unearthing corruption.

This gives an impetus to work towards a framework law on public participation and the enactment of the Freedom of Information Bill published in August 2007. Additionally, a study on Devolved Funds using a Perceptions Index was distributed to highlight the problem of public participation in decentralised funds in Kenya. The research is still being undertaken which will lead to the development of Draft Policy/Guidelines on Public Participation.

3.2.2.2 Transitional Justice Campaign

The transitional justice project was initiated as a component of the Campaign against Impunity in September 2001 with a view to enhancing accountability and ensuring remedies to victims/ survivors of historical and contemporary injustices. The KHRC takes the position that only a comprehensive transitional justice process can midwife this.

Towards this end, the KHRC resolved to make transitional justice a key policy and political agenda for national reconstruction beyond the 2007 General Elections. In the reporting year, the KHRC sustained its unwavering commitment and leadership in transitional justice by organising and supporting consultative meetings and public forums for stakeholders in TJRC issues, IDPs, Memorialisation and Mau Mau reparations.

The key interventions on TJRC and memorialisation were organising public forums and participating in other interventions during the July-August 2007 commemoration of the late Fr. John Kaiser, and memorialisation of heroes through the Mekatilili celebration. The KHRC also presented a position paper in November 2007, at a civil society reflection meeting to guide and inform Civil Society Organisations (CSO) on TJRC issues. Finally, the KHRC, through its chairperson and fraternity also engaged in informing the mediation processes on aspects of transitional justice.

The KHRC has also sustained its leadership in support for justice and resettlement for IDPs through consultative and briefing meetings with key stakeholders such as the National IDPs Network, Ministries for Lands and Settlement, and Justice and Constitutional Affairs, United Nations agencies led by United Nations Office for Coordination of Humanitarian Affairs(UNOCHA), key missions in Nairobi and the media. The KHRC in partnership with the FIDH published a report which was presented to the African Commission on Human and People's Rights during its 41st Session (May 2007 in Accra, Ghana). The KHRC made the IDPs issue a critical agenda item, alongside its advocacy on transitional justice, land reforms, peace and conflict transformation, among other national reform processes. In the coming year, the KHRC plans to ensure human rights based and victims-centred interventions in the on-going national reconstruction processes.

3.2: Strategic Objective Two (Cont'd)

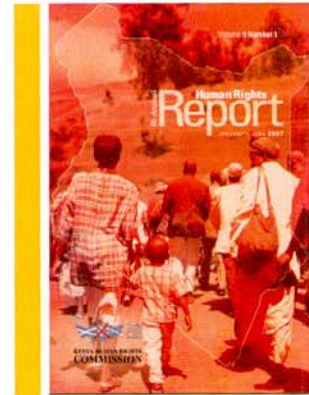
The last component of the transitional justice campaign was the Mau Mau reparations case. A report on a visit to Britain by two Programmes Officers recommended various action points to strengthen the case which included additional taking of statements to ensure diversity and representation; thorough archival research on the historical, legal and human rights issues in the case and a media and publicity strategy. Since then, the recommendations have been implemented and the case will be filed in the next operational year in the British courts of law.



*IDPs in a
Camp after
Post election
Violence*

3.2.2.3 Bi-Annual Human Rights Report

The KHRC used monitoring, documentation and reporting to identify emerging human rights violations or issues across the country. The KHRC worked with regional monitors who collected information for synthesis and analysis in the production, publication and dissemination of occasional reports on general and specific human rights issues. This served to inform, educate and communicate, as well as to expose human rights violations and those directly or indirectly responsible for the same. In the coming months, there will be discussions on how to increase the utility of the Biannual Human Rights Report, its readership, publication, distribution and timeliness.



*Bi-Annual Human Rights
Report*

3.2.2.4 Legal Aid

The legal aid system remains an important avenue for redressing human rights violations and measuring the pulse of the state of human rights. Through the system, the KHRC seeks to provide responses that would remedy, prevent or stop ongoing

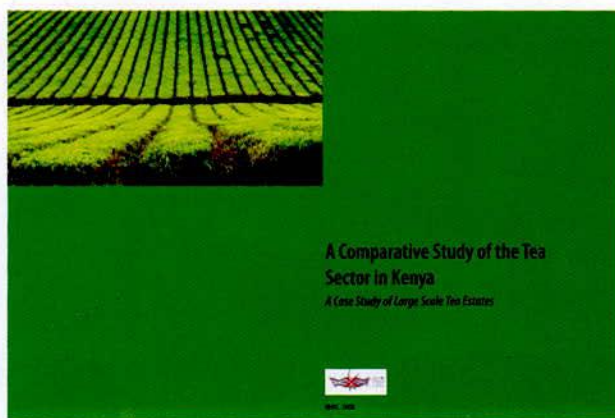
3.2: Strategic Objective Two (Cont'd)

violations of human rights. Through the process, legal aid interns were also mentored in implementing advisory and referral services. This enhanced KHRC's ability to monitor and respond to trends of complaints or human rights violations. In the coming year, KHRC will develop a comprehensive concept on legal aid that will inform KHRC's role in effectively responding to the overwhelming cases of human rights violations reported to the Commission.

3.2.3. Trade Business and Human Rights

The overall goal of this campaign is to enhance capacity of the duty bearers to comply, engage and promote human rights in international trade and investment agreements. This was in line with the overall KHRC goal within the reporting year which was, "the right to transformative participation for equitable power relations" Of central focus to this campaign area was the impact on human rights and human dignity to the rights of workers with increased liberalisation of trade. The year 2007 was a critical moment in the Trade and Business and Human Rights sector which worked on four major activities namely; research on the tea sector, social costs of investments, Stop EPAs campaign, National Labour Convention and Investment and Human Rights.

The KHRC in conjunction with the Centre for Research on Multinationals (SOMO) commissioned an international comparative research on the tea sector to identify critical issues within the sector in Kenya, and to ascertain the social, economical and ecological conditions under which global tea production and trade take place. The study also reviewed the impact of the industry on sustainable development and poverty eradication. The outcomes of this report will be shared in the next operational year.



The Tea Sector
Study Report

Additionally, the Campaign against the Economic Partnership Agreements whose negotiations were scheduled to be concluded on 31 December, 2007, between the European Community and the African, Caribbean and Pacific States (ACP) created awareness through a public litigation suit and media debates on the detrimental effect of trade agreements on development and human rights. There was increased concern and ownership of this campaign by Kenyans judging by their responses to the media publicity.

3.2: Strategic Objective Two (Cont'd)

On the labour campaign, the KHRC partnered with the Secretariat of the Review Committee of Fair Flowers Fair Plants (FFFP) in Nairobi, to train their observers and other actors on the new labour laws. The National Convention on Labour reviewed the causes, legal and institutional, that give rise to labour disputes within low income employment and the existing legal structure for resolution of disputes within the labour sector. This review was aimed at identifying strengths, weaknesses and the place of the judiciary in dispute resolution within the labour sector.

The Investment and Human Rights Manual whose aim was to provide a better understanding on the relationship between investment and human rights was developed. Specifically, the manual aims to equip trade and investment negotiators, trade unions and human rights organisations to enhance the understanding of trade and investment negotiators on the human rights obligations of states when negotiating investment agreements.

Workers demonstrate on violation of labour rights



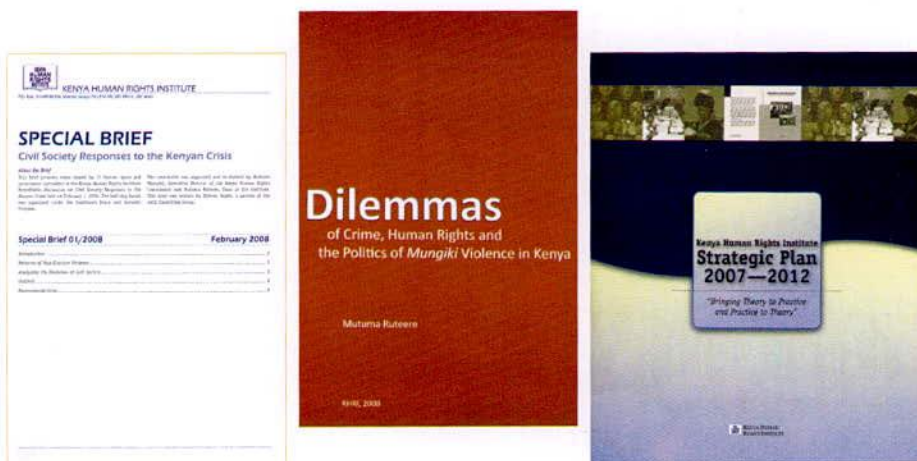
3.3: Strategic Objective Three

Capacity of the KHRC as a leader in human rights discourse, advocacy and democratic development enhanced by 2008 and attained by 2012

Vision 2012 can only be achieved if the KHRC acts creatively and self-critically in an ever-changing national, regional and global context. The KHRC strives to become stronger by being a "learning organisation" to improve the knowledge and skills of its staff so as to meet its own mandate and public expectations. In this regard, KHRC continued to offer leadership to the human rights sector through five projects which included; the Kenya Human Rights Institute (KHRI), staff training, development and quarterly reflections with the staff and board members, Resource Centre Publications and IEC materials, and international advocacy.

3.3.1 Kenya Human Rights Institute (KHRI)

Effective human rights work requires continuous reflection on theory and practice. Theory should inform practice and vice versa. Pursuant to this objective, the KHRC and the KHRI organised roundtables for practitioners and academics to discuss contemporary human rights issues. The roundtables focused on the Mungiki phenomenon and its relationship to poverty, religion-cultural and anti-globalist politics, human rights interventions in Somalia and civil society responses to the post-election crisis. In terms of informing the policy-making process, the discussion and policy briefs raised questions about the relevance, effectiveness and consequences of the legal and institutional reforms promoted by human rights and democracy advocates in transforming societies in Kenya.



Research Publications from KHRI within the year.

3.3: Strategic Objective Three (Cont'd)

3.3.2 Staff Development and Quarterly Reflections

Between April 2007 and March 2008, several KHRC staff members attended training courses ranging from administration and management, to advocacy, regional and international protection of human rights, and post-graduate courses in social sciences. These were intended to enhance staff's understanding and use of interdisciplinary approaches to human rights work and integrating best practices.

Staff performance review was carried out and a schedule developed on the training needs based on individual staff capacity gaps and organisational needs. As a result, eleven (11) staff members were sponsored for professional courses, four (4) members attended special trainings and eight (8) staff members attended team training in Participatory Learning Advocacy.

This has improved staff performance tremendously. Staff retention and a high morale among staff have also been noted. The challenges have been insufficient funds to finance planned training programmes and tight programme schedules that do not allow all staff to do their course work.

Quarterly programme reflections were also held in which programmatic areas, implementation techniques, challenges and prospects were reviewed. The emphasis was on tackling power and powerlessness, methodologies for doing human rights work and human rights organising. To improve its institutional memory, all staff was involved in resolving institutional issues and strengthening knowledge and skills bases, including interpersonal relations. The KHRC also began reviewing its performance management system, currently based on individual and team assessments.

The KHRC held a joint staff-board retreat in July 2007, with all board and staff members in attendance. Long-standing organisational issues and all recent evaluations of the KHRC were discussed. This informed the preparations for the new Strategic Plan for 2008-11. Its finalisation is, however, currently on hold until June 2008 when it is hoped, the context will have stabilised enough to enable long-term planning.

3.3.3 Resource Centre

The Resource Centre has reliable and high quality information. This was confirmed during the 10th Nairobi International Book Fair when the documentary on land 'Bless this Our Land' won the best documentary at the Book Fair organised by Kenya Film Festivals. It also disseminated all published pamphlets and periodicals within the period to stakeholders. The Resource Centre organised its bibliographic records in an internal electronic database using United Nations Education and Social Cultural Organisation (UNESCO) CDS_ISIS (a soft ware from UNESCO used to record bibliographic elements) open source database for easier retrieval and location of the documents.)

3.3: Strategic Objective Three (Cont'd)



10th Nairobi
BookFair

The KHRC in partnership with FIDH and Human Rights House Project published two reports within the year; the Massive Internal Displacements in Kenya Due to Politically Instigated Ethnic Clashes and Absence of Political and Humanitarian Responses and Human Rights in Kenya: The Post Moi Era (2003-2007) respectively. The KHRC also prepared three publications within the reporting year; the People's Manifestos, the Citizenship Report and Violating the Vote all of which are still unpublished.

In the reporting year, the resource centre acquired both print and non-print resources for purposes of knowledge development, information sharing and institution reflection. The centre subscribed to more than 60 journals, both print and electronic. It now has a collection of more than 6,000 publications and has been able to acquire 1,140 publications for the ending period, among them scholarly monographs. It also subscribed to online journals like the Hein Online, Human Rights Quarterly Journal by John Hopkins University Press and Human Rights Law Review by Oxford University Press. Print publications which number 1,500 publications were received in the course of the year. An increase in number of staff and researchers visiting the Resource Centre was registered but its capacity was limited by space.

Another challenge relates to limited internal network capacity for more electronic journals and lack of a computer for users to research from the electronic journals. In the next operational year, we hope to ensure that all users are able to access our publications through our website, by upgrading our network system to develop an inter-library loaning system with other institutions.

3.3: Strategic Objective Three (Cont'd)

3.3.4 International Advocacy

In the reporting year, the KHRC also engaged in regional and international advocacy at various levels. Activities undertaken included: The preparation and submission of a list of issues to the UN's Committee on Economic, Social and Cultural Rights in November 2007, the preparation of a parallel report on ESCRs for submission to the UN Committee on November 2008, and the preparation and submission of memoranda to the United Nation's Human Rights Council and its Special Mechanisms in March 2008.

During the same period, the KHRC continued with the African Peer Review Mechanism (APRM) Programme. A popular version of the country's review mission report of the APRM has been prepared and awaits publication.

3.4: Strategic Objective Four

The KHRC's capacity to learn, adapt and innovate attained by 2008

Pursuant to this strategic objective the KHRC, between April 2007 and March 2008, undertook staff development through training, quarterly programme reflections and institutional documentation. The KHRC also reviewed its performance management system by developing a new Human Resources Manual. Gender and HIV/AIDS Mainstreaming was another core activity in this Strategic Objective.

3.4.1 Gender Mainstreaming

a) Gender Audit

A gender audit was finalised in August 2007. The main objective of the gender audit was to assess the efficiency and effectiveness of gender mainstreaming within the organisation and its partner communities as well as to provide measures on how these can be enhanced.

The main recommendations related to the use of local organising strategies that are sensitive to women's needs, as well as, need for strong women empowerment initiatives within communities while deepening interventions within women groups (perceived safe spaces for women to share with others) and working with committees of elders in ensuring gender equality. These recommendations will be incorporated in the next operational plan and strategic planning process.

To ensure that gender is effectively mainstreamed at KHRC, the organisation will embark on increasing awareness on inequality to staff and networks through training on the rights based approach, documenting annual best practice on gender and ensuring reporting and monitoring is done using various gender analysis tools.

b) Gender Festival

In the reporting year, KHRC partnered with Daughters of M mbi Global Resource Centre to organise a Kenyan gender festival (learning from the Tanzanian gender festival which was organised using the same model in the previous year), which will coalesce feminist civil society organisations to reflect, share experiences and strategise on issues of gender equality and sexuality, and the intersections between these and power structures (both public and private).

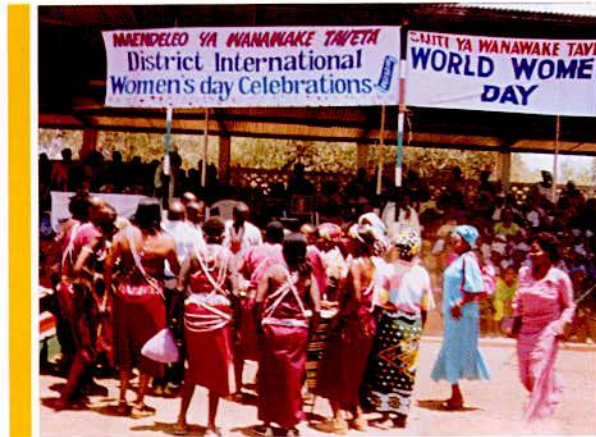
The KHRC convened planning meetings with support from Ms Kenya. The fourteen (14) organisations represented in the meeting expressed commitment towards organising the festival in the year 2008. The theme of the festival was identified as "Celebrating Our Diversity" which will focus on reconciliation and peace in Kenya and the contribution of women in peace building, and the empowerment of other women in diverse cultures, amongst others.

3.4: Strategic Objective Four (Cont'd)

c) International Women's Day (IWD) Celebrations

The KHRC in partnership with communities organised the IWD activities at the regional level through public forums, dialogue forums, gender workshops, radio talk shows and processions focusing on the need to increase resources for women in their role in peace building, reconstruction and development of Kenya after the post election violence, to achieve gender equality.

The main outcomes from these forums were demands for more involvement of women in leadership by various networks through the People's Manifesto, commitment by local authorities and constituency development funds committees to increase resources for women, and acceptance of women's rights struggles as human rights issues judging by the level of community engagement in commemorating IWD



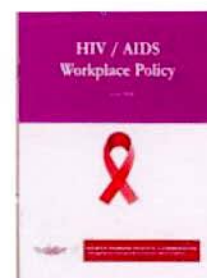
International Women's Day Celebrations in Taveta

3.4.2 HIV/AIDS Mainstreaming

A number of achievements were recorded within the year in relation to HIV/AIDS mainstreaming within the KHRC. The three main achievements were adoption of a HIV/AIDS Workplace Policy, sustained peer education, celebration of the international HIV/AIDS Day and annual HIV/AIDS evaluation.

i) Adoption of HIV & AIDS Policy

The process of developing and adopting a HIV & AIDS workplace policy was a learning experience which empowered staff. The major achievements recorded since the adoption of the policy in the operation year include: Provision of an equal and viable health cover for all KHRC staff members despite their HIV & AIDS status, inclusion of HIV & AIDS monitoring in programmatic work and incorporating the HIV & AIDS policy into the wider Health Policy (Human Resource Manual.)



The HIV/Aids Policy at KHRC

3.4: Strategic Objective Four (Cont'd)

ii) Peer Education in HIV & AIDS

Achievements noted in this project include consensus on HIV & AIDS as a governance and human rights issue, enhanced capacity of KHRC to manage the HIV & AIDS mainstreaming programmes, a better understanding of the role of the HIV & AIDS Committee in the workplace, enhanced knowledge on HIV & AIDS through education and IEC materials, setting up of an information desk on HIV & AIDS at the resource centre and improved relations between KHRC and stakeholders in health and HIV & AIDS matters. However, lack of time for peer education among staff was a challenge in realising the goals of this activity.

iii) International HIV & AIDS Day

To mark the International HIV & AIDS Day on 1 December, 2007, staff members visited the Orphans Centre in Kayole to spread the message of hope which was branded, Fight HIV and Not People with HIV. This project encountered challenges due to insufficient resources to enable creation of a sustainable relationship with the centre in public interest litigation and other legal and financial aspects related to HIV & AIDS for which this centre requires assistance.

iv) Annual Evaluation HIV & AIDS mainstreaming by December 2007

The main outcome of the annual evaluation was an appreciation by the KHRC team that HIV & AIDS mainstreaming requires concerted effort by all. The project has stimulated concern for greater HIV & AIDS perspectives in the KHRC's work in administration, programming and other organising we engage in using a Rights Based Approach to HIV & AIDS. The main challenge is that some staff members have not embraced the mainstreaming approach within their work due to lack of capacity and monitoring tools which we will endeavour to develop in the next operational year.

The KHRC Family during a visit to Orphans Centre, Kayole to mark World AIDS Day.



3.5: Strategic Objective Five

Financial sustainability of the KHRC significantly secured by 2008 and attained by 2012

Financial sustainability for programme sustainability is an imperative. An "internal" endowment in which the KHRC places resources at its disposal to eventually secure its financial independence was set up in the 2004-5 Operational Year. This year the KHRC explored avenues to create an endowment fund underpinned by local and international support. A financial sustainability strategy was developed and adopted by the board to encourage long-term investments in the KHRC's work, including the private sector. In the next year, implementation of this strategy will be key, beginning with the purchase of the KHRC's own premises.

Kenya Human Rights Commission

FINANCIAL STATEMENTS

2007-2008

Energizing Independent Advocacy Movement for a
Human Rights State in Kenya

For the year ended 31 March 2008

REPORT OF THE DIRECTORS

The directors submit their report and audited financial statements the year ended 31 March 2008, which show the state of commission's affairs.

1. PRINCIPAL ACTIVITY

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

2. ORGANISATION STRUCTURE AND NATURE OF ACTIVITIES

The Kenya Human Rights Commission is an independent membership non-partisan organisation. It started its operations in Kenya in September 1992 and in January 1994 was registered in Kenya under the Non-Governmental Organisation Co-ordination Act. Kenya Human Rights Commission's strategic objectives are as follows:

- Communities organised around specific human rights issues strengthened and developed into powerful advocacy by 2012.
- Accountable human rights centred governance amongst state and key non-state actors enhanced by 2008 and attained by 2012.
- The capacity of KHRC as leader in the human rights discourse, advocacy and democratic development enhanced by 2008 and attained by 2012.
- The KHRC's capacity to learn, adapt and innovate attained by 2008.
- Financial sustainability of KHRC significantly secured by 2008 and attained by 2012.

3. RESULTS

The results for the year are shown on page 6.

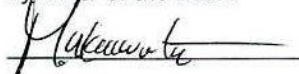
5. DIRECTORS

The directors who held office during the year and up to the date of this report are shown on page 2.

6. AUDITORS

PKF Kenya were appointed during the year and have expressed their willingness to continue in office.

By order of the Board



Professor Makau Wa Mutua
Chair of the Board of Directors

22nd August 2008

Statement of Directors' Responsibilities


For the year ended 31 March 2008

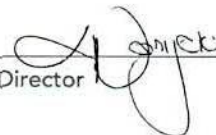
The NGO co-ordination Act requires the directors to prepare financial statements for each financial year, which give a true and fair view of the state of affairs of the organisation as at the end of the financial year and of its operating results for that year. It also requires the directors to ensure the organisation keeps proper accounting records which disclose with reasonable accuracy, the financial position of the organisation. The directors are also responsible for safeguarding the assets of the organisation.

The directors accept the responsibility for the financial statements, which have been prepared using appropriate accounting policies supported by reasonable and prudent judgements and estimates, consistent with previous years, and in conformity with International Financial Reporting Standards and the requirements of the NGO Co-ordination Act. The directors are of the opinion that the financial statements give a true and fair view of the state of the financial affairs of the organisation as at 31 March 2008 and of its operating results for the year then ended. The directors further confirm the accuracy and completeness of the accounting records maintained by the organisation, which have been relied upon in the preparation of financial statements, as well as on the adequacy of the systems of internal financial controls.

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.

Approved by the board of directors on 22nd August 2008 and signed on its behalf by:


Director


Director

Report of the Independent Auditors to the Members of KHRC

Report on the financial statements

We have audited the accompanying financial statements of Kenya Human Rights Commission, set out on pages 6 to 18 and appendix I to XV which comprise the balance sheet as at 31 March 2008 and the income statement, statement of changes in equity and cash flow statement for the year then ended, and a summary of significant accounting policies and other explanatory notes.

Directors' responsibility for the financial statements

The directors' are responsible for the preparation and fair presentation of these financial statements accordance with International Financial Reporting Standards and the requirements of the Non Governmental Organisation Co-ordination Act. This responsibility includes designing, implementing and maintaining internal controls relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

Auditor's responsibility

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

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

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

Opinion

In our opinion, the accompanying financial statements give a true and fair view of the state of financial affairs of the organisation as at 31 March 2008 and of its financial performance and cash flows for the year then ended in accordance with International Financial Reporting Standards.

Certified Public Accountants

PKF Kenya

PIN NO. P051130467R
NAIROBI

26th August 2008
415/08

Income and Expenditure Account

For the year ended 31 March

	Notes	2008 Shs	2007 Shs
INCOME			
Grant income	1	111,894,545	97,058,999
Amortisation of capital grant	8(b)	3,373,839	3,433,329
Interest income		1,368,882	1,303,522
Sales of publications		91,512	140,953
Other income	2	1,173,974	1,170,494
		117,902,752	103,107,297
EXPENDITURE			
Communities advocacy initiatives		17,845,626	20,845,578
Accountability and human rights centred governance		30,430,019	16,650,654
KHRC leadership in the human rights discourse		3,928,832	5,462,912
Institutional and staff capacity		11,732,604	6,749,190
Financial sustainability		2,932,288	1,026,649
Staff costs	4	41,690,501	38,484,890
Administration costs		8,346,196	8,093,453
Depreciation		3,373,839	3,433,329
Total expenditure		120,279,905	100,746,655
(DEFICIT)/SURPLUS FOR THE YEAR	3	(2,377,153)	2,360,642

Balance Sheet

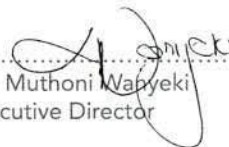
As at 31 March 2008

	Notes	2008 Shs	2007 Shs
NON CURRENT ASSETS			
Property and equipment	5	2,937,826	5,835,295
CURRENT ASSETS			
Debtors	6	5,544,341	5,118,509
Grant receivables		-	675,252
Cash and cash equivalents	7	37,894,741	46,386,888
		43,439,082	52,180,649
TOTAL ASSETS		46,376,908	58,015,944
FUND BALANCES			
General fund balance		10,729,878	13,107,031
KHRC premises fund		10,000,000	10,000,000
Capital grants		2,937,826	5,835,295
		23,667,704	28,942,326
CURRENT LIABILITIES			
Deferred income	8(a)	7,565,860	17,943,522
Creditors	9	15,143,344	11,130,096
		22,709,204	29,073,618
TOTAL FUND BALANCES AND LIABILITIES		46,376,908	58,015,944

The financial statements on pages 6 to 18 were approved for issue by the Board of Directors on August 22nd 2008 and signed on its behalf by:



Prof. Makau Wa Mutua
Chair of the Board of Directors



Ms. Muthoni Wanyeki
Executive Director

Changes in Fund Balance

For the year ended 31 March 2008

	General fund Shs	KHRC Premises fund Shs	Capital grants Shs	Total Shs
Year ended 31 March 2007				
Balance at 1 April 2006	10,746,389	10,000,000	7,266,248	28,012,637
Surplus for the year	2,360,642	-	-	2,360,642
Additions	-	-	2,002,376	2,002,376
Amortisation	-	-	(3,433,329)	(3,433,329)
Balance at 31 March 2007	13,107,031	10,000,000	5,835,295	28,942,326
Year ended 31 March 2008				
Balance at 1 April 2007	13,107,031	10,000,000	5,835,295	28,942,326
Deficit for the year	(2,377,153)	-	-	(2,377,153)
Additions	-	-	476,370	476,370
Amortisation	-	-	(3,373,839)	(3,373,839)
Balance at 31 March 2008	10,729,878	10,000,000	2,937,826	23,667,704

Cash Flow Statement

	Notes	2008 Shs	2007 Shs
Operating activities			
Cash (used in)/generated from operations	10	(3,269,665)	3,059,496
Interest received		1,368,882	1,303,522
Net cash (used in)/generated from operating activities		(1,900,783)	4,363,018
Increase in debtors		(425,832)	(3,452,037)
Decrease in grants receivable		675,252	53,995
(Decrease)/increase in deferred income		(10,377,662)	865,587
Increase/(decrease) in creditors		4,013,248	(2,041,322)
Net cash flows used in operating activities		(8,015,777)	(210,759)
Cash flow from investing activities			
Purchases of property & equipment	5	(476,370)	(2,002,376)
Net cash flows from investing activities		(476,370)	(2,002,376)
Decrease in cash and cash equivalents		(8,492,147)	(2,213,135)
Movement in cash and cash equivalents			
At start of year		46,386,888	48,600,023
Movement during the year		(8,492,147)	(2,213,135)
At end of year	7	37,894,741	46,386,888

Significant Accounting Policies

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

a) Basis of preparation

The financial statements are prepared on historical cost basis in accordance with International Financial Reporting Standards.

The Organisation has adopted all of the new and revised Standards and Interpretations issued by the International Accounting Standards Board (the IASB) that are relevant to its operations and effective for annual reporting periods beginning on 1 January 2007.

- IFRS 7 Financial Instruments: Disclosures. The impact of the new Standard has been to expand the disclosures regarding the organisations' financial instruments.
- IAS 1 Presentation of Financial Statements which requires the entity to present information regarding its objectives, policies and processes for managing capital.

At the date of authorization of these financial statements, revised and updated IAS 1; Presentation of Financial Statements had been issued by IASB. This will be effective for the year beginning 1 January 2009 and will affect the format presentations of financial statements. The directors anticipate that the adoption of these revisions in future periods will have no material financial impact on the financial statements of the organisation.

b) Income

Income comprises grants from various donors and interest received from investments in treasury bills, bank deposits and other income. Revenue grants are recognised in the year they are expended. Capital grants are amortised to income over the useful life of the related fixed assets. Income from investments in treasury bills is recognised when it is earned. Other income and income from bank deposits is recognised when it is earned.

c) Expenditure

Expenditure comprises expenses incurred directly for programme activities. These are recognised on accrual basis.

d) Deferred income

Grant receipts for which expenses are to be incurred in the future financial periods are deferred and recognised as income when the related expenses have been incurred.

e) Debtors

Debtors are recognised at cost and subsequently measured at cost, less impairment. Impairment of debtors is recognised in the income and expenditure under administrative expenses when there is objective evidence that the organisation will not be able to collect all amounts due per the original terms of the debtors. Subsequent recoveries of amounts previously written off debtors are credited to the income and expenditure account under other income in the year of their recovery.

f) Cash and cash equivalents

For the purposes of the cash flow statement, cash and cash equivalents comprise cash in hand, deposits held at call with banks, and financial assets with maturities of less than 3 months.

g) Creditors

Creditors are recognised at cost.

h) Translation of foreign currencies

Transactions in foreign currencies during the year are converted into Kenya Shillings, at rates ruling at the transaction dates. Assets and liabilities at the balance sheet date which are expressed in foreign currencies are translated into Kenya Shillings at rates ruling at that date. The resulting differences from conversion and translation are dealt with in the income and expenditure account in the year in which they arise.

i) Property and equipment

Property and equipment are stated at cost less depreciation.

Depreciation is calculated on straight line basis, at annual rates estimated to write off the cost of the assets over their useful lives. The annual depreciation rates in use are:

	Rate %
Prefabs	20.0
Motor vehicles	25.0
Furniture and fittings	12.5
Computers	33.3
Equipments	20.0

The assets residual values and useful lives are reviewed, and adjusted if appropriate, at each balance sheet date.

Gains and losses on disposal of property and equipment are determined by reference to their carrying amount and are taken into account in determining financial performance.

Significant Accounting Policies (cont.)

k) Capital grants

This represents funds received for purchase of equipment. The grant balance is amortised annually at a rate equivalent to that of depreciating the assets purchased with the grants.

l) KHRC premises fund

This represents funds set aside for purposes of acquiring premises for Kenya Human Rights Commission.

m) Withholding tax

Withholding tax recoverable is not recognised in the financial statement. Interest income is recognised net of withholding taxes.

n) Financial assets

The organisation's financial assets which include cash and bank balances and debtors fall into the following category:

Loans and Receivables: financial assets with fixed or determinable payments that are not quoted in an active market. Such assets are classified as current assets where maturities are within 12 months of the balance sheet date. All assets with maturities greater than 12 months after the balance sheet date are classified as non-current assets. Such assets are carried at amortised cost. Changes in the carrying amount are recognised in the income and expenditure account.

Financial assets are recognised on the trade date i.e. the date on which the company commits to the transactions. Financial assets are derecognised when the rights to receive cash flows from the financial assets have expired or have been transferred and the organisation has transferred substantially all risks and rewards of ownership.

A financial asset is impaired if its carrying amount is greater than its estimated recoverable amount. The amount of the impairment loss for assets carried at amortised cost is calculated as the difference between the assets carrying amount and the present values of expected future cash flows. Impairment losses are taken into account for determining operating surplus.

o) Employee entitlements

The estimated monetary liability for employees' accrued annual leave entitlement at the balance sheet date is recognised as an expense accrual.

p) Retirement benefit obligations

The organisation operates a defined contribution staff retirement benefit scheme for its employees on confirmed employment contracts. The scheme is administered by an insurance company. The organisations' contributions to the defined contribution retirement benefit scheme are charged to the income and expenditure account in the year in which they relate.

The organisation and its employees contribute to the National Social Security Fund (NSSF) a statutory defined contribution scheme registered under NSSF Act. The organisations' contributions to the defined contribution scheme are charged to the income and expenditure account in the year to which they relate.

q) Accounting for leases - the commission as lessor

Leases of assets under which a significant portion of the risks and rewards of ownership are effectively retained by the lessor are classified as operating leases. Payments made under operating leases are charged to the income and expenditure over the period of the lease.

r) Comparatives

Where necessary, comparative figures have been adjusted to conform with changes in presentation in current year.

Notes to the Financial Statement

1. GRANT INCOME	2008 Shs	2007 Shs
DANIDA	28,269,856	23,616,645
TROCAIRE	20,647,168	8,521,000
NOVIB	15,960,601	14,056,616
Norwegian Embassy	12,015,452	12,763,152
Ford Foundation	9,979,629	13,296,053
SIDA	8,990,119	8,210,293
FINNISH	7,200,000	10,828,136
Ford IIE	7,176,779	-
OTHERS	986,470	-
CIDA	328,921	-
OXFAM GB	298,702	54,826
NOVIB-MAKE TRADE FAIR	270,790	1,646,691
SOMO 3	246,428	658,623
ILRF	-	346,259
AIHIVOS	-	123,971
SOMO 1	-	462,980
SOMO 2	-	1,978,809
EU	-	2,497,321
	112,370,915	99,061,375
Less: Amounts utilised for capital acquisition (Note 5)	(476,370)	(2,002,376)
	111,894,545	97,058,999

Amounts used in capital acquisition are deferred and recognized as income over the useful life of the related fixed assets.

2. OTHER INCOME

Miscellaneous income	779,543	419,626
Project hosting fees	301,115	236,445
Bank interest	109,799	135,440
Consultancy income	16,894	540,124
Foreign exchange loss	(33,377)	(161,141)
	1,173,974	1,170,494

Notes to the Financial Statement (cont.)

The following items have been charged in arriving at (deficit)/surplus for the year:

3. (DEFICIT)/SURPLUS

	2008	2007
	Shs	Shs
Depreciation on property & equipment (Note 5)	3,373,839	3,433,329
Staff costs (Note 4)	41,690,501	38,484,890
Directors' remuneration	3,774,976	3,783,420
Auditors' remuneration	-	520,000
	324,800	520,000

4. STAFF COSTS

Salaries	35,052,110	32,375,436
Medical insurance	2,797,668	2,459,722
Provident fund contributions	2,733,157	2,989,854
Group personal insurance	497,329	400,642
Leave accrual	485,113	148,786
Welfare	65,324	57,250
NSSF contributions	59,800	53,200
	41,690,501	38,484,890

Notes to the Financial Statement (cont.)

5. PROPERTY AND EQUIPMENT

Year ended 31 March 2008

	Prefabs Shs	Furniture and fittings Shs	Office equipment Shs	Motor vehicles Shs	Computers Shs	Total Shs
Cost						
At 1 April 2007	2,424,716	2,352,639	7,309,988	8,485,825	8,870,131	29,443,299
Additions	-	48,490	167,468	-	260,412	476,370
At 31 March 2008	2,424,716	2,401,129	7,477,456	8,485,825	9,130,543	29,919,669
Depreciation						
At 1 April 2007	1,454,829	1,382,087	6,114,543	7,304,550	7,351,995	23,608,004
Charge for the year	484,943	213,827	648,828	989,375	1,036,866	3,373,839
At 31 March 2008	1,939,772	1,595,914	6,763,371	8,293,925	8,388,861	26,981,843
Net book value	484,944	805,215	714,085	191,900	741,682	2,937,826

Year ended 31 March 2007

	Prefabs Shs	Furniture and fittings Shs	Office equipment Shs	Motor vehicles Shs	Computers Shs	Total Shs
Cost						
At 1 April 2006	2,424,716	2,162,639	7,201,834	8,485,825	7,165,909	27,440,923
Additions	-	190,000	108,154	-	1,704,222	2,002,376
At 31 March 2007	2,424,716	2,352,639	7,309,988	8,485,825	8,870,131	29,443,299
Depreciation						
At 1 April 2006	969,886	1,174,321	5,453,468	6,315,175	6,261,825	20,174,675
Charge for the year	484,943	207,766	661,075	989,375	1,090,170	3,433,329
At 31 March 2007	1,454,829	1,382,087	6,114,543	7,304,550	7,351,995	23,608,004
Net book value	969,887	970,552	1,195,445	1,181,275	1,518,136	5,835,295

Notes to the Financial Statement (cont.)

6. DEBTORS	2008 Shs	2007 Shs
Prepaid expenses	618,318	712,666
Interest receivable	151,162	200,555
Other debtors	394,638	73,185
Staff advances	4,380,223	4,132,103
	5,544,341	5,118,50

In the opinion of the directors, the carrying amounts of debtors approximate to their fair value. The debtors do not contain impaired assets.

The organisations' credit risk arises primarily from staff advances. The directors are of the opinion that the organisations' exposure is limited because the advances are recovered via the payroll.

7. CASH AND CASH EQUIVALENTS	2008 Shs	2007 Shs
For purposes of the cash flow, cash and cash equivalents comprise :-		
Fixed deposit	19,230,393	39,722,292
Bank and cash balances	18,664,348	6,664,596
	37,894,741	46,386,888

The organisation is not exposed to credit risk on cash and bank balances as these are held with sound financial institutions.

Notes to the Financial Statement (cont.)

8.(a) DEFERRED INCOME

Grant income and receipts are analysed as follows:-

Revenue grants

Year ended 31 March 2008

Donor	Balance as at 1 April 07 Shs	Receipts Shs	Transfer Shs	Expended in the year Shs	Balance as at 31 March 08 Shs
Ford Foundation	1,970,039	8,659,470	15,166	9,979,629	665,046
Ford IIE	-	7,417,889	-	7,176,779	241,110
DANIDA	4,282,105	25,773,932	162,590	28,269,856	1,948,771
Norwegian Embassy	187,338	11,828,114	-	12,015,452	-
FINNISH	-	7,200,000	-	7,200,000	-
NOVIB	1,737,217	14,175,000	48,384	15,960,601	-
NOVIB-MAKE	270,790	-	-	270,790	-
TRADE FAIR	-	-	-	-	-
OXFAM GB	162,174	410,000	-	298,702	273,472
SIDA	4,360,169	4,629,950	-	8,990,119	-
TROCAIRE/DCI	4,644,769	16,471,236	25,280	20,647,168	494,117
SOMO 1	-	560,363	-	560,363	-
SOMO 2	-	244,787	-	114,889	129,898
SOMO 3	-	264,188	-	246,428	17,760
EU/CIDA	328,921	-	-	328,921	-
CHRISTIAN AID	-	2,500,840	-	-	2,500,840
RHRA	-	1,294,847	-	-	1,294,847
OTHERS	-	986,470	-	986,470	-
Grand total	17,943,522	102,417,086	251,420	113,046,167	7,565,861

8.(a) DEFERRED INCOME (CONTINUED)

Year ended 31 March 2007

Donor	Balance as at 1 April 06 Shs	Receipts Shs	Grant Receivable Shs	Expended in the year Shs	Balance as at 31 March 07 Shs
FORD FOUNDATION	2,841,158	12,424,934	-	13,296,053	1,970,039
DANIDA	-	27,898,750	-	23,616,645	4,282,105
NORWEGIAN EMBASSY	1,900,684	11,049,806	-	12,763,152	187,338
FINNISH	1,623,496	9,204,640	-	10,828,136	-
NOVIB	8,980,083	6,813,750	-	14,056,616	1,737,217
NOVIB-MAKE	57,081	1,860,400	-	1,646,691	270,790
TRADE FAIR	-	-	-	-	-
OXFAM GB	-	217,000	-	54,826	162,174
SIDA	1,551,462	11,019,000	-	8,210,293	4,360,169
TROCAIRE/DCI	-	13,165,769	-	8,521,000	4,644,769
ILRF	-	346,259	-	346,259	-
AIHIVOS	123,971	-	-	123,971	-
SOMO 1	(97,383)	-	560,363	462,980	-
SOMO 2	-	1,863,920	114,889	1,978,809	-
EU/CIDA	(351,423)	3,836,288	-	3,155,944	328,921
UNDP	(280,440)	280,440	-	-	-
Grand total	16,348,689	99,980,956	675,252	99,061,375	17,943,522

The end of year balances above are disclosed in the balance sheet as follows:-

	2008 Shs	2007 Shs
Deferred income	7,565,861	17,943,522
Grant receivable	-	675,252

Notes to the Financial Statement (cont.)

8.(b) Capital grants	2008 Shs	2007 Shs
Cost		
At start of year	29,443,299	27,440,923
Additions	476,370	2,002,376
At end of year	29,919,669	29,443,299
Amortisation		
At start of year	23,608,004	20,174,675
Amortisation	3,373,839	3,433,329
At end of year	26,981,843	23,608,004
	2,937,826	5,835,295
9. CREDITORS		
PKF Kenya	324,800	520,000
Other accrued expenses	11,235,017	5,690,322
Report and IEC materials	1,247,348	918,984
KHRC projects	2,336,179	4,000,780
	15,143,344	11,130,086

In the opinion of the directors, the carrying amounts of creditors approximate to their fair value.

9. CREDITORS (CONTINUED)

The maturity analysis of creditors is as follows:

	0 to 1 month
Audit fees	324,800
Other accrued expenses	11,235,017
Report and IEC materials	1,247,348
KHRC projects	2,336,179
	15,143,344

10. CASH GENERATED FROM OPERATIONS	2008 Shs	2007 Shs
(Deficit)/surplus for the year	(2,377,153)	2,360,642
Adjustment for:		
	476,370	2,002,376
	3,373,839	3,433,329
	(3,373,839)	(3,433,329)
	(1,368,882)	(1,303,522)
Operating (deficit)/surplus before working capital changes	(3,269,665)	3,059,496

11. RELATED PARTY TRANSACTIONS

(i) Key management compensation

Short-term employee benefits	3,774,976	3,783,420
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ii) Staff Advances

As at 31 March 2008, balances outstanding in the advance to staff account amounted to Kshs 4,380,223 (2007: Kshs 4,132,103). These represents interest free short-term advances recoverable within two years.

12. OPERATING LEASE COMMITMENTS

The future lease payments due in respect of non-cancellable lease of rental premises are as follows:

Falling due within one year	2,024,167	1,927,776
Falling due between one and five years	5,513,450	8,703,909
Falling due after five years	-	1,166,304
	7,537,617	11,797,989

13. RISK MANAGEMENT OBJECTIVES AND POLICIES

Financial risk management

The organisations' activities expose it to a variety of financial risks: market risk (including foreign exchange risk). The organisations' overall risk management programme focuses on the unpredictability of financial markets and seeks to minimise potential adverse effects on the organisations' financial performance. *The organisation manages risks by preparing budgets which are approved by the board of directors.*

Notes to the Financial Statement (cont.)

13. RISK MANAGEMENT OBJECTIVES AND POLICIES (CONTINUED)

(a) Market Risk

Foreign exchange risk

The table below summarises the effect on surplus had the Kenya Shilling weakened by 10% against each currency, with all other variables held constant. If the Kenya shilling strengthened against each currency, the effect would have been the opposite.

	Year 2008		
	US \$	Euro	Total
Effect of surplus/(deficit) increase	381,274	11,509	392,783

	Year 2007		
	US \$	Euro	Total
Effect of surplus/(deficit) increase	155,274	63,461	218,735

Interest rate risk

The commission is exposed to fair value interest rate risk as the interest earned on its fixed deposits is fixed at the time of deposit. At 31 March 2008, if the interest had been 1% point higher with all other variables held constant, surplus for the year would have been Shs. 13,689 (2007: Shs 13,035) higher.

14. CAPITAL MANAGEMENT

The organisation manages its fund balance by setting of budgets and ensuring that actual expenditures are within those budgets. The organisation monitors actual expenditures by holding board meetings on a regular basis.

15. TAXATION

The organisation has not accrued for tax as the amount is not material. An application for tax exemption has also been made with the Commissioner of Income Tax department. The Directors are of the opinion that an exemption will be granted.

16. EMPLOYEES

The number of employees at the end of the year was 24 (2007:25)

17. REGISTRATION

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

18. PRESENTATION CURRENCY

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



KENYA HUMAN RIGHTS
COMMISSION

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