



**KENYA HUMAN RIGHTS
COMMISSION**

Annual Report 1998



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Mumbi Mathangani
Alamin Mazrui
Willy Mutunga, *Executive Director*

Programmes Co-ordinator

Wambui Kimathi

Monitoring and Research

Njuguna Mutahi
Mutuma Ruteere
Eva Kiiru
Nick Ndungi

Advocacy

Odenda Lumumba
Wafula Buke
Mugambi Kiai

Human Rights Education and Outreach

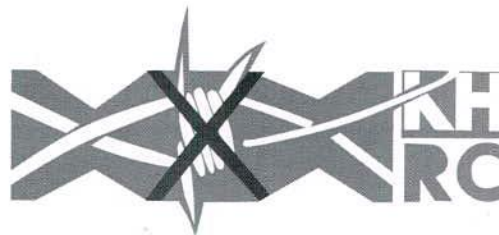
James Nduko
Jane Thuo
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Accountant

Juliet Kituyi

Administration Staff

James Gathoga
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**KENYA HUMAN RIGHTS
COMMISSION**

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MISSION STATEMENT AND OBJECTIVES

Introduction

The Kenya Human Rights Commission (KHRC) is a non-governmental membership organisation founded in 1992. It has an observer status with the African Commission on Human and People's Rights. KHRC is the 1998 winner of the MS International Award, bestowed in Denmark.

Mission statement

The mission of the Commission is to promote, protect and enhance the enjoyment of the human rights of Kenyans.

It does this through monitoring, research and documentation of human rights violations. It organises activist events and undertakes public awareness campaigns on human rights. KHRC is committed to mainstreaming gender in all its programmes and initiatives.

KHRC is committed to the realization of human rights ideals in Kenya by strengthening the human rights movement. KHRC supports social, political, economic, and cultural change aimed at enhancing respect for the rule of law, the development of a society that upholds democratic values, a society aware of its rights and comes to their defense whenever threatened or attacked.

Strategic Objectives

KHRC strategic objectives are to:

1. Reduce human rights violations in Kenya
2. Strengthen the human rights movement in Kenya
3. Hold state, institutions and individuals accountable for human rights violations
4. Raise awareness of human rights in Kenya
5. Place Kenya on a truly democratic trajectory.

BACKGROUND



KHRC History

The Kenya Human Rights Commission was formed in 1991 by Kenyan exiles and activists to reinforce pressure for democratization, accountability and good governance in Kenya. It was formed in the United States of America because of the hostile environment prevalent in the country then. The KHRC was registered in Kenya after the repeal of Section 2(A) of the constitution which previously barred multi-parties. It was registered under the NGO Co-ordination Act of 1990 on January 20, 1994.

The Commission's immediate mandate was to monitor, document and publicise human rights violations in Kenya. Initially, the KHRC focussed on political and civil rights. Through the Quarterly Repression Reports, occasional reports, monitoring and documentation of human rights violations took a firm root. It also undertook lobbying and advocacy initiatives on human rights issues.

Milestones

Together with the Law Society of Kenya, the International Commission of Jurists (Kenya Section) developed a Model Constitution which led to the establishment of the Citizen's Coalition for Constitutional Change (4Cs). The 4Cs spearheaded an alliance of politicians and the various sectors of civil society in the constitution-making project. This alliance gave birth to various initiatives that ultimately produced the National Convection Executive Council (NCEC). The agitation by the NCEC, including mass action, forced the Moi-KANU regime to accept the calls for a new constitution and was forced to draw up the Kenya Review Act upon which the entire constitution-making process is now based.

In June 1998 the KHRC started its own process of institutional and programmatic review that culminated in a five-year Strategic plan, 1999-2003. Through this plan the KHRC aims at, among other things, firmly establishing in Kenya, a human rights movement with a popular constituency.

Looking into the future - Strategic Plan June 1998

The Kenya Human Rights Commission first strategic retreat workshop took place at the Aberdares Country Club from June 1 to June 3 1998. It was attended by KHRC Secretariat staff and three directors. During the retreat the participants discussed and made recommendations on issues of governance, organisational structure, policies and procedures.

Among the most notable recommendations were that:

- The Commission will be a membership organisation with members who understand and share the vision and mission of KHRC and have proven commitment to human rights issue.
- The Board will have ex-officio members such as the Executive Director and staff representative.
- The Board of Directors will be involved in the recruitment and appraisal of the Executive Director, Finance and Programme Coordinators, setting of policy guidelines and procedures for the Commission, support fundraising, advocacy and public relations work of the Commission, advise management and ensure that sound financial management policies are in place.

Structurally the participants proposed three working teams.

- **Human Rights Monitoring and Research**
- **Education and Outreach**
- **Advocacy**

These recommendations provide a strong backdrop for a more focussed strategic plan which took place in December 1998.

MESSAGE FROM THE EXECUTIVE DIRECTOR

The year 1998 was a busy and rewarding one for KHRC. Not only have we grown in terms of personnel but also in our capacity to promote, protect and enhance the enjoyment of human rights in Kenya. In doing so, the Commission has build solid links with Kenyan communities which are inevitably the bedrock of social change.

I am happy to note that we have been able to effectively intervene on behalf of survivors of human rights violations and have been associated with the development of independent human rights initiatives across the country.

In this respect, I would like to mention the founding of the Muslims for Human Rights (MUHURI) group, Hussein Sora Human Rights Foundation and People Against Torture. This has gone along way in empowering different groups to take up human rights work independently.

Old associates like Release Political Prisoners, Legal Resources Foundation and 4Cs continue to grow and make their own mark in the national human rights arena. At the same time, we have been able to consolidate our network of allies both nationally and internationally.

To overcome the handicaps we have encountered so far in our work, the Commission had a retreat in June to assess performance and develop a new focus for the next five years. During the exercise, the staff had a chance to appraise themselves and the KHRC as an institution, an exercise which proved invaluable as a basis of our restructuring and for our strategic planning meeting held in December 1998.

During the retreat, we made a collective decision to become a membership organisation thereby welcoming other Kenyans to work with us in the promotion and protection of human rights in the country. The membership, we hope, will enable us build an economic base from membership fees and enhance our resolve to build a human rights movement in the country.

Another significant move was in the area of internal democracy in the Commission. From June 1998 staff members have representation at the Board and Management levels. At the same time, KHRC decided to increase the Board membership from six to thirteen to



Dr. Willy Mutunga
KHRC Executive Director

allow the tapping of diverse talents and experiences.

In the last quarter of the year, the biggest challenge has been the process of managing both the leadership, institutional and programmatic changes all at once. There have been ups and downs but I am happy to note

that we are on course in implementing the strategic plan.

Let me take this opportunity to pay out our tribute to Maina Kiai who as the founding Executive Director has brought KHRC this far. We wish him success in his new undertaking at Amnesty International.

We are looking forward to 1999 with great expectations. The year not only marks the end of a millennium, but for Kenyans, a historical moment as we embark on the Constitutional Review process.

In 1999, we will focus more keenly on key institutions associated with human rights abuses in a bid to make them accountable. We have initiated talks with the police department so that we can be involved in implementing a human rights agenda in their training.

Finally, I wish to thank our partners for their willingness to support us and to be associated with KHRC. We are sure this cooperation will continue to grow - *Asanteni sana*.

PROGRAMMES*

Research and Monitoring

This programme undertakes activities relating to general research, reporting, documentation and monitoring. This includes the production of:

Since the beginning of the year, the Kenya Human Rights Commission has been involved in a number of activities at the programmes level. This work was both a continuation of the 1997 activities and newly initiated activities.

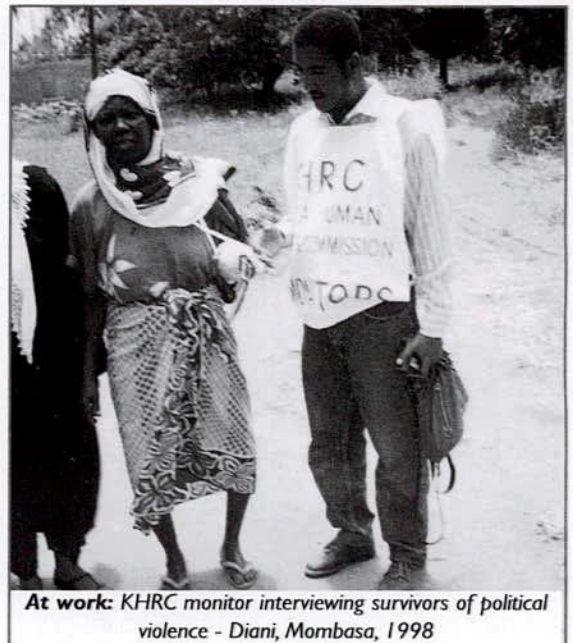
- **Quarterly Repression Reports (QRR):** These reports document and collect facts and information on human rights violations of wide variety on a quarterly basis. The reports are deliberately devoid of any analysis and simply collate data and information from various sources. The idea is to provide a credible and accurate record of violations and developments of human rights that can be the basis for future in-depth research and also benchmark of the progress toward human rights that the country is making.

Our major sources of information for the **Quarterly Repression Reports** are newspaper reports, human rights monitors in various parts of Kenya and information from people reporting directly to our offices. We also receive reports and information from other non-governmental organisations and from regional human rights groups across the country.

In 1998, our monitoring experience has generated in-depth reports on salient human rights topics. They include:

- **Mission to Repress** which is an examination of torture, illegal detentions and extra-judicial executions by the Kenyan police.
- **Where Terror Rules** was written following mass tortures by the police in the North Eastern province.
- **Killing the Vote**, a report on the impact of political violence on the electoral process. The report examines the effects of violence on the 1997 General elections in Kenya.

Substantial work has also been done on a report on the violation of rights of refugees in Kenya. We have collected data from Kakuma, Dadaab and Ifo refugee camps and the report is due for release in March 1999.



At work: KHRC monitor interviewing survivors of political violence - Diani, Mombasa, 1998

**After the strategic plan, the programmes were narrowed down to three - Monitoring and Research, Advocacy and Education and Out reach*

Land Rights

Contentious land issues, such as distribution, tenure, "land clashes," land grabbing, illegal allocations of trust lands, land rights of squatters and slum dwellers, and the impact of all these on people's economic rights are at the heart of this programme.

During 1998, the programme embarked on creating dialogue sessions between various squatter communities. Specifically, the communities were looking into collective ways of taking part in the constitutional review process especially as pertains to putting the land question in the National political agenda. So far, the programme has established working relations with squatters from Kamae, Kahawa West, (Nairobi) EATEC, (Eldoret) and Katulembo (Machakos).



Squatters at East African Tanning and Extract Company in Eldoret protesting an impending eviction

Other activities included:

- A dialogue session of women development NGOs at Kasarani to critically discuss the report '**Women and Land Rights in Kenya**' which was released in April, 1998.
- A one week out-reach awareness session was held in Siaya District involving several community-based organisations.
- In May, the Land Rights Program together with Muungano wa Wana Vijiji facilitated an advocacy session for Westlands market vendors. The vendors were facing eviction.
- In June, the programme organised a day long workshop at Ol Kalou for Mau Mau veterans whose theme was 'Looking into possibilities of land restitution.' The participants were either relatives or victims whose land was confiscated because of their political activities during the war of independence.
- Dialogue sessions were also held in June with the Kenya Pastoralists Forum, Oxfam, ActionAid and the Pastoralists Parliamentary Group on Trust Lands. These were strategic sessions which culminated into a two day seminar and public rally at Garissa on the theme "Whose land is Trust land?" The meeting brought together the provincial administration, parliamentarians and councillors from 15 pastoralist districts.
- Research on a report on corruption in Land in Kenya is in its final stage of production. The report looks at specific case studies on corruption and presents evidence on the same.

Activism and Mobilization

The Activism Programme has carried out a number of activities since the beginning of this year. These activities arose from both the projections of the work plan of the Programme as well as responses to emerging human rights violations in the country.

Freedom of Association Campaign - The right to freedom of association was the 1998 campaign theme for the Kenya Human Rights Commission. Among the activities the Programme has carried out in this campaign include the following:

- Support during the preparation of campaign materials for the re-launch of the Student Organisation of Nairobi University literature. In April, it conducted a public lecture at the UoN's Kikuyu Campus. The aim was to garner the support of students in the crusade for lifting the ban of SONU
- Participation with students of the University of Nairobi to organize the Muruli Memorial Day, in memory of Solomon Muruli, a student leader who was killed under mysterious circumstances in 1997. The activity was held at the University of Nairobi's Great Court and was

attended by former university student leaders, members of parliament, religious leaders and representatives from the mainstream civil society. It is during this event that SONU was officially launched.

- Six consultative meetings were held with representatives of the hawking community to map out a strategy for pressurizing the Government to recognise their sector and make an undertaking to protect and recognise their businesses. The work took place in August where a programme of action was developed and tasks assigned. The workshop was held at Kaloleni Social Hall.
- Three consultative meetings have been held with the interim officers of the banned Kenya Civil Servants Union to strategize on areas to work together in the demand for recognition of the right to organize for members of the civil service in Kenya.

The programme also wrote press releases on human rights issues and wrote letters to relevant authorities. This accounts for the high media profile that the Commission has cultivated.

Women's Rights Programme

In April the Women's Rights Programme held a gender sensitisation workshop for the Kenya Human Rights Commission staff.

Contacts have been made with local organisations dealing with women's issues with the aim of establishing a network of human rights groups working in the area of women's rights. Work has already begun on the establishment of a database on groups working on women's rights in Kenya.

The programme is charged with the task of mainstreaming gender in all of the Commissions structures. This process is expected to inculcate gender sensitivity in all our activities to ensure that all our publications carry gender desegregated data.

Prisons Programme

The project released two issues of *Shimoni*, January-June and July to September 1998. However, the project did not produce an October - December *Shimoni* for lack of funds. A report on Women's Prison Conditions is in its final stages of production.

On October 20 1998, the project launched the "Kimathi Campaign" to lobby for a decent burial of Kenya's most famous hero during the war of liberation, Dedan Kimathi. This campaign is a joint project with Release Political Prisoners (RPP) and covers the abolition of the death penalty and the return of executed prisoners bodies to their families.

The prisons project also embarked on reviewing the bill on Community Service Orders and the Prisons Act. This will constitute KHRC's submission during the Constitutional Review Commission process in 1999.

International Advocacy Project

This unit is designed to focus the international community's attention on human rights abuses in Kenya. By accessing international mechanisms for addressing grievances, KHRC aims to reinforce its national and grassroots efforts of advocacy.

In 1998, this project worked closely with international human rights groups like Amnesty International, Human Rights Watch and the International Federation of Human Rights League (FIDH). The project responds to requests to send in appeals for victims of human rights violations across the world.

The project sent a report on the United Nations Committee on Human Rights on the state of human rights in Kenya and to the African Commission on Peoples and Human Rights.

Internship Project

This project provides individuals from local and international universities and colleges an opportunity to contribute to the work of the Commission on a daily basis and also "hands-on" training and experience in human rights work. In 1998, the Commission hosted six interns, three international ones and three from Kenya.

The local interns have proved to be very useful in that they continue doing human rights work after leaving the Commission. The programme is open to all Kenyans though it is specifically recommended for students who would like to pursue the study of human rights.

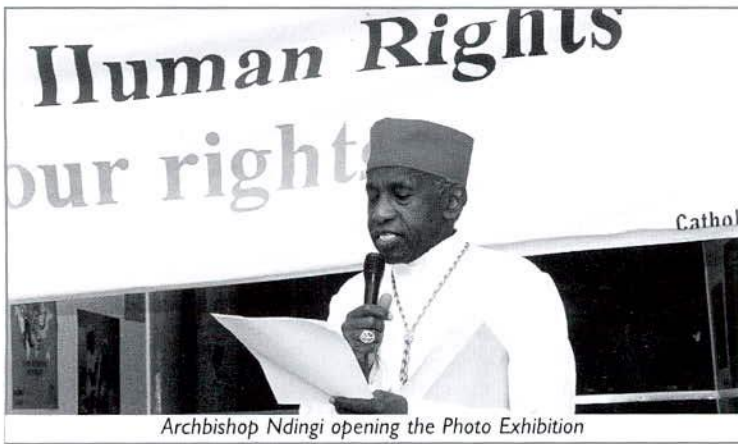
The internships run every three months. In addition, the Commission encourages local youth to come in as volunteers.

Celebrating 50 years of the UNIVERSAL DECLARATION OF HUMAN RIGHTS

To celebrate this occasion, the Kenya Human Rights Commission joined hands with the Catholic Justice and Peace Commission in what turned out to be a very fruitful exercise. The following activities were carried out successfully.

Photo Exhibition

The Exhibition was aimed at providing a photographic representation of the state of human rights in Kenya from as far back as the mid-1960's to the present day. It was envisioned that the first Kenyan human rights photo exhibition would illustrate the various rights enshrined in the UDHR, those championed in other international human rights documents, and those that we as a society have been quick to abuse. The Exhibition was open to all members of the public at no cost and endeavoured to reach and communicate to as many people in Nairobi as possible. It was opened by ArchBishop Ndingi Mwana A'Nzeki.



It run for a week from December 4 to 9 at the Holy Family Basilica grounds in the heart of Nairobi's city center.

For the week in which the photos were in exhibition, people from all walks of life came in for the exhibition. Among comments that those who attended made were: *"keep up the difficult and thankless task"*, *"keep it up for a better future"* and *"let us love one another as Christ loved us"*. Others said the pictures on display spoke a thousand words, and that they were *"impressive"* and *"educative"*. The role of women as depicted in the photos also drew comments to the effect that we should recognise *"women's rights are human rights"*, and that *"more women need to understand that violence is not discipline, but illegal"* and they ought to *"fight for their rights"*.

Men's March Against Violence Against Women

By the end of 1998, the issue of violence against women was receiving extensive media attention due to the increase in incidents and the violent nature they were taking. It was in the light of this that KHRC decided to organize and mobilize men to demonstrate on violence against women. The 50th Anniversary of the Universal Declaration of Human Rights celebrations provided a suitable opportunity to do this. At the same time we realised it was not feasible to leave women out of the march and therefore organised them to march from a different starting point and then to converge with the men at the Basilica where the photo exhibition was taking place.

The objectives of the men's march was to raise men's awareness on women's rights and to cultivate the cooperation of more men to come to the rescue of women being violated in the homes, at work, on the street or anywhere else.

The event took place in Nairobi, on Saturday, December 5, 1998 and attracted over 100 participants drawn from among human rights and legal NGOs, politicians and the general public.

While the women's march proceeded without any hassle, the male march was disrupted by police from Kamukunji police station. The officers clad in anti-riot gear, scared part of the crowd which dispersed. However, Commission officials managed to reorganise enabling the march to continue. It was flagged off by Hon. Charity Ngilu, MP for Kitui Central.

Participants converged at the Basilica where they had the opportunity to listen to speeches on gender issues. The speakers included Mr. Okumba Miruka who gave a talk on 'Socio-culture and violence against women', Nancy Baraza of FIDA spoke of the role of FIDA in promoting the rights of women, and called upon victims of violence to seek help from the organisation and Fatuma Anyanzwa who spoke on the role of the Kenya Anti-rape organisation in fighting against rape. Other speakers included David Makali of the Media Institute who spoke on the media coverage of issues of human rights. Two female hawkers gave their hallowing experiences of violation of their rights in the hands of the City Council Askaris.

Human Rights Seminars

50 Years of the Universal Declaration of Human Rights: Our past, Our Present and our Future



Bishop John Njue opening the seminar accompanied by other speakers - on the left, Connie Ngondi-Houghton and on the right, Lynne Muthoni Wanyeki

A series of seminars were conducted in various parts of the country on the theme of the Universal Declaration of Human Rights. The seminars were held in Ngong, Kakamega, Meru, Eldoret

and in Homa Bay. The Climax of celebrations was a one day Seminar held on December 10, 1998.

The seminar was opened by the head of the Episcopal Conference Justice and Peace Commission Bishop John Njue and attracted about 200 participants. Among the guests were the Chair of the Standing Committee on Human Rights, Professor Onesmus Mutungi, an Assistant Commissioner of Police Mr. Stephen Kamenchu, Human Rights Lawyer Pheroze Nowrowjee, Hon. Wanyiri Kihoro among others.

The most dramatic moment during the seminar was an admission by an Assistant Commissioner of police that the Force has in the past tortured people on instructions of powerful politicians and other senior people. Also touching were the testimonies of former political prisoners who demanded apologies from the police for the pain they had caused them in the past.



Sister Nuala Brangan cuts the cake in celebration of the 50th anniversary of the UDHR - Ufungamano House, December 10, 1998

The occasion was concluded with a cake cutting ceremony.

Secretariat Report

Training and Conferences

Jane Thuo a Programme Officer, Human Rights Education attended a one month course on Gender issues at the University of Lund, Sweden.

Visiting Professor - The Executive Director of KHRC Maina Kiai served as a visiting Archibald MacDougall Professor of Law at West Virginia University. He was also a guest of Trocaire in Ireland during their annual meeting held in Dublin.

The Land Rights Programme was involved in land advocacy training for Eastern and South African countries organised by the South African Land Committee in South Africa in January. The Kenya Human Rights Commission was represented by **Odenda Lumumba**.

James Nduko attended a one month training in advocacy in the U.S. under the Ruckus Society.

Appointments:

In October 1998, **Dr. Willy Mutunga** was appointed by the KHRC Board of Directors to head the Secretariat as the Executive Director. Dr. Mutunga has served as the Vice Chair of the KHRC Board since its inception. He takes over from Maina Kiai who has left KHRC to join Amnesty International as the Programmes Director for Africa. Maina was the founding Executive Director for the Commission.

Wambui Kimathi - Joined the Kenya Human Rights Commission as the Programmes Coordinator. Previously she worked with the Institute for Education in Democracy as Senior Programme Officer. She joined KHRC in September 1998.

AUDITORS' REPORT

PRICEWATERHOUSECOOPERS 

We have audited the financial statements set out on pages 3 to 9. We have obtained all the information and explanations which to the best of our knowledge and belief were necessary for the purposes of our audit. The financial statements are in agreement with the books of account.

Respective responsibilities of directors and auditors

The Directors are responsible for the preparation of financial statements, which give a true and fair view of the Commission's state of affairs and its operating results. Our responsibility is to express an independent opinion on the financial statements based on our audit and to report our opinion to you.

Basis of Opinion

We conducted our audit in accordance with the Kenyan Auditing Standards. Those standards require that we plan and perform our audit to obtain reasonable assurance that the financial statements are free from material misstatement. An audit includes an examination, on a test basis, of evidence supporting the amounts and disclosures in the financial statements. It also includes an assessment of the accounting policies used and significant estimates made by the Directors, as well as an evaluation of the overall presentation of the financial statements.

Opinion

In our opinion proper books of account have been kept and the financial statements give a true and fair view of the state of the Commission's financial affairs as at 31 December 1998 and of its operations and its cash flows for the year then ended and comply with Kenyan Accounting Standards.

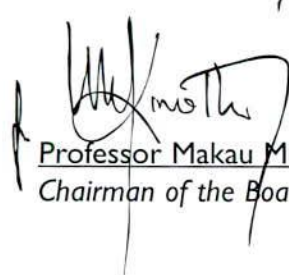
Certified Public Accountants of Kenya
Nairobi.

29 Nov 1999

BALANCE SHEET AS AT 31 DECEMBER 1998

	<u>Notes</u>	<u>1998</u> Kshs	<u>1997</u> Kshs
<u>Current Assets</u>			
Bank Balance		2,771,822	5,358,661
Fixed Deposit	6	6,255,198	7,264,173
Sundry Debtors	5	1,420,116	1,147,443
		10,447,136	13,770,277
<u>Current Liabilities</u>			
Sundry Creditors	7	4,995,705	4,100,464
		4,995,705	4,100,464
<u>Net Current Assets</u>		5,451,431	9,669,813
 Financed By:			
Surplus Brought Forward		9,669,813	7,068,660
Surplus (Deficit) For The Year - Donor Balance		(4,761,291)	2,601,153
Surplus (Deficit) For The Year - General Fund		(489,539)	
Surplus (Elections 97 Project)	8	319,948	-
Designated Fund (Elections 97 Project)	8	712,500	
		5,451,431	9,669,813

The financial statements were approved by the Board of Directors on December 7, 1999
and signed on its behalf by:


 Professor Makau Mutua
 Chairman of the Board of Directors


 Dr. Willy M. Mutunga
 Executive Director

INCOME AND EXPENDITURE ACCOUNT FOR THE YEAR ENDED 31 DECEMBER 1998

	<u>Notes</u>	<u>1998</u> Kshs	<u>1997</u> Kshs
Income			
Grants	3	14,568,978	22,421,472
Fixed Deposit Interest	4	1,144,164	962,525
Bank Interest		35,952	18,513
Sale of Publications		-	179,832
Miscellaneous			
		<u>15,811,277</u>	<u>23,635,858</u>
Expenditure			
Monitoring and Research		1,361,971	2,771,102
Activism and Mobilization		409,271	1,047,837
Prisons Project		125,300	715,100
Hebease Corpus		81,258	39,000
Land Rights Project		1,243,350	1,189,812
Women's Project		186,474	-
UDHR Celebrations		863,023	-
Staff Development		730,856	-
Office Rent		1,140,000	-
Audit / Evaluation		550,000	-
Telephone, Fax, Postage and Distribution		922,673	-
Salaries		10,279,167	8,014,781
Staff Medical Cover - Insurance		635,178	-
Office Security		584,894	-
Stationery		363,677	-
Equipment Freight Charge and Maintenance		314,697	-
General Administration		939,176	6,037,911
Planned Campaigns		-	379,664
Capital Expenditure		-	839,498
Bad Debt provisions / Write-offs		1,003,947	-
Reversed Provisions		(672,805)	-
		<u>21,062,107</u>	<u>21,034,705</u>
Total Expenditure		<u>21,062,107</u>	<u>21,034,705</u>
Surplus (Deficit) for the year		<u>(5,250,830)</u>	<u>2,601,153</u>

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