



STRATEGIC PLAN 2014 - 2018

GOAL - ENHANCED HUMAN RIGHTS-CENTRED
GOVERNMENT AT ALL LEVELS

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ABBREVIATIONS AND ACRONYMS

AGOA	African Growth and Opportunity Act
ASEAN	Association of Southeast Asian Nations
ATPU	Anti-Terrorism Police Unit
AU	African Union
CAJ	Commission on Administrative Justice
CIC	Commission on Implementation of the Constitution
CoE	Committee of Experts
CoK	Constitution of Kenya
CPR	Civil and Political Rights
CRA	Commission on Revenue Allocation
CSO	Civil Society Organisation
DEGONSA	Decentralisation and Governance Non-State Actors Network
END	Equality and Non-Discrimination
EPAs	Economic Partnership Agreements
ESR	Economic and Social Rights
EU	European Union
FIDA	Federation of Women Lawyers
GALCK	Gay and Lesbian Coalition of Kenya
HRE	Human Rights Education
HURINETs	Human Rights Networks
ICC	International Criminal Court
IDP	Internally Displaced Person
IDS	Institutional Development and Sustainability
IEBC	Independent Electoral and Boundaries Commission
KANU	Kenya African National Union
KDF	Kenya Defence Forces
KHRC	Kenya Human Rights Commission
KHRI	Kenya Human Rights Institute
KNCHR	Kenya National Commission on Human Rights
LAPSSET	Lamu Port Southern Sudan Ethiopia Transport
LGBTI	Lesbian, Gay, Bi-sexual, Trans-gender and Inter-sex
M&E	Monitoring and Evaluation
MDG	Millennium Development Goal
NGO	Non-governmental Organisation
NSIS	National Security Intelligence Service
PBO	Public Benefits Organisation
PIL	Public Interest Litigation
TJRC	Truth, Justice and Reconciliation Commission
UK	United Kingdom
UN	United Nations
UPR	Universal Periodic Review
USA	United States of America

Staff Team January 2014



FOREWORD

The Kenya Human Rights Commission's latest strategic plan comes at a time of transition in Kenya. The promulgation of a new Constitution of Kenya in August 2010 ushered in a devolved governance structure, a bicameral parliament, the establishment of several constitutional commissions and institutional changes. There is also a new political order following the March 2013 general election, the first elections held under the new constitution. The elections resulted in the ascension to power of Uhuru Kenyatta and William Ruto, both of whom are facing charges of crimes against humanity at the International Criminal Court in The Hague. New electoral seats were also created by the constitution: governors and County Representatives (for County Governments), women's representatives in the National Assembly and senators in the Senate. The birth of a new constitution is but one of the many democratic gains that the Kenya Human Rights Commission has contributed to in the last two decades.

Beyond this, the Commission cherishes the following major successes during the 2007 – 2012 strategic period:

- The historic 6 June 2013 out-of-court settlement in a case between the British colonial era Mau Mau torture victims and the British Government as a consequence of the momentous decision in *Ndiku Mutua & Others – v – The Foreign and Commonwealth Office* Case No: HQ09X02666 of 2012 that the Mau Mau veterans may sue the British Government for the acts of torture suffered during the struggle for independence. The total settlement award was KES 2.6 billion, which included a separate settlement of the legal fees to Leigh Day who had used their own final resources to meet a significant cost of the court case under the no win-no fee basis with a total of 5228 victims receiving an individual award of KES 340,000. Apart from the monetary compensation, the British Government issued a sincere regret for the torture that took place during the Kenyan emergency period as well as a sum of KES 12 million for the construction of a memorial in honour of the Mau Mau colonial era torture victims.
- The various successful cases brought against the Kenyan government by survivors of the Nyayo House torture chambers. So far, a total of 72 Nyayo House torture chambers victims have benefitted from court award amounting to KES 226,269,748.
- The Commission's statutory membership in the Reference Group for the Committee of Experts on constitutional review under the Constitution of Kenya Review Act (2008). As a member of the Reference Group, KHRC drew from its immense engagement with as well as knowledge on the constitution-making process in Kenya to make key contributions to the final constitutional document which was promulgated as the COK 2010 in August 2010.
- Research into the value benefits chain in several sectors and the conditions of workers, specifically in the cut flower, sugar cane, tea, sisal and coffee sectors. The information

emanating from this research has helped in advocacy for improved worker welfare especially in the tea and cut flower industries.

- A Knowledge Attitude and Practice research on children's knowledge, attitudes and their lived experiences about perceptions of prejudice. Some of the key findings of this research were that children learn negative values on important national issues such as ethnic cohesion from an early age and from the perceptions and attitudes of their parents on these values.
- Collaboration with several institutions addressing the human rights of sexual minorities in order to cultivate dialogue to ensure respect for and inclusion of Lesbian, Gay, Bisexual, Transgendered and Inter-sex persons our human rights discourse .

During the last five years, the Kenya Human Rights Commission has also faced various challenges. Kenya experienced unprecedented violence after the disputed elections of December 2007. The violence was only brought to a halt through the intervention of the international community under the auspices of the African Union Panel of Eminent Persons led by the former Secretary- General of the United Nations, Kofi Annan. More than one thousand Kenyans lost their lives, hundreds of thousands were displaced, some were raped and others maimed. This violence resulted in an early shift in the strategic plan due to the unprecedented scale of human rights violations committed during that time. The International Criminal Court subsequently named six suspects who it believed bore the greatest responsibility for these crimes against humanity. Charges were

confirmed against four of the suspects. One case against the four accused, Francis Muthaura, was later withdrawn due to lack of evidence. By the time of concluding this strategic plan, three of the suspects, namely, Uhuru Kenyatta, William Ruto and Joshua Sang, remained accused persons at the Court. One of the biggest challenges emanating from the 2007/08 post-election violence and the subsequent ICC cases has been the constant and continuous vilification of organisations like KHRC who have remained steadfast in their pursuit for justice for the victims of post-election violence at both the national and the international levels.

However, despite the foregoing setbacks, we remain committed, together with our partners, to delivering the promise of a human rights state to all our beneficiaries. Our commitment is buoyed by the Constitution of Kenya, 2010, which offers new opportunities for engagement for the Commission as well as for new partnerships to emerge. The Bill of Rights, for example, offers opportunities for the entrenchment of a human rights- based culture of constitutionalism. Apart from the new constitution, the discovery of new natural resources poses opportunities as well as challenges for engagement from a human rights perspective. For example, the discovery of oil in Kenya and Uganda, as well as natural gas in Tanzania, introduces new challenges and opportunities with respect to the extractive industries that are unprecedented in the East African region. Emerging political challenges such as the renewed conflict in the newly formed state of South Sudan and the emergence of Al Shabaab in Somalia with its spill-over effects are all regional peace and conflict issues that need to be addressed.

In South Sudan, the transitional constitution provides for 25 per cent representation of women in decision-making positions. The Kenya Human Rights Commission perceives such new constitutions as an opportunity to consolidate gains for marginalised groups. However, there have also been claw-backs on democratic gains during this period. For instance, the counter-terrorism measures invoked to ostensibly clamp down on terrorist activities have in some instances resulted in compromises on civil and political rights. The fact that all the current cases before the International Criminal Court emanate from the African continent when egregious human rights violations have also been witnessed in other places outside the African continent with no recourse to the ICC—as is the case with the on-going tragedy of the Syrian conflict—raises the question of the impartiality of international mechanisms such as the ICC in promoting transitional justice, not just as a national but also a regional issue. Global economic shifts, and the emergence of relatively influential global-south players and blocs such as the BRICS (Brazil, India, China and South Africa) economies and the economic recession in the Euro-zone, have also created new challenges and opportunities within the global human rights discourse.

The Commission itself, which has been in existence for 20 years, has been undergoing several transitions. The Commission underwent several managerial transitions in 2011 resulting in a new Executive Director, Deputy Executive Director and Director for Finance and Administration. Programmatically the Commission has shifted from a geographic to a thematic approach. Previously most of the Commission's work was focused on the country (Kenya) level; the Commission now intends

to intervene in several other countries and intends to work more at the regional and global levels.

In this strategic plan 2014 – 2018, our vision is the creation of human rights states and societies in our work and interventions nationally, regionally and globally. Our new mission is to foster human rights, democratic values, human dignity and social justice while our goal for the period is: Enhanced human rights-centred governance at all levels. We intend to achieve this through four thematic areas:

- Civil and Political Rights;
- Equality and Non-discrimination;
- Economic and Social Rights ; and
- Institutional Development and Sustainability.

Even as we embark on another five years of what is clearly yet another audacious journey in our human rights work, it is our sincere hope that we can look forward to your continued partnership doing this strategic period.

Atsango Chesoni, Executive Director



A section of the Board members (left to right) Davinder Lamba, Prof. Makau Mutua(Chair), Betty Murungi (Vice-Chair), Atsango Chesoni (Executive Director), Mumina Konso (now retired from the Board) and Prof. Karuti Kanyinga share a cup of tea during the first strategic planning retreat in November 2012.

ACKNOWLEDGEMENTS

The Kenya Human Rights Commission wishes to recognise the role played by the Steering Committee responsible for conceptualising and overseeing the development of this strategic plan. The Commission is highly indebted to Atsango Chesoni (Executive Director), Davis Malombe (Deputy Executive Director), Judy Ngugi (Director, Finance and Administration), Julie Kingsland (Senior Programme Officer, Monitoring and Evaluation; Equality and Non-Discrimination) and Kasiki Mudachi (Human Resource Officer).

In addition, we value the support provided by Nduta Kweheria (Senior Programme Officer, Economic and Social Rights) and George Morara (Senior Programme Officer, Civil and Political Rights) who led their teams to make the requisite interventions and contributions. They later joined the above Committee to oversee the logical conclusion of this project under the banner of the Strategic Planning Reference Group.

We also acknowledge the illustrious leadership of our Board of Directors, namely, Prof. Makau Mutua (Chairperson), Betty Murungi (Vice Chairperson), Prof. Karuti Kanyinga, Davinder Lamba, Mumina Konso, Mwambi Mwasaru and Tade Aina who provided the requisite political leadership, strategic direction and technical support during the entire planning process.

This plan would not have been possible without the invaluable contribution of our staff members. Their technical and intellectual input and moral and administrative contributions were extremely prolific, copious and profound. We are proud to have such a knowledgeable, focused and dedicated team.

We would like to thank Delta Partnership for carrying out the evaluation of the 2008-2012 Strategic

Plan. The evaluation report informed the strategic planning process a great deal. Delta Partnership (through Antony Wahome and Aileen Lyon) teamed up with Okumba Miruka to co-facilitate the first retreat between the staff and board members. This retreat yielded the 2013 – 2018 Interim Strategic Plan. It also jumpstarted and propelled the strategic planning process that has now resulted in this 2014 – 2018 Strategic Plan.

We cherish the inputs made by our valued partners Ezra Mbogori, George Kegoro, Mugambi Kiai, Dr. Godwin Murunga and Katindi-Sivi Njonjo during the final reflections forums at Ngurdoto in Arusha, Tanzania. Furthermore, the Commission wishes to applaud Okumba Miruka for facilitating the retreats and follow-up meetings that led to the development of this Strategic Plan. Moreover, we highly appreciate the role played by Apondi Nyang'aya in rapporteuring at the retreats and follow-up meetings. Her notes and interventions enabled Okumba Miruka and the Commission's team to compile the plan.

Last but not least, the Commission is most grateful to its grant makers (Finnish Embassy, Royal Norwegian Embassy and Ford Foundation) whose funding made this project possible. We also take this opportunity to thank all our development partners for the generous and continued support and partnership which has led to the success of our programmes and operations within the 2008-2012 Strategic Plan and the 2013 – 2018 Interim Strategic Plan period.

KEY ASPECTS OF THE 2014-2018 STRATEGIC PLAN

Our Vision: Human rights states and societies.

Our Mission: To foster human rights, democratic values, human dignity and social justice.

Goal for 2014-2018: Enhanced human rights-centred governance at all levels.

Our Programmes for 2014-18:

- Theme One: Civil and Political Rights (CPR).
- Theme Two: Equality and Non-Discrimination (END).
- Theme Three: Economic and Social Rights (ESR).
- Theme Four: Institutional Development and Sustainability (IDS).

Our Strategic Objectives:

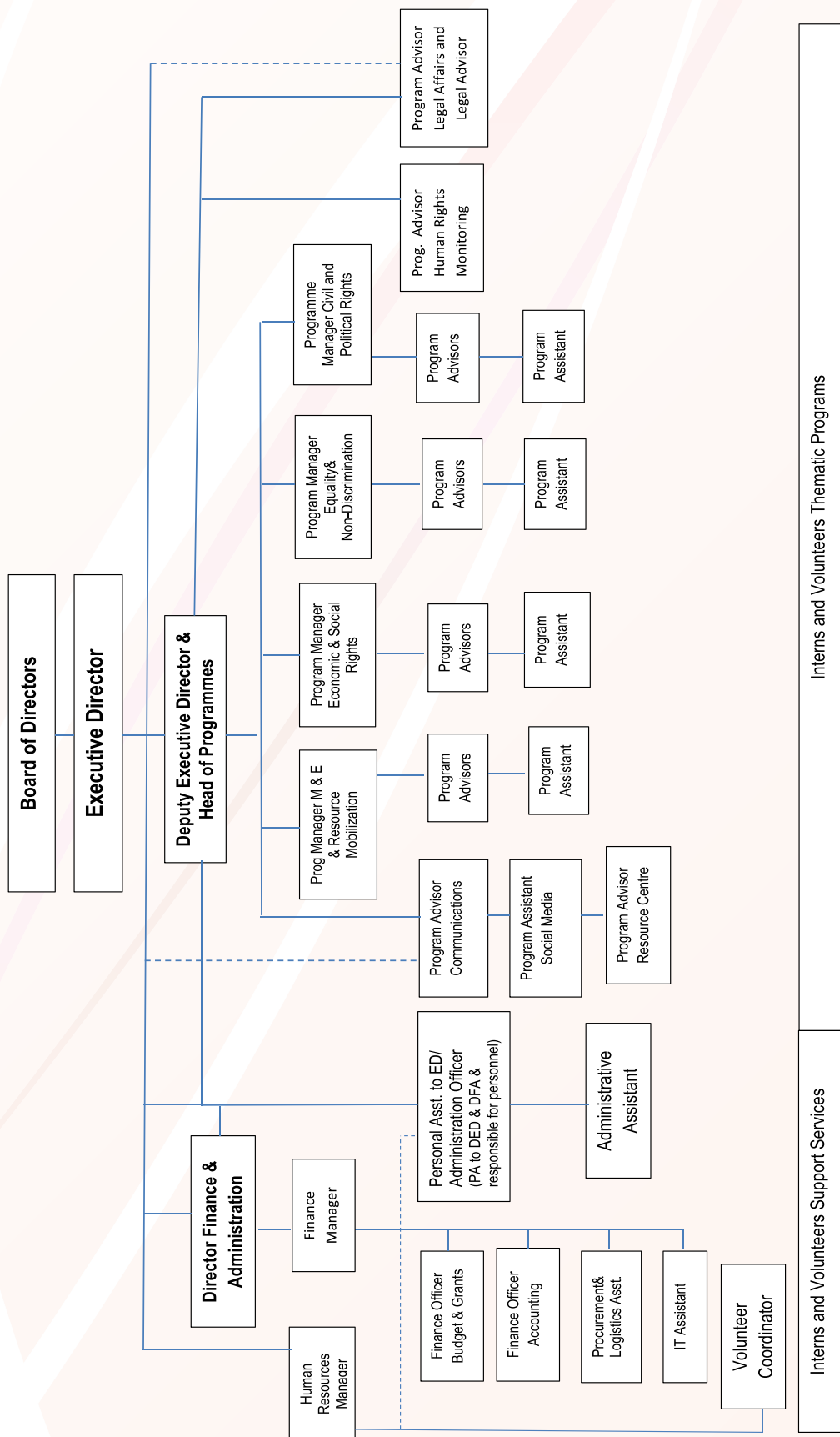
1. Enhanced human rights-based cultures of constitutionalism, people-driven governance and responsive justice. This strategic objective relates to the work of the CPR thematic area.
2. Enhanced representation and participation of targeted marginalised groups in political governance. This strategic objective relates to the work of the END thematic area.
3. Protection of producers', workers', consumers' and host communities' rights. This strategic objective relates to the work of the ESR thematic area.
4. Improved accountability in service delivery leads to improved access to economic and socio-cultural rights in select counties. This strategic objective also relates to the work of the ERS thematic area.
5. A well-resourced and self-sustaining Commission that delivers on its mandate. This strategic objective also relates to the work of the IDS thematic area.

Our Core Values:

1. **Fairness and Social Justice:** Resources should be distributed equitably for the benefit of all people. State and non-state actors must shape the human rights discourse in their policies, strategies and practices to uphold fairness and social justice.
2. **Participation and Empowerment:** State and non-state actors have an obligation to provide information and opportunities for meaningful citizen participation in decision-making and access to resulting benefits.
3. **Liberty and Human Dignity:** Human rights are inherent, inborn and not given by the state. Therefore, people have a right to make decisions without coercion or constraint and are accountable for their choices. All human beings are deserving of equal respect and worth and entitled to the realization of their full potential.

4. **Accountability and Transparency:** Power and resources must be used with integrity and responsibility. It is only through accountable governance that human rights can be protected and enjoyed by all. Our own accountability to communities and other allies nationally and internationally, including donors, is key to the success of our work.
5. **Equal Protection and Non-discrimination:** All individuals and groups are equal, should be treated with dignity and due regard must be given to their diversity. Genuine democracy can never exist in a society that does not recognise its women and men as equals and that discriminates against individuals and groups based on their race, gender, religion, creed, disability, health status, political opinion, ethnicity, sex, sexual orientation or any other ground.

Kenya Human Rights Commission



As per KHRC manual, these staff positions may be adjusted to suit the organizations growing needs.

1.0 BACKGROUND

1.1 Who We Are

The Kenya Human Rights Commission (KHRC) was founded in 1991 and registered in Kenya in 1994 as a national non-governmental organisation (NGO). The core agenda of the Commission has been to campaign for the entrenchment of a human rights and democratic culture in Kenya. Its founders and staff are among the foremost leaders and activists in struggles for human rights and democratic reforms in Kenya. KHRC works at the community level with human rights networks (HURINETS) across Kenya and links community, national and international human rights concerns.

1.2 Our History

Kenya started off as a liberal democratic state on attaining independence in 1963. However, efforts to entrench this tradition were crushed in the mid-1960s through emasculating of multi-party politics. Kenya thus operated as a de facto one-party state with the Kenya African National Union (KANU) as the only political party. In 1982, it was made a de jure one party state until democratic forces reversed the situation in 1991. In the 1980s, parliament was turned into a rubber stamp of the executive, sycophancy was institutionalised, the judiciary was at the beck and call of the executive, radical intellectuals were incarcerated or went into exile and the language of liberation was anathema.

It is against this background that in 1991 five Kenyans living in exile in the United States of America (USA) and Canada formed KHRC and chose the human rights language because of the innumerable human rights violations taking place in the country during that time. But the founders had no experience on how to operationalise the language. In the formative years, KHRC used the template of existing human rights organisations, which were quite a novelty in Kenya.

The centrepiece of its work was to reduce powerlessness among poor, vulnerable and

marginalised groups and to contain the powerful. The organisation stood at the intersection of powerlessness and power in order to enable the powerless to talk for themselves rather than being spoken for. It did not appropriate the voices of the powerless. The founders were quite conscious that they were part of the middle class and had more resources available to them than those who had absolutely no power or resources. They therefore made a deliberate attempt to bring in voices that were not being heard.

Because of the overwhelming oppression prevalent in the country, and limited capacity, they decided to focus first on civil and political rights, although they did not believe in the artificial dichotomisation of human rights. KHRC was registered in Washington DC in 1991 after which one of the founders was sent to Kenya where he was housed at Kuria, Ringera and Murungi Advocates. Later, KHRC was hosted by Kituo cha Sheria before relocating to South B Estate and finally to its current address at Valley Arcade, Gitanga Road. The first grant to KHRC was given by the Ford Foundation.

From 1992 to 1997, KHRC focused on monitoring, documenting and publicising human rights violations and applied a direct attack on political despotism. In this phase, it established itself as a vibrant advocate for civil and political rights in Kenya, through direct action protests and support to victims and survivors of human rights violations. The Commission also distinguished itself by linking human rights struggles with the need for reforms in political leadership and institutions.

From 1998 to 2003, the Commission expanded its advocacy strategy to include social and economic rights in order to attack economic despotism. KHRC made a radical shift in approach that led it to begin developing capabilities of those affected by human rights problems to advocate for their rights. To do this, we invested in community based Human Rights Education (HRE) and shifted our advocacy approach from 'reactive, ad-hoc, one-off' activism to more

nuanced processes, with more strategic design, participation of those affected by specific human rights violations and targeted reforms at policy and legislative levels. KHRC strategically paid more nuanced attention to equal protection and non-discrimination, which not only sought to narrow the gap between the powerful and the powerless but also sought to hold the powerful to account. This was done through entry points, such as labour and women's rights and sexual minorities.

In order to have a more systematic way of working, KHRC developed its first Strategic Plan for the period 1999-2003. The thrust of this plan was to develop competencies at community level for citizens to identify and deal with human rights violations, without depending on its previous interventionist orientation. The Commission defined its role in this period as a facilitator of community struggles. Capacity building in HRE, monitoring and documentation of human rights violations and human rights advocacy were the main tools to realise this goal.

Lessons learnt in this phase led to our decision to make additional investment in community-based programming. Reflections on the previous plan strongly concluded that there was promise for the realisation of a Kenya without human rights violations if the Commission put more effort in and emphasis on stimulating community capacity to institute change from below. KHRC recognised that change could not be brought about by detached advocates of human rights but by needy people themselves. It thus needed a new approach based on people's agency and a relationship of solidarity and equality to transform structures of domination and disempowerment. This would require linkage with several actors. Thus the Commission developed Vision 2012 to guide programming from 2002 to 2012 based on its theory of change.

In the 2003-2007 Strategic Plan, KHRC focused on strategies and actions aimed at enhancing community-driven human rights advocacy through building the capacities of citizens to deal with their immediate human rights concerns, as well as engaging in strategic actions to transform structures

responsible for human rights violations. Human rights-centred governance was the overriding theme of this strategic plan, under the banner of rooting human rights in communities. During this phase, KHRC took on "neo-rights" programming focusing on rights related to trade, business, investment, natural resources, labour and sexual and reproductive health.

In the period 2008-2012, KHRC continued to consolidate its experiences and successes to expand the impact of its work and play an active role in procuring citizen-led reforms towards a more just, democratic and human rights-respecting Kenyan society. 2010 was a significant year when the Commission went through internal reflection that led to prioritisation of economic, social and cultural rights and a shift in its approach from geographic to thematic work. With the Constitution of Kenya 2010 in place, the Commission's work required reorientation in terms of knowledge, attitudes, perspectives and practices. Although the Constitution creates a normative framework for the kind of society KHRC wishes to see, it is facing a serious threat of being sabotaged because of the ascension to power of those opposed to it. This calls for a re-politicisation of KHRC's language in order to effectively confront an increasingly intolerant political regime bent on postponing the promise of justice espoused in the COK 2010 by, among other strategies, appropriating the human rights language to cover up for its anti-human rights agenda.

In summary, KHRC has entered the public consciousness and helped to legitimise the human rights discourse in Kenya. Together with other pro-reform movements and civil society organisations (CSOs), it rolled back despotism, pioneered economic and social rights in the country and produced individuals that have moved on to champion human rights in other arenas. For instance, a majority of the first commissioners at the Kenya National Commission on Human Rights (KNCHR) were from KHRC. The Truth, Justice and Reconciliation Commission (TJRC), established in the wake of the post-election violence of 2008, was a brain child of KHRC. The current Chief Justice, Dr. Willy Mutunga, is a founder and former director of KHRC. The founding

Director Mr. Maina Kiai, who was also the founding Chair of the Kenya National Commission on Human Rights, is the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and Association, whilst the current UN Special Rapporteur on Xenophobia, Dr. Mutuma Ruteere, is also a former employee of the KHRC.

The foregoing achievements have not been without a careful consideration of our philosophy of work and engagement with our core beneficiaries. For example, we have grappled with locating our work in communities without being touristic and domineering; remaining creative instead of being consumed in doing conventional NGO industry work; and balancing professionalism with activism.

1.3 The Nationhood Project

The 2014-2018 strategic plan is the first after KHRC's Vision 2012 strategic plan. It coincides with KHRC's 23rd anniversary and launches the Commission's work at regional and global levels. More importantly, it launches KHRC's next focal project at the national level, considering the prevailing political situation in the country where democratic gains face a real challenge of being rolled back full circle. In Kenya today, the current leadership is basically the ousted KANU emerging from a slough. The two general elections (2007 and 2013) have left the country deeply divided. The ethnic schisms are as alive as they were before the two elections and could become bigger considering the trend being touted of perpetuating leadership through ethnic configurations. This state of affairs erodes the fundamentals of nationhood. This strategic plan, therefore, seeks to recalibrate the struggle for the establishment and sustenance of human rights states and societies.

KHRC's national-level project then is the creation of a nation and erasure of the illusion that the existence of a country and a state is equivalent to having a nation. The Commission's dream is to transfer the hopes of Kenyans from ethnic parochialism to nationhood by creating a larger identity and a class consciousness that unites people beyond economic and ethnic lines.

1.4 Our Theory of Change

KHRC's theory of change is based on the belief and approach that communities themselves must define, claim and defend their rights. It is by working with communities at their own level, on what is of value to them and enabling them to understand, articulate and claim their rights, that we can enable them to effectively hold duty bearers accountable. The Commission sees its role as facilitator, stimulator and supporter of community struggles that are then linked to networks of wider struggles, thus supporting the emergence of a national constituency of human rights defenders with leverage to cause significant reforms for citizens to exercise their rights. KHRC believes that this is the most promising way of creating the requisite momentum, and ultimately cultivating a culture of respect for and protection of human rights of and by all people and institutions. The theory is based on social transformation and liberation struggles through clarity of leadership and solidarity among progressive forces.

1.5 Our Core Values

1. **Fairness and Social Justice:** Resources should be distributed equitably for the benefit of all people. State and non-state actors must shape the human rights discourse in their policies, strategies and practices to uphold fairness and social justice.
2. **Participation and Empowerment:** State and non-state actors have an obligation to provide information and opportunities for meaningful citizens' participation in decision-making and access to resulting benefits.
3. **Liberty and Human Dignity:** Human rights are inherent, inborn and not given by the state. Therefore, people have a right to make decisions without coercion or constraint and are accountable for their choices. All human beings are deserving of equal respect and worth and entitled to the realisation of their full potential.
4. **Accountability and Transparency:** Power and resources must be used with integrity and responsibility. It is only through accountable governance that human rights can be

protected and enjoyed by all. The Commission's accountability to communities and other allies nationally and internationally, including donors, is key to the success of its work.

5. **Equal Protection and Non-discrimination:** All individuals and groups are equal, should be treated with dignity and due regard must be given to their diversity. Genuine democracy can never exist in a society that does not recognise women and men as equals and that discriminates against individuals and groups based on their race, gender, religion, creed, health status, political opinion, ethnicity, sex, sexual orientation or any other ground.

1.6 Our Achievements in the Last Strategic Period

- Monitoring, Documenting and Responding to Human Rights Violations

In order to provide a benchmark for monitoring and documenting human rights violations within the context of a reformed constitutional framework, KHRC analysed the trends of human rights violations during the 'constitution-making interlude' as the basis of measuring compliance with human rights obligations upon the enactment of a new constitution. The analysis produced a baseline report which is an important reference point for our work on holding the government accountable on its human rights obligations since the promulgation of



Five representatives of the Members of the Mau Mau War Veterans Association (MMWVA)'s first visit outside the office of the British Prime Minister's Office at No. 10 Downing Street, in their quest for justice.

the COK 2010.

Apart from gathering information on human rights violations, the KHRC also runs regular (weekly) Legal Aid Clinic services to clients reporting various forms of human rights abuses. Through these clinics, KHRC managed to assist citizens who cannot afford legal fees either through demand letters or referral to other legal aid organisations. Alive to the fact that there are human rights violations that take place in other parts of the country and in partnership with our human rights networks (HURINETS), KHRC conducted fact-finding missions geared towards gathering credible information for targeted policy advocacy with the relevant state actors.

In 2010, and together with the Kenya Stakeholders Coalition on the Universal Periodic Review (KSC-UPR) process, KHRC collaborated with the government through participating in the validation of the State Report on the UPR. The KSC-UPR and KHRC also shared an alternative UPR report with the state, together with an advocacy charter on the implementation of the UPR recommendations. This strategy for a broad and multisectoral approach to the UPR process, which involves key state and non-state actors, is laudable and KHRC intends to replicate the same in its engagements with other regional and international human rights actors and mechanisms.

- Transitional Justice/Victim Compensation

In 2004, KHRC started work on seeking justice for political victims of the Moi era who had been subjected to torture and degrading treatment in the infamous Nyayo House torture chambers. The Commission identified the victims, created a network for them and facilitated litigation. On 21 July 2010, the High Court delivered a judgment awarding the victims sums ranging from Kshs. 1 million to 3 million in the case Harun Thungu Wakaba and 20 Others v Attorney General (HCCC 1411/04) totalling KES. 39.2 million. The conclusion of this case set a precedent for an additional 83 cases. KHRC also got interim court orders to preserve the torture chambers as part of national memory. It is now working on justice for victims who died before the case was finalised.

In the same year, KHRC worked on a memorial project seeking to remember heroes of the Kenyan struggle for accountability and justice. One such hero is Father John Anthony Kaiser, whose body was found by a roadside on 24th August 2000. During the anniversary of his death, KHRC convinced the Ministry of Roads, through the National Highway Authority, to allow construction of a chapel at the Naivasha/Morendat junction where Fr. Kaiser's body was found.



Mau Mau at number 10 Downing Street

Another case of historical injustices is the Mau Mau case against the British government that KHRC had been pursuing since 2003. The case sought acceptance of liability for atrocities committed by the colonial British government against Kenyan citizens during the struggle for independence. It was a test case challenging impunity and using the international human rights framework against torture to apportion responsibility. Despite the British government's refusal to acknowledge liability in 2010, there was cross-party support for the case from parliamentarians in both Houses of the British Parliament. KHRC raised funds for litigants to file the case and travel overseas to attend court. In 2012, the British High Court agreed that the case had merit and should proceed to trial. Having lost on two fronts in respect of the preliminary matters that they raised on jurisdiction and limitation, the British government sought to settle the case out of court; this agreement was announced on the 6th June 2013.

The Mau Mau success galvanized the Kenyan government's support for reparation hence giving the case even greater credence. The Attorney General and the Minister for Foreign Affairs provided legal and political support, including through the commissioning of an expert opinion on state succession.

KHRC worked closely with the Mau Mau War Veterans Association and supported its national elections, which led to legitimate leadership and inclusion, for the first time, of women in the leadership (one was elected to join the eight-member Executive Committee while four others were elected to the 28-member national committee). Apart from registering legal successes, the cases have de-stigmatised the victims from being seen as dissidents, terrorists and saboteurs to legitimate freedom fighters whose sacrifice and contribution to the liberation of Kenya from colonial rule cannot be gainsaid. The extensive documentation KHRC has developed on the Mau Mau case is useful for national memory and for rights holders who seek reparations for historical injustices.

Then there is the case of Internally Displaced Persons (IDPs). In 2010/11, KHRC worked with civil society, the government and the UN to finalise the mapping of all laws and policies related to IDPs. KHRC has monitored the plight of IDPs, pressured the government to resettle them and spearheaded the development of an evidence-based IDP policy. It helped the IDPs to establish a network and has instituted a court case on violation of IDP rights.

- Equality, Non-discrimination and Respect for Diversity

KHRC partnered with the Equal Rights Trust in the UK and the Federation of Women Lawyers- Kenya (FIDA-K) to compile a comprehensive equality and anti-discrimination law prohibiting direct and

indirect discrimination based on constitutionally-protected grounds (interpreted expansively to include gender identity and sexual orientation). FIDA-Kenya and KHRC partnered with the Gay and Lesbian Coalition of Kenya (GALCK) and travelled to London on a study tour in May 2010. A brochure, Know Your Rights, documenting the rights of LGBTI persons, was produced.

KHRC's work has contributed to debate on citizenship rights in northern Kenya, influenced legislation on citizenship and pioneered programming on the rights of lesbian, gay, bi-sexual and transsexual and inter-sex persons (LGBTI). As a result, the Universal Periodic Review is consistently challenging Kenya to account for its treatment of minorities. In addition, capacity building for LGBTI persons' organisations and linkages to duty bearers has led to the National Aids Control Council taking up the issue of LGBTI persons.

• Constitutional Reform and Electoral Monitoring

KHRC was among the early pioneers of the quest for a new constitution in Kenya and maintained the momentum until a new constitution was promulgated in August 2010. In 1994, together with ICJ-K, it developed a model constitution that provided the foundation for subsequent debates the kind of constitution that Kenya wanted. In 1997, KHRC championed the "No Reforms No Constitution" campaign and participated in the various constitutional reform conferences. In 2010/11, it disseminated over 200,000 copies of the then Proposed Constitution of Kenya in collaboration with Uraia.

KHRC has consistently monitored elections and referenda from a human rights perspective since 1997. It monitored the 2005 and 2012 constitutional referenda through the Referendum Monitoring and Advocacy Centre that resulted in: constructive and issue-based citizens' engagement and political campaigns; periodic reports exposing human rights violations during the referenda; increased networking with like-minded and relevant stakeholders at all levels; and, compliance with human rights/gender justice norms and electoral/referendum laws.

KHRC was one of the few civil society organisations (CSOs) appointed to the reference group for the Committee of Experts (CoE) on the constitution. It made direct inputs into the constitution, chaired the citizens' coalition and was the funding conduit for smaller CSOs. It educated communities on the linkages between their material situation and the constitution. This de-mystified the constitution and changed public discourse from apathy to activist demands. The Commission also worked with other actors to ensure that the chapter on land was retained in the constitution and that free primary education was entrenched among other economic, social and cultural rights. The constitution provides for devolution, participation, equality and economic, social and cultural rights. It is a foundation for development of rights-centred and pro-people laws and policies.

• Promotion of Accountability and Good Governance

KHRC produced publications that have shaped the human rights agenda e.g. Lest we Forget, Outlawed Amongst Us and Wilting in Bloom. It engaged with regional and international human rights mechanisms, such as the African Peer Review Mechanism and UPR to improve national accountability on human rights. The various policies and bills on the security sector, land, wildlife and IDPs have helped shape legislation and the direction of governance.



Training and equipping members of Human Rights Networks for election monitoring



Training the HURINETS in human rights based elections monitoring

KHRC engaged with the legislature on the drafting of bills for the implementation of the Constitution of Kenya 2010 mainly through the Commission on Implementation of the Constitution (CIC) and feedback to various commissions e.g. on citizenship, IDPs, the National Security Intelligence Service (NSIS), leadership and integrity. It also opposed the recruitment of police without proper vetting and was involved in litigation to block anti-reformers and people with questionable governance and integrity credentials from assuming key offices. Examples include our stand against the recruitment of Mumo Matemu as the head of the Ethics and Anti-Corruption Commission and our resistance to political machinations aimed at filling the positions of Director of Public Prosecutions, the Attorney General and the Chief Justice through unconstitutional means .

- Human Rights Networks**

KHRC initiated the formation of community-based HURINETS that have taken the quest for human rights to rural and remote communities away from urban centres. In 2010/11, the HURINETS championed community-level demands on: reforms (constitutional, legal and administrative); accountability (use of decentralised funds and citizens' participation); and justice (redress of historical injustices, particularly extrajudicial executions and injustices related to land and land-

based resources). The HURINETS also popularised the People's Manifesto and Scorecard Initiative and were able to generate impressive advocacy results on a broad range of human rights issues.

By way of casting a glimpse into these results, first, there were notable responses from duty bearers on demands made. Second, the attitude of government officers shifted from perceiving human rights agitation as criminal to accepting concerns raised as necessary for informing government planning and delivery. Third, the tools helped to redefine leadership in 25 constituencies. Fourth, HURINETS became active participants in various human rights commissions of inquiry and the quest for a new constitution. The HURINETS were thus linked to national governance processes. Fifth, the HURINETS have proved to be breeding grounds for new leaders speaking articulately on rights issues and spots for engagement with the provincial administration, police reforms and judicial reforms. Sixth, training of HURINETS on organisational systems and functions enables them to conduct their work professionally and effectively and provides them with capacity to work independent of KHRC. Many have become visible and are now able to raise their own funding.

- Expansion of the Human Rights Constituency**

Through the internship programme, KHRC continues to build the constituency of human rights workers. It has also provided legal cover for nascent human rights organisations.

- Neo-rights Programming**

KHRC successfully engaged in programming around trade, business, investment, natural resources, labour and sexual and reproductive health issues. It has researched on and questioned exploitation of workers by corporate entities, such as the cut flower, tea and sisal industries.

Advocacy and public interest litigation was carried out through the campaign against the Economic Partnership Agreements (EPAs), leading to an expanded constituency of those against the EPAs and debate on EPAs in parliament.

• Programmatic Re-engineering

KHRC re-engineered itself through the Operational Year Plan 2011-12 whose theme was: Investing in the New Constitution for Accountability and Justice. This was the first plan under the new constitution and the last under Vision 2012. The re-engineering was informed by the retreat organized for the board members, senior staff and key partners held in December 2010. This shift moved KHRC from process-based to results-based programming and from geographical to thematic work. Thus KHRC started working under the following themes: Justice; Economic and Social Rights; Equality; Publicity and Media; and Sustainability. KHRC continued to fine-tune its approaches to planning, implementation and monitoring and evaluation. It developed a cumulative reporting framework which aids in tracking achievements according to the programmatic themes and objectives.

• Communication, Media and Publicity

KHRC effectively used the mass media to profile human rights and KHRC issues. It used social media (Twitter, Facebook and YouTube) to talk about the Commission’s work. It produced regular informational, educational and communication materials. It held media roundtables, aired some of its

documentaries on national television channels, monitored hits on both print and electronic media and participated in book fairs. The results were: increased coverage of human rights issues and the work of KHRC; interest, knowledge and appreciation of KHRC’s work among media practitioners; requests for KHRC staff to participate in radio and television shows; public awareness about legal and policy reforms and accountability issues; and use of the KHRC’s Resource Centre by public and academic researchers.

• Organisational Sustainability

The Board continued to provide oversight and strategic directions. It managed to lead KHRC through transitions in programmatic approach and management. This required taking bold decisions even if they were not considered conventional as long as they worked for the organisation.



Leveraging ICTs in human rights work - The Hakirport Crowdmap on www.hakireport.crowdmap.com



Levering ICTs in human rights- training on KHRC digital library

KHRC managed to strengthen its human resource base and secure donor funding to run its programmes despite numerous challenges. The donor shift from core to basket/project funding necessitated KHRC to consider implementing full cost-recovery and multi-year fundraising on all future proposals. It also raised funds through managing sub-grants and sale of its own publications. It applied an all-inclusive budgeting process and staff involvement in budgeting and fund-raising.

• Recognition

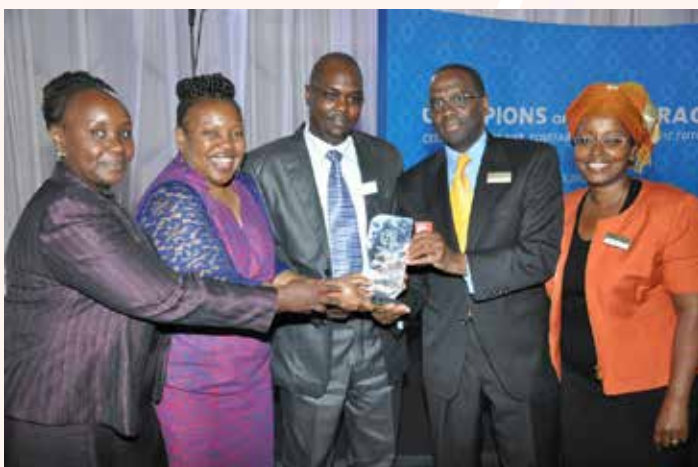
KHRC was declared a Champion of Democracy by the Ford Foundation, as well as being one of seven organisations in the world to win the Ford Foundation’s Global Human Rights grant in 2012 and the Civil Society of the Year Award for 2012.

KHRC has established itself as an organisation of global and national repute on the protection of human rights. It is the only mainstream Kenyan human rights organisation working on LGBTI issues and has stimulated public attention on rampant extrajudicial killings by the police.

1.7 Our Core Competencies

From the above achievements, KHRC’s key competencies emerge as:

1. Work on constitutional reform, electoral governance and transitional justice issues.
2. Facilitation and strengthening of community-based human rights movements.
3. Pioneering work in addressing: livelihoods and labour rights from a human rights perspective; sexual minority issues; social auditing; and people’s manifestos.
4. Provision of intellectual leadership in human rights issues.
5. Incubation of nascent human rights organisations.



Left to right, Judy Ngugi, immediate former Director of Finance and Administration; Atsango Chesoni, Executive Director; Davis Malombe, Deputy Executive Director; Dr. Willy Mutunga, Chief Justice of Kenya, and a former executive director of KHRC; and Betty Murungi, Vice-Chair of KHRC Board of Directors; happily display the *Champion of Democracy Award* given to KHRC in 2012 by Ford Foundation.

6. Use of multi-pronged approaches, including: research; documentation of human rights violations; evidence-based advocacy; tenacity; expansion of human rights constituency; and ability to identify human rights entry points.

1.8 Our Shortcomings in the Last Strategic Period

1. KHRC has a tendency to take on issues not strategic to its work that can lead to overload. At times, it over-relies on collaborations with partners to the point of losing out even on niche areas.
2. The legal aid clinics suffered from lack of in-house lawyers to handle the various cases brought to KHRC’s attention.
3. KHRC has not given adequate attention to ethnic and economic despotism, which are two factors perpetuating powerlessness in Kenya.
4. KHRC has not adequately addressed middle class issues or mobilised the middle class to participate in its work the same way it has done with communities, yet there are numerous middle class issues manifested in the various strikes by workers and in high taxes and violation of consumer rights.
5. KHRC has not developed messages that inspire popular solidarity around human rights issues as those developed by religious movements and popular culture. This has limited its ability to mobilise popular participation.
6. The Kenya Human Rights Institute (KHRI) did not take off despite serious efforts.
7. KHRC has remained over-reliant on donor funds, receives small grants with burdensome reporting requirements, engages in ad hoc expenditure and still does not have its own premises. Suggestions have been made on endowment, investment, income generation and fund raising from the Kenyan public but they have not been implemented.
8. KHRC is consistently confused with the Kenyan National Commission on Human Rights (KNCHR), which has led to incorrect attribution of KHRC’s work. KHRC also has multiple identities (logos and letterheads).

9. Monitoring and evaluation (M&E) continues to be treated as a function only for the Senior Programme Officer in charge of the function.

1.9. Lessons from the Last Strategic Period

1. The length of time it takes to get results on human rights issues can be long and requires patience and tenacity. This was illustrated by the Nyayo House torture chambers and Mau Mau cases that were initiated ten and eleven years ago, respectively.
2. The willingness and ability to stick to genuine human rights agenda is valuable even at the risk of losing donor support. The Mau Mau case alienated KHRC from its British funders but KHRC did not budge.
3. Success can bring erstwhile foes together. The Mau Mau case galvanized the support of the Kenyan government which had hitherto been antagonistic.
4. It is useful to make bold choices even if they are socially unpopular. The work on the rights of LGBTI persons illustrates the KHRC's boldness in taking up an issue that is sensitive and socially fractious. The bold choice has not dented the KHRC's image as originally feared and has indeed earned it recognition as a pioneer of diverse human rights concerns.
5. KHRC needs to develop a clear brand and identity due to persistent confusion with KNCHR. This confusion leads to incorrect attribution of the KHRC's work on the constitutional commission and creates public disorientation. The KHRC also needs to have its logo presented in one format for consistency.
6. KHRC has been able to weather storms because of its strong leadership, which is not afraid of taking bold decisions even if such decisions are considered unconventional. The ability not to pander to the whims of donors has made the KHRC stand out as an organisation that considers its interests first.

1.10 Proposed Responses to Experiences from the Last Strategic Period

Programming

1. Identify and focus only on strategic niche areas.
2. Take on new transitional justice issues e.g. gross violations against northern Kenya communities that took place between 1964 and 1967 during the Shifta War.
3. Develop interventions targeting regional and international human rights platforms.
4. Develop strategic interventions around economic, social and cultural rights (e.g. mining, trade justice, corruption, poverty and budgeting work) and build capacity on the same.
5. Design economic models that distribute wealth to the majority poor and marginalised.
6. Programme with county governments in mind.
7. Strengthen the legal aid programme in terms of human resources.

Partnership

1. Initiate engagement with international actors – UN, African Union (AU), European Union (EU) and Association of Southeast Asian Nations (ASEAN).
2. Consider universities and academics as partners nationally and globally.
3. Have clear exit strategies with partners at point of engagement.

External Communication and Organisational Branding

1. Audit current communication needs and approaches.
2. Develop a communication and media strategy.
3. Revamp the KHRC image and develop a distinct organisational identity from KNCHR.
4. Harmonise logo and letterheads.
5. Partner with corporate organisations.
6. Build relations with key media actors, have consistent media presence and access regional and international media.

7. Step up partnership to influence policies and programmes.
8. Develop a transparency and accountability policy.
9. Digitise.

Finance and Fund Raising

1. Develop and implement income-generating and funding mechanisms, including local fundraising.
2. Develop and implement a sustainability strategy, including acquisition of own premises.
3. Set up and implement a grants management system.

Systems of Working, Governance and Management

1. Give clear job descriptions and terms of reference to avoid overlaps.
2. Ensure vertical and horizontal accountability within the KHRC and with external players. This will include criteria for ethical partnerships with service providers and review of the conflict-of-interest policy.
3. Conduct external evaluations of staff to introduce an objective and more critical eye over and above internal appraisal.
4. Implement the KHRC Board policy.
5. Conduct comprehensive staff orientation, including on Board policy and KHRC structure.
6. Have a more consultative approach to management and staff operations and relations.
7. Streamline procurement systems.
8. Start an Information Technology Department.

Terms and Conditions of Work

1. Carry out 360 degree feedback on evaluations of peers, supervisors and management.
2. Carry out regular supervisor/supervisee feedback apart from the annual appraisal.
3. Conduct market surveys every two years.
4. Address substantive staff welfare issues e.g. mortgage and construction loans.
5. Improve physical office conditions.
6. Implement performance-based incentives.

Monitoring and Evaluation (M&E)

1. Include M&E in everyone's job description.
2. Ensure a common understanding of M&E within KHRC through staff training and orientation on the M&E manual.
3. Use problem trees for formulating goals, objectives and activities.
4. Develop interlocking organisational log frames.
5. Develop a database linking inputs to indicators in organisational log frames.
6. Focus on human rights dimensions of M&E.
7. Do progressive performance reviews building up to annual reviews.
8. Use more avenues besides annual and mid-year reports to tell success stories.

The global, regional and national factors likely to prevail during the strategic period are analysed below.



BRITAIN'S GULAG in KENYA

JUSTICE NOW for BRUTALITY at END of EMPIRE

Mau Mau War Veterans Association
Kenya Human Rights Commission

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2.0 PROGRAMME CONTEXT

2.1 Global Context

China

The emergence of China as an economic power is significant for human rights in Kenya. China is known as a relatively repressive state that has also featured in international media for its high-level corruption. It has made serious inroads in Africa due to its apparently easy aid conditions. In Kenya, China is most conspicuous in the development of infrastructure. Other ventures include mining of coal deposits discovered in eastern Kenya and the building of the standard gauge railway line whose tender award has been steeped in controversy. Issues of relevance to KHRC on these ventures include: compensation for citizens to be displaced in mining areas; environmental costs of the mining activities; respect for labour laws in employment of citizens and conditions of employment; corruption; and transparency on revenues.

China is further recognised as a major source of goods of dubious quality, especially electronic ones. While these goods are attractive because of their low price, they are not durable, and hence are expensive in the long run due to repair and replacement costs. They also have a potential for an environmental crisis due to unhealthy disposal which has negative implications for human health and the bio-physical environment. Access to Chinese garments also potentially conflicts with the African Growth Opportunity Act (AGOA), which is an opportunity to promote economic rights.

International Human Rights System and Accountability

In November 2012, Kenya successfully applied to become a member of the UN's Human Rights Council. This calls for stringent measures to monitor and report on Kenya's compliance with the highest standards of human rights. It also places obligations on Kenya to dutifully report on human rights and collaborate with the system for national and transnational justice and accountability. KHRC will

leverage this reality to make Kenya more accountable and to demand compliance.

Of immediate concern are the cases of crimes against humanity at the ICC with regard to the 2007/2008 post-election violence. While six individuals were originally suspects, charges against two were not confirmed whilst the case against a third was withdrawn. The remaining three include Uhuru Kenyatta (Kenya's current president), William Ruto (his deputy) and Joshua Arap Sang (a journalist). While CSOs have supported the trials and looked forward to their fair and speedy conclusion, recent trends indicate that the cases may collapse given the sustained withdrawal of witnesses, especially those lined up against Kenyatta and Ruto. The biggest losers in the situation are likely to be the victims of the violence who will be left with no answers as to the origin of their plight. Beyond this, the way the government has handled the cases speaks volumes about its commitment to accountability and the international justice system in addressing impunity.

The spirited manoeuvres to have the cases deferred, regional caucusing against the court, vilification of the process and parliamentary voting to withdraw Kenya from the ICC are all indicative of reluctance to cooperate with the Court and are symptoms of impunity. In this regard, it is not outlandish to predict that Kenya will be reluctant to ratify new international laws that have far-reaching implications, especially when political leaders suspect that they may fall victim to such laws. In fact, the initiatives at AU level in support of Kenyatta and Ruto point to a likelihood that many more African states may withdraw from the ICC. The argument by the AU that those in state leadership should not be subject to prosecution sets a bad precedent for international criminal law because it implies that suspects should be treated differently because of their status.

For the KHRC, the search for justice for the victims must continue regardless of the outcomes of the ICC cases. It is buoyed in this quest by global human rights mechanisms and actors that provide

strategic opportunities for transnational advocacy, partnerships and accountability. The Commission's membership in more than 50 regional and international organisations and networks and the current Ford Foundation's Investing in a New Era of Global Human Rights Leadership initiative grant gives the KHRC the leeway to invest heavily in regional and international advocacy for human rights-based democratic growth and a constitutional culture.

The Arab Spring

In 2011, there was an eruption of political revolts in several Arab states that led to regime changes in Egypt, Libya and Tunisia and continuous political instability in Syria. The revolts arose from spontaneous actions by members of the middle class and disaffected citizens who realised the massive power at their disposal to create political change. The experiences provide useful lessons on engagement of citizens in popular advocacy for all types of rights. In Kenya, the frequent strikes by medical practitioners, teachers and university lecturers point to a simmering dissatisfaction with the economic and social rights of the middle class. These provide ready platforms for the KHRC to mobilise citizens into action.

Direction of Human Rights Discourses

There are multiple human rights discourses competing for attention. Three threads are recognisable. First is on human security, seen as: freedom from fear and want; transitional justice; accountability; and elimination of impunity. Essentially, there is an expansionist school that proposes equal protection and anti-discrimination norms for all. Contrary to this is the minimalist school that seeks to limit human security to safety.

Second is concern with economic rights and trade justice. The traditional dichotomisation of human rights and treatment of economic, social and cultural rights as second generation rights persist in some

quarters hence leading to a perception, for example, that human rights should strictly deal with abstract civil and political rights and not material issues of survival. Yet the same civil and political rights are often vilified as alien to the traditional context. This kind of thinking apologises for economic transgressions glorified as investment and ignores the deprivations and violations such investments visit on human populations. This kind of thinking would not question economic despotism under capitalism. It would also ignore systems that provide material welfare for their citizens but do not practise democracy or brook dissent.



Caption: KHRC worked with the Kenya Small Scale Farmers' association to institute a public interest litigation case to stop the signing of the EPAs until the government involves the small scale farmers in meaningful participation and puts measures in place to protect their interests. The court ruled in favour of the litigants.

Luckily in Kenya, economic, social and cultural rights have been entrenched in the Constitution. The challenge lies, however, in ensuring their realisation. Part of the challenge is the compartmentalisation and the entrenchment of an elitist approach -driven to human rights, high poverty levels despite increasing national wealth and erosion of gains achieved. The on-going discussions on the Millennium Development Goals (MDGs) are an opportunity to influence the framing of the goals in the context of economic and social rights.

Third is environmentalism and development. The right to a healthy environment is one that has been formally accepted internationally. However, it is often in contest with economic development that often sacrifices bio-diversity and the eco-system hence leading to environmental pollution, loss in soil fertility, concentration of poisonous elements in food, desertification and climate change. The pragmatic approach is to protect the environment at all costs. But there are those who argue that human rights are anti-enterprise. Yet there are genuine concerns about the effects of development and consumerism on the environment and human life. For instance, there is little focus on the kind of products we are getting from some government development partners and their impact on our environment e.g. second-hand cars from Japan and counterfeit or even fake products from China. This brings to focus the question as to whether the environment should be sacrificed for the sake of development, the reverse or whether the two can co-exist amicably. Such tension is also evident in the contest between peace and justice issues and whether the latter should be sacrificed for the former.

The lack of a universal ideology on human rights perpetuates the inherent contradictions, interpretations and uses of human rights. On the one hand, human rights are instruments for genuine protection of human beings and the pursuit of human dignity. On the other hand, they can be seen as laissez faire avenues and a threat to security, religion, traditions and cultural values. In the latter context, they are opposed and treated with suspicion. There is also the constituency of primary duty bearers that, unable to demonstrate how they are promoting the realisation of human rights, resort to appropriating human rights language to protect their own interests and in the process trivialise the whole concept in such a manner as to scuttle justice and protect impunity, especially when the actors involved are powerful and their viewpoint is dominant.

The debate about a universal human rights ideology is traditionally anchored on the western orientation of human rights. This derives from the philosophical tradition and foundation of human rights in liberalism and political and social democracy characterised

by formal equality and abstract autonomy. But an expanded normative scope of human rights should include the experiences of diverse cultures, including African, Asian and Arab norms. For human rights to have a universal appeal and acceptance, the discourse must become multi-cultural. The emergence of African personalities, such as Maina Kiai (UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and Association), Dr. Mutuma Ruteere (UN Special Rapporteur on Xenophobia) and Dr. Chaloka Beyani (UN Special Rapporteur on the Human Rights of Internally Displaced Persons) is a golden opportunity to influence the discourse from a developing world perspective.

While the multiplicity of discourses crowds the ideological market, it also helps KHRC to question its paradigms of work and whether they are still relevant and feasible. This is particularly cogent in the context that KHRC is scaling its work to regional and global levels where knowledge of and competency in navigating the various discourses is imperative for impact. It will use its local experience to inform the global discourses and in turn harvest from the global plane to inform its programmes at other levels.

At the local level, the human rights discourses are leading to greater consciousness by victims and the public about their rights. This is evident in the emergence of “Haki Yetu” (Our Rights) communities as the phrase has become the anthem for people expressing their dissatisfaction in one or another context. The consciousness is such that hitherto downtrodden and marginalised minorities are gaining space to voice their concerns and claim their humanity against conservative forces (e.g. LGBTIs). This obviously sends a strong message to duty bearers not to take public consciousness for granted. The empowerment of such groups is healthy for the creation of a truly diverse and accommodative human society. The 2010 Constitution has given a lease of life to this consciousness and is the anchor around which the maturing Haki Yetu society should be built. KHRC’s role in this coheres with the traditional role of CSOs as a voice for the powerless masses. It has a central role to play in facilitating the inclusion of human rights in public discourse, policy formulation and implementation processes.

Anti-corruption Agenda

There are emerging discussions on the criminal plundering and expropriation of state resources by state officers. The moves to trace and recover such funds and the internationalisation of the fight against economic crimes give an opportunity for global support to fight against impunity and to entrench accountability at all levels. Success in prosecuting implicated individuals and recovering stolen resources stands to set precedents on how such cases should be handled. However, kleptocrats have a way of fighting back and defeating justice. Given the contiguity of money and politics, the fight against grand corruption may be a stillbirth that leaves CSOs with little to celebrate and much to continue advocating for.

Donor Environment

The global economic situation is often in a state of flux. Key examples are the economic crisis in the USA and the Euro-zone. Given the reliance of Kenyan civil society on funding from these sources, any economic meltdown has a direct impact on local CSO programmes. KHRC hopes for a stabilisation of the global economic climate in order to enjoy certainty in its programme work as it pursues alternative avenues for self-sustenance.

Donors are also progressively moving from core funding to basket (project) funding. This means that organisations are funded through thematic and collective funding conduits that do not cater for institutional costs. While this is a threat to long-term programming, it opens avenues to explore local philanthropy and invest in profitable ventures (e.g. hospitality, printing, real estate, endowment funds) in order to reduce dependence on external funding and hence exercise even greater independence.

2.2 Regional Context

Integration

The integration going on in the East African Community provides an opportunity to introduce human rights language in the envisaged federation,

which can also foster inter-country learning on equality issues (e.g. gender equality). The East African Legislative Assembly and Court of Justice can be used to establish regional human rights norms and frameworks to deal with impunity and accountability. The expanded jurisdictions for the African and the East African Courts of Justice and the transitional justice policy are useful for assessing drivers of conflict and shaping the regional human rights agenda.

At the continental level, on-going efforts to develop an AU Policy Framework on Transitional Justice and increased discourse on the state of the African Human Rights System are positive signals for human rights. So is the establishment of the African Court on Human and Peoples' Rights, albeit in the midst of debate regarding expanding its jurisdiction to include criminal matters so as to divest African states of accountability through the ICC. Attempts by some Kenyan politicians to evade accountability by campaigning for regional support against the ICC portray Kenya as a country that encourages and tolerates impunity. This needs to be countered by progressive forces. KHRC will keep abreast of developments at the continental plane and seek to influence them towards the desired human rights states and societies.

Conflicts in the Region

Since the ouster of the Siad Barre regime in 1991, Somalia has continued to experience instability that has negatively snowballed into Kenya, particularly with regard to refugees, proliferation of small arms and the spread of terrorism. This led Kenya to deploy its defence forces to Somalia in 2011 with the express aim of eliminating the militant and extremist Al-Shabaab so that Somalia would stabilise politically and the negative effects of the war on Kenya minimised. While this was lauded as a noble and bold move, its costs to the Kenyan taxpayer are enormous and are likely to impact on resources available for national development. At the same time, Kenya's involvement has exposed it to retaliatory attacks by agents of Al-Shabaab hence heightening insecurity in the country, which discourages investment and is a threat to tourism.

A case in point is the deadly attack on the Westgate Mall in Nairobi in September 2013 leading to the loss of more than 67 lives. These attacks have led to an unfortunate perception and stigmatisation of all Somalis as terrorists, a trend that can easily create xenophobia and marginalisation of Kenyan Somalis, especially with regard to registration and access to citizenship documents.

At another level, Kenya's involvement in Somalia should be scrutinised in light of likely human rights violations committed by the Kenya Defence Forces (KDF) in the process of annihilating Al-Shabaab. This is an opportunity to advocate for access to information on national security e.g. military expenditure. Another dimension is the passing of indiscriminate laws. The Prevention of Terrorism Act 2012, for instance, allows Kenyans suspected of terrorism to be arrested and transported for trial outside their country, which is a patent assault on sovereignty. It is critical that counter-terrorism measures, such as the Anti-Terrorism Police Unit (ATPU), are accountable and respect human rights norms.

To the north, the simmering conflicts between South Sudan and Sudan over the oil fields (especially in South Kordofan, Blue Nile and Abyei states) is a continuous reminder of the delicate security situation in the world's youngest nation. Worse still, the breakout of internal strife in South Sudan itself pitting forces loyal to President Salva Kiir and those loyal to his former Vice President Dr. Riek Machar after an alleged coup attempt in December 2013 has created concerns about stability in that country. Considering the geographical and historical ties between South Sudan and Kenya, these events will result in: influx of new Sudanese refugees to Kenya, reduction in Kenyan investments in South Sudan that may even stall the Lamu Port Southern Sudan Ethiopia Transport (LAPSSET) project, which is one of Kenya's flagship initiatives under Vision 2030.

Constitutional Reforms and Elections

Kenya's experience in developing a progressive constitution continues to attract attention externally. African countries undergoing political transitions can gain from Kenyan lessons. This provides the

KHRC with an opportunity to initiate regional work by supporting such countries. Zimbabwe, South Sudan, Mozambique, Tanzania and Zambia are prime candidates and ready entry points for regional work under the Civil and Political Rights thematic area of the KHRC.

At the same time, several African countries have held democratic elections and had smooth political transitions. This has happened in Ghana and Malawi (where the deaths of sitting presidents in 2012 saw seamless transitions), Senegal and Zambia. These examples provide hope that Africa may be on its way to sustained electoral democracy. KHRC can contribute its Kenyan experiences and competence in electoral monitoring to strengthen the same through regional work.

2.3 National Context

Extractive Industries

The intensified oil exploration ventures in Kenya have resulted in discovery of oil deposits in Turkana County. Deposits of coal have also been discovered in Kitui County, in the eastern part of the country. Ordinarily, such discoveries raise optimism about better fortunes ahead. If they are commercially viable, that country's Gross Domestic Product is likely to rise, energy costs could fall and standards of living could improve. However, the exploitation of the resources may also bring misery to Kenyans in the form of: neo-colonial exploitation without adequate returns to the country; inadequate compensation for displaced citizens; environmental degradation; destabilisation of indigenous lifestyles; and creation of new frontiers for grand corruption.

Concerns about exploitation of non-renewable natural resources indeed prompted World Wide Fund for Nature, Community Action for Nature Conservation, Transparency International and Kenya Oil Gas Working Group to convene a CSO meeting in December 2012 to promote the Extractive Industries Transparency Initiative that promotes openness and accountability in the extractive industries. Some of the issues of concern are: making mining agreements open; establishment of regulatory agencies; and

mandatory reporting and disclosure of information on revenues paid. These are issues that fall within the realms of economic, social and cultural rights and will certainly be on KHRC's radar in the 2014-2018 strategic plan period.

National Budget

Following the promulgation of the Constitution of Kenya 2010, the budgeting process has become more participatory and more clout has been given to the legislature. KHRC should use this opportunity to build capacity to address economic issues at the national level via the national budget and examine international value chains and their impact on financial allocation for the human rights enshrined in the constitution. Engagement with the budget will also provide an entry point to look at issues affecting the middle class (e.g. taxation).



Fact Finding Mission on Isiolo Oil Exploration

Equality and Justice Debates

Debates on equality (gender, regional, ethnic, transitional and historical injustices and sexual orientation) are healthy for developing legislation and frameworks to transform the country, reduce marginalisation and enhance the following: benefits sharing; allocation of earnings from national resources; land redistribution; and resolution of resource-based conflicts. The debates can also inform

how culture is recognised and practised in a manner consistent with human rights. The threat lies in the debates being diverted by fundamentalists (cultural, religious and political) that advance exclusion e.g. xenophobia, tribalism, sexism and homophobia.

In resolving the crisis after the 2007 elections, the National Accord of February 2008 required commitment to addressing historical grievances that are the basis of frequent political and ethnic conflicts. One of the focal issues is land. Granted, the National Land Policy (2009) the National Land Commission Act of 2012, the Land Act 2012 and Land Registration Act of 2012 have been put in place. However, whether they will conclusively address the issue is another matter.

There is also the issue of justice for victims of the 2007/8 post-election violence that led to the death of 1,133 people and displacement of 650,000 people. If the rhetoric by the top leadership of "moving on" is anything to go by, then these victims may wait for justice indefinitely. And noting that some of the most affected areas voted heavily for Uhuru Kenyatta and William Ruto, it may very well be that CSOs seeking justice for the victims will not in sync with the victims. Or could it be that they voted for the two with the hope of getting some form of compensation afterwards? Whichever way, CSOs need to re-examine whether the human rights framework is viable to redirect the country on the path of justice.

The KHRC is of the opinion that the IDP issue should not be confined to those displaced by elections but be inclusive of all other IDPs, such as those who were displaced during the politically instigated ethnic-cum-land clashes in the Rift Valley in the 1990s and those in pastoralist areas who have moved due to conflict over natural resources and insecurity. KHRC has an opportunity to deal with these kinds of IDPs through security sector reforms and land reforms.

The KHRC will continue to engage with international and national human rights mechanisms to seek prosecution for those responsible for crimes related to elections. It will continue to lobby for the resettlement of IDPs, for the implementation of other

durable solutions to the IDP phenomenon (e.g. the IDP policy) and will support the National Network for IDPs. The KHRC will also continue to pursue justice for other victims of historical injustices.

Implementation of the Constitution

The country is in the process of implementing the Constitution of Kenya 2010 that provides for several reforms and devolved government. KHRC will partner with other actors to ensure prudent and effective implementation of the Constitution and to deepen the culture of constitutionalism in Kenya. Primary entry points will be civil society actors and the various constitutional structures, such as the Commission on Administrative Justice (CAJ), Commission on Implementation of the Constitution (CIC), Commission on Revenue Allocation (CRA), Independent Electoral and Boundaries Commission (IEBC), Police Service Commission and the Transitional Authority.

One significant pillar of the Constitution is provision for devolved government. The establishment of 47 counties is an opportunity for KHRC and the Decentralization and Governance Non-State Actors Network (DEGONSA) to influence the delivery of services and monitor adherence to standards of integrity, public participation and accountability. Devolution also raises a number of questions. Will it deliver regional balance or amplify historical inequalities? Will the country afford the costs of devolution without increasing taxation and inflation? Are the on-going institutional reforms meaningful and sustainable? Can the executive accept the dispersal of its erstwhile powers without resistance? Will devolution reduce or multiply corruption? To what extent will the equalisation funds be implemented? Will they really create the intended equalisation or will they become new avenues for corruption and manipulation? Other challenges are related to the powers and privileges of county assemblies, the cost of implementing the two-thirds gender principle in the county assemblies, the quality of legislation in county assemblies and potential

conflict between national and county law. There is, therefore, a need for civil society to be vigilant and critical lest devolution becomes counter-productive.

There is also a need to safeguard the Constitution from expedient amendments, such as the Leadership and Integrity Act (which required parliamentary political candidates to have certain minimum qualifications) and the Political Parties Act (which sought to prevent inter-party defection). Both were amended by the tenth parliament to protect outgoing MPs.

Judicial Reforms

Since the appointment of the Chief Justice in 2011 and the appointment of various High Court, Court of Appeal and Supreme Court judges, there have been palpable judicial reforms. The most conspicuous of these has been the vetting of judges and magistrates to divest the system of incompetent or compromised officers. These developments buoyed public confidence in the judiciary. Alongside this, the ascension of some former CSO actors to the judiciary created hope that the human rights agenda could be further promoted through jurisprudence.

However, these expectations have been tempered by the controversial Supreme Court decision on



Cultivating cultures of constitutionalism begins at home, where KHRC and other CSOs organized a protest march to prevent Parliament from passing unconstitutional laws.

the disputed presidential election results of 2013 and the wrangling occasioned by the removal of the Chief Registrar on allegations of corruption and misconduct. This means that the judiciary, just like other arms of the government, needs to be monitored and kept on its toes to fulfil its mandate. A worrying trend also is that the perceived opening up of judicial space is creating a litigious culture among Kenyans. This tendency is likely to clog the judicial system with spurious cases that can be handled through other means than the law courts. This calls for public education on the use of alternative dispute resolution systems.

The Presidency

The ascension of Kenyatta and Ruto to the presidency presents the KHRC and CSOs with serious operational challenges. First, Ruto was openly opposed to the current Constitution during the 2010 referendum. Second, Kenyatta was reluctant to release funds for civic education in the run-up to the referendum during his tenure as Minister for Finance, until he was ordered to. The extent to which the two can be trusted to spearhead the implementation of the Constitution is doubtful. The situation is complicated by the fact that their political coalition has an absolute majority in parliament. Third, it is obvious that the two do not have very fond feelings towards governance and human rights CSOs after their championing of the pre-election suit seeking to bar them from contesting. Fourth, given the polarisation of Kenyan society following the elections, the presidency is facing serious challenges in meaningfully unifying the country and upholding human rights, democracy, the rule of law and the reform agenda.

Onslaught on Civil Society, Media and the Judiciary

The KHRC anticipated resistance to the Constitution from the current leadership but not the kind of onslaught that has been launched on the judiciary, CSOs and the mass media. In 2013 newspapers and social media were replete with propaganda meant to harm the public image of civil society, which was christened “evil society”. This propaganda is being used by false patriots who have no track record in championing reforms to hoodwink the public that

they are anti- imperialism.

CSOs have the option to either hang separately or hang together. It is, for instance, not difficult to decipher that the intention that prompted attempted amendments of the Public Benefits Organisation (PBO) Act of 2013 was to starve CSOs of finance and polarise them. The Act proposed to cap foreign funding for CSOs at 15 per cent, a measure that would have effectively killed the CSOs as virtually all depend on foreign funding to the tune of almost 100 per cent. Unless CSOs develop new streams of income, many are likely to fold up or significantly reduce their operations.

The media is also targeted by the Information and Communications Amendment Act of 2013 that was passed by parliament on 31 October 2013. This law will severely cripple the space for the mass media and fatally penalise actors deemed to have breached its provisions. It creates a government-appointed Communications and Multimedia Appeals Tribunal with broad powers to revoke journalists’ accreditation, seize property, impose fines of up to KES 1 million on journalists and up to KES 20 million on media companies. It also restricts advertising revenue from foreign companies to 55 per cent, a provision that would force some media houses to close down. Alongside this is the Media Council Bill that empowers the government to ban media content considered “prejudicial to public or national interest”, yet what constitutes national or public interest is hardly defined.

The media’s ambivalence towards CSOs and reforms started becoming apparent during the 2013 elections when they took a very low profile in critiquing the results. This ambivalence may be attributed to instilled fear and/or capture by the media owners, who are either politicians or have heavy political leanings.

On its part, the judiciary is being targeted through the Judicial Service Commission whose six members were suspended by the president who went ahead to appoint a tribunal to investigate their conduct. While the move is seen as a way of crippling the Commission and hence the judiciary, it is also a

warning signal to judicial officers perceived to be friends of CSOs that their days are numbered. The pattern of attack is not dissimilar to the one used to cripple the Kenya National Commission on Human Rights (KNCHR) which only had one Commissioner serving between November 2012 and January 2014 when her term came to an end.



Working with members of the CSO Reference Group in street campaigns against amendments to the PBO Act 2013

This onslaught perhaps creates an opportunity for rapprochement by CSOs, the media and the judiciary. The war is bound to be long and dirty and

will require mobilisation and effective language to reclaim the space. The language needs to be simple, accessible to the masses and non-conventional. In this endeavour, CSOs need to learn from avant garde popular communicators, among them fine artists, cartoonists and performing artists.

All this will require the ability to create a movement that will enable the Constitution to work at an optimum level and counter the propaganda. CSOs must find their platforms within which to effectively engage the public. They must also mobilise across sectors and constituencies. In doing this, CSOs must recognise opportunism as a hidden threat that can denude it of its work force and always seek ways to rejuvenate its base. This work will require identification of allies and foes, ability to handle renegade former allies and reclamation of lost allies, such as the church, even if this means approaching the top global religious echelons. Considering that CSOs in the political arena are very few, it is imperative that they are populated by passionate workers. Only through this will CSOs be able to mount a defence against reprisals from the state, orchestrated backlashes from the public, bureaucratic obstacles, isolation and vilification.

In response to the situation analysed above, KHRC proposes to:

1. Link human rights to poverty, human dignity, powerlessness, respect for diversity, affirmation, environmental pollution and livelihoods.
2. Link civil and political rights to economic, social and cultural rights.
3. Look at the inter-sectionality of rights e.g. being poor, female, an ethnic minority and a sexual minority.
4. Be vigilant over the abuses of human rights discourses.
5. Re-evaluate human rights discourses and prioritise what works.
6. Theorise about human rights e.g. the relationship between money and human rights; the excesses of capitalism and free markets; the view that people are poor because they are lazy; and the tension between environmentalism and development.
7. Invest in multi-culturalising and de-westernising human rights.
8. Expand the ownership of human rights discourses by: simplifying human rights, involving the middle class and creating critical masses that are aware and vigilant.
9. Foster a culture of constitutionalism nationally, regionally and globally.
10. Have human rights influence policies, institutions and legislation.
11. Entrench the culture of human rights monitoring.
12. Have human rights advocates who are technically competent and passionate and build internal capacity for human rights engagement at regional and global levels.

2.4 Internal Organisational Environment

This strategic plan is the first under a new management at KHRC following the departure of the Executive Director (ED), Deputy Executive Director (DED) and the Finance and Administration Manager (renamed Director of Finance and Administration in November 2012). The ED heads the secretariat. In her absence, the employees report to the DED in whose absence they report to the Director of Finance and Administration.

At the Board level, KHRC enjoys continuity in office of the current board, which has ably steered it through past transitions and provided the necessary strategic guidance.

KHRC is part of the Ford Foundation Sustainability Program aiming to build the capacity of partners to excel in resource mobilisation and management in the 2013-14 period. The expected outcomes are: diversification and growth in annual income; improved financial analysis, budgeting and monitoring; improved relationships and quality of engagement with funders; and improved staff and board capacities in resource mobilisation.

In this strategic plan period, KHRC will develop an investment plan and aggressively carry out measures to sustain itself. It has a target of self-generating at least 5 per cent of its resources and ensuring that the post-2018 period is funded. This will enable it to proceed confidently without being encumbered with fund-raising activities instead of implementation and investing for the future.

It will seek to strengthen and secure its identity so as to earn correct attribution for its work in tandem with cultivating greater public visibility and use of multi-media platforms nationally, regionally and internationally. The streamlining of internal governance instruments is expected to enhance employee compliance with policies and procedures for accountability. Increased attention to human resources targets staff performance, satisfaction and retention.

In the foregoing period, KHRC has been engaged in a systems audit to automate its financial management system. There is ongoing partnership with other CSOs on financial independence. KHRC is going to implement the strategic plan with clear baselines for tracking progress using clear indicators. The KHRC will: continue using its rights-based approach and thematic focus; respond to developments in the human rights discourses; promote inter-programme synergy; invest in professional and academic staff capacity; and fine tune planning, monitoring and evaluation. Of great significance is that the strategic plan will launch the KHRC's work at the regional and global levels.



Caption: Holding the State accountable for election malpractice through election monitoring of the 2013 General Election. The full election report, Democratic Paradox, was released on 4th March 2014, to mark one year anniversary of the first elections held under the Constitution of Kenya 2010.

3.0 PROGRAMMATIC INTERVENTION FOR 2014-2018

3.1 THEME ONE: CIVIL AND POLITICAL RIGHTS (CPR)

3.1 Theme One: Civic and Political Rights (CPR)

This thematic plank is anchored on the *strategic objective of enhancing human rights-based cultures of constitutionalism, people-driven governance and responsive justice at the national, regional and global levels*. It builds squarely on KHRC's foundation as a political project to bring about socio-economic and political transformation through human rights. KHRC does not just want constitutionalism but human rights and people-responsive justice mechanisms. The theme consists of three sub-thematic areas.

- Constitutionalism

In the tradition of the Westminster model, constitutions have largely been viewed as a set of rules and administrative arrangements meant not to regulate or limit excessive state power, but to validate the post-colonial state by using the rationale that anything legal is by definition legitimate. Thus constitutions that sanctioned one-party states and racial segregation have been seen as both legal and legitimate even though they were detrimental to the population. For this reason, autocrats have resorted to written constitutions to legitimise their actions but avoided the values of constitutionalism that place limits on arbitrary or excessive use of power.

Drawing from its immense knowledge and involvement in the constitution-making process, KHRC will work with its partners nationally, regionally and globally to ensure that constitutions are not deployed as instruments of repression but as vanguards of liberty protecting both the majority and the minority from any form of oppression or human rights violation. At the national level, KHRC will continue to play a leading role in working towards the full implementation of the Constitution of Kenya 2010 and ensuring that constitutionalism informs the day-to-day running of governance. Regionally and globally, KHRC will work with partners in select countries (mainly countries (re)writing their constitutions) to ensure that the following minimum

standards of constitution-making are adhered to: legitimacy; inclusivity; empowerment of civil society; openness and transparency; accessibility; continuous review; and accountability. The work of the KHRC has contributed to an enviable Bill of Rights. Many countries, especially in Africa, are already seeking assistance on this issue. The KHRC Board is also populated by stalwarts of constitutional development.

- People-Driven Governance

KHRC's theory of change is firmly rooted in people-driven governance, which communities themselves must define, claim and defend. For a long time, the political elite, particularly in the so-called developing or post-colonial worlds, have held citizens captive by beating them into submission through political terror or other acts that are highly inimical to the citizens' participation in the socio-economic and political processes of their countries.

KHRC believes in promoting meaningful citizen agency, especially in the electoral process, that truly places the power of creating a functional democratic state in the hands of the electorate. In this regard, KHRC will facilitate, stimulate, catalyze and support election-related work in select countries for the establishment of a human rights-based model for electoral governance, monitoring and advocacy to enhance the growth and development of a democratic culture.

- Responsive Justice: Why hire a lawyer when you can buy a judge?

The foregoing question characterises justice systems that are largely unresponsive to the demands of justice, especially for the poor and the vulnerable. Such systems tend to be breeding grounds for merchants of impunity who know that, in such systems, justice has a price tag and can, therefore, be bought or sold to the highest bidder. KHRC has been at the forefront of fighting for the establishment of a justice system that is credible and a true custodian

of fairness to all irrespective of their social status. In particular, KHRC has sought the realisation of the rights of those who have suffered gross human rights violations. Nationally, these struggles have focused on seeking remedies for both colonial (e.g. the Mau Mau case) and post-colonial (e.g. the Nyayo House torture chambers and IDP cases)

human rights violations. KHRC’s work on demanding accountability for colonial atrocities is relevant for other countries with colonial legacies. Based on its impressive track record, KHRC will work with partners in select countries to ensure that gross human rights are addressed and that those responsible for the promotion, protection and fulfilment of human rights are held accountable.

Results Framework	Indicators	Means of Verification	Risks and Assumptions
Strategic Objective: Enhanced human rights-based cultures of constitutionalism, people-driven governance and responsive justice.	<ul style="list-style-type: none"> Frameworks and models on constitutionalism, people-driven governance and transitional justice adopted and implemented in select countries. 	<ul style="list-style-type: none"> The frameworks and models. Constitutions, legislation and policy documents in target countries. 	<ul style="list-style-type: none"> Non-cooperation in target countries. Political instability in target countries. Withdrawal/ reduction in donor funding. <p>Assumptions</p> <ul style="list-style-type: none"> An environment for constitutional reform exists within respective states. Continued and sustained funding to implement activities.
Sub-theme One: Constitutionalism			
Output 1: Compliance with an agreed framework on minimum constitutional human rights standards by select countries in Africa.	<ul style="list-style-type: none"> Number of countries incorporating the agreed framework on minimum human rights standards in their constitutions, legislation and policies. 	<ul style="list-style-type: none"> The framework. Constitutions, legislation and policy documents. Conference reports. International human rights frameworks. 	<p>Risks</p> <ul style="list-style-type: none"> Non-cooperation by relevant state and non-state actors in developing an agreed framework. Resistance to external assistance in target countries. Political instability in Kenya and in the select countries. Withdrawal/reduction in donor funding. <p>Assumptions</p> <ul style="list-style-type: none"> Cooperation by relevant state and non-state actors in developing an agreed framework.

Results Framework	Indicators	Means of Verification	Risks and Assumptions
			<ul style="list-style-type: none"> • An environment for constitutional reform exists within respective states. • Continued and sustained funding to implement activities. • Sufficient technical assistance and networking with relevant Ford Global partners.
Sub-theme Two: People-driven Governance			
<ul style="list-style-type: none"> • Compliance with an agreed human rights based model for electoral governance, monitoring and advocacy by select countries . (Focus: Kenya, East Africa, Africa, global). 	<ul style="list-style-type: none"> • Number of organisations and state actors in select countries incorporating a human rights-based model for electoral governance, monitoring and advocacy. • Select regional and international mechanisms incorporating the human rights-based model for electoral governance, monitoring and advocacy within their respective frameworks. 	<ul style="list-style-type: none"> • The human rights model(s) for electoral governance, monitoring and advocacy. • Electoral laws and regulations in the select countries. • Reports from partnering state and non-state actors. • Training reports. 	<p>Risks</p> <ul style="list-style-type: none"> • Non-cooperation by relevant state and non-state actors in developing the models(s). • Hostility towards observation and monitoring of electoral processes. • Political instability in Kenya and select countries. • Withdrawal/ reduction in donor funding. <p>Assumptions</p> <ul style="list-style-type: none"> • Cooperation by relevant state and non-state actors in developing and adopting the model(s). • Elections will be held as scheduled. • The select countries will allow observation and monitoring of their electoral processes.

Results Framework	Indicators	Means of Verification	Risks and Assumptions
			<ul style="list-style-type: none"> Continued and sustained funding. Sufficient technical assistance and networking with relevant Ford Global partners.
<ul style="list-style-type: none"> Realisation of justice for victims of gross human rights violations. (Focus: Kenya, East Africa, Africa and international mechanisms - African Union, UN). 	<ul style="list-style-type: none"> Percentage of cases successfully addressed through judicial system, transitional justice processes and alternative dispute resolution mechanisms. Number of select countries incorporating structural reforms in accordance with an agreed framework on transitional justice. Select regional and international mechanisms incorporating KHRC proposals on principles of 	<ul style="list-style-type: none"> Justice system infrastructure and alternative dispute resolution mechanisms and frameworks. Submissions to various justice mechanisms by or on behalf of victims. Prosecutions instituted against suspected perpetrators. Judgements. Recommendations/ decisions emanating from alternative dispute resolution mechanisms. Institutional, policy and legislative reforms. 	<p>Risks</p> <ul style="list-style-type: none"> Non-cooperation by relevant state and non-state actors in developing the framework on transitional justice. Hostility towards transitional justice processes by incumbent regimes. Political instability in Kenya and select countries. Withdrawal/ reduction in donor funding. Dissatisfaction or non-cooperation by victims of human rights violations with the transitional justice processes. <p>Assumptions</p> <ul style="list-style-type: none"> Cooperation by relevant state and non-state actors in developing the framework on transitional justice. Select countries will either establish or support ongoing transitional justice processes. Sufficient technical assistance and networking with relevant Ford Global partners.

3.2 THEME TWO: EQUALITY AND NON-DISCRIMINATION (END)

The strategic objective for this theme is: *Enhanced representation and participation of targeted marginalised groups in political governance.* The theme has five outputs.

Output 1: More than 50 per cent of Kenya’s population is female yet only 9.8 per cent parliamentarians are women. 3.5 per cent of Kenyans have a disability, yet representation of persons with disabilities (PWDs) in elective and appointive office is almost non-existent. Kenya has over 70 different ethnic groups yet its leadership does not fully reflect this diversity of cultures. The Constitution of Kenya states that no more than two-thirds of any representatives in elective or appointive public offices should be of the same gender. However, there is currently no mechanism to ensure that this principle is implemented. There are also provisions to ensure representation of youth, PWDs and other marginalised groups.

Senegal, Rwanda, South Africa, Mozambique, Angola, Tanzania and

Uganda have all surpassed one third representation for women. Even South Sudan, the newest state in the world, puts Kenya to shame with 25 per cent female representation. For this output, KHRC will have a special focus on Kenya, Botswana and South Sudan. Botswana has a lower percentage of women in parliament than even Kenya. South Sudan’s gains must be guarded whilst seeking to ensure that other marginalised groups can gain political positions and effectively represent the groups they are from.



Executive Director, Atsango Chesoni, leads in signing a solidarity pledge in support for women in leadership



Creating a human rights culture from an early age: Children in a school in Kawangware participate in Read -aloud- day, read *Attack of the Shidas*, a children’s story book on equality based on a fictitious community struggling with violence emanating from inequalities and discrimination along ethnic, socio-economic, religious and age lines.

KHRC will seek regional influence through African Union engagements based on the provisions in both the African Charter on Human and People’s Rights and the African Charter on Democracy, Elections and Governance. KHRC will seek global influence through UN engagements based on the provisions in the Universal Declaration on Human Rights, International Convention on the Elimination of Racial Discrimination, Convention on the Elimination of all Forms of Discrimination Against Women, and the International Covenant on Civil and Political Rights.

Output 2: Being recognised as a citizen is essential in order to be able to achieve your rights. It is, therefore, essential that people understand in what circumstances they can claim citizenship for themselves and their families. It is also important

that people know how to access personal documents (birth certificate, identification card, passport, voter's card and death certificates) that enable them to prove their citizenship. Discriminatory practices in attaining personal documents must be addressed

Marginalised groups often lack knowledge about how to register to vote and may also face other barriers to exercising their democratic rights. These barriers may be horizontal (cultural norms e.g. husband withholds wife's ID card, harassment of women seeking to vote in party primaries) or vertical (e.g. state-sanctioned laws or practices, such as few polling stations).

It is, therefore, essential that capacity to register to vote is strengthened. At the same time, strategies for overcoming the barriers that marginalised groups face to active suffrage should be developed. The primary focus of this output will be on the rights of ethnic Somalis, youth, women, persons with disabilities and Kenyans in the Diaspora. KHRC will also build alliances across the East African Community (EAC) to unite ethnic groups that suffer prejudice in accessing citizenship and to share learning on how to best address these issues across NGOs and with EAC bodies.

Output 3: Kenya's constitution effectively enshrines a commitment to equality right from the preamble. There are also numerous affirmative action provisions. However, Kenyan law is weak on ensuring equality and equity. In some cases, domestic law entrenches discrimination, for example, in the case of consensual sex between men.

At a basic level, KHRC will seek to ensure that legislators and state actors gain a better understanding of and take action as a result of capacity building on equality. This output also seeks to influence duty bearers who will then change policies and laws so that they have strong provisions on equality. Ultimately, a body of jurisprudence will be built to set precedence for the realisation of rights enshrined in Kenyan policies and laws.

Output 4: KHRC wants to reach out to the middle class, youth and school children. KHRC will target

doctors, teachers, the police, lawyers, among other professionals, and middle management in corporate entities. Many members of the middle class will continue to support the status quo unless they see a direct challenge to their well-being instead of acting in solidarity with poor, rural social movements.

As a growing constituency in Kenya, the middle class is increasingly holding political power. Due to their economic power and as a group that many Kenyans aspire towards, they also have influence that vastly outweighs their actual numbers. The middle class is greatly affected by and guilty of ethnic prejudice, stereotypes and discrimination. This needs to be addressed to ensure horizontal respect for human rights and peace.

KHRC believes that the middle class could be at the vanguard of re-building public institutions and implementing the new Constitution. To do this, there is a need to focus on creating a sizeable political constituency using intellectual logic to establish a firm grounding for human rights defence. The middle class is usually educated but not necessarily cognisant of human rights or ready to accept that they do not understand human rights. Therefore, KHRC needs to build the capacity of this group. Overall, the middle class will engage in action related to: a) consumer rights; b) leadership and integrity; c) rights based constitutionalism; and d) ethnicity.

KHRC has not effectively engaged with the youth (18-25 years), a constituency disillusioned by and angry about perceived or actual historical ethnic-based patronage and corruption. Coupled with the economic desperation faced by many youth, this has proved fertile ground for their recruitment into militias by politicians to perpetrate violence. KHRC will seek to engage youth so that they interrogate the roots of ethnic chauvinism. KHRC wants to bring youth together across ethnic lines to develop shared narratives through film that can then be disseminated through public shows, followed by debates. Overall the youth will engage in action related to tackling ethnic divisions.

Finally, KHRC will engage with school children. It is at this age that many children are forming their perceptions about their own and others

peoples' identities. KHRC conducted a Knowledge, Attitude and Practice (KAP) study that showed that children reflect and carry forward all the forms of discrimination that can be found in broader society. 12 per cent of research participants reported having a discussion about kicking another ethnic group out of their community. Most children involved in the research viewed people with disabilities with pity but did not imagine they could have capabilities or saw them as agents of their own destiny with equal rights. Perceptions of youth were that they lacked appropriate wisdom to be leaders and that children had no role in decision making within communities. In December 2011, the United Nations Declaration on Human Rights Education and Training was passed. This Declaration requires that all member states do more to teach Human Rights Education (HRE). Kenya's curricula for schools and teacher training are currently being reviewed. Efforts must be made to boost the existing HRE content to ensure that it is in line with the Constitution and promotes equality, cohesion and peace building. There is an opportunity to influence the education system so that when children leave primary education they do so as progressive individuals that will go on to demand equality and equity in every sphere of life. Children in Standard 6 and 7 will engage in action related to reducing inequality and discrimination based on: a) gender; b) disability; c) ethnicity; d) age; and e) class. Youth and children will be supported to develop leadership skills in order to spearhead these important equality-focused actions.

KHRC will build the capacity of these groups to undertake equality-motivated action, which will work towards ensuring involvement in political processes, recognition for and the protection of the rights of marginalised groups.

Output 5: LGBTIs in Kenya face routine discrimination, harassment and violence. Specifically, they are expelled from schools, lose jobs, and are forcibly evicted from housing. They are subject to frequent arrest and extortion by police and face physical and sexual assault at the hands of both police and other members of society. Service providers, for example in the health sector, are not necessarily well-informed about the issues faced by the LGBTI

community. Therefore, LGBTIs often have problems accessing services and information and lack family support.

Due to the stigma they face and fear, LGBTIs struggle to come out openly to address issues that affect them. At the same time stigma is so deeply entrenched that even those who identify as human rights defenders frequently discriminate against people from these groups.

Nevertheless, the time is ripe for change in Kenya. The Constitution formally enshrines adherence to the Bill of Rights and international human rights law. KHRC will work in solidarity with organisations focused on the rights of LGBTIs to take action to reduce stigma. The media will be engaged to demonstrate positive images of LGBTIs and to break down the negative stereotypes of LGBTIs as being promiscuous, sexually predatory and on the edge of society.

KHRC will also work to bring mainstream human rights organisations, faith-based organisations and progressive individuals into the struggle for equality for LGBTIs in order to achieve equality and equity for ALL Kenyans.

This programme is squarely anchored on the Constitution of Kenya 2010, which creates opportunities for addressing sites of marginalisation, such as age, disability and gender in order to reduce inequality.



A demonstration to the youth members of Kinango HURINET, Kwale County, how to engage using the mobile phone and the internet

Results Framework	Indicators	MoVs	Risks and Assumption
<p>Strategic Objective: Enhanced representation and participation of targeted marginalised groups in political governance.</p>	<ul style="list-style-type: none"> • Number and percentage of people from marginalised groups elected and appointed . • Number of people from marginalised groups holding office in political parties. • Affirmative action provisions in policies, Bills and legislation. • Number and percentage of people from marginalised groups with identity documents. • Number of people from marginalised groups who vote. 	<ul style="list-style-type: none"> • International Parliamentary Union, IEBC, country partners in African countries. • Party lists, policies, Bills and Acts in target countries. • Immigration offices in target countries. • IEBC 	<p>Risk</p> <ul style="list-style-type: none"> • Members of marginalised groups in power will be ostracised. <p>Assumptions</p> <ul style="list-style-type: none"> • Increased representation and participation of marginalised groups will reduce stigma and lead to increased respect for the rights of these groups.
<p>Output 1: Marginalised groups gain political positions and effectively represent the groups they are from once in office.</p>	<ul style="list-style-type: none"> • Number of people from marginalised groups vying for elective positions. • Number of people from marginalised groups appointed. • Statements made by elected and appointed people from marginalised groups that promote the rights of marginalised groups. • Instances of political leaders from marginalised groups ensuring the incorporation of the rights of the group they represent in the national agenda. 	<ul style="list-style-type: none"> • IEBC. • Country partners in Africa. • Hansard. • Mass media. • Policies, legislation, state action plans and budgets in target countries (Botswana, Kenya, South Sudan). 	<p>Risks</p> <ul style="list-style-type: none"> • Persistent prejudice will minimise election of people from marginalised groups. • Persons from marginalised groups vying for office may face violence and intimidation campaigns. • Persons from marginalised groups do not effectively represent the groups they are from once in office.

Results Framework	Indicators	MoVs	Risks and Assumption
<p>Output 2: Marginalised groups have citizenship and active suffrage rights.</p>	<ul style="list-style-type: none"> • Time taken for marginalised groups to get personal identification documents. • Number and percentage of people from marginalised groups who register to vote. 	<ul style="list-style-type: none"> • Registrar of persons. • Immigration offices. • IEBC and country partners. 	<p>Risks</p> <ul style="list-style-type: none"> • Insecurity in marginalised regions will hinder access to identity documents and voter registration. • Persons from marginalised groups opting to vote may face violence and intimidation during the voting period. • That issuing of identity cards and registration of voters will be inefficient. <p>Assumptions</p> <ul style="list-style-type: none"> • There will be a large number of people from marginalised groups seeking and getting identity documents and voters' cards. • People registered from marginalised groups will actually vote.

Results Framework	Indicators	MoVs	Risks and Assumption
<p>Output 3: Existence of comprehensive anti-discrimination law.</p>	<ul style="list-style-type: none"> • Actions taken by legislators and state actors which reflect the training received. • Statements of support made by legislators and state actors on KHRC recommendations. • Recommendations by KHRC in new policies and legislation. • Cases filed, preliminary rulings or judgements regarding new provisions. • Examples of how legal cases have affected people from marginalised groups. 	<ul style="list-style-type: none"> • Feedback from participants. • Minutes of meetings. • Policies, Bills and Acts. • Legal records. • Petitioners. 	<p>Risks</p> <ul style="list-style-type: none"> • Resistance by legislators to include Equality and Non-Discrimination provisions in policies and legislation. <p>Assumption</p> <ul style="list-style-type: none"> • Legislators will be proactive and supportive.
<p>Output 4: A more equitable ethno-regional distribution of resources and ethnically diverse representation and participation in political governance.</p>	<ul style="list-style-type: none"> • Percentage increase in targeted counties registering improved access to services. • Number of persons belonging to ethnic minorities entering public office. 	<ul style="list-style-type: none"> • KHRC baseline. • Report of follow-up with workshop participants. 	<p>Assumption</p> <ul style="list-style-type: none"> • Leadership in targeted counties will be receptive to partnering with KHRC. • Target groups will take action.
<p>Output 5: LGBTI persons are participating in public and democratic spaces.</p>	<ul style="list-style-type: none"> • Number of actions taken to reduce the stigma faced by the LGBTI community. • Attitude and practices of targeted individuals towards LGBTI individuals. 	<ul style="list-style-type: none"> • KHRC records. • KAP study amongst workshop participants 	<p>Risks</p> <ul style="list-style-type: none"> • LGBTI persons who openly state their sexuality or gender identity in anti-stigma campaigns face violence.

3.3 THEME THREE: ECONOMIC AND SOCIAL RIGHTS (ESR)

KHRC acknowledges that poverty is closely related to human rights violations and addressing it requires focus on economic rights and social justice. Agriculture has for long been said to be the backbone of Kenya's economy and the source of employment and livelihood for the majority of workers and small-scale farmers. It is, therefore noteworthy that KHRC's community-based partners are concerned that young male heads of household are increasingly unable to meet the basic needs of their families (food, education, health etc.). The resulting frustration is closely linked to unrest and violence not only within the family but also nationally as manifested through: youth unemployment; proliferation of militias; insecurity; migration of unskilled labour, including female workers to places where their rights as workers are not guaranteed; and decline in access to social services, such as education, health care and water. The majority poor and the marginalised are most vulnerable. KHRC will use its competency on economic rights and social justice to contribute towards improving livelihoods through access to rights and service delivery and trade justice through the two strategic objectives described below.

Strategic Objective 1: *Producers', workers', consumers' and host communities' rights protected.*

In 2000, KHRC published *Dying to be Free*, a report on human rights and social justice concerns in the Mwea rice scheme. The Constitution of Kenya 2010 provides new opportunities to address land ownership and water access concerns that still plague rice growing in Kenya, which KHRC will pursue through empowerment of farmers to claim their rights through litigation and other interventions.

In 2011, KHRC partnered with communities in Kakamega, Kuria and Nyando to produce and disseminate *Bitter Sweet* – a documentary on the plight of sugarcane farmers. Kenya's sugar sector is

also plagued with challenges manifested through the fallacy of a high demand for sugar and its by-products, on the one hand, and very low prices paid to sugarcane farmers who are unable to adequately provide basic needs for their families from cane proceeds, on the other. There is need to study and influence benefit-sharing not only between sugarcane producers, out-grower institutions and millers but also benefit-sharing within the family between male heads of household and women and youth. Further, KHRC's community-based partners have repeatedly expressed concerns about the declining profits to farmers and land acreage under coffee farming in Nyeri, Kiambu and other parts of the country. Why are profits to coffee producers in Kenya falling while the price of coffee in the international market is rising? Do women and youth benefit from Kenya's coffee industry? Is there a relationship between poverty, youth participation in militias and the effects of coffee trade? KHRC will support communities to undertake scientific research to answer these questions. From the findings and recommendations, it will develop an advocacy strategy aimed at influencing law, policy and practice in the coffee sector towards fair prices, producers' access to markets, improved livelihoods and social justice.

In view of the above, KHRC will study the value chains of select crops at local, regional and international levels with the aim of advancing the protection of producers' / farmers' rights in the sugarcane, coffee and rice sectors. This will include gaining an understanding of the factors that inform importation of goods, such as rice and sugar, which are grown locally and their pricing.

More recently, KHRC published *Wilting in Bloom* (2012) on the condition of flower sector workers and *Effect of Certification Standards on Workers' Human Rights* done jointly with SOMO. KHRC intends to follow up on the implementation for recommendations of these studies and specifically to support government and workers' organisations

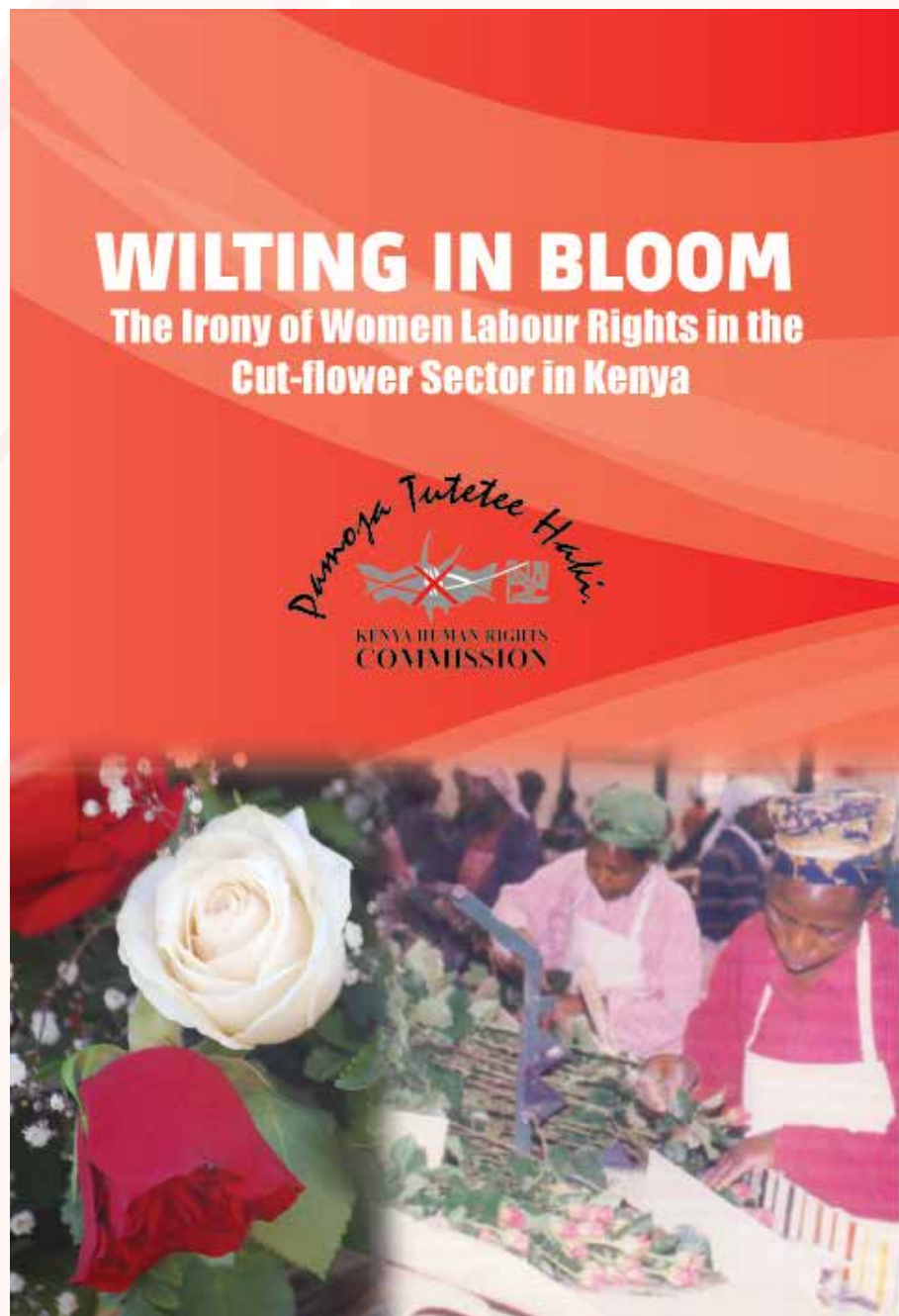
to arrive at a formula of determining whether the minimum wage in any sector supports a decent standard of living and ensures that the livelihoods of workers improve as profits and inflation rise.

A KHRC fact-finding mission to Barsa, Isiolo South, in 2009 established that communities in the area felt that they had not been duly consulted and involved in the authorisation of oil exploration in the area and feared that they would not benefit from any positive results. Kenya has since struck oil in two wells in Turkana County where it is expected that similar concerns will arise. Given similar experiences with Tiomin mining in Kwale, KHRC will work towards supporting the government to monitor, enact and enforce laws and policies on corporate social responsibility and accountability for human rights, environmental protection and social services among both local companies and multi-national corporations (MNCs).

Strategic Objective 2: *Improved accountability in service delivery leads to improved access to ESCR in select counties.*

KHRC has been involved in government monitoring work aimed at ensuring accountability in the use of public resources for improved access to economic and social rights (service delivery). This work has resulted in the publication of 2006: Haki Index and 2009: Harmonisation of Decentralised Financing in Kenya. Both studies were instrumental in shaping KHRC's advocacy for a devolved system of government in the constitution-making process and later influencing the formulation of devolution and public finance laws in 2011-12. KHRC will study fiscal decision-making processes as well as national, regional and

international influences on them in order to improve accountability and ensure that more people, and particularly the poor and marginalised, are able to access basic rights to water, education, health etc. through service delivery. From this process, KHRC will consolidate the best practices into a model formula for ensuring intra- and inter-county equity in service delivery, which includes the establishment of social protection mechanisms to ensure that the most vulnerable can still access basic rights and service delivery.



Wilting in Bloom, published in 2012

Results Framework	Indicators	Means of Verification	Risks and Assumptions
<p>Goal: Enhanced people-driven and human rights-centred governance at all levels.</p>	<ul style="list-style-type: none"> Percentage increase in access to select economic, social and cultural rights in select counties. Percentage increase in minimum wage and prices paid to producers. Workers, producers and host communities report improvement in livelihoods. 	<ul style="list-style-type: none"> Kenya Bureau of Statistics reports on county profiles on ESC national averages. Policies and laws. 	<ul style="list-style-type: none"> Select counties receive funding from national government and remain viable. Continued local and international market for Kenya's produce.
<p>Strategic Objective 1: Producers', workers', consumers' and host communities' rights protected.</p>	<ul style="list-style-type: none"> Number of provisions in trade agreements and laws that protect the rights and livelihoods of producers, workers, consumers and host communities. 	<ul style="list-style-type: none"> Trade agreements and laws. Hansard. 	<ul style="list-style-type: none"> Legislation will be human rights-based.
<p>Output 1: Fair formula for equitable benefit sharing along value chains of select Kenyan products</p>	<ul style="list-style-type: none"> Number of government policies that recognise and address trade justice as an economic rights and social justice / human rights issue. Proportionate distribution of benefits and risks across the value chain. Formula of benefit-sharing adopted into government policy and regulations. Number of producers paid in line with the adopted formula. Wage orders that support a decent standard of living for workers implemented. 	<ul style="list-style-type: none"> Survey reports on benefits-sharing and livelihoods. Government publications. Negotiated agreements 	<ul style="list-style-type: none"> There will be stability in international finance markets and transport systems. There will be improved international relations.

Results Framework	Indicators	Means of Verification	Risks and Assumptions
<p>Output 2: Improved access and competitiveness of select crops and products to local, regional and international markets.</p>	<ul style="list-style-type: none"> • Number of producers' organisations that formally and successfully articulate their interests to local, regional and international stakeholders . • Number of pro-worker and pro-producer provisions in trade agreement negotiations that are adopted. • Percentage increase of markets for select crops. • Number of farmers' organisations that consider venturing into value addition. 	<ul style="list-style-type: none"> • Government policy on trade. • Trade agreements. • Kenya National Bureau of Statistics reports. • Central Bank Economic Review reports (on trade statistics & balance of payments). • UNCTAD reports. • World Trade Organisation statistics. 	<ul style="list-style-type: none"> • Producers will see the benefit of uniting. • Producers' organisations of select crops will obtain funding for value addition.
<p>Output 3: Corporate accountability and responsibility for human rights, environmental protection, safe products and basic social services.</p>	<ul style="list-style-type: none"> • Number of KHRC recommendations on improvement of government capacity to monitor adherence to certification standards adopted. • International certification standards influence law and policy making at national and county level. • Number of targeted local companies and MNCs conforming with global accountability frameworks to implement minimum standards on human rights, environmental protection, safe produce and social services. 	<ul style="list-style-type: none"> • Certification standards. • Laws and regulations on environmental and consumer protection. • Government reports on human rights instruments signed. • Companies' procedures for handling human rights complaints. • Reports to Committee on ICESCR. • Environmental and Social Impact Assessment reports. 	<ul style="list-style-type: none"> • Adherence to certification standards.

Results Framework	Indicators	Means of Verification	Risks and Assumptions
<p>Strategic Objective 2: Improved accountability in service delivery leads to improved access to ESCRs in select counties in Kenya.</p>	<ul style="list-style-type: none"> Level of community access to specific ESC rights through service delivery (county and national average) in select counties. Number of selected counties whose access to services rises in comparison to the national average. 	<ul style="list-style-type: none"> Census report. Poverty indices. UNDP reports. Household surveys on health, water, education etc. 	<ul style="list-style-type: none"> There will be political stability and efficient transition to devolved government.
<p>Output 1: Informed citizens' participation, especially of marginalised groups, in fiscal decision-making at regional, national and county level.</p>	<ul style="list-style-type: none"> Number, nature and quality of citizen participation at constituency and county level budget preparation meetings. Number of projects / budget allocations addressing identified community priorities . Number of fiscal decision-making processes that facilitate citizen participation, especially of marginalised groups, in decision-making and budget- making processes. 	<ul style="list-style-type: none"> County profiles on access to rights / level of service delivery. Political Party manifestos – what party and aspirants committed to deliver. People's Manifesto and Scorecard Initiatives. County and national budgets. County and National Assembly Hansard. Reports of Finance Committee of National and County Assemblies. Reports of County Executive Committees. 	<ul style="list-style-type: none"> Devolved governments are financed as constitutionally provided.
<p>Output 2: Select county develops a model formula for equity in intra- and inter-county budgeting for priorities identified by communities .</p>	<ul style="list-style-type: none"> Number of KHRC recommendations that influence or are adopted into national and county budgeting processes and policies. Programme budgeting indicates increase in thematic allocations to ESC rights Number of effective social protection mechanisms implemented in the select county. Best practices from model formula replicated in other counties and at national level. 	<ul style="list-style-type: none"> County and national budgets. Peoples Manifestos and Scorecard Initiative. County and National Assembly Hansard. Finance Committee of National Assembly. Reports of County Executive Committees. 	<ul style="list-style-type: none"> Selected counties will be receptive of KHRC interventions. Freedom of information law will be enacted and enforced

3.4 THEME FOUR: INSTITUTIONAL DEVELOPMENT AND SUSTAINABILITY (IDS)

This theme seeks to address the following organisational and institutional issues.

- a) Organisational branding and profiling to ensure strong identity and correct attribution.
- b) Management information systems to reduce time wasted in efforts at reconciling fragmented information.
- c) Flexibility in the context of changing political and economic realities.
- d) Over-reliance on donor funding.
- e) Short term (annual) operational planning, which limits the capacity to mobilise resources and make longer term interventions as espoused in the strategic plan.
- f) Adherence to organisational values and ethics.
- g) Expanded programmes which require additional human resources.
- h) Institutionalisation of the M & E system.

The strategic objective of this thematic area is: *A well-resourced and self-sustaining KHRC that delivers on its mandate.*

Under this theme, KHRC plans to effectively boost its capacities by mobilising and utilising the requisite human, financial and material resources to ensure that it impeccably meets all the targets set out in the strategic plan and operational documents. These achievements will be benchmarked against four core outputs as outlined in the log frame below.

Results Framework	Indicators	Means of Verification	Risks & Assumptions
<p>Goal: Enhanced people-driven and human rights-centred governance at all levels</p>	<ul style="list-style-type: none"> • Percentage of resources (financial, human and material) mobilised and utilised against the strategic plan and operational plans. • Level of improvement on organisational culture and M/E system. • Level and extent of improvement in the organisational financial and information system. • Quality and quantity of references and recognition of KHRC's work. 	<ul style="list-style-type: none"> • Periodical reports on finances and programmes. • KAP study. • M/E Plan / Manual • Financial and IMIS system. • Media and stakeholder reports. 	<ul style="list-style-type: none"> • Support from partners • Cooperation by staff on organisational culture and M/E system • Support and re-organisation from stakeholders.

Results Framework	Indicators	Means of Verification	Risks & Assumptions
<p>Strategic Objective: A well-resourced and self-sustaining KHRC that delivers on its mandate.</p>	<ul style="list-style-type: none"> Percentage of the post-2018 strategic plan funded. Percentage of projects that have been successfully implemented Full staff establishment. Functional and adequate equipment. 	<ul style="list-style-type: none"> Agreements with funding partners. Financial reports. 	<p>Assumptions</p> <ul style="list-style-type: none"> The regulatory framework for CSOs will continue to allow them to receive funding from multiple legal sources. There will be political and economic stability in Kenya. The global economic and political environment will be stable. Resources for investment will be available.
<p>Output 1: A comprehensive 5- year sustainability plan developed and secured.</p>	<ul style="list-style-type: none"> Percentage of all planned project costs and overheads funded. At least 5 per cent of KHRC’s funding is self-generated. 	<ul style="list-style-type: none"> Funding proposals. Contracts with funding partners. Investment plan. 2-year operation plans. Financial and programme progress reports. Fixed asset register. 	<p>Assumptions</p> <ul style="list-style-type: none"> A responsive regulatory framework for CSOs in Kenya There will be political and economic stability in Kenya. The global economic and political environment will be stable. Donor funding conditions and strategy remain favourable.
<p>Output 2: KHRC recognised as a well-established and accountable reference point on human rights</p>	<ul style="list-style-type: none"> Percentage of KHRC successes correctly attributed in the media and other circles. An efficient, responsive and institutionalised M&E system. Availability and accessibility of organisational documents . Number of references and referrals made to and about KHRC. 	<ul style="list-style-type: none"> Media reports. Hansard. Reports from other institutions. M & E manual. Correspondence with stakeholders. Periodical reports. KHRC website. M&E and survey reports. Donor feedback. 	<p>Assumption</p> <ul style="list-style-type: none"> There will be support from stakeholders across the board.

Results Framework	Indicators	Means of Verification	Risks & Assumptions
<p>Output 3: An integrated and efficient information system.</p>	<ul style="list-style-type: none"> All relevant processes and systems updated, simplified and automated. 100% successful repulsion of attacks. Minimal disruption of work. 	<ul style="list-style-type: none"> System logs. Financial reports. Contracts with system vendors. ICT audit reports. Accounting reports. Resource Centre reports. 	<p>Risks</p> <ul style="list-style-type: none"> Hackers may develop new intrusion techniques that current technology cannot detect. <p>Assumptions</p> <ul style="list-style-type: none"> There will be adequate resources. Systems required will be available in the market.
<p>Output 4: Adequate human resource that is highly skilled and motivated.</p>	<ul style="list-style-type: none"> Percentage of human resources trained and who apply the training. Percentage of staff that are committed and result- oriented. 	<ul style="list-style-type: none"> Staff development matrix. Competence matrix. Periodic performance reports. Satisfaction surveys and reports . Job evaluation reports. Market surveys. Retention resulting from staff satisfaction . 	<p>Assumptions</p> <ul style="list-style-type: none"> Adequate funding will be available. Required skills will be available in the market.

4.0 RISKS, ASSUMPTIONS AND MITIGATION MEASURES

The key risks and assumptions underpinning this plan are plotted on this table and along them relevant mitigation measures using the Political, Economic, Social, Technological, Legal and Environmental (PESTLE) paradigm.

Aspect	Risks	Assumptions	Mitigation Measures
Political	<ul style="list-style-type: none"> • ICC accused persons are elected as President and Deputy President • Hostility towards civil society; • Shrinking civic space exemplified by hostile regulatory frameworks; • Hostility towards some development partners; and • Increased insecurity 	<ul style="list-style-type: none"> • There will be improved international relations. • The government of Kenya supports the ICC trials of suspected perpetrators of PEV. 	<ul style="list-style-type: none"> • Public Interest Litigation to demand release of TJRC report. • Map security sector preparedness and advocate for improvements. • Campaign for clean/ethical leadership. • Support and partner with relevant state and non-state actors on vetting candidates for public office. • Identify international and regional allies.
	<ul style="list-style-type: none"> • Non-cooperation by relevant state and non-state actors in countries targeted for regional and global work. • Resistance to external assistance in countries for regional and global work. 	<ul style="list-style-type: none"> • Cooperation by relevant state and non-state actors in target countries. • Selected countries will be receptive of KHRC interventions. 	<ul style="list-style-type: none"> • Identify alternative partners and countries. • Identify strong partners. • Needs assessments and baselines in each country.
	<ul style="list-style-type: none"> • Political instability in Kenya and in target countries. 	<ul style="list-style-type: none"> • There will be political and economic stability in Kenya and target countries. • The regional structures in the EAC will support and advance human rights agenda. • Regional conflicts in the region do not escalate into full blown war. 	<ul style="list-style-type: none"> • Work closely with the UN and AU mechanisms and use international instruments for advocacy.
	<ul style="list-style-type: none"> • Hostility towards transitional justice and observation and monitoring of electoral processes in target countries, especially by incumbent regimes. 	<ul style="list-style-type: none"> • An environment for constitutional reform exists within target countries. • The select countries will allow observation and monitoring of their electoral processes. • Selected counties will be receptive of KHRC interventions. 	<ul style="list-style-type: none"> • Identify alternative partners and countries. • Identify strong partners. • Needs assessments and baselines in each country.

Aspect	Risks	Assumptions	Mitigation Measures
Political	<ul style="list-style-type: none"> Persons from marginalised groups vying for office may face violence and intimidation during campaigns. Insecurity in marginalised regions will hinder access to identity documents and voter registration. 	<ul style="list-style-type: none"> Issuing of identity cards and registration of voters will be efficient. There will be a large number of people from marginalised groups seeking and getting identity documents and voters' cards. People registered from marginalised groups will actually vote. 	<ul style="list-style-type: none"> Election monitoring in partnership with NCIC and IEBC etc. Advocate for linkages between electoral bodies and security sector. Work with NCIC, IEBC and Ministry of Immigration. Advocate for the Ministry of Immigration to that are uncollected and contact those who haven't collected theirs.
	<ul style="list-style-type: none"> On-going institutional reforms may be halted by mischievous litigation. 	<ul style="list-style-type: none"> There will be efficient transition to devolved government. The government elected will respect human rights and constitutionalism. 	<ul style="list-style-type: none"> Effectively partner with human rights defenders. Support HURINETS to establish strong networks of human rights defenders at community level.
Economic	<ul style="list-style-type: none"> Withdrawal/reduction in donor funding. Economic sanctions leading to increased poverty and recession. Rising inflation - food prices and cost of living Increased gap between rich and poor leading to increased violence. Government non-compliance with service delivery commitments e.g. Maputo and Abuja declarations, EFA etc. 	<ul style="list-style-type: none"> Global policies towards third world countries and human rights work remain positive. There will be economic stability in Kenya. Donor funding conditions remain favourable. There will be stability in international finance markets and transport systems. Devolved governments are financed as constitutionally provided. Producers' organisations of select crops will obtain funding for value addition. There will be adequate resources to kick-start KHRC's investment plans. International efforts against corruption and impunity are sustained. 	<ul style="list-style-type: none"> Advocate for government to undertake pro-people trade negotiations. Advocate for pro-people social and economic policies. Advocate for pro-people sanctions targeting individuals not the country. Diversify sources of income. e.g. partner with publishers Partner with the private sector in campaigns for ethical leadership. Build KHRC capacity in understanding corruption as a human rights violation (investigation processes etc.). Immediate PIL to compel government compliance with ESCR commitments in regional and international instruments. Civic education that links governance to economic rights and addresses inequality and discrimination.

Aspect	Risks	Assumptions	Mitigation Measures
Social	<ul style="list-style-type: none"> There may be dissatisfaction or non-cooperation by victims of human rights violations with the transitional justice processes. Members of marginalised groups in power will be ostracised. Persistent prejudice will minimise election of people from marginalised groups. Actions by target groups may create civil unrest. 	<ul style="list-style-type: none"> Increased representation and participation of marginalised groups will reduce stigma and lead to increased respect for the rights of these groups. Target groups will take action. Producers will see the benefit of uniting. The middle class actively joins in human rights struggles. Public vigilance over and demand for their rights is strengthened. 	<ul style="list-style-type: none"> Establish better guarantees for victims of human rights violations to participate in the pursuit of justice e.g. through establishment of witness protection programmes. Conduct campaigns aimed at showing that marginalised groups can be effective leaders if given a chance and opportunity to lead. Use the court system to launch PIL cases in defence of marginalised or minority groups whose rights are violated. Consistent messaging particularly in local languages (media) aimed at saturation with key messages. Address barriers to suffrage (youth IDs and voter registration).
Technological	<ul style="list-style-type: none"> Hackers may develop new intrusion techniques that current technology cannot detect. 	<ul style="list-style-type: none"> Technological systems required will be available in the market. Required skills will be available in the market. Sufficient technical assistance and networking with relevant Ford Global partners. 	<ul style="list-style-type: none"> KHRC will network with relevant global partners in ICT to keep abreast of the most modern firewalls. KHRC will employ sufficient technical assistance.
Legal	<ul style="list-style-type: none"> Resistance by legislators to include equality and non-discrimination provisions in policies and legislation. The legislature may roll back gains in the 2010 Constitution through retrogressive legislation and amendments. Resistance by legislators to include Equality and Non Discrimination provisions in policies and legislation. 	<ul style="list-style-type: none"> Legislation will be human rights- based. Legislators will be proactive and supportive of END provisions. Freedom of information law will be enacted and enforced. Select countries will either establish or support ongoing transitional justice processes. Kenya's membership in the UN's Human Rights Council leads to improved respect for human rights and reporting on human rights obligations. 	<ul style="list-style-type: none"> Move to court in respect of any equality and non-discrimination legislation that is required. Engage in public education and campaigns for legislation supporting END. Engage in public awareness campaigns about the END provisions and why they are important . Institute PIL to have any retrogressive legislation repealed on the basis that it is unconstitutional.

Aspect	Risks	Assumptions	Mitigation Measures
Environmental	<ul style="list-style-type: none"> • Environmental issues may continue being given a peripheral focus within the human rights discourse and by state actors. • Powerful economic or political interests may bribe their way out of tough environmental regulatory measures and hence continue with their polluting habits. 	<ul style="list-style-type: none"> • There will be a change of attitude towards environmental rights and hence a more robust approach to promoting the rights. • There will be better enforcement of environmental laws where these exist and the enactment of the same where none exists. • Environmental management authorities will not be captive to powerful economic or political interests. 	<ul style="list-style-type: none"> • Make environmental rights mainstream by highlighting the negative consequences of environmental degradation • Lobby for Ethics and Anti-Corruption Commission to monitor the activities of environmental agencies like NEMA to ensure that they do not permit environmental degradation through corruption.

5.0 MONITORING AND EVALUATION FRAMEWORK

5.1 Approaches

KHRC will use three approaches to monitoring and evaluation (M&E) as described below.

5.1.1 Results-Based Management (RBM)

RBM helps KHRC to identify the results of its work and is integrated into the project cycle using logical models of reality. It helps KHRC see results at different levels, namely: Goal, Outcomes and Outputs.

5.1.2 Most Significant Change (MSC)

Through MSC stories, KHRC can see changes which may or may not be positive. It is most exciting when the changes collected instigate debate and learning. Sometimes examples of changes which aren't entirely positive can be the most instructive in understanding what doesn't work and, therefore, what needs to be changed in an intervention. MSC stories that are positive can also be great promotional materials.

Five of the stories will be chosen by a panel within KHRC. These stories and the reasons for their selection (which will be documented) will be shared with KHRC's donors and partner HURINETs who will select the top three and document the reasons for their choice. This will help KHRC to understand its impact and the changes most valued by itself, its partners and why.

5.1.3 Power Analysis

KHRC embraces power analysis as a useful approach. All staff and our human rights network partners have received basic training on human rights-based approaches and concepts of power and its exercise.

The widely recognised four types of power (power with, within, to and over) are integrated into KHRC's internal quarterly reporting format as a way of considering results.

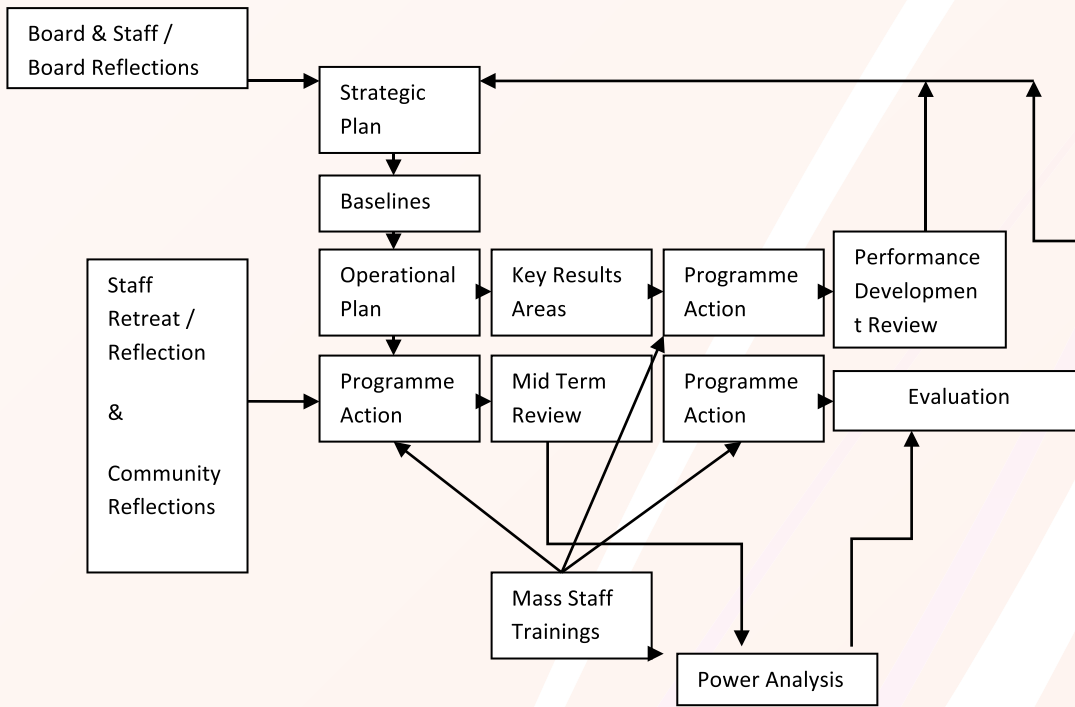
Power analysis is also part of the MSC method. The top three MSC stories will be subjected to a deeper analysis of the power dynamics that were addressed and how such positive change can be achieved. Specifically, power relations will be analysed through data collected from key informant interviews with the leadership of relevant HURINETs and the duty bearers that they claim to have changed.

5.2 Roles and Responsibilities

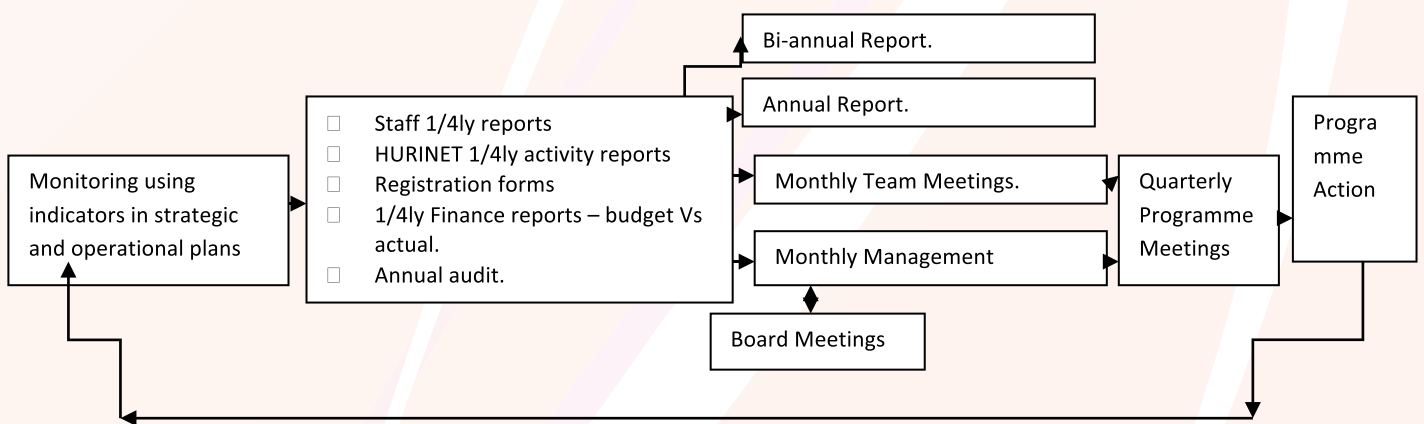
The levels of responsibility and specific monitoring and evaluation tasks are tabulated below.

	Actor	Responsibilities
1	HURINETs	<ul style="list-style-type: none"> Collect and document stories of MSC and submit to KHRC. Vote on the top three stories of MSC. Use the registration forms and quarterly activity reports to document participation in and results from their activities and submit to KHRC via the extranet. Complete at the end of the strategic period KHRC's downwards accountability questionnaire to feed into KHRC's mid-term reviews (MTRs) and evaluations. Participate in community reflections in order to review their performance and feed into KHRC's planning.
2	Programme Officers	<ul style="list-style-type: none"> Participate in strategic and operational planning and all learning activities. Facilitate and document community reflections. With partners collect data for the indicators. Provide quarterly reports by the 5th of July, 5th of October and 5th of April to their supervisor and the Deputy Director.
3	Senior Programme Officers	<ul style="list-style-type: none"> Facilitate monthly team meetings and provide updates on progress for the teams they supervise. Tender for, contract and supervise any external M&E consultants. Conduct annual performance development review meetings with each programme officer supervised and agree key results areas. Ensure clear organisational and programmatic log frames during strategic planning. Draw together a bi-annual and annual report for their programme.
4	Senior Programme Officer - M&E	<ul style="list-style-type: none"> Arrange mass staff trainings and conduct the power analysis. Tender for, contract and facilitate consultants for the operational planning, evaluation of last strategic period and strategic planning.
5	Deputy Executive Director	<ul style="list-style-type: none"> Facilitate programme meetings. Draw together reports from each programme area into a bi-annual and annual organisational report. Consolidate programmatic operational plans into one. Ensure management feedback on evaluations and allocate clear responsibilities for imple
6	Executive Director and Board	<ul style="list-style-type: none"> Monitor and advise KHRC to ensure that it follows its strategic direction and achieves desired results.

Programme Cycle (Planning, Action, Learning)



Monitoring, Learning and Action Cycle



5.3.1 Planning

KHRC's planning is linked to its learning, monitoring and reporting processes. All the learning processes will feed into KHRC's strategic and operational planning.

Strategic plans will cover a five-year period starting in the month of April and ending in March. The process will begin five months before the end of the strategic period i.e. 1 November. It will follow the evaluation of the last strategic period. KHRC's board and staff will come together for two days to: review the evaluation of the last strategic period; conduct a political economy analysis; carry out a visioning exercise; and agree to the organisational vision, mission and core values. The political economy analysis will use a power cube to consider the faces, spaces and places of power and how these affect the changes that KHRC wants to see. Incentives, relationships and the distribution of power will be considered alongside the formal and informal 'rules of the game.'

Following this initial stage, KHRC's board and staff will agree on a Theory of Change (ToC) which asks questions about why KHRC expects certain interventions to bring about the envisaged outcomes. The development of a ToC will involve questioning assumptions about how the change process will unfold and help KHRC to be clear about how it selects outcomes to focus on. Each outcome in the ToC will act as a goal for a KHRC programme. A log frame will then be developed by each programme. In this way the organisational log frame and the programmatic log frames will interlock.

Operational plans will cover a two-year period. They will be developed three months prior to the end of the previous plan i.e. in December. They will contribute towards the achievement of the strategic plan and programmatic log frames. Operational planning will involve: internal and external context analysis; development of plans for each programme;

and a clear budget clearly linked to project activities and outputs.

Each programme will have an overall objective which will reflect the outcomes in the strategic plan and a maximum of four outcomes. Once the operational plans are agreed, key result areas (KRAs) will be developed to ensure staff work towards and are monitored on the achievement of planned outputs and outcomes through performance development reviews.

KHRC will use logical models, problem and objective trees, results chains, indicators and risk analysis in planning.

5.3.2 Learning

Learning is essential so that KHRC can outline the difference it has made, how it has made it and how to improve it for better human rights results. Learning is also essential to avoid the same mistakes. The following mechanisms will facilitate learning.

A) Baselines

KHRC has already developed three baselines. The Human Rights Violations in Kenya (2005- 2010) compiles KHRC's Bi-annual Human Rights Report (10 publications) from July 2005 to June 2010. It gives the status of human rights in Kenya by the time of the promulgation of the Constitution of Kenya in 2010. The baseline looks at the volume of human rights violations and who the perpetrators and survivors were. It will be reviewed every five years to see whether there has been a change. The next review is due in June 2015.

The Equality Mainstreaming (2012) analyses data gathered from staff regarding: staff expertise; funding allocated to equality programmes and mainstreaming; organisational materials and communications; organisational culture; policy; linkages to external equality partners; participation; the project cycle; equality of representation at different levels of the organisation; and work place

discrimination. An equality mainstreaming review will be conducted annually in January to ascertain change from the baseline and to adjust the equality mainstreaming process accordingly. The next review is due in January 2015.

The Equality Knowledge, Attitudes and Practices baseline (2012) was conducted in 12 target schools regarding five types of discrimination (age, disability, gender, ethnicity and wealth status). A review will be conducted every year. However, as the project is just getting off the ground, extra time will be given before the first review which will be due in September 2013.

In addition, the following baselines will also be conducted in the first half of 2014:

1. Civil and Political Rights Programme.
2. Equality and Non-Discrimination Programme.
3. Economic and Social Rights Programme.
4. Downwards Accountability.
5. People's Manifestos.

The results will set a baseline for each KHRC programme. The indicators in the programme log frames will be used for these baselines. A review will be conducted at the end of the strategic period as part of the evaluation.

The Downwards Accountability baseline will assess KHRC's performance in terms of:

- 1) Providing information publicly (transparency);
- 2) Involving people in making decisions (rights holder participation);
- 3) Listening (feedback and complaints procedures); and
- 4) Staff competencies, attitudes and behaviour.

A review will be conducted at the end of the strategic period. The People's Manifestos baseline will use the standard national indicators that will have been identified by duty bearers and rights holders in target counties across Kenya. Change will be measured

throughout the government tenure as part of the Score Card Initiative.

B) Mid-Term Reviews

The unit of analysis for mid-term reviews (MTRs) will be programmes. The overall purpose will be to understand to what extent KHRC is responding to identified needs (practical and strategic) and how it can improve its performance. MTRs will also have a central focus on whether programmatic outputs have been delivered and planned outcomes achieved. The MTR includes collection and documentation of stories of MSC. They will focus more on outputs and outcomes at programme level but may show early indications of impact. MTRs will be conducted half way through the strategic period. The next MTR will therefore be completed by September 2016.

Projects that fall within or run across KHRC programmes will be reviewed when requested by the donor.

C) Power Analysis

In the year immediately following the MTR, KHRC will develop a short publication entitled 'Significant Change in Power Relations.' The three MSC stories with the most votes will be researched in-depth. Specifically, the following will be documented in detail: what the MSC is; who and how many benefited; what and where was the problem; how the change came about through the networks' actions; who else contributed; and when the change happened. The report will explain why different stakeholders (KHRC staff, donors, HURINETs and the affected community) think this change is important and what power issues were overcome and how. The responsiveness of, and commitments and actions made, by duty bearers as a result of the project will be documented. Data will be gathered through key informant interviews with the leaders of the relevant HURINETs and the duty bearers who have been influenced or changed. Once the above is complete, KHRC will hold a meeting to discuss what has been learnt and how the power analysis process could be improved.

D) Reflections

Community planning and reflections, board meetings, joint staff-board retreat and a staff retreat will help to maintain the organisation’s direction and relevance at the micro, meso and macro levels. These reflections will ensure that KHRC is supporting citizen’s rights demands and grasping opportunities as they arise. The board meetings and staff-board meetings will feed into the strategic planning.

Annual community reflections will bring together HURINET representatives for each programme objective. They will be held in May each year in Nairobi and will primarily be to share KHRC’s plans for the coming year and discuss exactly how to work with different partners.

On years when operational planning is to take place, community reflections will also be held in November. They will look back over the last year and consider: what worked well, what didn’t work well, why, how challenges were overcome and what should be done differently in the coming year. Each network will also

develop its own organisational plans for the year. Community reflections and staff retreats will feed into KHRC’s operational planning in December.

E) Team, Programme and Management Meetings

Team meetings will be convened monthly by Senior Programme Officers to ensure that KHRC is on track with regard to outputs and finances and to agree how to adjust programmes for better results in light of new information. Specifically, these meetings will consider: 1) progress against activity timelines; and 2) explanation of variance between budget, income and expenditure.

Programme meetings will be held each quarter (July, October, January and March) for management, staff and interns to communicate information from the board and management. Each programme team will share specific challenges and joint solutions agreed. Programme meetings will be the forums where the findings of baselines, reviews or evaluation reports will be discussed and any related necessary changes of approach agreed.



Some Hurinet members join KHRC staff and other CSOs in a human rights violations monitoring training organized by GIZ

F) Performance, Development Review (PDR) Meetings

Each KHRC staff member and committee will have annual key results drawn from the OP. Each year in May staff will participate in a PDR meeting to look at whether outputs and outcomes are being achieved. Staff development requirements to improve the achievement of organisational results will be discussed.

G) Mass Trainings

Each year there will be standard training for all staff. The priority training will be derived from job evaluation, equality mainstreaming review and discussions during operational planning. The training will offer an opportunity to debate changing contexts and approaches to specific areas of work.

H) Evaluations

Six months before the end of a strategic period, an external evaluation will be conducted (i.e. 1st October) primarily to consider to what extent KHRC has contributed to the achievement of results highlighted in the organisational and programme log frames. The evaluation may also show any early indications of impact at organisational level. In addition, effectiveness in terms of achievement of outputs will be assessed. Recommendations from this evaluation will help in the development of the subsequent strategic plan. Evaluations for projects funded by specific donors will also be conducted when required.

Prior to conducting an evaluation, KHRC will state clearly in writing the purpose of the evaluation and the target audiences. There will be a management response to the recommendations of evaluations. Action points will be formulated in a matrix with clearly allotted responsibilities to ensure full implementation and accountability. The evaluation, management response and implementation matrix will be discussed at the programme meeting immediately after their development.

5.3.3 Monitoring

KHRC has indicators that it monitors at strategic and operational levels. KHRC programme officers are responsible for collecting data on indicators with HURINETs. Details of means of verification, frequency of data collection and exactly which staff member is responsible for collecting what data is clearly highlighted in the strategic and operational plans.

5.3.4 Reporting and Knowledge Management

Baseline reports, reviews and evaluations will be produced when required. For internal monitoring, staff produce quarterly reports. Reporting will be done through the intranet. To ensure reporting against the indicators in the strategic and operational plan, there will be indicator drop downs against which the baseline and current value of the indicator must be given. Event evaluations, feedback and registration forms will be uploadable to the system. For external reporting, HURINETs will



A group session in strategic planning

submit activity reports, quarterly activity reports, registration forms and MSC stories through the extranet. This will ensure that all data is captured on a quarterly basis and that all MSC stories are consolidated in one place without the need for a KHRC staff member to travel to each region to collect stories.

At mid-term of the strategic period, a MSC report will be produced. The following year, a 'significant change in power relations' analysis of the three MSC stories will be published. The MSC reports will be shared with HURINETs, donors and peers.

Bi-annual donor round tables will be organised and related reports produced for donors. An annual narrative and financial report will be produced and shared with all donors and partner HURINETs in hard copy. KHRC will make the following documents available on its website:

- Organisational structure (governance, staff, responsibilities & contacts).
- Strategic plan.
- Operational plan.
- Current year budget (direct and indirect costs).
- Bi-annual progress reports.
- Annual report.
- Complaints handling procedure.
- Research reports.



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