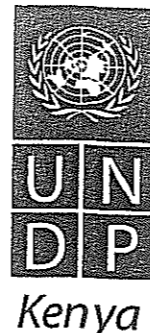


file copy



ATLAS 00036888

2 June 2006

Your Excellency,

Subject: Support to Human Rights, NCEP II, Referendum, and APRM

Reference is made to the agreement between Sida and UNDP signed 1 October 2004 with later amendments.

Kindly find enclosed the progress report for activities supported in 2005 within the framework of the agreement. The activities for 2005 included support to the promotion and protection of human rights through civil society organisations, civic education through the National Civic Education Programme phase II (NCEP II), promotion and mainstreaming disabilities issues in national development, preparation of the Country Self-Assessment Report of the Republic of Kenya under the Africa Peer Review Mechanism (APRM), and support to the conduction of a free and fair referendum on the proposed new constitution.

I wish to reaffirm UNDP's commitment to pursue, on behalf of Sweden, the agreed support to human rights and civic education. We look forward to a continued successful collaboration.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Paul Andre de la Porte'.

Paul Andre de la Porte  
Resident Representative

Mr. Bo Goransson  
Ambassador  
Embassy of Sweden  
Lion Place, Nairobi

**UNDP Managed Sida funds for  
Human Rights and Civic Education  
Progress Report 2005**

---

***Background***

Reference is made to the agreement between Sida and UNDP Kenya signed 1 October 2004 with later amendments regarding support to activities and partners in the area of human rights and civic education. The purpose of this report is to account for activities in 2005 within the framework of this agreement.

The report comprises of undertakings of the Legal Resources Foundation (LRF), Kenya Human Rights Commission (KHRC), Kenyan Section of the International Commission of Jurist (ICJ-K), People Against Torture (PAT), Release Political Prisoners (RPP), Action Aid Kenya (AAK), National Council for Persons with Disabilities under the Ministry of gender, as well as activities under the National Civic Education Programme II (NCEP II), Africa Peer Review Mechanism (APRM) and support to the conduction of a free and fair referendum in year 2005.

***Status of Disbursements in 2005***

The lengthy negotiation process between different parties led to late finalisation of contractual arrangements with partners. UNDP did not therefore disburse funds to partners in 2004 as initially planned. The contract were however, amended to account for retroactive activities starting from April 2004 and funds for this purpose were disbursed early 2005. The budget was revised to reflect this situation. Below is an overview for disbursement of Sida funds through UNDP in 2005:

ATLAS	Organisation/Project	Disbursement (USD)
43058	Kenya Human Rights Commission - Strategic Plan	318,653
43059	ICJ Kenya – Putting Communities to Rights	228,324
43060	Legal Resource Foundation – Access to Rights	181,677
43061	Release Political Prisoners – Civic Education	57,133
43062	People Against Torture – Torture Reduction	28,570
45516	Mainstreaming Disabilities	48,109
45284	Action Aid – Poverty Reduction	103,335
47211	ICJ Kenya – Administration of Justice	52,500
47017	Support to a Free and Fair Referendum	761,084
43223	NCEP II	1,066,433
39383	Africa Peer Review of Kenya	460,304
40281	UNDP capacity support (UNV, Monitoring)	14,288
	<b>TOTAL</b>	<b>3,320,410</b>

## *Status of Activities in 2005*

---

### *43058:KHRC – Strategic Plan*

The organisation, unlike other organisations, receives half-yearly disbursements and accounts back in a holistic way. They make a general accounting, incorporating all work done with contributions from all the donors funding the organisation. The mid-year report is usually a draft report, which upon finalisation, becomes the final report and it is posted to all the donors during their annual donor round table meeting each April. This arrangement was arrived at prior to the organisation's transfer to UNDP. As facilitators, we have identified various challenges. Due to the nature of their reporting, we are not able to determine the amount and nature of work being undertaken by the organisation with Sida funding, hence we are not in a position to accurately account to Sida.

The joint donor funds (hereunder Sida funds) contributed towards the achievement of the following identified milestones (outputs):

- a) The adherence to human rights and democratic values in school governance structures and practices. School based activities included school support visits, reflection with school communities and the outcomes realised with these were among others, the visible engagement of schools participating in the KHRC Human Rights Schools in reforming identified governance areas, 400 students entering the Human Rights and Schools Competition. KHRC's ultimate aim is to link these inter-school activities to their Education Advocacy and Outreach.
- b) Internships. For internships, activities included the recruitment of the interns and assigning them work at KHRC, conduction of exit interviews for applicants for internships and outcomes of this were; the improved pace of project implementation at KHRC, KHRC becoming one of the leading training organisations for young professionals, engagement of community interns at the KHRC to promote and support Human Rights work in their regions. KHRC is hoping that this will lead to the formation of the alumni for all the former KHRC interns. KHRC and other human rights organisations could in future, turn to this data where need arises, for technical experts in human rights work.
- c) Mau Mau Reparations and Recognition. Activities conducted included the launch of the Mau Mau Reparations Fund, Consultative Meetings with Stakeholders in Mau Mau Reparations and Publicity Campaigns, Validation of the Statements from the Mau Mau veterans. KHRC hope that this will broaden the view on the Mau Mau issues.
- d) Production of the Mizizi. The Mizizi magazine, this a newsletter, highlighting human rights issues, there were several publications as well as the community editorials and this contributed to increased engagements with communities as well as an increased awareness of the Human Rights struggle in Kenya hence, more commitment from Human Rights crusaders. KHRC hopes to ensure that there is more community participation in the publication and this is aimed at ensuring that communities own and control the newsletter. This is being undertaken through the establishment of the editorial teams from communities.
- e) Internally Displaced Persons. There was the undertaking of the Internally Displaced Persons (IDPs) public accountability forums and the International Human Rights Day activity, harmonisation of IDPs inventory among others and this lead to the improved accurate inventory of IDPs in Kenya, the networking of 30 members of the IDPs

involved in reflection and planning for the national engagement. KHRC hopes that this will lead to the resettling of the IDPs.

***43060: Legal Resources Foundation (LRF) – Access to Justice***

LRF signed an Annual Work Plan with UNDP early 2005 for the period January to December 2005. The Annual Work Plan includes activities for PASUNE and GJLOS networking meetings. The envisioned outcome of the project is to enhance accessibility of justice for the marginalized. The outcome was to be achieved through human rights education, research and policy advocacy. The following activities were undertaken in to achieve the outcome:

- a) Human Rights and legal education and awareness sessions: Under this four trainings workshops were conducted in Kinoo, Makuyu and Yatta. The training was for all the paralegals in respective locations. Prior to this, a mapping workshop for the said paralegals had been held to identify their areas of weaknesses. This was necessary for the enhancements of their deliveries. Trainings have assisted in the creation of a repository of human rights workers and they are assisting their communities to access justice through their administration of basic legal aid, and their referrals of complex issues to LRF.
- b) Legal Aid Clinics: 9 legal aid clinics and awareness sessions were held within year 2005. The sessions were held in Masinga, Ndithini, Kinoo, Makuyu and Yatta. The aim of these sessions was to empower individuals to use the law, legal processes and procedures to address their needs and concerns. Volunteer lawyers are used to administer this service at the clinics and LRF has embarked on establishing a pro bono lawyers scheme in order to sustain this endeavour.
- c) Mass Communication Programmes on Radio and TV: In order to create a critical mass of persons who are aware of their rights, LRF has made use of the electronic media, especially the radio, for the purposes of conducting Legal and Human Rights Education. The emphasis of the radio programmes has been on general human rights issues but somewhere along the line, with the publication of the New Proposed New Constitution and subsequent referendum, it became necessary to educate the public on the comments of the draft constitution in order to build their capacities to make informed decision. A total of 92 programmes were aired in KBC, a national wide radio station. This was done in such vernaculars as Kikuyu, Kikamba, and Masaa and also in the English service.
- d) Legal advice: This is a component, which LRF has been implementing for a long time now and in 2005, the organisation continued to give the much-needed legal aid to clients in both Machakos and Kiambu districts. This was however overwhelming considering that LRF does not have a legal aid fund hence, majority of the cases were referred to organisations offering this services and this is a major draw back as majority of organisations with litigation fund are also overwhelmed. These are partners such as FIDA Cradle, Kituo Cha Sheria as well as practising lawyers, willing to volunteer their time and services to LRF's clients.
- e) Production of Information, Education and communication Materials: During the year 2005, LRF published materials on human rights as an education strategy. The materials were in form of posters, booklets, magazines as well as manuals. Two copies of a Kikamba newsletter, 'ui ni utonyi' (Knowledge is power) were published. They educate on human rights in relation to development and other contemporary issues in society. The magazine is sold to community members and the proceeds are used as a

sustainability strategy, for the paralegals that sell them. With the little money, they are able to move within their district to administer support. About 200 people were reached and assisted by the paralegals on monthly basis.

- f) Regional networking has been achieved by LRF through engagements in PASUNE. Under the PASUNE, a training manual has been developed and launched in 2005.

The GJLOS fund of USD 48,898 was used to undertake GJLOS awareness meetings. The aim of these meetings was to sensitise CSO on importance of their involvement in the GJLOS processes, as majority of the organisations had viewed the process with suspicion. This was done through use of existing networks. LRF identified 9 networks. Funds for the activities of the networks were managed by the LRF. 8 out of the 9, namely NASCON, CRECO, Juvenile Justice, Women's Agenda, Youth Empowerment Consortium, Trafficking Persons Network, Yellow Movement and PASUNE, were able to undertake the envisioned activities. K-Hurinet, a network housed at the KHRC, was not able to accomplish its work. According to them, there were underlying issues with funding through LRF. In year 2006, we have a further funding to the GJLOS activities via LRF but considering some of the issues being raised by some of the key organisations, such as KHRC, it would be important to review this arrangement.

LRF is still implementing year 2005 activities. The organisation experienced some difficulties in absorbing funds. This was due to the fact that they had a lean staff. This was aggravated by the fact that the Sida funded Programme Officer went on a one-year study leave. This left a big gap as the staff member was still being paid and that they were therefore unable to recruit a temporary Programme Officer. The issue was raised to them and they have since addressed it. The organisation also seemed overwhelmed with the PASUNE network, which they house. They were not able to absorb all the PASUNE funding from the Danish Embassy (Danida) and made a refund of close to Kshs. 4 Million. Currently, there are several issues around this initiative, being raised by majority of PASUNE organisations, and as recommended for the GJLOS funding, it would be important to address partners' worries on our future funding of PASUNE activities through LRF. This could be done during our upcoming Sida funded programme review.

***43059 and 47211: International Commission of Jurists (ICJ): Putting Communities to Rights & Administration Of Justice Projects***

---

***Putting Communities to Rights***

ICJ has paralegal projects in Kitui, Meru, Laikipia, Kwale and Transmara. The projects had been established prior to the Sida/UN funding strategy coming into place. They have been building on these projects over the last 2 years under UNDP's facilitation. Paralegals recruited in 2004 were able to graduate in year 2005. Each site had a total of 30 paralegals, recruited and trained but in some districts, some didn't complete the training. In a district like Kwale, out of the 30 paralegals recruited in 2004, only 7 graduated. This was due to among other, environmental as well as organisational challenges. UNDP conducted monitoring visits to projects in Transmara and Kwale and dialogued with organisations on way forward, with an endeavour to avoid a recurrence. We have over 120 paralegals who graduated in 2005, and are competently offering legal aid to their communities. In Kitui, Taita, Meru and Laikipia, second generation paralegals have been recruited and trainings are underway. Each site has 30 paralegals and strategies are being devised to ensure that

the second generation together with the first generations are working together for Projects sustainability upon exit of the ICJ. This is crucial as organisations exit strategies need to be reviewed if we are to sustain gains already made. Natural calamities in the areas have impacted negatively on project implementation.

Targeted outcome was to contribute to the creation of a critical mass in paralegal education through networking and training of community paralegals in Kenya and activities undertaken in advancement towards this were among others:

- a) Creation of 6 districts and 3 regional paralegal networks in areas of operation: This creation of networks commenced as paralegal exchange visits. 4 paralegals, from each site, were able to make visits to peer projects. Learning exchanges are dedicated to providing small amounts of catalytic support to allow for peer-to-peer learning at the local and community level. Building upon good community-level practices, they encourage low cost and high-impact exchanges of knowledge and experience. The exchanges are organised nationally, linking paralegals within all ICJ's paralegal districts.
- b) Regional networking has been achieved through ICJ's engagements in PASUNE. Under the PASUNE, a training manual has been developed and launched, within year 2005. This will go along way in enhancing paralegal trainings as it complements the already developed curriculum. The whole country was mapped and regions were created. The regions created were Western Region, North Rift Region, South Rift Region, Eastern Region and Coastal Region among others. This way, paralegals trained by ICJ and other training organisations, such as Education Centre for Women in Democracy, Fida and Legal Resources Foundation, have managed to form a bargaining block and are advocating for among others, their legal recognition and this will go along way in sustaining gains made in paralegalism. It is hoped that outcomes of this activity will be felt much in the near coming future.
- c) Community activism on areas of community concern: Developing IEC materials has been initiated under this activity and the materials will be centred on issues that are relevant to communities. This is however at this very initial stage hence no measurable outcomes.

ICJ like most other organisation has not been able to implement the activities on research and compilation of the law report and dissemination of the same, developing and implementation of a media strategy as well as activism around issues of concern and this is not encouraging as they are almost through with their allocated amounts hence, might not achieve much within the remaining time.

In year 2005 a vehicle was procured for ICJ. The procurement of this vehicle was done in accordance with a mutual agreement between ICJ, Sida funded CSOs whereby it is agreed that UNDP purchases cars as UNDP enjoys tax exemptions and this would reduce costs of the same. Procurement commenced in January 2005 immediately after the Tsunami and this occasioned challenges because of the increased demands for Toyota Cruisers. Toyota Kenya and East Africa as well had no stocks, as manufacturers were not exporting any to this region. UNDP went the only available option, at the time, and this was to order for the

manufacture of the vehicle in Japan. This was a lengthy process and it occasioned major delays in delivering the vehicle to the ICJ-Kenya.

#### Administration of Justice

Under the project, which commenced in December 2005, the intended outcome is the enhancement and strengthening of the administration of justice in Kenya through an independent and corrupt-free judiciary. The following were the activities undertaken towards the achievement of the same:

- a) 2 stakeholders meetings were held to discuss "The Constitution of Kenya High Court Rules 2006".
- b) A workshop to discuss the draft judicial service bill was also held. The forum deliberated also on the policy document being developed for the judiciary. The final report is yet to be submitted and hopefully, the fruitful contributions emanating from this workshop will contribute to the policy.
- c) They undertook the development of research tools and this was to inform on policy and legal reforms document for the judiciary. The tools will go a long way in shaping the research and this will help achieve the targeted objectives.
- d) A public lecture titled "Governance and Accountability: review of legal and institutional framework for fighting corruption in Kenya" was held. Long-term objective of this is to enable Kenyans to participate in judicial and Governance issues more ably.
- e) Development of logistics for training judicial officers on gender and human rights standards is underway and trainings are scheduled to take place in the coming quarter. This aims at sensitising judicial officers on gender issues as previously, there was an oversight on this and this led to miscarriage of justice and more so in relation to women and children.
- f) Capacity building, the finance officer attended training on, Practical Financial Management for NGOs, in April 2005. This aims at enhancing ICJs financial reporting in this specific project, as well as all the others being undertaken by the organisation now and in the future.

#### 43061: Release Political Prisoners (RPP) – Civic Education

RPP was to receive USD 54,420. All funds were disbursed in year 2005. The organisation had a 1-year funding strategy upon completion of which a capacity assessment was to be undertaken to inform way forward with organisation. This has already been done, a draft report has already been produced and we are studying it to inform way forward.

Envisioned outcome was to enhance citizens' participation on governance issues in Kenya and activities undertaken towards the achievements of this were:

- a) 2-prison warder's workshops were held and principal objective was to enable officers to understand and closely interrogate the prisons Act.
- b) 20 warders and 20 prisoners were interviewed in Thika, homeland and Nairobi prisons. This is aiming at altering the negative attitude of the warders and this would go a long way in reducing brutality by the wardens. This has the advantage of the fact that penal reforms, under the broader GJLOS programme, are being undertaken this time round and there is government goodwill to improve the remand and prison

conditions. The RPP efforts have gone along way to contribute to the positive gains being realised in this area.

- c) Legal aid: Was conducted throughout year 2005. This was done through client referrals to other networking partners such as to the legal aid schemes of Kituo Cha Sheria and Fida. In Kenya, demand for legal aid has grown tremendously due to increased rights awareness at grassroots. To tackle this challenge, RPP laid much emphasis on impact litigation matters, as benefits from cases of this nature are widely enjoyed. 6 impact litigation cases were supported. The cases related to police brutality, illegal assembly and incitement and were successively finalised with great success as the clients' won hence setting suitable precedents for similar cases arising thereafter. This can potentially help to reduce violation of community and individual rights with impunity. It is important to note that RPP has little capacity in the area of Legal Aid and if they are to go this direction, they need to build and enhance their capacities.
- d) 10 open foras were held in various places in the country, dealing with issues on constitutionalism. This was necessitated by the fact that constitution debate became a big debate late last year, culminating into a referendum hence there was need to capacitate citizens in order to enable them make informed choices. In from, some areas however, issues of land, remained predominant and this was the case in Nanyuki and Mai Mahiu.
- e) Resource Centres. In 2004, RPP assisted in establishments of two community resource centres in Kiambu and Maragua Districts. In 2005, the capacity of the Kimerera resource Centre, in Maragua, was enhanced and is serving the Maragua community well.
- f) Newsletter: 11 editions of *Mtetezi*, RPP's monthly newsletter, were produced and freely distributed. The newsletter endeavours to widely create knowledge on human rights issues and at this particular period, the issue of the draft constitution was given priority.
- g) Networking and advocacy: RPP networked with other kindred organisations such as K-Hurinet, Anti-torture Consortium, NASCON, KNCHR, and GJLOS. During this period, RPP qualitatively participated in the campaigns for a new constitution through the Multi-Sectoral Forum (MSF), popularly known as the Yellow Movement. RPP's objective of engaging in MSF was to ensure that a people were able to make informed decisions at the referendum.
- h) Cultural activities: RPP engaged in several cultural activities such as the mother's and the Hero's days. The aim for engaging in these activities is to share ideas on democratisation and constitutional processes, in a real dramatic and graphical manner. Participants share experience and this helps in bringing out the role, which human rights defenders continue to play in social, economic and political lives. In a sense, it inculcates patriotism among attendants and Kenyan's generally.
- i) Prison Monitoring: During the said period, RPP endeavoured to monitor prison conditions in Meru, where inmates had died mysteriously, Kibos and Kakamega, where FERA political prisoners had been held. The importance of prison monitoring is stressed, especially at this point in time, when Government is endeavouring to undertake penal reforms.
- j) Development of IEC materials: RPP's work is greatly enhanced by publicity materials. Materials developed with use of these funds were such like the handbags, shirts, calendars, banners and fliers. Materials produced and disseminated aimed at creating



critical awareness around specific issues. This helps to provoke public debate for improved Governance

RPP has been experiencing major challenges due to governance and financial capacity gaps, created by the former organisation leadership regime. This was complicated by the fact that there was no smooth handover from the former director to the current one. They have also outlived their mandate as demonstrated by the nature of activities they are currently engaging in. Their niche is in political prisoners and since the current government ascended to power, the same has been overtaken by events and the organisation is now wondering about in areas like legal aid, which they have little if any capacity to undertake.

#### ***43060: People Against Torture (PAT) – Torture Reduction***

PAT did not carry out any activities in 2004 under the new grant earmarked for them. The Annual Work Plan could not be signed due to outstanding financial issues with Sida. These issues were resolved in late 2005 and UNDP commenced working with the organisation towards December 2005. They have a 1-year funding agreement of a total equivalent to USD 54,420. Already, half of the grant USD 27,271 has been disbursed to the organisation. They have accounted for the grant but there are emerging issues, which UNDP is deliberating on before embarking on further disbursements to the organisation. The major issue is that out of the Kshs. 2 Millions disbursed, half that is Kshs. 1 Million was used for personnel and administration costs. Only Kshs. 500,000 was put to project implementation. The envisioned outcome of this project is to contribute to the reduction of torture in Kenya and activities undertaken to the advancement of this were:

- a) Holding of 3 *community awareness workshops* in Kenhancha in Kuria District, Mai Mahiu in Naivasha and Amagoro in Teso District. This was to help establish links with communities based organisations, working at the ground and the principle aim was to identify individuals who could be trained as human rights monitors, later as the project advances. A total of 150 people attended the workshops.
- b) Production of IEC materials: PAT produced IEC materials for use in the above-mentioned trainings. These were, the publishing of the booklet titled "your guide against Torture" and a brochure on torture issues.

The organisation, like RPP, has major capacity issues and to understand the nature of assistance required, a capacity assessment was scheduled to take place. Ernst & Young were contracted to assess PATs. However, PAT was not available to meet with Ernst & Young and UNDP have also had major difficulties in reaching PAT. The link person does not reply to mails nor to voice messages left in his cell phone and we cannot get through their landlines.

#### ***43223: National Civic Education Programme II (NCEP II)***

In 2005 the procurement of a Financial Management Agent (FMA) and a Technical Assistance Team (TAT) was completed. UNDP together with DfID, CIDA and Sida sat in the subcommittee for procurement of FMA and TAT. As Financial Management Agent KPMG was selected and as Technical Assistance Team IntermediaNCG was selected.

The remaining part of 2005 was spent on development of financial manuals by the FMA and development of call for proposal modalities, selection criteria and review of the curriculum from NCEP I by the TAT in collaboration with the consortia. Furthermore, FMA and TAT did a capacity assessment of the consortia.

The modalities for the workings for the consortia were also discussed and the FMA started disbursing to the consortia. Initially Constitution and Reform Education Consortium (CRECO), Consortium for Empowerment and Development of Marginalised Communities (CEDMAC), Ecumenical Civic Education Programme (ECEP), Gender Consortium and NGO Council were the consortia. However, due to governance problems NGO Council was excluded early in the process. Later on the Gender Consortium was excluded, as they were non-responsive to preparing work plan and budget in collaboration with the FMA and TAT. It must be stressed that this is not diminishing the focus on gender, actually it turned out that the other consortia were better at focusing on gender than the Gender Consortium. It has been stressed that the TAT has an important role to play in ensuring the continued focus on gender. On the other hand a new consortium was included – National Muslim Civic Education Consortium (NAMCEC). This was as a result of requests from Muslim groups to have a consortium that was more relevant to them.

When the referendum was announced it was discussed if the NCEP II-structure should be used for civic education. It was agreed that the structure was not ready for this endeavour and that involvement in the referendum would risk tarnishing the neutrality of NCEP II due to the highly political issues in the referendum.

In conclusion NCEP II therefore remained on a preparatory stage in 2005. Call for proposal, the official launch of the programme, the finalisation of the curriculum, first contracting of CSOs and commencement of CSO implementation are all scheduled for 2006. FMA still holds a substantial cash balance, but calculations shows that the programme will actually be short of cash when the implementation on the ground starts.

***45284: Action Aid International Kenya (AAIK) – People Participation for Equality***

The project is being undertaken by Action Aid International Kenya, and is part of a wider programme being implemented by several institutions including the Ministry of Planning and National Development, Society for International Development (SID), and African Women and Child Features Services (AWC). The project document between UNDP and Action Aid was signed in August of 2005. The project aims at strengthening the outcome of public policy on poverty to reduce social, economic and political inequalities in Kenya.

The project has generally had a slow implementation rate. An initial disbursement to AAIK after signature of the Annual Work Plan totaling USD 103,334 was made to facilitate activities under the first Quarter. Nonetheless only about 7% of this amount had been utilized by November 2005. This has meant that no other disbursement has been made out so far. However, it is anticipated that the project will pick up momentarily in view of the planned activities.

In 2005 a programme coordinator was recruited and he joined AAIK 6<sup>th</sup> of October after which he was taken through an induction period with AAIK that entailed various meetings with communities in the Coast and West regions, where AAIK has presence. What

followed the induction process was commencement of activities geared towards updating/development of district inequality profiles. Terms of reference for a consultant to undertake the task were drawn and circulated to partners for comments, to enable undertaking of the study and production of the district inequality profiles. The study however was expected to commence only in the earlier part of the year 2006. Planning for the process however took center stage in the first Quarter of the project and also in the earlier part of the end of 2005.

Early 2006 the project was audited with positive results. The audit itself included project progress for the activities that had been undertaken in 2005.

#### ***45516: Mainstreaming Disability Issues in National Development***

The project is implemented by UNDP in close collaboration with National Council for Persons with Disabilities and Department of Social Services, which are both under the Ministry of Gender, Sports, Culture and Social Services. The project focuses on three major areas: a) creation of an enabling environment through policy and legislation, b) enhance awareness on disability issues, and c) enhanced capacity of key institutions for persons with disabilities.

The project arranged in collaboration with the Department of Social Services, a review workshop for stakeholders to study and critique the draft of National Policy on Persons with Disabilities, where 19 key stakeholders discussed, identified the gaps and agreed on the new draft. Another workshop was organized for the board and staff members of National Council for Persons with Disabilities (NCPWD), which is newly established organisation by the Disability Act 2003. The training focused on the content of the Act and its implementation in order for NCPWD to understand its role in formulating and developing measures and policies designed to advance the rights of persons with disabilities. The second part of the workshop included leadership skills training for the staff and board members of the NCPWD including personal leadership, teamwork, motivation and delegation.

UNDP and Inclusion International organized a Round table meeting on Disability Issues on 1 November 2005 to sensitize the key stakeholders on the Disability Act. The speakers included representatives from governmental and non-governmental actors and 52 participants from various organizations working with disability issues participated in the round table, however, the donor representation was fairly low. The recommendations for the next possible roundtable meeting included focusing on key policy makers in the government, local authorities and donor agencies.

The project organized a Disability Act 2003 workshop in close collaboration with the Disabled for Education and Economic Development Support –Kenya (DEEDS-Kenya). The workshop focused on the content of the Disability Act and implementation of the Act. It also included a practical case study. Especially, the income tax free and registration of individuals and organization with the National Council for Persons with Disabilities database was discussed in details.

*39383: Africa Peer Review of Kenya*

Sida, DfID and UNDP supported the Africa Peer Review of Kenya in 2005. The peer review was aiming to produce a "Kenya Country Self Assessment Report" that would be tabled and discussed at an African Heads of State meeting. The NEPAD/APRM Kenya Secretariat under the Ministry of Planning and National Development was responsible for the technical facilitation for the compiling of the report while the National Governing Council (NGC) was entrusted with the steering of the process.

Outcome: The Kenya Country Self Assessment Report (confidential draft) was produced and submitted to the APRM Office in South Africa. However, the remaining steps in the process: (1) a country report produced by the South African Office, (2) response from the Government of Kenya to the country report, and (3) tabling of the country report and the Government of Kenya response for African Heads of States, did not take place in 2005 – it is envisioned that this will happen in 2006. The project was a success as it achieved what was possible within the framework – while the remaining phases are outside the control of those involved in the preparation of the Kenya Country Self Assessment Report.

The Kenya Country Self Assessment Report was compiled through various interactions with the citizens of Kenya. A household survey conducted by Central Bureau of Statistics, while four Lead Technical Agencies were tasked with desk studies and focus group discussions within their respective thematic area (Democracy and Political Governance, Corporate Governance, Economic Management, and Socio Economic Governance and Development). The NEPAD Secretariat was tasked with the conduction of Provincial Forums. A key challenge for the process was disagreements on the implementation from the National Governing Council who delayed and almost derailed the process – the issues that created problems were apparently allowances for the members and allocations to the civil society from the basket fund. Only after the Minister for Planning and National Development excommunicated members of the Council hereunder the chair did the process get back on track.

UNDP's role was to provide technical support and facilitate the process financially. 6 UNVs were seconded to the NEPAD/APRM Secretariat to enhance the Secretariat capacity to facilitate the process. Financially UNDP made direct payments to venues for stakeholder meeting, suppliers, Lead Technical Agencies and conveners. All payment requests were to be prepared by the NEPAD Kenya Secretariat and be submitted through the Permanent Secretary in the Ministry of Planning and National Development to UNDP. Payment requests were sometimes rejected because of insufficient supporting documents. Examples of the problems were: Hotels/venues: process for selection, justification for choice of venue not attached, daily signed participants list not attached; Lead Technical Agencies: Accounting for previous tranche not acceptable, high administration charge. Some of the problems could originate from the fact that the NEPAD Kenya Secretariat was understaffed and therefore lacked capacity to vet submitted request probably. As regards the Lead Technical Agencies and conveners the problems could have arisen due to insufficient contractual relations. The only contract between the Government, UNDP, the Lead Technical Agencies and the Conveners was the Memorandum of Understanding for the process – it might have been inadequate in outlining duties and responsibilities in the actual implementation. This should be taken into consideration in future project of this

nature. Due to these problems the last payments to the Lead Technical Agencies and some vendors did not take place in 2005 – those will be finalized in 2006.

***47017: Support to a Free and Fair Referendum***

The objective of project was to contribute to a free and fair referendum of the proposed new constitution. Sida, the Netherlands, Norway, DfID and UNDP supported the project. Norway and DfID had earmarked their funds to activities implemented by the Electoral Commission of Kenya (ECK).

The referendum on the proposed new constitution took place 21 November 2005. It was overall peaceful, free and fair and the government accepted the no-vote. The project contributed to this through three components:

- (1) **Civic Education** through 29 Civil Society Organisations. South Consulting was recruited to provide technical assistance and coordinate the civic education by the civil society organizations due to experience from the elections in Tanzania. The 29 organisations were selected through an open process where CSOs through expressions of interest could apply for the available funds. South Consulting was tasked with developing materials for the civic education; support the CSOs in their development of implementation plans and arranging training of trainers to make sure that the civic education was neutral. Also 49 national UNVs were recruited to monitor on the neutrality of the civic education provided. The civic education directly reached more than 1.1 million people. South estimates that each person reached will spread the message to additional 5 people. The civic education component was in itself a major achievement since it was planned and executed in a very short time – due to the fact the project only started in mid-September when the referendum was announced. The time constraint was also a major challenge as the CSOs needed to prepare proposals, be contracted and funds needed to be transferred. South Consulting and the CSOs should be commended for their willingness to start implementation immediately after contracts were signed – and before the first installment of funds reached them. However, the speed also caused some problems – the training of civic education facilitators needed to be undertaken in a hurry and in some instance the documentation for selections of venues for these trainings and the proper recording (daily signed participants lists) were not adequate which have lead to problems in payments of the venues. Also some CSOs have been slow to account for the first installment, which have left the final installment for a number of CSOs hanging. The financial reports of CSOs have to be approved first by South Consulting as a quality check. However, several requests for final installments have been send back due to missing or insufficient supporting documents for the first installment.
- (2) **Provide assess for Kenyans to the proposed new constitution:** The Ministry of Justice and Constitutional Affairs had requested the development partners to help in their efforts to make the proposed new constitution available for Kenyans before the referendum. This was done through printing of supplements of the proposed new constitution in the leading Kenyan newspapers (Standard and Nation) as well as printing of supplements of the popular version of the proposed new constitution as prepared by the Constitution of Kenya Review Commission in Standard and Nation. The circulation for the papers the days the brought the supplement was around double the normal circulation. Around 600,000 copies of each supplements reached the

people. It is the view of Nation that each copy was probably read by ten people. However, some of the people getting the Nation and Standard copy could of course be the same.

- (3) **Support ECK:** ECK had initially requested for support for voter education and training of Peace Committees. However, in the end the support was primarily facilitating the posting of polling agents representing the yes and no side at the polling stations. On top of this the printing of training materials for the Peace Committees was supported. ECK has seen the posting of polling agents as a major contribution to the peaceful referendum. The change in request from ECK came last minute in a situation where a letter of agreement for the training of peace committees had already been signed and UNDP was only waiting for specific request to facilitate this agreement. ECK has also still not submitted narrative reports on the polling agents. It could be seen as a lack of capacity on the ECK and longer term support for ECK therefore seems to be necessary.