



Support to the Realization of Human Rights and Access to Justice in Kenya

2014 Annual Report



ANNUAL PROGRESS REPORT 2014

Project title: **Support to the Realization of Human Rights and Access to Justice in Kenya**

Reporting period: Jan – Dec 2014

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ABBREVIATIONS

CAJ	Commission on Administrative Justice
CPAP	Country Programme Action Plan
ECOSOC	Economic Social and Cultural Rights
FGM	Female Genital Mutilation
GSU	General Service Unit (of the Police)
HRBA	Human Rights Based Approach
IHRD	International Human Rights Day
KNCHR	Kenya National Commission on Human Rights
KRA	Kenya Revenue Authority
NGEC	National Gender and Equality Commission
NHRIs	National Human Rights Institutions
NSSF	National Social Security Fund
MDAs	Government Ministries, Departments and Agencies
PLWD	People Living With Disabilities
PWGID	Protection Working Group for Internally Displaced
SIGs	Special Interest Groups
TJRC	Trust, Justice, Reconciliation Commission
UNDAF	United Nations Development Assistance Framework
UNDP	United Nations Development Programme

I. PURPOSE

This report presents a summary of achievements and project activities for the period January to December 2014. It outlines progress towards outputs and identifies project challenges opportunities as well as lessons learned. The report is a consolidation of achievement by the three article 59 commissions over the implementation period.

UNDAF Outcome(s): Democratic Governance and Human Rights Including Gender Equality Progressively Enhanced

Expected CPAP Outcome(s): More Efficient, Effective and Equitable Public Service Delivery by Institutions and Systems of Democratic Governance and Rule of Law Enhanced

Project level outcome: Enhanced Capacity of the Ministry of Justice and Constitutional Affairs and Relevant Government Bodies to Deliver on its Constitutional Mandate including the Successful Implementation of the Bill of Rights and Access to Justice

Project outputs:

1. National Human Rights Institutions (NHRIs) capacity strengthened in order to implement their mandates more effectively,
2. Capacity of government staff strengthened to apply the Human Rights Based Approach (HRBA), and related principles,
3. Capacity of state actors to understand government obligation with regards to economic, social and cultural rights enhanced,
4. Support provided for revision of the framework on access to justice at national and county level applying a HRBA approach to it,
5. Support provided to the Transitional Justice Processes,
6. Capacity of state and non-state actors enhanced to deliver on their human rights obligation
7. Election monitored from non-discrimination and maladministration perspectives

Implementing Partner and responsible parties:

- Kenya National Commission on Human Rights (KNCHR),
- Commission on Administrative Justice (CAJ)
- National Gender and Equality Commission (NGEC).

The project has been supported and funded by UNDP, the Government of Finland and the Government of Sweden.

II. RESOURCES

Contributions in 2014	TOTAL
Government of Finland	\$ 1,379,310
Government of Sweden	\$ 0
Allocation from UNDP	\$ 22,000
Funds carried over from 2013 available for programming	\$ 1,099,382
Total	\$2,500,692

Actual Expenditures on 2014 project activities	TOTAL EXPENSES (Jan-Dec 2013)
Cash advance to KNCHR, CAJ and NGEC for outputs 1-7	\$ 750,106
Direct procurement and payments by UNDP towards outputs	\$ 570,657
Total expenditure in 2014	\$ 1,320,763
Balance carried over to 2015	\$ 1,179,929
The Combined Delivery Report is attached as an appendix. Please note that all financial information is provisional until a Certified Financial Statement has been issued by the UNDP Comptroller's Office	

III. RESULTS

This section includes an assessment of progress made towards targeted outputs and presents the achievements of 2014.

Summary of key results achieved

The Commissions, with support through the project, have many remarkable achievements as a result of activities carried out in 2014. The summary provides a highlight of some of the key achievements as well as acknowledgement of the importance of the Commissions in promotion, protection and monitoring of human rights in Kenya.

Citizen awareness of the Commissions and utilization of services:

2014 saw an exponential growth in the number of complaints on issues of maladministration, human rights and equality to the Commissions, especially to the CAJ. This is a result of concerted efforts by the CAJ to reach citizens through various activities implemented in 2014 to inform them of their mandate and the services provided, as well as their strengthened cooperation with government ministries, departments and agencies (MDAs) through performance contracting.

No of complaints submitted in 2014	The CAJ	The KNCHR	The NGEC
	78,598	1986	80

Complaints to the KNCHR have remained steady the last few years. The NGEC does not have a specific department on complaints handling but are receiving and addressing complaints from the members of the public on equality and inclusion as they are brought to the attention of the Commission.

Initiating and influencing key national reform processes:

During 2014 the NGEC has been instrumental in taking forward the 2/3rd affirmative action agenda, chairing and coordinating a committee established by the Attorney General to develop a framework for the realization of the 2/3rd principle at the National Assembly and the Senate. The committee has

reviewed and submitted options for the AG's office for further action in line with timelines for the August 2015 deadline.

The NGEC and the KNCHR have also played important roles in advocating for the review of key laws including the Prison Service Act (Cap90) and Borstal Act 92 as well as the PWD Act 2003. The KNCHR initiated the review of the Cap90 and Borstal Act 92 supporting key stakeholder involvement. There have been considerable strides made towards the review with Kenya Prison Service taking the lead with the support of the working group. Review of the acts will significantly contribute to on-going penal reforms. The KNCHR and the NGEC also facilitated the review of the PWD Act of 2003 to expand range of benefits and increase equity measures for PWD. The revised bill has been submitted to the Cabinet Secretary Ministry of Labor Social Security and Services for onward submission to relevant authorities. The Commissions, with support from the project, directly influenced the speedy review of the bill ensuring a consultative approach.

Building capacity of state and non-state actors on issues of rights, maladministration, and equality:

In 2014 the Commissions have reached a large number of state and non-state actors with various training and capacity building activities. At least 1,700 citizens, 140 prison officers, 83 police officers, 93 traditional elders, and 114 county government officers have been reached with information, training and support on human rights and applying the human rights based approach. Over ten thousand citizens were reached with on the ground activities in counties on issues of maladministration with over 5 million people reached altogether through the use of radio and print media. Also, 1930 public officers representing 128 government agencies (mainstream ministries, state corporations, tertiary institutions) have had their capacity build on issues of maladministration, service delivery and complaints management. County government also received support on gender responsive budgeting and MDAs on gender reporting through performance contracting. These have contributed to increased human rights observance as well as improved government reporting on complaints handling as well as gender and inclusion.

Enhancing minority rights through audits and investigations:

The NGEC has substantially contributed to engaging the rights of minority and marginalized through various audits and investigations carried out. For example, through investigations and subsequent reports on the rights of older persons (on social and physical protection) the NGEC was able to lobby and advise the government on inclusion of the rights of the older persons. County governments were given informal advisory and three have now made adjustments to their five year plans to accommodate programs and interventions on older persons. The recommendations made by the NGEC have also contributed to increased budget allocation to social protection programs for older persons to 4.9 billion shillings in 2014.

Monitoring government treaty obligations:

The Commissions played a key role in 2014 in monitoring and reporting on government treaty obligations. The Universal Periodic Reporting process reached the 4.5 year milestone to assess Kenya's compliance and progress in implementing recommendations received during the first UPR review in 2010. The KNCHR participated in the development of the government report and coordinated the submission of key shadow reports to provide the Human Rights Council with a holistic picture of Kenya's human rights situation. The KNCHR's facilitation of the UPR process has been highlighted as best practice in Africa.

Acknowledgement of the importance of the Commissions in promotion, protection and monitoring of human rights in Kenya.

During the UPR process, the government of Kenya acknowledge the importance of the Article 59 Commissions. The government UPR submission includes the following statement:

“The National Human Rights Institutions, the Kenya National Commission on Human Rights, the National Gender and Equality Commission and the Commission on Administration of Justice play a major role in the promotion, protection and monitoring of human rights in Kenya. The institutions provide critical advisories to the state on various human rights issues and play a critical role in moving the country towards becoming a more human rights respecting state. They are involved in numerous activities in the human rights arena, which augment government efforts. These include civic awareness, training on various human rights issues and partnering with government to ensure a meaningful realization of rights.” (UPR submission, pp3)

Also The Commissions received important acknowledgement from the President of Kenya during the Huduma Awards ceremony. His support contributed positively to the increased cooperation with the CAJ by various government ministries, departments and agencies.

“The Commission on Administrative Justice has established itself as a core part of our constitutional order. Kenyans have shown their trust in its work by referring thousands of complaints to it ... Government at large – all our hundreds of public institutions – should cooperate closely with the Ombudsman’s office, as well as with the other oversight offices set up by the constitution. The reasons for this are clear. Over time, delay, discourtesy, corruption and inefficiency have crept into some our public services. Many of those who voted for the new constitution were motivated by their experience of public service that fell below acceptable standards. We, as a country, chose to end the blight – to renew our nation and our public service – by voting a new supreme law for ourselves. We chose to establish and entrench oversight for the public service. Whether it be the Senate, or the office of the Auditor General, or Parliament, we must accept the institutions of scrutiny we chose for ourselves – painful as that acceptance will sometimes be. It is by their careful probing that we hold ourselves to the standards Kenyans expect of us. But let me also remind these institutions of oversight to correct and oversee other arms of government in a spirit of fraternity, always.” (Exert from speech by President Uhuru Kenyatta).

A) National Human Rights Institutions (NHRIs) Capacity Strengthened in order to Implement their Mandates More Effectively (Output 1)

Improved institutional capacity of Article 59 Commissions

In 2014 the project continued with activities to support the internal strengthening of the three Commissions to enable them to better carry out their mandates. This has included the establishment of a resource center at the CAJ to support research on administrative justice issues, strengthening of ICT facilities at the NGECE as well the establishment of a brailing unit fully functional with a debrailing machine, soft-ware and capable staff to enable the NGECE to publish documents in formats that are accessible to their key target group. The CAJ and the KNCHR have continued to benefit from the support of National United Nations Volunteers who play an important role in addressing human resource gaps at the Commissions. In 2014 KNCHR continued to improve and strengthen their internal monitoring and evaluation system. This has

resulted in enhanced capacity of field offices on data collection to ascertain relevance, efficiency, effectiveness and sustainability of activities undertaken and enhanced capacity of field offices in attribution of results to their work. KNCHR is also in the process of reviewing their strategic plan to make it more impactful.

Increased awareness of the Commissions resulting in increased utilization of services by citizens

The Commissions exist to provide an avenue for citizens to lodge complaints against government's offices and agencies on mistreatment, maladministration, discrimination and other challenges experienced relating to human rights, administrative justice, equality and inclusion. The Commissions are uniquely placed to hear from citizens, facilitate solutions to problems experienced with state agencies, and to feed issues back to the government through their advisory role to influence laws, policies and their implementation. To do this effectively citizens need to be aware of the existence of the Commissions and have access to their services. For this reason much focus was placed on awareness raising and outreach activities in 2014.

CAJ County visits and multimedia communication: The CAJ carried out number of county visits in 2014 including visits to Homabay, Kajiado, Baringo, Trans Nzoia, Bungoma, Makueni, Kitui, Samburu, Kisumu, Nyeri and Murang'a Counties. County visits provided an opportunity for the Commission to increase awareness and visibility of the Commission, reach citizens at their localities, and initiate partnerships with government officials and other stakeholders. For the first time, the Commission also introduced Road Shows during the county visits to ensure thousands of people were reached within their localities, such as market places, farms and homesteads. Over 100 complaints were received from the members of the public regarding administrative justice issues. During the visits, the CAJ also trained 490 national government and county government officials on citizen focused service delivery and performance contracting. Feedback from public officials indicate that the training was useful in enabling them understand the commission's mandate and hence will enhance their compliance with administrative justice principles and standards. The Commission also conducted spot checks in a number of government ministries and departments, and shared recommendations with these institutions on areas to improvement. A number of Institutions have already sent feedback, indicating the remedial actions taken. Also engagements with Governors has yielded positive results as eight governors have committed to partner with the Commission to set up an office of the County Ombudsman in their counties. They committed to include this item in their next budgets.

Besides the county visits CAJ also increased awareness of the Commission and its mandate through front page newspaper adverts and through airtime in local radios. Eight week radio programmes were concluded on eight radio stations (Ghetto radio, Radio Nam Lolwe, West Fm, Radio Salaam and Mwanedu Fm, Minto Fm and Kitwek FM, Coro FM,). It is estimated that over 5 million people have been reached through the print media and radio communication. Based on the feedback received from radio listeners more people are now aware of the Commissions mandate which has resulted in more calls for CAJ to open county offices.

Altogether the awareness raising activities, as well as partnerships with state agencies through performance contracting, has resulted in a huge increase in the number of complaints lodged with the Commission. Also, there has been an increase in the number of call-inquiries by members of the public on various issues on administrative justice. The print media adverts have resulted in more complaints being lodged by the middle class. In 2014 the CAJ received over

80,000 complaints translating into a 300% increase from 2013 when 20,000 complaints were lodged and received.

KNCHR profile and awareness creation at county levels through human rights clinics: In 2014 KNCHR carried out human rights clinics in various locations across the country including Mwakitau and Taveta town (Taita Taveta County), Elgeyo Marakwet County (Songeto, Flouspar Area & Chepkorio), Baringo County (Silale, Ribkwo, Chemolingot), Kisumu, Witu and Hola in Lamu and Tana River Counties. Over 1,700 citizens were directly reached through the activities. Human Rights related petitions were received from the members of the public and KNCHR is following up on the cases to seek redress. Various partnerships were created through the human rights clinics with local organizations including PEACENET – Kenya (North Rift), and created with; Keiyo Community Development trust fund (KCDTF) and Keiyo- North, District Small Scale Farmers Forum (KENDISSFFO). In Kisumu partners agreed on reviving the Western Human Rights Network which will be coordinated by KNCHR for effective collaboration of human rights actors in the region.

NGEC communication strategy and county visits: In 2014 NGEC has been working on a communication strategy that will be completed in the early 2015. The NGEC has reached citizens through various activities they have carried out at county levels such as audits on pertinent issues affecting SIGs.

Strengthened capacity for monitoring and advising on Government's international treaty obligations

KNCHR and NGEC have mandates regarding monitoring and advising government on treaty obligations regarding human rights, gender and equality.

Commission on the Status of Women: In March 2014 the NGEC participated in the 8th session of the Commission on Status of Women at the UN headquarters in New York. The NGEC joined the government delegation in reporting the performance and progress the country has made specifically regarding the achievement of MDGs for women and girls. One of the achievements of the NGEC was advocating for the participation of monitoring bodies (such as the NGEC) as independent agencies accredited directly and independent from the host government. Currently independent monitoring bodies can only attend as part of their country's government delegation, if they are invited by the government. This situation is inconsistent with their recognized independent status and limits the ability to effectively contribute to CSW on women's human rights and gender equality. The observation was recognized by the UN women Executive Director who will take the issue further for CSW to identify an independent mechanism for participation. This will have far reaching implications and impacts beyond the borders of Kenya.

Universal Periodic Report: Through the UPR process all United Nations member States' human rights records are reviewed once every four years leading to an increased awareness of human rights situations worldwide. The ultimate goal of the UPR is the improvement of the human rights situations in every country with significant consequences for people around the globe. Kenya underwent the first phase of universal periodic report review in 2010 and received multiple recommendations for improving the human rights situation in the country. During the second UPR cycle, after 4.5 years, States are expected to spell out the steps they have taken to implement recommendations posed during their first reviews and underline activities to advance human rights. The second cycle review was held for Kenya in January 2015. Through

assistance from the project, KNCHR was able to produce an annual UPR monitoring report as well as bring together stakeholders to contribute to the UPR review held at the Human Rights Council in Geneva in January 2015. The shadow reports produced by KNCHR and other stakeholders are important as they give a more balanced view of the state's achievements and areas where progress has lagged behind. The UPR is an important advocacy tool for the improvement of human rights in Kenya.

Occasional report on Insecurity: In 2014 KNCHR compiled an important report to assess insecurity in Kenya and implications on human rights. The report was timely as Kenya has witnessed a sharp increase in the number of insecurity incidences over the last four years. The year 2014 has been marred with incidences of attacks especially from terror groups and this prompted the commission to undertake work in 30 counties to assess insecurity and rights. The findings point to worrying trends of loss of lives at the hands of terrorists; continued cases of extra-judicial killings and arbitrary arrests; forcible transfer of vulnerable populations and massive destruction of property. The report brought insight on the state of the country's security and highlighted the most recent and terrible attacks that the country has ever witnessed since independence. The report is available on the knchr website as well as OHCHR/UNDP on the huritalk platform.

B) Capacity of Government Staff Strengthened to Apply the Human Rights Based Approach (HRBA) and Related Principles

Strengthened county capacity on HRBA

County governments are integral structures of governance established to promote citizen participation in governance and development in the country. To discharge this function affectively, it is inevitable for them to uphold human rights standards and principles in service delivery to the citizens. Cognisant of the centrality of human rights to efficient and effective discharge of County government functions, KNCHR partnered with County governments to promote the uptake of HRBA in project planning and implementation and promote human rights obligations by County government. In 2014 the county governments of Murang'a, Marsabit and Sambutu were engaged to build the capacity of Executive officers from various ministries and departments on HRBA in the process of devolution implementation, and gender responsive budgeting. The trainings are aimed at encouraging equitable and fair distribution of public resources as well as increased public participation in county decisions. Altogether 114 middle level officers (33 women/81 men) were trained.

Strengthened capacity of police and prison officers to apply HRBA in their work

Prison Officer Trainings took place in Nyanza, Nakuru and Nairobi area. Altogether 140 prison officers (22 women/118 men) were reached. The officers were taken through discussions on Human Rights, the Minimum Standard Rules for Treatment of Prisoners, issues of torture and the application of HRBA in the service for both inmates and prisons staff. The trainings are a means to improve conditions and relations in the service. The officers were encouraged to adopt Gender Mainstreaming practices as well as attempt to decongest living structures for officers and Wards for inmates. The Prison Service was encouraged to consider allowing flexible working hours so that Officers can have an opportunity to study with a view of improving skills.

Over the years, the officers have expressed their concern to the effect that the inmates had been over – empowered in their knowledge and capacity to claim their rights but had not been

sensitized on the responsibilities appertaining to these rights or on the rights of officers. As a result, the department embarked on a drive to hold sensitization forums with both officers and inmates on the above. The forums were held in ten prisons namely Machakos, Kitui Main, Kitui Women, Mwingi, Busia Main, Busia Women, Kakamega Main, Kakamega Women, Kerugoya, and Mranjau Prisons. The forums also extended to Wamumu Rehabilitation School and Shikusa Borstal Institution. What emerged from the forum was that both the inmates and the officers had an understanding of their rights as well as those of the other party. However, the current laws governing places of detention have the potential to provide loopholes leading to the violation of the inmates' rights. The Penal code through the death penalty provides a lacuna where death row inmate's end up violating officers' rights but there lacks a recourse measure for retribution where it happens. This is because, currently, the law only allows for inmates who offend while in custody to be charged and sentenced again – a charge that cannot do much for inmates on death row or life sentences. The forums were and at the end, over 400 inmates and 200 officers had demonstrated an understanding of human rights and responsibilities and they committed themselves to continued respect of each others' rights.

Senior Police officers in Western and Nyanza regions were trained on human rights and HRBA. The training enhanced the capacity of 83 officers on human rights principles and standards and the application of HRBA in security operation. Officers were encouraged to have a commitment to democratic policing based on accountability to the community and adherence to human rights standards. Key recommendation that emerged from the training session was that KNCHR should continue to support the security sector agencies by advocating for police welfare such as improvement in housing, remuneration and health care and Help in bridging the gap between the public and the police by educating the public on their rights and responsibilities.

New partnerships on human rights with institutions of higher learning established

In 2014 KNCHR has explored new avenues to reach out to institutions of higher learning for human rights training. Student Leaders from Mosoriot Teachers Training College and Moi University were trained and human rights and HRBA. Furthermore an MoU was put in place with Laikipia University on building and strengthening of human rights education programme.

Improved government responsiveness for the rights of people living with disabilities

In 2014 NGEC has continued work on the issue of tax exemption of PLWDs. In Kenya all persons with disabilities who are in receipt of an income may apply for exemption from income tax and any other levies on such income. In 2013 NGEC helped to unlock a bottle neck at the Kenya Revenue Authority (KRA) causing tax exemption certificates for PLWDs to be withheld. In 2014 NGEC has continued to facilitate forums and discussions with the KRA, Treasury, National Council for Persons with Disability, ministry of Health, ministry of Labor and Social Security and Services to review regulations and to address the main gaps in the tax exemption regulations. This has resulted in a directive on addressing the gaps leading to a change in delivery of tax exemption certificates for the PLWDs.

In 2014 NGEC influenced the review of the PWDs Act 2003 to expand range of benefits and increase equity measures for PWD. Together with the tax exemption regulations NGEC has supported a comprehensive legislative review. The NGEC facilitated consultative discussions between various stakeholders on the PWD Act 2003 to agree on the contentious clauses in the bill. The revised bill has now been submitted to the Cabinet Secretary Ministry of Labor Social Security and Services for onward submission to relevant authorities. The NGEC directly influenced the speedy review of the bill.

Increased demand for county responsiveness towards affirmative action

In 2014 the NGEC carried out seven county visits to audit application of affirmative action in the devolved governments targeting minority and marginalized communities/groups access to employment and education. The counties visited included the counties of Mandera, Marsabit, ElgeyoMarakwet, Bomet, Kisumu, Nakuru and Garissa. The key outcomes of the audit included observations that 1) the county leaders and Minority and marginalized communities have minimal operational understanding of the composition and rights of marginalized groups; 2) There is a of lack documented criteria in all counties for applying an affirmative action at recruitment of minority and marginalized groups/communities. 3) None of the counties have put in place any legislation, policies, administrative procedures or interventions to enforcement affirmative action. These key findings have fed into the NGEC's programming to support affirmative action at the county level, and have increased calls for county responsiveness towards affirmative action.

Increased government capacity on administrative justice

During the county visits, the CAJ trained 490 national government and county government officials on citizen focused service delivery and performance contracting. Feedback from public officials indicate that the training was useful in enabling them understand the commission's mandate and hence will enhance their compliance with administrative justice principles and standards. Training was also provided for the Senate on matters of administrative justice and matters that affect devolution. The CAJ partnered with the Senate to draft a Bill for the establishment of Counties Compensation Bureaus to handle all complaints at the county level.

In 2014 the CAJ also issued eight Advisory Opinions for the government on matters of public administration. The Advisory Opinions related to matters that affect public administration and included the following: 1) Lack of understanding between the three arms of Government; 2) Relationship between the National and County Governments 3) Proposed amendment to Article 260 of the Constitution to remove Members of Parliament and other State Officers from the list of designated State Officers; 4) Appointment to Constitutional Commissions (Kenya National Commission on Human Rights and the Teachers Service Commission), 5) Relationship between administrative requirements in Public Universities and the right to manifest one's religion. The advisory opinions were widely disseminated to the appropriate institutions and the public for consideration and full understanding of various aspects of public administration. The advisory opinions were adopted in some instances thereby improving public administration and constitutionalism. For instance, the advisory on the appointment of members of Teachers Service Commission was part of the supporting documents used in court to support such appointments. Similarly, the advisory opinion on the dispute between the Judiciary and Parliament was adopted by the court in determining a case concerning the same matter.

In order to motivate and reward outstanding public administration and service the CAJ, with support from the project, initiated the Huduma Ombudsman Awards to honour public servants and institutions that have consistently stood out in their performance, demonstrated innovativeness, responsiveness, and accountability in public service and that have infused good governance principles and administrative justice standards in their work. The Awards Scheme is a key strategy that the Commission deploys to motivate and reward outstanding public servants to improve responsiveness and accountability in public service. Over 1500 delegates representing all levels of Government attended the event which was officiated by His Excellency President Uhuru Kenyatta on 14th May 2014. The event successfully promoted accountability,

responsiveness and servant-hood in public service and enhanced confidence in public service.

CAJ also carried out an assessment of public resources used in print media advertisement by public institutions. The report indicates that more money has been spent by Government institutions on Adverts at the expense of other priorities. Recommendations are provided to appropriate institutions for action.

Increased citizen capacity on administrative justice

In 2014 CAJ initiated ombudsman committees in 4 informal settlements in Nairobi (Mathare, Mukuru kwa Njenga, Kiambiu and Korogocho). These are for the purpose of community empowerment and social accountability for effective service delivery targeting self-help groups, women, youth, elders and organized groups. The Ombudsman Committees were officially launched at Huruma Sports Grounds on 4th July 2014. They are spearheaded by volunteers who commit time to support the work of their local ombudsman committee. They have been trained on administrative justice issues and the mandate of the CAJ. Their role is to ensure that citizens in their locality are aware of the existence of the Ombudsman's office and that local leaders know that their actions are being monitored by citizens. Hundreds of citizens have been reached through fliers. The impact can already be seen with increased number of complaints received from the informal settlements (over 100 since the launch in July 2014).

Besides the Ombudsman Committees, the CAJ has reached citizens in the informal settlements through clubs in 2 primary and sec school, 1 public forum in 2 universities, and 4 forums religious forums. Church Forums were held in Korogocho, Kiambiu, Mukuru Kwa Njenga and Mathare. During the forums 12,580 people were reached with 101 complaints lodged on site. The commission also participated in Public forums in the four areas. During the forums which were held in the month of December, 9,300 people were reached with 29 complaints being received on site. There is need to replicate the programme in other areas for the people to understand the mandate of the Commission but this is not currently possible due to funding restrictions.

C) Capacity of State Actors to Understand Government Obligation with Regard to the Bill of Rights and Economic Social and Cultural Rights Enhanced

Improved realization of the Right to Health

In 2014 both the KNCHR and the NGEC have carried out important work in the area of the right to health. KNCHR developed an assessment tool on the core minimum standards on the right to health which was piloted and validated in Busia. The NGEC initiated a process to develop standards for the realization of the right to health which will feed into KNCHR's assessment tool once completed. The NGEC also undertook an audit of the operationalization of the presidential directive for free maternal health care. It was established that proper guidelines do not exist for the implementation of the directive nor is it supported by a policy framework. This means that the directive is open to interpretation and is inconsistently applied at the ground level. Also, it is unclear how the directive is put in practice at the county budget/expenditure level. Important recommendations have been put forward for the development of a policy framework to guide the implementation of the directive.

Increased advocacy for the rights of the older persons

A rapid assessment by NGEC on violence against older persons in Kisii, Narok, Muranga and Tharaka Nithi counties revealed perpetrators to be immediate family members, including cases

such as sons assaulting their fathers over land disputes. Most of the violence is fuelled by delayed land and property succession cases as well as allegations of witchcraft. Lynching of elderly persons on suspicion of witchcraft was also noted as a vice gaining trend especially in Kisii county. Most cases of violence against older persons go unreported and majority of the victims have limited understanding of the abuse that they are being exposed to and where they should report such experiences. The lack of State and non-State actors working on issues affecting the elderly in the society has aggravated the plight of senior citizens as their welfare is systematically neglected. The counties audited acknowledged that county governments were yet to mainstream issues of elderly persons in their integrated plans. The County government administration were sensitized on the need for social protection mechanisms of older persons in their integrated development plans and the counties audited assured NGEAC that the matter would be addressed in the next cycle of planning. After having been given informal advisory three have already made adjustments to their five year plans to accommodate programs and interventions for aging persons. Also, the NGEAC continued to advocate for improvements in the cash transfer programmes for the older persons as part of the government's social protection programmes, as a result of an audit and ensuing report on the issue. Various stakeholder forums have been conducted with public and private institutions on the rights of the older persons. The reports on cash transfers and violence against the older persons, and the recommendations made, has contributed to increased budget allocation to social protection programs for older persons to 4.9 billion shillings in 2014.

Furthering the protection for internally displaced

KNCHR facilitates a monthly protection working group for internally displaced persons. 4 forums were held in 2014 focusing on the bill of rights and internal displacement with 26 new partner organizations joining regional PWGID forums. The forums deliberate the unresolved protection needs of the displaced persons and affected communities, families likely to be displaced and explore the possible collaboration with the chair of the National Consultative Coordination Committee for on implementation of the Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act, 2012. The KNCHR trained the various working groups on the roles and responsibilities of the government and private developers in the case of forced eviction, and especially on the provisions of the IDP act. The commission also disseminated a handbook on forced evictions in Kenya. Further work will be done to enact the IDP bill into law.

Enhancing human rights protection in extractive industries

The KNCHR carried out work to enhance human rights protection in extractive industries through various avenues including community engagements, providing advice to the government on the mining bill, and auditing alleged violations of human rights in limestone exploration activities by Athi River Mining Limited (ARM) in Ngaaie area of Kitui County. The activities address both the demand and supply side, and have helped to build the capacity of both rights holders and duty bearers. The integration of HRBA in the mining bill will have long lasting impacts of protecting human rights in the extractive industry.

Increased citizen awareness on ECOSOC rights

The KNCHR used various means of reaching citizens with ECOSOC messages in 2014. The Commission disseminated the draft National Human Rights Policy and draft National Action Plan on Human Rights in the coastal (Malindi) and Eastern (Isiolo) regions. Also celebrations during international human rights day in Dec 2014 and International Day in Support of Victims of Torture in June provided opportunities for widespread campaign and lobbying on human rights

with special focus on ECOSOC. On human rights day the Commission and partners joined forces to celebrate the national human rights day. Celebrations were held throughout the week, with various activities which included a haki caravan passing along Nairobi East, Nairobi North, Nairobi West and Westlands districts. The Caravan had stop over's to inform the citizens of the importance of the IHRD and their rights. Legal officers also gave sporadic legal aid during the caravan movements and stop over's. The celebrations also included a live broadcast on the current human rights situation in the country in relation to "Insecurity and Human Rights" Moderated by Ken Mijingu (NTV). This culminated with the successful official launch on the state of insecurity in Kenya.

D) Strengthened Framework on Access to Justice at National and County Level Applying HRBA Approach to It

Strengthened formal and informal justice systems (Judicial reform)

KNCHR has sought to engage the traditional system forums in its implementation of human rights as it is a justice system which is respected and more easily available to people living in the rural areas. Traditional justice systems are reconciliatory and cases are resolved faster.

The border between Kericho and Nyando regions has in the recent past experienced violent disputes and conflict pitting the Luo and Kipsigis community allegedly fuelled by cross border cattle rustling. KNCHR sought to promote traditional justice mechanisms as mean to resolving the recurrent disputes which have links to cultural practices. 30 Kipsigis and 30 Luo elders were sensitized. It was observed that cattle rustling are common practice in the area which however did not attract deadly clashes between the two communities in the past. Traditionally the two communities employed cultural justice mechanism to resolve disputes emanating from the practice. However, with the introduction of the courts as instruments of redressing modern day disputes, bloody conflicts have increased between the two communities. Sensitization forums between Luo and Kalenjin elders were convened to discuss ways of reviving and utilizing cultural mechanisms for dispute resolution adaptable and acceptable to the modern day needs and reality. The elders were sensitized on infusion of human rights standards to the cultural justice mechanisms so that the decisions of their decisions are more acceptable to the present generation and are in conformity to rules of natural justice. Follow up forums will be conducted in the near future to assess the revival and use of this traditional justice mechanism to address the emerging and existing disputes between the communities. In Pokot the capacity of 33 elders was strengthened on HRBA to Traditional Justice Mechanisms. In Nyamira County and in Kuria region 190 participants were engaged during forums to alternative rites of passage that can be set by each community to ensure harmful practices such as FGM do not continue. Furthermore, 300 Girls were picked from Kisii, Nyamira and Kuria and taken through alternative rites of passage as a better option from the FGM. The capacity of the girl child was built to say no to FGM, be able to report when they are threatened and also to teach their fellow girls about the dangers of FGM.

Also KNCHR has strengthened the formal justice system by supporting various Court User Committees around the country and by facilitating the sharing of best practice for replication. Forums have been held in Ohaya Court, in Kisumu county in Nyando court, as well as in Malindi and Kwale. In Kisumu an open Court Users committee was held at the Nyando court. Through the open forum, the public got an opportunity to interact with and learn more about the criminal justice sector from officers from the judiciary, the police, probation department,

children officers and other actors in the criminal justice. The public were sensitized on how the criminal justice works and the need to embrace alternative dispute resolution using the existing structures. The forum attracted over 500 participants. The NGEC and the CAJ were also in attendance with the KNCHR. In Kwale the Court Users committee was strengthened through the establishment of a partnership between the CUC and County government. It was noted that the court users committee needs capacity building in order to establish the council of elders. The Commission in collaboration with the National Council on the administration of justice will develop guidelines and regulations to improve the efficiency and effectiveness of the council of elders. Strengthening CuCs has resulted in increased coordination among stakeholders for achieving access to justice for the public.

Strengthening the momentum on penal reforms

In 2014 the KNCHR has continued inspecting places of detention in a bid to promote a human rights culture in places of detention. This was in form of an outcome monitoring aimed at assessing the application of human rights principles and standards and establish the degree to which the minimum standard rules have been applied in the prison service. Inspections were carried out for example in Kibos medium prison, Nakuru women, Naivasha maximum prison and Narok main prisons. In the institutions inspected, there was a deliberate effort by the State to provide basic human rights for the inmates including food, accommodation, clothing, medical care education and vocational training. The main challenge facing the prisons was with death row inmates.

KNCHR's engagement while training the law enforcement officers and carrying out prison inspections, deduced that the underlying cause of human rights violations is the provisions of the Prison Service Act (cap 90) and Borstal act 92. Most of the officers consulted were not comfortable with the Caps especially in areas that touch the officer's interest and conduct. The commission is in the process of reviewing the Caps and invited stakeholders to review the Caps among them being officers in the prison service. There have been considerable strides made towards the review with Kenya Prison Service taking the lead with the support of the working group. The aim is to finalize the reviews in early 2015 and lobby parliament for immediate review of the two acts mentioned above.

Another feat towards accomplishing penal reforms is the strengthened partnership on the abolition of the death penalty. Numerous meetings have been held between the commission and the coalition on the abolition of the death penalty and progress made with the Coalition being enjoined in PIL suit by two death row inmates challenging the constitutionality of the death penalty and the mandatory imposition of the sentence.

Strengthened framework on access to justice through improved complaints handling frameworks

Effective and efficient complaints submissions and responsive institutions play an important role in providing access to justice for citizens. Institutions such as CAJ (The Ombudsman) and KNCHR are critical as they provide an out of court option for citizens to seek remedies for the violations they have experienced. The project has continued to strengthen KNCHR's complaints handling through regular referral partner meetings held nationally and regionally. Referral partner meetings were held in Tana River, In Eldoret, and in Nairobi among others. In Tana River the meetings lead to the establishment of a working group/referral network in Tana river county. In Nairobi, key partners have joined the referral partnerships with The Office of the Director of Public Prosecutions and The National Transport and Safety Authority joining the partnership.

The KNCHR continues the bid to involve other key partners, including CREAW, Pendekezoletu, National Land Commission, National Council of Persons with Disabilities, and the National Cohesion and Integration Commission to join the partnership. Through the referral partnerships KNCHR was able to refer over 50 cases majority of which related to labor rights, legal representation and land cases to other actors in the referral partnership.

Addressing systemic Issues involved in service delivery with a view to recommending appropriate remedy

The CAJ carries out research in systemic issues identified based on complaints received from citizens. In 2014 The CAJ completed research activities on the following:

The following research were conducted and completed.

- Investigations on Baragoi Police Operation
- Investigations into Industrial Area Police
- Cotu Vs NSSF abuse of power and maladministration
- Investigations on Embu Land Case
- Kisii Municipal Land Case
- Investigations of Principal on abuse of power and maladministration, Ngara Girls School
- Prison warders case

The reports outline the maladministration identified and collates the evidence examined. Recommendations were provided on case by case basis and the CAJ is following up on their implementation.

Also Public Interest Litigation has been used by the CAJ and the KNCHR to influence the public agenda on maladministration and human rights. The CAJ participated in 9 cases of public interest litigation to advance constitutionalism and good public administration in Kenya. Notable cases include ones on NSSF and on IRA.

The first case, Nairobi Judicial Review Case No. 309 of 2014 – National Social Security Fund Board of Trustees versus the Commission on Administrative Justice, was an application by NSSF to quash the findings of the Report of the Commission regarding the Tassia II Infrastructure Development Project. The Commission had found that there was abuse of power and disregard of procurement procedures relating to the Project. The matter is about to be completed after both the Commission and NSSF filed and served their submissions. The Commission was given an opportunity to file further submissions by 4th February 2015 since NSSF had raised new issues in their submissions. In relation to the Second Matter, Commission on Administrative Justice versus the Insurance Regulatory Authority and the Attorney General, the court documents (pleadings) were prepared and filed in court. The application by the Commission seeks a declaration by the court that the Motor Insurance Underwriting Guidelines of 20th November 2009 were issued in contravention of the law insofar as they purported to create unfair practices in the provision of insurance services. The matter will be fixed for hearing once IRA and the AG file and serve their responses. The two cases are important in the advancement of human rights and administrative justice in Kenya. The decision of the Court in the NSSF case will determine the place and role of oversight bodies such as the Commission in the governance process. In relation to the rule of law, it will determine whether a Public Institution or Public Officer against whom a decision has been made has the discretion to ignore such decisions where they are aggrieved by the decisions. In relation to the IRA case, decision will bring to bear the interpretation of the provisions of the Constitution on Consumer Protection, and the place

of oversight bodies in ensuring compliance with the Constitution.

Also the KNCHR initiated Public interest Litigation cases. This included cases such as one on Extra Judicial Killing by the state, by a GSU Police Officer. A team from the KNCHR travelled to Eldoret and Kitale to obtain court records from Eldoret Law Courts and finalize on filing of the Chemorei petition by obtaining an affidavit from the 3rd Petitioner and Speaking to Doctors who treated the 3rd Petitioner. The case is still pending in the court, but is an example of the KNCHR using public interest litigation to advance the human rights agenda in Kenya.

E) Transitional Justice Processes Supported

Continued engagement of stakeholders with the TJRC process -

In 2014 the NGEC continued work to address issues in relation to community perception on land use and natural resource management among marginalized communities mentioned in the TJRC report. The report previously produced was widely disseminated to counties with the county governments and with the communities in community forums. The NGEC follows through with the recommendations in the report.

The KNCHR has been supporting the transitional justice mechanism in the country including the TJRC processes. The KNCHR continues to advocate for the implementation of the TJRC report. The Truth Justice and Reconciliation Commission (TJRC), established in 2008 completed its assignment and handed its final report to the President in 2013. The report was subsequently submitted to Parliament for consideration but the report has not been debated in parliament and the recommendations of the Commission are yet to be adopted by the Government. In the meanwhile KNCHR has continued to lobby for the implementation and has provided various forums in 2014 for citizens, especially survivors of injustices, to present their demands to the government. An immediate output of the forums is an increase in the number of victims who have filed cases in court for redressing the historical injustices. The KNCHR, with its partners on transitional justice simplified the report released by TJRC mid last year and has been engaged in disseminating it to victims in various places.

A hallmark decision was taken by the government to establish a TJRC Inter-Agency Implementation Committee which brings together state agencies and Civil Society organizations working on transitional justice. This establishment cements the gains KNCHR has made since the mobilization and empowerment of victims and survivors process, the monitoring of the forums and post TJRC forums. Being part of the Committee, KNCHR has a unique opportunity to positively influence the committee to ensure that the voices of the victims of historical injustices are not lost. It also gives the civil society groups a launching pad for further advocacy since there will be enhanced synergy and duplication of efforts will be minimized. The committee will among other duties see to the full implementation of the recommendations of the TJRC report and therefore ensure access to justice for victims of historical injustices is realized.

F) Capacity of State and Non-State Actors Built to Deliver on Their Human Rights Obligations

Strengthened public institution on maladministration

After the Huduma awards in May 2014 the CAJ was flooded with requests from government ministries, departments and agencies (MDAs) for capacity building on issues of

maladministration, service delivery and complaints management. The CAJ organised an extensive training programme and reached 1930 public officers representing 128 government agencies (mainstream ministries, state corporations, tertiary institutions). The activity is still on-going with pending requests from MDAs. After the training the MDAs have an improved capacity to respond to complaints from the public, to address the concerns, and to report to the CAJ through the performance contracting system. The CAJ also trained 60 community radio journalists on maladministration issues to be able to report on them correctly. As a result various radio stations have offered CAJ opportunities for free radio talk shows on the major thematic areas of the Commission.

The NGEC also conducted training on the MDAs on how to report against gender mainstreaming in the performance contracting. As a result of the support provided to the NGEC, monitoring government performance on gender, equality and inclusion in Kenya has improved. In 2014 the gender mainstreaming indicators used in government performance contracting have been broadened to measure progressive realization of equality at process and outcome level as compared to the past generation of indicators which measured mainly inputs and processes. This has improved the quality of reporting on gender mainstreaming from government ministries, departments and agencies

Improving women's political participation through furthering the 2/3rd affirmative action agenda

Before the 2013 elections, the constitutional principle of 2/3rd representation at the National Assembly and the Senate was ruled 'progressive'. A deadline of August 2015 was given for a framework to be developed for the implementation of the 2/3rd principle in the Parliament of Kenya. A high level committee was formed in 2014 by the Attorney General to review and propose a formula required for the 2/3rd affirmative action at the National Assembly and the Senate. The NGEC was selected to chair and coordinate the committee which included members from all key stakeholders including IEBC and the Gender Directorate. The seed funding through the project enabled the NGEC to acquire further support from development partners. Consultative meetings were held with different experts; the Constitutional experts, legal and human rights experts, female deputy governors, National Women's Steering Committee-NWSC, the Senate, the Council of Governors-CoG, and the Ward Representative Association of Kenya-WRAK. Discussions and consultations pointed to the need for equality Policy and equality legislation. These outcomes will affect multiple legislations and is likely to open the framework to address representation of vulnerable population in elective and appointive positions. The Technical Working Group considered three broad frameworks on the implementation for the two thirds gender principle some of which formed the basis of discussion pre 2013 general elections namely:-

- Equality Policy and Legislation.
- Amendment of existing Legislations i.e. Elections Act and Political Parties Act
- Constitutional Amendment

Through the analyses, the consultants consolidated the ideas and developed a zero draft framework incorporating eight (8) possible options with their Constitutionality and viability. Meeting with the National Assembly Committee on Justice and Legal Affairs indicated the members leaned towards a constitutional amendment to anchor the 2/3 gender principle. Two preferred framework options have been forwarded to the Attorney General for the AG's office to develop into a framework to be put in place before the August 2015 deadline.

Advocating for equality and inclusion in the private sector

The private sector has a wealth experience in programming around human rights principles in business. However, their effort in addressing issues of inclusion and equity is disjointed and less systematic. In 2014 The NGEC tapped into the wealth of experience existing in the private sector in the field to institutionalize a framework of increasing recognition of critical issues and gaps on equity and diversity so that the private sector can strategically implement and raise the bar on the same. Partnerships were created with key private sector companies including Safaricom, Nation Group and Equity Banks. The NGEC conducted a gap assessment on equality and inclusion in the private sector. Preliminary findings show that: Although the private sector is addressing the needs of SIGs the participation of SIGs in the workforce is dismal especially the participation of the persons with disability. Few companies have adjusted their structural infrastructure to cater for the needs and rights of PWDs, older members, and minority groups. The affirmative action programs and actions are not a performance factor in private sector. However, there are multiple forms of affirmative actions exercised. There are limited interventions for older members of the society in most spheres of the private sector such as product development, innovation, and investment. Some have elaborate social programs for the old. A draft tool kit has been produced with monitoring minimal indicators of equality and inclusion in the private sector. The NGEC also established an incentive scheme on compliance with principles of equity and inclusion in the private sector.

Improved accountability by state and non-state actors through audits and public enquiries

In the year 2014 the NGEC has carried out various audits and public enquiries to dig deep into issues of inequality in Kenya and to provide recommendations for corrective action. These have included an audit on the emerging perception on exclusion of the boy child, an audit of private owned drug rehabilitation centres, and a public enquiry on teenage pregnancy in Kenya.

The audit on the emerging perception on exclusion of the boy child focused on three counties of Embu, Kisumu and Kakamega. Preliminary findings reveal that boy child could be the missing link to attaining goals for women empowerment and gender equity in Kenya. The audit shows extent of discrimination of the boy child and increasing inequities affecting boy child. For example in some schools the dropout-rate for boys in upper primary school levels was 30% or more. Key drivers for marginalization of the boy child were established and included: Legal and policy frameworks; cultural and tradition factors; Perceived Poverty; Dimensionality of development programs; Contemporary Socialization processes; Family and parent roles. The assessment has heightened national and county leadership and government to focus on boy child and call for programs to protect the rights of the boy child.

The audit of Audit of private owned drug rehabilitation centres was undertaken when Kenya lost more than 300 persons in alcohol related incidences. The audit has contributed to the following: Proposed increased powers of The National Authority for The Campaign Against Alcohol (NACADA) to have inspectorate department; Increased allocation of funding to NACADA; County governments and NACADA improved partnership to construct more drug rehabilitation units in sub-counties; Increased number of counties legislating laws and policies to curb illegal alcohol drinks e.g. Nairobi county; Improved strategic partnership between Kenya Bureau of Standards, NACADA, private sector, and bar owners towards curbing the high leakage of unlicensed alcohol drinks in the Kenyan markets, ascertain contents by volume of ingredients of alcoholic substances before licensing and mitigate consumption of alcohol among children. The report

was completed and shared with key stakeholders who include non-state actors and state actors such as Ministries of, Health, Planning and Devolution and NACADA among others.

The public enquiry on teenage pregnancy in Kenya is still in-going but has already led to the establishment of a multi-sectoral national mechanism for monitoring child rights protection at the national and county levels. The enquiry will be completed in the first half of 2015 and the report published soon after.

Mainstreaming disability rights by the state and non- state actors

The NGEC carried out county based community sensitization and public advocacy programs on representation of persons with disabilities. The forums revealed low level understanding and awareness of the role of special interest groups' representatives in county assemblies and that rigid cultural practices and norms affect the participation of vulnerable groups especially PWDs in development agenda. The NGEC recommended that there will be further capacity building of PWDs representatives and further sensitization of communities on the value of PWDs engagement in all development aspects in their societies. Also the NGEC is lobbying for the amendment of political parties Act 2012 and the elections Act 2012 to enhance participation of PWD in political agenda and development.

The KNCHR continued activities on the legal capacity of PLWDs. A report was published on this in March 2014 with key recommendations for state and non-state actors on the improved legal capacity rights of PLWD. Forums were held to build capacity on the same and follow up meetings have been held on implementation of specific recommendations. The KNCHR also participated in the 7th session of Convention for the Rights of People with Disabilities (CRPD) state parties and compiled a report on National monitoring and implementation of the CRPD (Article 33 of the CRPD).

G) Inclusion of marginalized and vulnerable groups in the project

The various activities carried out by the Commissions have vulnerable and marginalized citizens at the centre. NGEC exists to promote and protect the rights of special interest groups (SIGs), KNCHR work on human rights often touches on the lives of those who are the most vulnerable in society and CAJ's key mandate of receiving complaints regarding maladministration often come from citizens who experience marginalization. Some examples of activities which have been carried out in 2014 and have targeted the most disadvantaged in society include:

- The CAJ continuing to prioritizing public complaints by the most disadvantaged in society
- The NGEC and KNCHR efforts to strengthen the legislative frameworks (tax exemption order and PWD Act 2003) for the protections of rights of PLWD
- The KNCHR's initiative to strengthen efforts against FGMs protecting the rights of young girls
- The KNCHR monitoring places of detention and ensuring adherence to rule of law
- The NGEC auditing violence experienced by older persons and ensuring that county governments have budgetary provisions and programmes in place to address the needs to older persons
- The KNCHR furthering the protection for internally displaced through regional networks
- The NGEC lobbying for inclusion in the private sector, especially of PWDs
- Ensuring the inclusion of marginalized groups in the 2/3rd affirmative action consultation ensuring a comprehensive representation of citizen voices in the process.

The activities carried out have been participatory seeking for the inclusion of people from marginalized groups. Feedback and lessons learned from citizen participation continue to feed into programme design and shape future activities.

H) Summary of key publications produced in 2014

- NGEC Commission on the Status of Women report
- NGEC Study on violence against older persons
- CAJ investigative reports; Prison land case
- KNCHR: UPR progress report
- KNCHR submission for the UPR review
- KNCHR report on the state of insecurity and rights in Kenya
- KNCHR handbook on forced evictions
- KCNHR: The right to legal capacity in Kenya

IV. CHALLENGES AND LESSONS LEARNED

Under the reporting period the Commissions experienced various challenges but learned important lessons from them. These include:

Demand for services: Pressure to respond to huge demands by MDA's on training workshops on administrative justice. The requests were received on short notice and the CAJ had to respond quickly to meet the demand. The CAJ also noted that the trainings on capacity building of state agencies may be conducted jointly by including any of the other two implementing partner commissions to take advantage of the different organized forums while meeting various institutions. Also the other two Commissions shared lessons learned about the importance of working together with the other Constitutional Commissions and other key offices so established by law to consider synergizing their work plans and programmes so that they implement activities jointly. Besides being a cost cutting measure, it will enable the Commissions reach out to a larger section of public and address their concerns.

Huduma Awards: Despite being a success, several challenges were experienced during implementation of the huduma public service award activity, these included; A number of nominations especially from remote areas were received way after deadline hence were not considered in the selection process; A number of nominations had to be left out because they did not meet the admissibility criteria pointing to a lack of understanding of the Awards nomination forms; Convening Steering Committee meetings and conducting various exercises leading to the Awards was a challenge as Steering Committee members represent different institutions and at times were not able to avail themselves to undertake initiatives some of which required the participation of all members. Nomination forms for the huduma public service award need to be disseminated earlier to enable Kenyans from different parts of the country to submit their nominations in good time. These lessons learned will be integrated into the next Huduma Awards planning session. It was noted that the Huduma Awards was an excellent opportunity to lobby for the strengthening of the CAJ's legal framework to improve compliance with advisories. This was due to the attendance and support provided by the President as the Chief Guest and Senior government officers.

Accessing remote areas: The Commissions had difficulties accessing and carrying out work in remote areas. In the ASAL region illiteracy and language barriers were an issue. KNCHR has a high number of participants who attended the meeting who could not even write their names and KNCHR had to pick some individuals to write the names on their behalf. Some of the sub-counties in need of services of the commissions are rated as insecure. The NGEC, for example, is working on elaborate program for engaging with security organs to ensure that irrespective of insecurity, the regions such as Lamu, Mandera, wajir continue to receive devolved services from the commission.

Attitudes preventing positive engagement: During Protection Working Group (PWG) meetings for the protection and promotion of IDPs rights KNCHR observed denial by the national government (mainly County Commissioners) on the existence of IDPs in their regions; citing the resettlement of all IDPs by the central government. However, field visits located IDPs still in camps in the region. This is a setback to the protection work since the denial signifies that the government is not ready to cooperate in the protection of IDPs as it does not recognize their existence. Also KNCHR struggled with attitudes of law enforcement officers during human rights training. It was noted that many prison officers of the junior Carder have little knowledge and regard for principles and practices of Human Rights. It has therefore been quite a challenge to try to change the assumed mentality that inmates and those under custody lose all rights once they are confined in these facilities. The trainees were under the impression that it was not out of order to treat inmates in a way that violated their rights. Then there is always the notion the commission is inclined towards the rights of the inmates at the expense of the rights of the officers. A lot therefore has to be done to curb this stereotype and strike a balance between the rights of the two parties.

Lack of knowledge: The KNCHR noted that the Right based approach to programming is a new concept for some county governments. This group of people therefore has a problem relating Rights to processes of devolution, development and Budgeting. This is particularly true with the political leaders including Members of the County Assembly and staff in the Governor's office who behave as if they are above the law. Further, critical articles of the Constitution are still not well understood.

Public interest litigation: The main opportunity in this segment is the use of Public Interest Litigation to drive policy and legal reform especially with respect to the right to life and freedom against torture, inhuman and degrading treatment. It also serves to enhance the respect for human rights by both State and non State actors.

Prison reforms: Cap 90 and Cap 91 featured prominently as a main hindrance to some key reforms in as far as the prison engagement is concerned. The KNCHR Commission has an opportunity to push for the review of CAP 90 and 91 Prison's Act as well as the standing orders governing the conduct of Prison officers. There are emerging issues and trends that the current legislation does not really capture and therefore makes it quite challenging for the prisons department to handle them when they arise. Such issues include handling vulnerable groups and categorization of transgender inmates. What of the issue of terrorism and the ability of law enforcement officers to handle terrorists in custody? Law enforcement officers simply do not have the necessary training and capacity to handle such lethal criminals. The overcrowding in prisons is a situation that could be improved if an effort were made to do so. Some of the occurrences in the prison service are historical and archaic and there is no reason why they

should still occur today for instance what is the logic behind inmates being fed dinner at 3pm.

Challenges with women's participation: the KNCHR noted that the gender threshold had not been met in some regions especially in the attendance of human rights activities and therefore more women need to be engaged and encouraged to attend human rights activities and forums.

Lack of comprehensive data sources and data from counties: Most of the counties are establishing registry and installing knowledge management information systems to the extent that data collection is limited to county government reports, operation procedures and circulars.

Coverage of commission activities: due to limited funding per activity, the NGEC's activities on a given subject area were limited to three to four counties. The commission will leverage on resources from government and other development partners to increase frequency of interventions by counties.

Private sector engagement: The private sector has a wealth experience in programming around human rights principles in business. However, their effort in addressing issues of inclusion and equity is disjointed and less systematic. The NGEC will tap into the wealth of experience existing in the private sector in the field and at same time institutionalize a framework of increasing recognition of critical issues and gaps on equity and diversity that private sector can strategically implement and raise the bar on the same.

Project implementation: During some quarters time allocated was insufficient to complete the tasks planned for the quarter. This was due to delayed implementation of activities in the previous quarter leading into delayed request for the next disbursement of funds posing a risk on the quality of implementation. The right mix of time, resources and scope can make a difference in quality of results.

V. FUTURE WORK PLAN

An annual workplan has been developed for the period 2015 (Jan-Jun) identifying priorities and activities for the period. These are outlined in the Annual Workplan Document (AWP) which has been signed and approved.

VI. SIGNATURES

Commission on Administrative Justice (CAJ)

Commission Secretary

Signature.....

Date.....

National Gender and Equality Commission (NGEC)

Commission Secretary

Signature

Date

Kenya National Commission on Human Rights (KNCHR)

Commission Secretary

Signature

Date

UNDP

UNDP Deputy Country Director (Programmes)

Signature.....

Date

APPENDIX 1 – M&E FRAMEWORK FOR OUTCOMES AND RESULTS

M&E Framework for Outcomes and Results

Indicator	Type of indicator	Means of verification	Baseline	Target	UDPATE (Jan 2015)
UNDAF Outcome: Democratic governance and human rights including gender equality progressively enhanced					
CPAP Outcome: More efficient, effective and equitable public service delivery by institutions and systems of democratic governance and rule of law enhanced					
Key policies and strategic plans for the delivery of quality and equitable service	Qualitative	Ministry of State for Planning, National Development and vision 2030	National long term plan, medium term plan II, MTP sector plans and county plans in draft	Key strategic policies and plans completed and in implementation	Nationally MTPII has been completed guiding national development for the next five year period. Human rights indicators have been integrated.
UPR Recommendations on human rights implemented	Quantitative	UPR review reports	Half way targets not reached in 2012	UPR recommendations implemented by 2014	The second periodic review process noted that many of the recommendations from the previous cycle had been implemented but others were not. Kenya received nearly 300 new recommendations majority of which were accepted or noted, with only three recommendations rejected.
CPAP Project Outcome: Enhanced capacity of the Ministry of Justice and Constitutional Affairs and relevant government bodies to deliver on its constitutional mandate including the successful implementation of the Bill of Rights and access to justice					
Result 1: Article 59 Commissions' Capacity Strengthened in Order to Implement Their Mandates More Effectively					
Referral and engagement system in place	Binary	KNCHR, CAJ and NGEC reports/documents	Lack of mechanisms for addressing overlap of mandates of KNCHR, CAJ, NGEC	Framework for engagement and referral in place and operational	Referral framework strengthened with new partners having been included in the referral framework. Also there was increased cooperation between the three Commissions in 2013 through joint activities.
No. of complaints and cases received and mediated as an indicator of improved complaints handling as well	Quantitative	KNCHR, CAJ, NGEC annual and quarterly reports	No of complaints and cases received end of 2011	% increase in number of cases reported to various commissions by citizens relevant to their respective	CAJ – Number of cases reported in 2014 reaching 78,598 KNCHR – number of cases reported in 2014 1,986

Indicator	Type of indicator	Means of verification	Baseline	Target	UDPATE (Jan 2015)
as public awareness (aggregated by proportion of cases received from women, youth PWDs and marginalised group)				mandates. % increase in number of cases resolved.	NGEC – number of cases in 2014 reaching 80. It is noted that there are no aggregate figures available. This will be addressed.
No. of strategic plans in place guiding the work of the Commissions	Binary	KNCHR, CAJ and NGEC reports/documents	No strategic plans, or outdated plans	Strategic plans in place for KCNRH, CAJ and NGEC	Strategic plans in place for each Commission since mid-2013.
% level of public awareness of the commissions	Quantitative	The number of complaints received will be used as a proxy indicator of awareness	Low level awareness	Increase in public awareness	The number of complaints has increased in 2013 indicating increased awareness of the Commissions' mandates. Also, the number of people reached in 2013 through awareness raising activities has contributed to increased awareness.
Result 2: Capacity of Government Staff Strengthened to Apply a Human Rights Based Approach (HRBA) and related principles					
No of public officers trained on human rights and related principles (aggregated by number of women and PWDS public officers trained)	Quantitative	Project reports	--	250 public officers trained	In 2014 KNCHR trained 114 officers on HRBA, and the CAJ trained 1930 public officers on administrative justice issues.
HRBA integration in county profiles	Qualitative	County plans	No baseline as county governments are being established	County plans integrate HRBA including gender issues	There is evidence from some counties of integration of HRBA into county plans and profiles.
County compliance with Ch6 of the Constitution	Qualitative	CAJ reports	-- --	Compliance with Constitution reported	No assessment done as yet.
No of county ombudsmen employed	Quantitative	CAJ report	-- --	Minimum five employed	Currently 8 counties have committed to piloting county ombudsman's offices and include them in their next budgets.
Result 3: Capacity of State Actors to Understand Government Obligation with Regards to Economic, Social and Cultural Rights Enhanced					
Government level of commitment to the progressive realization of	Qualitative	UPR report / Government Report on progressive	Currently yellow scoring level for right to water and	Improved to green scoring	UPR Report to the Human Rights Council indicates positive steps taken towards the country in implementing ECOSOC rights.

Indicator	Type of indicator	Means of verification	Baseline	Target	UDPATE (Jan 2015)
ECOSOC rights		realization	education, and red for right to food		However, continuous challenges are noted.
% level awareness of ECOSOC rights	Quantitative	Survey	Low level (only 20%)	30% are aware of ECOSOC rights	No national survey was carried out in 2014 to establish current level of awareness.
No. of standards developed	Quantitative	KNCHR, CAJ and NGEC reports/documents	Few standards exist for monitoring ECOSOC rights	At least 1 sector specific standard exists	NGEC – standards for gender and inclusion at the county level. Standards are currently being developed for the health sector.
Result 4: Strengthened Framework on Access to Justice at National and County Level Applying HRBA Approach					
Level of satisfaction with complaints mechanisms	qualitative	Client satisfaction surveys	--	Clients indicate satisfaction on access to justice through complaints mechanisms	CAJ does not yet have data yet on satisfaction levels.
% reduction of complaints to KNCHR and partners on inaction by justice institutions. (% of case reduction among women, youth, PWDs and marginalised groups)	Quantitative	KNCHR complaints database/ statutory reports	143 in 2011	Reduced to 100 complaints	
No. of cases pursued through public interest litigation	Quantitative	CAJ/KNCHR/NGEC statutory reports/project reports	Currently few	Increase in numbers	In 2014 The CAJ and The KNCHR have increasingly resolved to PIL as a way to enhance human rights and administrative justice agenda in Kenya.
No. of referrals to partner organisations/Commissions	Quantitative	CAJ/KNCHR/NGEC statutory reports/project reports	--	Increased referral of cases to partner organizations	In 2014 360 cases out of 1489 KNCHR cases were referred to various referral partners with the mandate to handle their cases.
Result 5: Transitional Justice Processes Strengthened to Effectively Redress Historical Injustices					
No of victims reached through victims forums	Quantitative	KNCHR statutory report/ project report	--	50 victims reached and advised on transitional justice	TBC from KNCHR
Action framework/strategy in	Qualitative	Reports	No follow-up	Framework in place	The TJRC report is still stuck in parliament

Indicator	Type of indicator	Means of verification	Baseline	Target	UDPATE (Jan 2015)
place following up the publication of the TJRC report in May 2013			framework in place as the report was delayed multiple times	identifying agencies and actors to contribute to the realisation of the report recommendations.	and has not been officially adopted. However, a taskforce has been put in place for it's implementation with KNCHR included in the task force.
Result 6: Capacity of State and Non-State Actors Enhanced to Deliver on Their Human Rights Obligations					
MTPII sector plans integrate HRBA	Qualitative	MTPII documentation and sector plans	--	Human rights principles incorporated in sector MTPII plans	TBC from KNCHR
No of statutory reports submitted on global human rights commitments	Quantitative	KNCHR/CAJ/NGEC reports	Requirements vary per year	3 statutory reports submitted at international level	Statutory reports submitted to CSW and UPR in 2014
% level systemic business related violations	Quantitative	State of human rights reports	--	% reduction in systemic business related violations	No data yet as work just established
Sector specific monitoring frameworks in place	Quantitative	NGEC reports	Zero	In place in three sectors	No data yet as work just established
Sector specific standards developed		NGEC report	zero	3 standards developed	No data yet as work just established

APPENDIX B. PROVISIONAL CDR 2014



UN Development Programme
Report ID: unglcdrp

Combined Delivery Report By Project

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Selection Criteria :

Business Unit : KEN10
Period : Jan-Dec (2014)
Selected Project Id : 00064103
Selected Fund Code : ALL
Selected Dept. IDs : ALL
Selected Outputs : ALL

Project Id : 00064103 Kenya National Commission on H	Period :	Jan-Dec (2014)
Output # : 00080976 2KEN011/203 KNCHR	Impl. Partner :	01726 National Execution
	Location :	Kenya
	Govt Exp	UNDP Exp
	UN Agencies Exp	Total Exp

Dept: 34204 (Kenya - Dem. Governance)

Fund : 04000 (Core Programme, UNU Centre)

61305 - Salaries - IP Staff	0.00	2,666.80	0.00	2,666.80
61310 - Post Adjustment - IP Staff	0.00	1,106.73	0.00	1,106.73
62305 - Dependency Allowances-IP Staff	0.00	148.70	0.00	148.70
62310 - Contrib to Jt Staff Pens Fd-IP	0.00	816.63	0.00	816.63
62315 - Contrib. to medical, social in	0.00	198.84	0.00	198.84
62320 - Mobility, Hardship, Non-remova	0.00	404.12	0.00	404.12
62330 - Rental Supplements - IP Staff	0.00	431.72	0.00	431.72
62340 - Annual Leave Expense - IP	0.00	322.00	0.00	322.00
63335 - Home Leave Trvl & Allow-IP Stf	0.00	231.24	0.00	231.24
63530 - Contribution to EOS Benefits	0.00	141.50	0.00	141.50
63535 - Contribution to Security	0.00	169.81	0.00	169.81
63540 - Contribution to Training	0.00	45.29	0.00	45.29
63545 - Contribution to ICT	0.00	56.61	0.00	56.61
63550 - Contributions to MAIP	0.00	18.87	0.00	18.87
63555 - Contribution to UN JFA	0.00	86.79	0.00	86.79
63560 - Contributions to Appendix D	0.00	11.32	0.00	11.32
64308 - Appointments-Lump Sum	0.00	3,097.14	0.00	3,097.14
65115 - Contributions to ASHI Reserve	0.00	301.88	0.00	301.88
65135 - Payroll Mgt Cost Recovery ATLA	0.00	39.22	0.00	39.22
71610 - Travel Tickets-Local	0.00	4,929.45	0.00	4,929.45
71620 - Daily Subsistence Allow-Local	0.00	1,690.25	0.00	1,690.25
71635 - Travel - Other	0.00	92.65	0.00	92.65
72215 - Transportation Equipment	0.00	-6,610.47	0.00	-6,610.47
72440 - Connectivity Charges	0.00	183.00	0.00	183.00
72505 - Stationery & other Office Supp	0.00	4,871.65	0.00	4,871.65
73107 - Rent - Meeting Rooms	0.00	10.84	0.00	10.84
74710 - Land Transport	0.00	257.43	0.00	257.43
75709 - Learning - training of counter	0.00	392.13	0.00	392.13
76125 - Realized Loss	0.00	0.00	0.00	0.00
76135 - Realized Gain	0.00	-3.59	0.00	-3.59
Total for Fund 04000	0.00	16,108.55	0.00	16,108.55

Fund : 30000 (PROGRAMME COST SHARING)

71305 - Local Consult.-Sht Term-Tech	0.00	30,009.62	0.00	30,009.62
71405 - Service Contracts-Individuals	0.00	43,588.47	0.00	43,588.47
71410 - MAIP Premium SC	0.00	197.93	0.00	197.93
71415 - Contribution to Security SC	0.00	1,781.39	0.00	1,781.39
71505 - UN Volunteers-Stipend & Allow	0.00	16,773.80	0.00	16,773.80
71520 - UNV-Language Allowance	0.00	1,625.39	0.00	1,625.39
71535 - UNV-Medical Insurance	0.00	1,219.78	0.00	1,219.78
71540 - UNV-Global Charges	0.00	953.54	0.00	953.54
71541 - UNVs-Contribution to security	0.00	297.54	0.00	297.54



UN
DP UN Development Programme
Report ID: unglcdrp

Combined Delivery Report By Project

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Project Id : 00064103 Kenya National Commission on H	Period : Jan-Dec (2014)			
Output # : 00080976 2KEN011/203 KNCHR	Govt Exp	UNDP Exp	UN Agencies Exp	Total Exp
71550 - UNV-Resettlement Allowance	0.00	1,397.85	0.00	1,397.85
71565 - UNV-Natl Appoint/Sep incl Trvl	0.00	136.96	0.00	136.96
71590 - UNV Development Effectiveness	0.00	2,230.13	0.00	2,230.13
71605 - Travel Tickets-International	2,904.26	5,019.39	0.00	7,923.65
71610 - Travel Tickets-Local	124,843.75	46,304.41	0.00	171,148.16
71620 - Daily Subsistence Allow-Local	0.00	487.40	0.00	487.40
71625 - Daily Subsist Allow-Mtg Partic	0.00	52.38	0.00	52.38
71635 - Travel - Other	0.00	5,939.53	0.00	5,939.53
72120 - Svc Co-Trade and Business Serv	2,843.04	0.00	0.00	2,843.04
72125 - Svc Co-Studies & Research Serv	23,603.59	0.00	0.00	23,603.59
72130 - Svc Co-Transportation Services	17,801.34	0.00	0.00	17,801.34
72135 - Svc Co-Communications Service	17,632.33	0.00	0.00	17,632.33
72140 - Svc Co-Information Technology	0.00	-2,607.88	0.00	-2,607.88
72145 - Svc Co-Training and Educ Serv	30,517.14	0.00	0.00	30,517.14
72220 - Furniture	0.00	9,746.35	0.00	9,746.35
72402 - Building Maintenance	0.00	2,073.00	0.00	2,073.00
72405 - Acquisition of Communic Equip	0.00	7,275.21	0.00	7,275.21
72410 - Acquisition of Audio Visual Eq	0.00	1,954.63	0.00	1,954.63
72505 - Stationery & other Office Supp	0.00	3,467.19	0.00	3,467.19
72510 - Publications	0.00	4,353.12	0.00	4,353.12
72515 - Print Media	0.00	48,845.14	0.00	48,845.14
72520 - Electronic Media	0.00	3,002.05	0.00	3,002.05
72605 - Grants to Instit & other Benef	0.00	417,176.95	0.00	417,176.95
72805 - Acquis of Computer Hardware	0.00	9,946.90	0.00	9,946.90
72810 - Acquis of Computer Software	0.00	18,427.37	0.00	18,427.37
72815 - Inform Technology Supplies	0.00	3,548.12	0.00	3,548.12
73107 - Rent - Meeting Rooms	0.00	3,566.62	0.00	3,566.62
73406 - Maintenance of Equipment	0.00	11,927.28	0.00	11,927.28
74110 - Audit Fees	0.00	3,380.98	0.00	3,380.98
74115 - Legal Fees	0.00	19,059.35	0.00	19,059.35
74205 - Audio Visual Productions	0.00	30,284.42	0.00	30,284.42
74210 - Printing and Publications	0.00	59,078.19	0.00	59,078.19
74215 - Promotional Materials and Dist	0.00	12,841.46	0.00	12,841.46
74220 - Translation Costs	0.00	862.56	0.00	862.56
74225 - Other Media Costs	0.00	926.31	0.00	926.31
74230 - Audio & Visual Equipment	0.00	9,412.41	0.00	9,412.41
74710 - Land Transport	0.00	13,014.20	0.00	13,014.20
75105 - Facilities & Admin - Implement	0.00	17,158.78	0.00	17,158.78
75709 - Learning - training of counter	55,502.81	159,067.27	0.00	214,570.08
76120 - Unrealized Loss	0.00	4,279.18	0.00	4,279.18
76125 - Realized Loss	0.00	4.63	0.00	4.63
76135 - Realized Gain	0.00	-1,080.99	0.00	-1,080.99
Total for Fund 30000	275,648.26	1,029,006.31	0.00	1,304,654.57
Total for Dept : 34204	275,648.26	1,045,114.86	0.00	1,320,763.12
Total for Output : 00080976	275,648.26	1,045,114.86	0.00	1,320,763.12