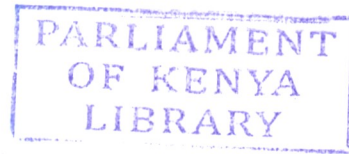


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Kutetea usawa wa jinsia na haki za waliobaguliwa na kupuzwa

NATIONAL GENDER AND EQUALITY COMMISSION

2012 - 2013

..... **ANNUAL REPORT**

NATIONAL
GENDER AND 2012 - 13
EQUALITY
COMMISSION

ANNUAL REPORT

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National Gender and Equality Commission
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Abbreviation

CAJ	Commission on Administrative Justice
CIC	Commission for the Implementation of the Constitution
CRA	Commission on Revenue Allocation
CSO	Civil Society Organizations
CSW	Commission on the Status of Women
ECOSOC	United Nations Economic and Social Rights
GRB	Gender Responsive Budgeting
GVRCs	Gender Violence Recovery Centers
IEC	Information, Education and Communication
IRC	International Rescue Committee
IWD	International Women's Day
IWGDS	Institute for Women, Gender and Development Studies
KEWOPA	Kenya Women's Parliamentary Association
KNCHR	Kenya National Commission on Human Rights
LLM	Masters in Laws
MA	Masters in Arts
MDA	Ministries Department & Agencies
NGEC	National Gender and Equality Commission
PWDs	Persons with Disabilities
SGBV	Sexual and Gender Based Violence
UNDP	United Nations Development Program
UNECA	United Nations Economic Commissions for Africa
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commission for Refugees
UNSCR	United Nations Security Council Resolution

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Foreword from the Chairperson

I wish to take this opportunity to recognize the individual and collective efforts of members and staff of the National Gender and Equality Commission (NGEC) for the contribution they have made in the last one year. Indeed, we began the year with a very lean staff and rudimentary structures. I am happy to report that in the just concluded financial year we have managed to recruit a vibrant and dedicated secretariat that has within short notice managed to pull through some remarkable fetes including the campaign monitoring and election observation in March 2013.

It has been a year of setting structures and cultivating a corporate identity. We now have a three year strategic plan in place. Plans to roll out Commission services to the counties are at an advanced stage. Soon the Commission will be moving to new premises with ample space to house all program and administration staff. In 2013, Commissioner Gumato Ukur Yatani was appointed by H.E The President as a commissioner in NGEC. The year under review saw two commissioners namely Naomy Wangai and Tache Bonso exit after expiry of their term.

The support from government and development partners has been overwhelming and this has been possible through sacrifice and hard work of Commissioners and staff. As we plan for the future it is important to conduct a quick evaluation of how our operations and processes worked in order to improve.

As we navigate through the transition of the Constitution of Kenya 2010, it is important to understand how government processes both at the National and County levels will affect and relate with our mandate. With devolution now in place, the Commission has to be present in the counties to effectively undertake its role in ensuring integration of the principle of equality and freedom from discrimination in all levels of operations. NGEC shall need to rethink its programming objectives to be able to deploy accordingly. This also implies that the institutional capacity will require to be enhanced by acquiring more programs and administrative staff to coordinate county activities.

The Commission requires huge resources to conduct capacity building to the county administration on principles of equality and non-discrimination. Under the new governance structures, the Ministry of Devolution and Planning is the government's implementing agency on gender mainstreaming and we hope to have meaningful ways of engagement to ensure seamless execution of NGEC's mandate. This will only be possible when all the stakeholders internalize the peculiar nature and mandate of NGEC that transcends both public and private spheres to bring about tangible change in ensuring inclusion and non-discrimination of all Kenyans. As we remain guided by the NGEC Act 2011, we look forward to unwavering support from the government, development partners and all stakeholders through adequate allocation of resources, capacity building and resource mobilization.

Finally I urge all Commissioners and members and staff to rededicate their energies in creating a vibrant Commission whose mandate resonates with Kenyans countrywide and strive to make a difference, a change they can believe in.



Mrs Winfred O. Lichuma, EBS
Chairperson

Statement from the Commission Secretary

National Gender and Equality Commission (NGEC) have continued to grow and develop both in its institutional capacity as well as in programming. The Commission secretariat is fully dedicated to continue to support this growth and increase coverage of its programs across all parts of Kenya. During the 2013/2014, the commission will be moving from its initial location, NSSF building, 24th Floor to Upper Hill, to new premises located in Upper Hill, Solution Tech Place, 1st, 2nd and 3rd floors, and open three regional offices in Garissa, Nakuru and Kisumu in our effort to creating more space and taking services closer to Kenyans.

In the year 2012, the Commission experienced budget cuts, which reduced its initial projection of rolling out its physical presence in 8 regional offices. Nevertheless, the commission has implemented numerous projects in most parts of the country and is very optimistic that with government support and financial assistance from the development partners, the commission can scale up its activities in all sub-counties of Kenya.

The Commission has now received approved salary structure as well as staff rationalization and establishment from the Salaries and Remuneration Commission, and the Ministry of Devolution and Planning's Directorate of Public Service Management (DPM) respectively. This will enable us to employ regional co-coordinators who can effectively engage gender equality and non-discrimination issues, taking into consideration our wide mandate of monitoring, auditing, co-coordinating, advising and investigating, while reporting to the Government and international fora.

The Commission launched its strategic plan 2013- 2015 in June, 2013 which provides strategic direction and focus to us, stakeholders, and development partners. In an effort to achieve its strategic objectives, the Commission has employed Human Rights Based Approach in programming and had adapted lessons and best practices benchmarked from other Commissions in Rwanda, South Africa, and United Kingdom to address gender and equality issues among most vulnerable populations.

I wish to thank all the commissioners and staff for keeping the promise of accelerating achievements of the commission in past fiscal year. I would also like to acknowledge and appreciate the support we have received so far for institutional growth and programming from UNDP, UNFPA, Ford Foundation, UN Women, and DSW.



Prof. Rose Odhiambo, HSC
Commission Secretary/CEO

EXECUTIVE SUMMARY

The National Gender and Equality Commission (NGEC) is a Constitutional Commission set up pursuant to Article 59(4) & (5) of the Constitution of Kenya 2010 and the National Gender and Equality Commission Act 2011. The overall mandate of the Commission is to promote gender equality, inclusion and freedom from discrimination among all people in Kenya though with elevated attention to women, youth, children, persons with disabilities, elderly, minority and marginalized groups and communities. The Commission is responsible for the comprehensive integration of the principles of inclusion, equality and mainstreaming issues of Special Interest Groups (SIGs) in National, County and private sector development through four prong strategies;

- a) Creation of conducive and enabling environment to achieve equality in compliance with the existing legislative framework where all laws, policies and administrative guidelines observe gender equality and inclusion
- b) Promotion of substantive financing of equality and inclusion issues and programs
- c) Mitigation of the Gender Based Violence through public education and coordination of multi-sectoral responses to prevention and management of GBV
- d) Continuous institutional development to increase the capacity to deliver on the Commission's multidimensional mandate

This report is a summary of the key achievements of the past financial year (2012/2013), and list of best practices and lessons learned. During this year, the commission realized two remarkable achievements that led to turning the first page of Kenya's pathway to mature democracy (the 2013 elections) and NGECs strategic focus. These are:

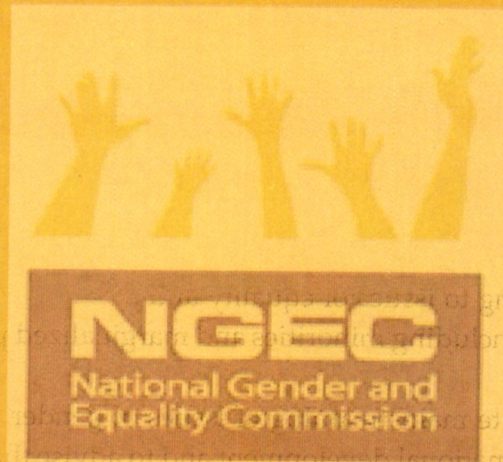
1. Successful monitoring and observations of the special interest group's participation and performance in the 2013 general elections, and
2. The completion, launch and early implementation of the first strategic plan 2013-2015

The report is divided into four parts. Part one describes critical programmatic achievements ranging from auditing, monitoring, coordination, and issuance of advisories and facilitation of interventions geared towards promotion of gender equality, inclusion and freedom from discrimination. The outcomes of NGEC interventions contributed meaningfully in development of the status reports on Kenya's compliance with provisions in multiple international treaties and conventions deposited with international and regional committees and communities during the 2012/2013. Further, NGEC initiated implementation of interventions in county governments and in private sector as soon as elections were completed to spearhead realization of devolved democracy and governance envisioned in the 2010 Kenya constitution.

Part two of the report details the institutional growth in personnel, information and technology and in expanding business to youth and women through procurement. The staff increased fourfold between 2012 and 2013. The Commission also increased investment in Information, Education and Communication (IEC). The audited accounts of the financial year 2012/2013 are presented in Part three of this report. The certification from independent auditors demonstrates NGEC'S commitment to giving Kenyans the highest returns and value for public resources, and utilization of resources to government and SIG priorities. Part four presents a summary of challenges, recommendation and priority programs for the next financial year.

PART ONE

INTRODUCTION



PART 1

1.0 INTRODUCTION

The National Gender Equality Commission is a constitutional Commission established by an Act of Parliament in August 2011, as a successor commission to the Kenya National Human Rights and Equality Commission pursuant to Article 59 of the Constitution. NGEC derives its mandate from Articles 27, 43, and Chapter Fifteen of the Constitution; and section 8 of NGEC Act (Cap. 15) of 2011, with the objectives of promoting gender equality and freedom from discrimination.

The Commission has its head office in Nairobi with three regional offices in Garissa, Kisumu and Nakuru. As per the provisions of the NGEC Act of 2011, The Commission consists of a Chairperson and four other members appointed in accordance with its constitutive act of parliament. The Chairperson and members serve on a full time basis for a term of six years and are not eligible for reappointment.

By the end of the financial year, the Commission had a Chairperson, Commissioner Winfred Osimbo Lichuma, and two other members namely, Commissioner Simon Ndubai and Commissioner Gumato Ukur Yatani. In March 2013 two member commissioners Mrs. Naomi Wangai and Mr. Tache Bonga left following the expiry of their tenure. The process of recruiting two other Commissioners has commenced and the new Commissioners are expected to report at the beginning of the coming financial year.

1.2 Mandate and Powers of the Commission

The mandate of the NGEC is spelt out under section 8 of the NGEC Act 2011 as follows:

- a) Promote gender equality and freedom from discrimination in accordance with Article 27 of the Constitution;
- (b) Monitor, facilitate and advise on the integration of the principles of equality and freedom from discrimination in all national and county policies, laws, and administrative regulations in all public and private institutions;
- (c) Act as the principal organ of the State in ensuring compliance with all treaties and conventions ratified by Kenya relating to issues of equality and freedom from discrimination and relating to special interest groups including minorities and marginalized persons, women, persons with disabilities, and children;
- (d) Co-ordinate and facilitate mainstreaming of issues of gender, persons with disability and other marginalized groups in national development and to advise the Government on all aspects thereof;
- (e) Monitor, facilitate and advise on the development of affirmative action implementation policies as contemplated in the Constitution;
- (f) Investigate on its own initiative or on the basis of complaints, any matter in respect of any violations of the principle of equality and freedom from discrimination and make recommendations for the improvement of the functioning of the institutions concerned;
- (g) Work with other relevant institutions in the development of standards for the implementation of policies for the progressive realization of the economic and social rights specified in Article 43 of the Constitution and other written laws;
- (h) Co-ordinate and advice on public education programs for the creation of a culture of respect for the principles of equality and freedom from discrimination;
- (i) Conduct and co-ordinate research activities on matters relating to equality and freedom from discrimination as contemplated under Article 27 of the Constitution;
- (j) Receive and evaluate annual reports on progress made by public institutions and other sectors

- on compliance with constitutional and statutory requirements on the implementation of the principles of equality and freedom from discrimination;
- (k) Work with the National Commission on Human Rights, the Commission on Administrative Justice and other related institutions to ensure efficiency, effectiveness and complementarity in their activities and to establish mechanisms for referrals and collaboration in the protection and promotion of rights related to the principle of equality and freedom from discrimination;
 - (l) Prepare and submit annual reports to Parliament on the status of implementation of its obligations under this Act;
 - (m) Conduct audits on the status of special interest groups including minorities, marginalized groups, persons with disability, women, youth and children;
 - (n) Establish, consistent with data protection legislation, databases on issues relating to equality and freedom from discrimination for different affected interest groups and produce periodic reports for national, regional and international reporting on progress in the realization of equality and freedom from discrimination for these interest groups;
 - (o) Perform such other functions as the Commission may consider necessary for the promotion of the principle of equality and freedom from discrimination; and
 - (p) Perform such other functions as may be prescribed by the Constitution and any other written law.

1.3 Powers of the Commission

In terms of broad powers, these are provided under Article 252 of the Constitution and NGEC Act, as follows:

- ⇒ To conduct investigations on its own initiative or on a complaint made by a member of the public;
- ⇒ Powers necessary for conciliation, mediation and negotiation
- ⇒ Powers to recruit its own staff; and
- ⇒ Any functions and exercise any powers prescribed by legislation, in addition to the functions and powers conferred by this Constitution.

Section 27 the NGEC Act 2011 also has the following powers of a court:

- (a) Issue summonses or other orders requiring the attendance of any person before the Commission and the production of any document or record relevant to any investigation by the Commission;
- (b) Question any person in respect of any subject matter under investigation before the Commission; and
- (c) Require any person to disclose any information within such person's knowledge relevant to any investigation by the Commission.

Other powers include:

- ⇒ Summoning and enforcing the attendance of any person for examination;
- ⇒ Requiring the discovery and production of any document; and
- ⇒ Subject to the Constitution and any written law, to requisition any public record or copy thereof from any public officer.

2.0 STRATEGIC DIRECTION

2.1 Overall Goal

The over-arching goal for NGEC is to contribute to the reduction of gender inequalities and the discrimination against all; women, men, PWDs, the youth, children, the elderly, marginalized groups, minorities, and marginalized communities.

2.2 Vision Statement

A society that upholds gender equality, dignity, respect and fairness for all.

2.3 Mission Statement

To effectively and efficiently promote gender equality and freedom from discrimination of all persons in Kenya.

3.0 KEY ACHIEVEMENTS FOR THE YEAR

3.1. Programs

For effective implementation of strategic priority areas, the National Gender and Equality Commission used intertwined but related approaches; Public education, advocacy, research and Advisory; Monitoring compliance of laws, policies and international treaties; mainstreaming, coordination and collaboration; and institutional development and resource mobilization.

3.1.1 Ensuring national, county, public and private institutions and structures are guided by laws, that are cognizant of principles of equality and freedom from discrimination

a) *Analysis on mainstreaming of gender in national and county, appointments and nominations*

NGEC has closely been monitoring appointments and nominations at national and county levels. Of interest is compliance with the constitutional provision in accordance with article 81(b) that says not more than two-thirds of members of elective public bodies shall be of the same gender. The commission analyzed the level of representation of men and women in the national and county appointments and issued advisories and congratulatory messages as appropriate. Table 1a and Table 1b show a summary of the distribution of men and women by selected public positions. The results indicate a significant gender gap.

Positions	Total	Male	Female
Cabinet Secretaries	18	12 (67%)	6 (33%)
Principal Secretary	26	19 (73%)	7 (27%)
Chair- Independent Offices	2	1 (50%)	1 (50%)
Chair- Constitutional Commissions	12	7 (58)	5 (42%)
Heads of Parastatals	36	34 (94%)	2 (6%)
Magistrates (Within Nairobi)	90	39 (43%)	51 (57%)

Data source: NGEC data base, 2013

Data on appointment of persons with disabilities to various positions indicate that the country needs to raise its efforts towards representation of PWDS. During the year under review, only one out of the 26 Principal Secretaries were PWDS. Two Judges and 5 Commissioners were also persons with disability. During the reporting period, the commission issued advisories to the state on observance of the two-thirds gender representation. Excerpt 1.1 and 1.3 is an advisory letter to His Excellency the President on appointment of Principal Secretaries and directors in the communications unit. Excerpt 1.2 is a response for the president.

The results in Table 1b show a significant gender gap in the appointments made at the county level. The commission issued an early advisory note to the 47 county governments on value for protection and inclusion of the special interest groups at all levels of decision-making. It is anticipated that in the next financial year the distribution of appointive positions by gender at the county level will meet the minimum thresholds set by the law.

Position	Total	Male	Female
County secretaries	46	40 (87%)	6 (13)
County Assembly Clerks	47	37 (79%)	10 (21%)

Data source: NGEC data base, 2013

During the year under the review, the commission began assessment of the levels of equality and inclusion in the private sector. Preliminary results indicate that by end of the year 2012, thirty four per cent of the 57 companies listed at the Nairobi bourse do not have a woman on their board; women occupied 54 out of the 449 seats on the boards of the NSE-listed companies; there was one female chair in a listed company as at 2012, a figure that rose to 5 by end of the 2013. Further women take about 15% of wage employment in manufacturing, building and construction, electricity and water sectors.

In the next financial year, NGEC will continue to generate trends and levels in gender representation in private and public sectors as a measure towards ensuring equitable access to opportunities and resources by all Kenyans irrespective of age, tribe, ability or sex.

b) *Advisories to the government agencies: An advisory to IEBC on nomination and election of Persons with Disability*

The Commission coordinated development of an advisory to the IEBC on the representation of persons with disabilities in elective and nominative positions. This was occasioned by the observation of the electoral process lacking explicit measures for inclusiveness as provided in article 10 of the Constitution, subsequently disenfranchising persons with disabilities. The effort contributed in nomination of persons with disabilities in all 47 counties and subsequent participation and representation in the country politics as indicated in the **Table 2**.

Category	County Assemblies		Senate		National Assembly	
	M	F	M	F	M	F
Number by Gender						
Nominated by political parties	31	30	1	1	2	1
Elected persons	10	0	1	0	5	1
Data source: NGEC data base, 2013						

Excerpt 1.1: Advisory to H.E President on nomination of Principal Secretaries

The National Gender and Equality Commission
 24th Flr NSSF Building, Block A Eastern Wing
 P.O. Box 27512-00506, Nairobi, Kenya
 Phone: +254 0(20)-272-7778 Fax: +254 0(20)-272-7776

When replying please quote

NGEC/OC/CON/VOL.I/001

12th June, 2013

Ref No.

His Excellency, Uhuru Kenyatta, C.G.H.
 President and Commander-in-chief of
 the Defence forces of the republic of Kenya
 Office of the President
 Harambee House
NAIROBI

Thro'

The Permanent Secretary
 Secretary to the Cabinet
 Office of the President
 Harambee House
NAIROBI

Your Excellency,

RE: ADVISORY ON THE NOMINATION OF PRINCIPAL SECRETARIES IN MEETING THE TWO THIRD GENDER PRINCIPLE

The National Gender and Equality Commission is a Constitutional Commission established to promote gender equality and freedom from discrimination and further to monitor, facilitate and advise on the integration of the principles of equality and freedom from discrimination in all national and county policies laws and administrative regulations in all public and private institutions.

We appreciate the political good will exhibited by the Jubilee Government in promoting equality and inclusion of the special interest groups and wish to congratulate you for nominating a woman with disability as a Principal Secretary.

However, we wish to point out that the list as presented, falls short of meeting the gender equality principle provided for by the Kenya Constitution 2010. The expectation is that in all public appointments there shall not be more than two thirds of the same gender.

Your Excellency,

Review of the list indicates a total of 26 nominees with only 7 being of the female gender. One third of the nominees should give a total of 9 members of either gender. We wish to advise that the appointments violates the Kenyan Constitution 2010 and we request that you deem it necessary to reconsider the same to include two more women. We believe that this was an inadvertent error that can be corrected by yourself as the appointing authority.

As you did indicate to us, your commitment is to see more women represented in decision making at different levels of the government. We shall undertake our role of monitoring adherence and advising accordingly.

We want to assure you of our commitment to the implementation of the Constitution of Kenya.



Winfred Lichuma
Chairperson

cc: Hon. Prof. Githu Muigai, MP.
Attorney General
State Law.

Mr. Charles Nyachae
Chairperson
Commission on Implementation of the Constitution



STATE HOUSE

P.O. Box 40530

NAIROBI, KENYA

SH/1/8 VOL V/(99)

18th June, 2013

Ms. Winfred Lichuma
Chairperson
The National Gender and Equality Commission
24th Floor NSSF Building, Block A Eastern Wing
NAIROBI

Dear *Chairperson*

ADVISORY ON THE NOMINATION OF PRINCIPAL SECRETARIES IN MEETING THE TWO-THIRD GENDER PRINCIPLE

I refer to your letter Ref. NGEN/OC/CON/VOL.I/001 dated 12th June, 2013 on the above subject.

His Excellency the President has noted the concerns you have raised regarding gender equality in the nomination of Principal Secretaries.

H.E. the President however wishes to point out that he is very keen and supportive of the promotion of gender equality according to the Kenya Constitution, 2010. He therefore clarifies that the list presented for the Principal Secretaries was not conclusive and that by the time appointments are concluded, the gender equity principle will have been achieved.

Thank you for raising the issue and in case you have any queries please do not hesitate to contact us.

Yours


Jomo Gecaga
Private Secretary

Copy to: **Mr. Francis T. Kimemia, EGH**
Permanent Secretary, Secretary to the
Cabinet & Head of the Public Service
Office of the President
NAIROBI

Excerpt 1.3 Advisory to President on Review of Appointments in Communications Unit

NGEC
National Gender and
Equality Commission

The National Gender and Equality Commission
24th Flr NSSF Building, Block A Eastern Wing
P.O. Box 27512-00506, Nairobi, Kenya
Phone: +254 0(20)-272-7778 Fax: +254 0(20)-272-7776

When replying please quote

NGEC/OC/OP/VOL.I/12

16th July, 2013

Ref No.

H.E. Hon. Uhuru Muigai Kenyatta, C.G.H.
President and Commander –in-charge of
the Defence Forces of the Republic of Kenya
State House
NAIROBI

Your Excellency,

RE: REQUEST FOR CONSIDERATION TO REVIEW THE APPOINTMENT OF THE COMMUNICATIONS UNIT TO MEET THE TWO THIRDS GENDER PRINCIPLE.

The National Gender and Equality Commission is a Constitutional Commission established to promote gender equality and freedom from discrimination and further to monitor, facilitate and advise on the integration of the principles of equality and freedom from discrimination in all national and county policies laws and administrative regulations in all public and private institutions.

We wish to reiterate the political good will exhibited by the Jubilee Government in steering the country forward and your commitment to see more women represented in decision making at different levels of the government.

However we wish to point out that the list of appointments of the President Strategic Communications Unit, falls short of meeting the gender equality principle provided for by the Kenya Constitution of 2010 since it comprises of five (5) men. We appreciate that there are qualified and competent women who can serve in this capacity.

Your Excellency,

We advise that you review the team with a view of appreciating the principle of inclusion of gender equality and diversity and find it necessary to meet the gender balance.

We continue to assure you of our commitment by undertaking our role of monitoring adherence and advising accordingly.

Respectfully,

Winfred Lichuma
Chairperson

cc: Mr. Charles Nyachae
Chairman
Commission on Implementation of the Constitution,

c) Coordination of public education on equality and inclusiveness for special interest groups in the 2013 general election.

Towards the end of 2012, the Commission in collaboration with other government agencies planned and executed public education program to enhance political participation of men, women, youth, persons with disabilities and minority and marginalized groups in the nomination of candidates for the 2013 elections and in subsequent voting activities in March 2013. The program facilitated by experts in the ECOSOC and civil rights were conducted in Garissa, Homabay, Kisumu, Kisii, Turkana, Baringo, Nakuru, West Pokot, Kajiado, Narok, Isiolo, Bungoma, Busia, Vihiga, Kakamega Nyeri, Kerugoya, Kilifi, and Taita Taveta and reached at 2000 persons of the primary audience for the Commission.

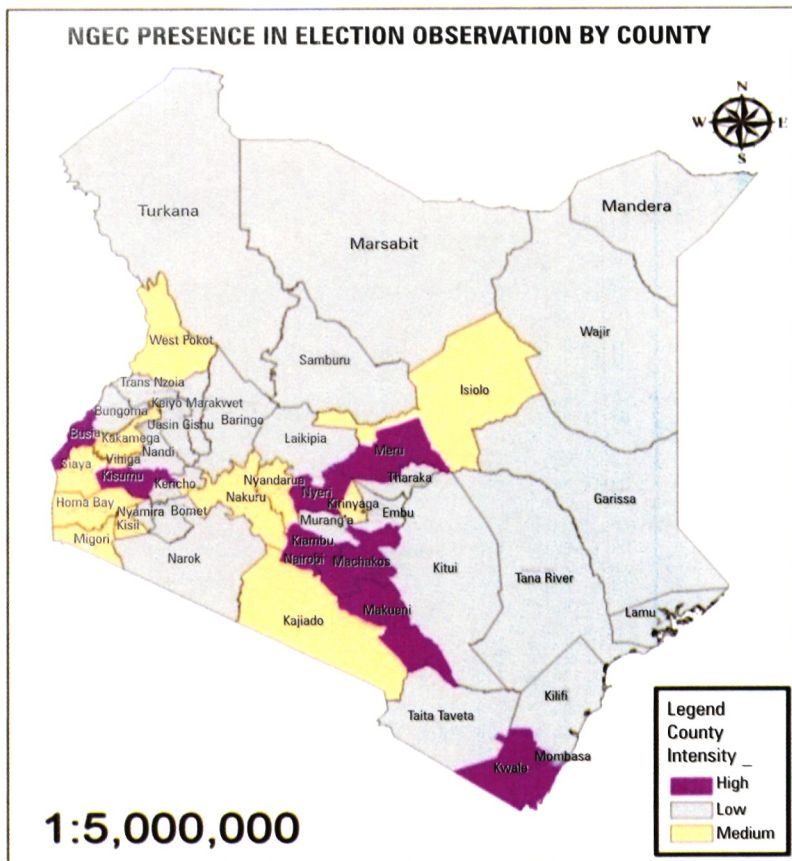


A participant gives his views at a public education forum in Kilifi

d) Monitoring of campaigns and voting in the 2013 general elections

The Commission designed an election campaigns and voting monitoring programs to audit the compliance of the state with the 2010 Constitutional provisions. The monitoring activities covered all components of the 2013 elections including voter education, campaigns, polling and post-polling. The coverage of the program is presented in Figure 1.

Figure 1: Coverage of observation and monitoring of 2013 elections



'While observers were posted in all 47 counties, 48 per cent of the counties received moderate (4-6 observers per county) to high (7 or more observers per county). The rest of the counties had low coverage (presence of 1-3 observers per county)', NGECE election observation report, 2013.

Table 2a and Table 2b show a summary of the distribution of the number of positions by gender at county and national level following the 2013 general elections.

Table 2a. Elective And Nomination Positions At County Level

Positions	Total	Male	Female
MCA (elected)	1450	1368 (94%)	82 (6)
MCA (nominated)	778	146 (19%)	632 (81%)



An IEBC official (left) takes a voter through the voting process

At the national level, 22 persons out of the 290 elected members of national assembly are youth (about 8%).

Table 2a: Elective And Nomination Positions At National Level

Position	Total	Male	Female
Governors	47	47 (100%)	0
Deputy Governors	47	38 (81%)	9 (19%)
Member of the National Assembly (elected)	290	274 (95%)	16 (6%)
Member of the National Assembly (Nominated)	12	8 (67%)	4 (33%)
Senate (elected)	47	47 (100%)	0
Senate (Nominated)	20	2 (10%)	18 (90%)

e) Public education on inclusion of PWD in the construction industry

The physical access to utilities in public and private sectors is one of the greatest factors reducing empowerment opportunities for persons with disabilities particularly those with physical impairments. The re-engineering of the construction industry to increase physical access to space and utilities can significantly lead empowerment of the PWD. The commission in partnership with the National Construction Authority, Road and Civil Engineers Contractors Associations,

(RACECA), Ministry of Housing officials, Roads and Public Works, Kenya Federation of Master Builders, Private Sector Contractors delivered a comprehensive educational program on mainstreaming issues of PWD in built environments. The program reached 4,755 professionals in the industry and follow up meetings will continue in the next financial year.

f) Audit and monitoring of the participation of the vulnerable populations in interventions designed for empowerment of these populations. The case of cash transfer

In April 2013, the commission in collaboration with the current Ministry of Labor, Social Security and Services designed an audit program to assess the level of participation of the vulnerable populations receiving cash transfers (children, persons with severe disabilities, and the elderly) and their care givers in the programs designed to improve livelihoods and image of the vulnerable population. The first phase of the program was implemented in April 2013 and involved stakeholder consultation meetings with Gender officers, county commissioners, social workers, children officers, and heads of schools in 8 counties; Kirinyaga, Machakos, Nakuru, Baringo, Mombasa, Kilifi, Nyamira, and Homabay. The second phase will be implemented in the 2013/14 financial year. The project was launched when cash transfer programs were marked with dissatisfaction among beneficiaries and complaints of misappropriation of the funds.

g) Coordination of mainstreaming issues of youth and children in development agenda

In line with the function on coordination, the commission facilitated a consultative forum of partners whose core business is funding or programming on issues of children and youth to develop a common strategy for greater mainstreaming of principles of equality and inclusion in the children and youth agenda. Two separate forums were organized. The first one targeted children and the other youth. Key emerging issues are as follows:

Children

- ⇒ Need for higher budget allocations for programs on children
- ⇒ Facilitate research and documentation on children's services at the national and county levels
- ⇒ Monitor, audit and advise the government on compliance and quality assurance on children's issues
- ⇒ Create public awareness on parental and children's rights and responsibilities
- ⇒ Country response to crimes committed to children or committed by children e.g requirement of 10-15 years of experience for senior job positions
- ⇒ Establishment of Job centers in every county to profile youth employment trends in the counties,
- ⇒ Implementation of practicable employment policies such as skills development and access to information,

Youth

- ⇒ Evidence based programming using collated response from the child hot line
- ⇒ Assurance of ECOSOC rights for children at county level
- ⇒ Programs to eliminate child labor
- ⇒ Access to drugs and rehabilitation for destitute children
- ⇒ Education and training
- ⇒ Youth participation in decision making
- ⇒ Youth health/drug abuse
- ⇒ Establish a conducive legal framework to remove discrimination in labor laws
- ⇒ Internship and mentorship programs, access to markets and credit facilities and implementation of the presidential directive on 30% government contracts awards for youth.

3.1.2 Strengthening legislation at all levels and sectors to achieve gender equality and inclusiveness

During the financial year, the commissions as single entity or in collaboration with other state and non-state actors reviewed bills, laws and policies at national and county level to assess their sensitivity and specificity on principles of equality and inclusion. Further, the commission filled court cases and petitions or enjoined other parties in court to seek constitutional interpretation or judicial direction on matters affecting equality and inclusion.

a) Litigation diary

Supreme Court Ref No 2. of 2012: Gender representation at National assembly and Senate

NGEC enjoined in this petition in which the Attorney General sought an advisory opinion from the Supreme Court on whether the enforcement of the two-third principle at the National Assembly and Senate should be immediate or progressive. NGEC in its submissions presented a case for the immediate realization of gender representation both at the National Assembly and Senate. There being no mechanism in Articles 97 and 98 of the Constitution to achieve the principle at the Senate and National Assembly, NGEC urged the Supreme Court to advise the state to put in place measures to ensure the principle is realized in the general election scheduled for 4th March, 2013 to avert a constitutional crisis. The court in its majority ruling held that gender representation was progressive till 2015. The commission will coordinate efforts towards development of legal framework to help the state achieve the two-third-gender representation at the Senate and National Assembly.

Petition No 147 of 2013: Nomination process for special seats

Being the key custodian of the rights of the vulnerable in society, the Commission moved to court to secure their rights after the nomination process conducted by political parties. This was prompted by failure of the exercise to meet the minimum threshold of the constitutional and legal provisions in articles 90, 97, and 98 and 177. NGEC's argument before the High Court was that the IEBC had failed in its constitutional responsibilities under Article 90(2) to conduct and supervise the elections of special seats to the National Assembly, Senate and the County Assemblies, culminating to the flawed exercise. The court in its judgment among others ordered for the publishing of the county assembly lists for special seats by IEBC in the local dailies and subsequently tribunals were set up to allow complaints on the basis of the published lists.

Supreme Court Advisory No 1. of 2013

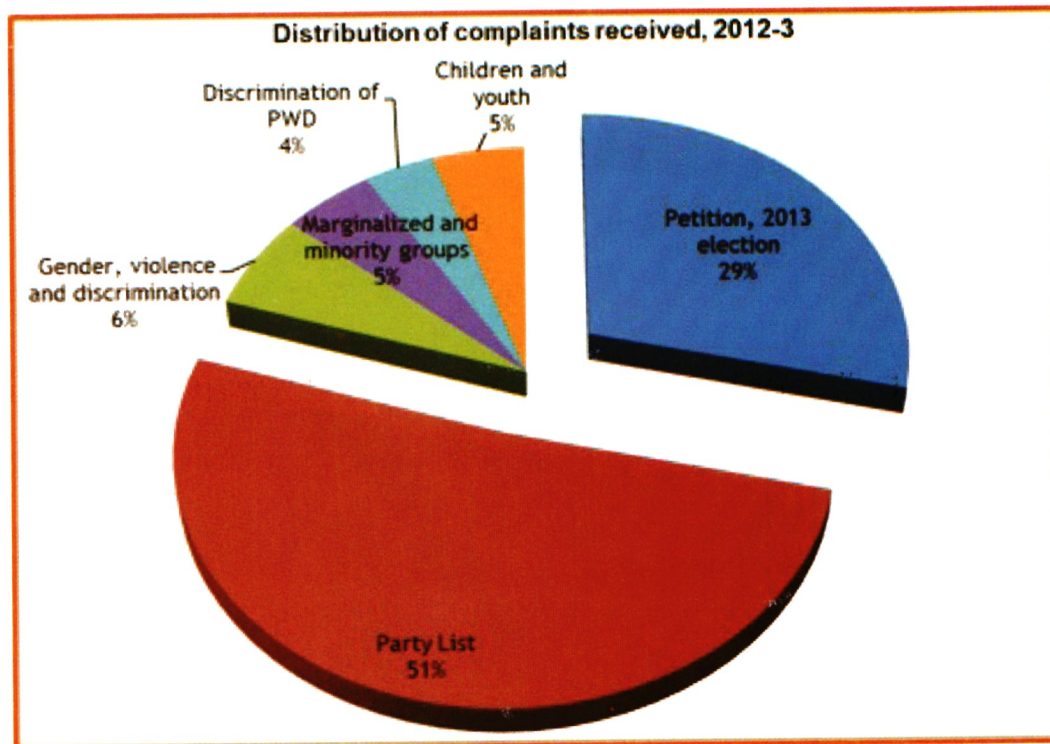
Following the Judgment in Petition No 147 of 2013, NGEC moved to the Supreme Court to seek an advisory opinion on some of the unresolved issues in the petition against IEBC on party lists. Such issues include; interpretation of what amounts to 'special interests' whether such meaning is fixed in law and who determines such special interests. The proceedings of the case will continue to the next financial year.

Petition No 432 of 2012: Discrimination of SDA Students

The commission enjoined as amicus curiae (friend of the court) in this petition seeking to assist the High Court on the interpretation on the right to freedom of conscience, religion, thought, belief and opinion. This petition concerns students who profess the Seventh Day Adventist faith and their right to manifest the same in schools. The petitioners claim that their right to manifest religion through worship and observing the Sabbath day was being violated. The case proceeds to next financial year

Petition No 266 of 2013: Violation of the rights of persons with intersex condition

This case concerns persons with intersex conditions who claim violation of their fundamental right to legal recognition. This petition seeks the high court to address the vital issues surrounding intersex persons including the right of parents Vis a Vis the consent of minors in conducting corrective surgery. The intersex persons in Kenya constitute a minority category facing discrimination and stigma from the society. In pursuant of its mandate, NGEC became enjoined as an interested party in this petition which proceeds to the next financial year.



b) Complaints

During this year the Commission received complaints distributed as follows.



Deserted: Chamwanamuma village in Tana Delta lies in ruins

c) Rapid investigations

Effect of violence in Tana River on the vulnerable populations

NGEC took a rapid response mission following violence that erupted in the Tana Delta in 2012. The violent conflict resulted in over 100 casualties, assaults, destruction of property and internal displacements. The youth in Tana Delta were the primary actors in the systematic conflict. The commission presented the findings to a task force set up to investigate the causes of violence at the Tana Delta.

d) Teenage pregnancies at Chepkurkur Primary School, Mt. Elgon

The commission executed a preliminary investigation in allegations of increased incidences of pregnancies in primary schools located in Mt. Elgon. The report pointed to the gravity of the issue and in the next financial year, the commission plans a public inquiry into the aspects of teenage pregnancy providing a platform for the victims to speak to experts and for NGEN to analyze the effectiveness of the existing legal framework. The inquiry will make appropriate recommendations thereafter.

3.1.3 State compliance with international and regional reporting obligation

One of the key functions of NGEN is to work with other relevant institutions in the development of standards for the implementation of policies for the progressive realization of the economic and social rights (ESC rights) with the view of making recommendations for the improvement of the functioning of the institutions concerned. During the year, the commission fulfilled this mandate through several interventions summarized in the Table 3.

Table 3. Participation in Kenya's reporting mechanism

No.	Date	Purpose of Visit	Title of Report
A. International Conventions Meetings			
1.	12-14 Sept. 2012	<i>Participated in the 5th Conference of State Parties to the Convention on Rights of PWDS in New York</i>	<i>Convention on the Rights of Persons with Disability</i>
2.	5-18 March 2013	<i>Participated in the 57th Session of the Commission on Status of Women</i>	<i>Evaluating the status of women by state parties to the Economic and Social Council</i>
3.	14-16 April 2013	<i>To discuss the OHCHR report as mandated by Human Rights Council resolution 17/19, including consideration of its recommendations</i>	<i>Human Rights, Gender Identity and Sexual Orientation.</i>
4.	15-16 May 2013	<i>Presentation of Kenya's 2nd Periodic report to the Committee on CAT. NGEN responded on the status of refugees, reproductive health and the rights of children</i>	<i>2nd Periodic Report on Convention Against Torture, and Other Cruel, and Inhuman, or Degrading Treatment or Punishment (CAT) to the UN Committee on CAT.</i>
5.	3-4 June 2013	<i>East African Dialogue on Political integration</i>	<i>Women leaders as Drivers of the East African Community Political Integration Agenda</i>
6.	9-13 June 2013	<i>South Africa</i>	<i>Increasing Capacity for reporting under the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa</i>
7.	7-10 July 2013	<i>Participation in the International Conference on Human Rights in Netherlands</i>	<i>The ICPD beyond 2014 International Conference.</i>

8.	16 – 20 July 2013	<i>Reconvening of the 2nd Sectoral council on gender, youth, children, social protection and community development held in Dar es Salaam</i>	<i>East African Community Report.</i>
No	Date	Purpose of Visit	Title of Report
B. Regional Meetings			
1.	10 Dec 2012	<i>EAC workshop on the role of private sector and civil society in the implementation of the EAC common market protocol- Tanzania</i>	<i>East African Community Common Market protocol</i>
2.	9- 1 June 2013	<i>Increasing Capacity for reporting under the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa held in South Africa</i>	<i>Protocol to the African Charter on Human and Peoples' Rights</i>

3.1.4 Enhanced institutions capacity to respond to, manage and reduce prevalence of SGBV

a) *Monitoring of gender mainstreaming in the public sector through performance contracting*

NGEC has continued with monitoring levels and trends in mainstreaming of gender through performance contracting system in the public sector. The indicators are under revision to be both gender and equality responsive. It is envisaged that the review will ensure equality; diversity and inclusion are adhered to by all institutions that sign the performance contracts. NGEC will through this process develop a model tool that will be used to audit individual institutions for gender equality and non-discrimination.

b) *Gender-based Violence (GBV) Coordination and Monitoring*

The commission continued to coordinate the National GBV Sub-cluster Working Group. This working group meets monthly and it is designed to provide a platform through which members can share information, strategize and collaborate in various activities. It also provides a forum through which members can coordinate responses on emerging issues. NGEC as an oversight body therefore gets the opportunity to audit policies, laws and programmatic interventions, at the national and county levels.

At county levels, NGEC supported working groups in Kangemi, Dagoretti, Langata and Makadara areas, Nakuru and Naivasha. This coordination has enabled NGEC to identify relevant gaps in GBV work and address them appropriately.

c) *International days related to gender issues*

The International Day of Families



NGECC Program staff with Maasai women in Kajiado County

The UN International Day of Families is celebrated every year on the 15th May. The 2013 theme was;

‘Advancing social integration and inter-generational solidarity’

To commemorate the day, the Commission marked the day by facilitating an inter-generational forum on SGBV and female genital mutilation abandonment in Kajiado County on SGBV.

16 Days of Activism against GBV in the year 2012

The commission spearheaded the national launch of 16 Days of Activism against Gender Violence through an event held in Nairobi. Together with its partners, NGECC adopted the theme: *‘Chaguaamani, komesha dhuluma yakijinsia’ (Vote Peace Stop Sexual Violence)* as its key message, to advocate for peace before, during and after elections in March, 2013. The national launch kicked off from Uhuru Park Nairobi to Korogocho grounds and was graced by representatives from, the Commission on the Implementation of the Constitution (CIC), the Independent and Electoral Boundaries Commission (IEBC), and the International Great Conference on the Great Lakes Region among others representing the local administration and religious leaders.



A caravan snakes its way to city estates campaigning against SGBV

3.1.5 Enhanced national and county machinery for mainstreaming issues of SIG in the development agenda

a) *Advocacy for a State machinery responsible for gender equality and other SIGs*

The commission with support from state and non-state agencies advocated for the establishment of a strong national machinery responsible for mainstreaming issues of gender and SIG during the constitution of Jubilee government. H.E. The President committed to ensure gender issues are mainstreamed in all levels of government.

b) *National Police Recruitment Monitoring*

The Commission participated in monitoring of police recruitment exercise to ensure equal participation of its target groups. Monitoring was conducted in Siaya, Narok, Bondo, Meru, Nairobi, Taita Taveta, Meru and West Pokot. A comprehensive report was shared with the National Police Service with recommendations on strategies for incorporating principles substantive equality in subsequent recruitment exercises. Overall, the recruitment reached the minimum threshold required for gender (30%).

c) *Facilitation for development of marginalization policy and sharing of the Equalization Fund in Kenya*

The Commission engaged relevant stakeholders in the development of marginalization policy and sharing of the equalization fund. The policy is intended to set out criteria for identifying marginalized areas in Kenya and to recommend procedures for the utilization of the Equalization Fund as stipulated in Article 204(2) of the Constitution. A variety of opinions generated at the workshop shaped the development of the marginalization policy and an agreeable formula for sharing of the equalization fund in the country.

d) *Understanding equality and inclusion from the perspective of minority and marginalized groups and communities*

In May 2013, the commission through invitation of selected minority and marginalized groups facilitated an assessment on the understanding and applicability of principles of equality and inclusion among historically marginalized small communities. The program reached 5 communities; Waata, Yiaku, Terik, Il-chamus, and Wailwaana.

e) *Empowering women and youth with the knowledge and skills to improve their socio-economic and health situation*

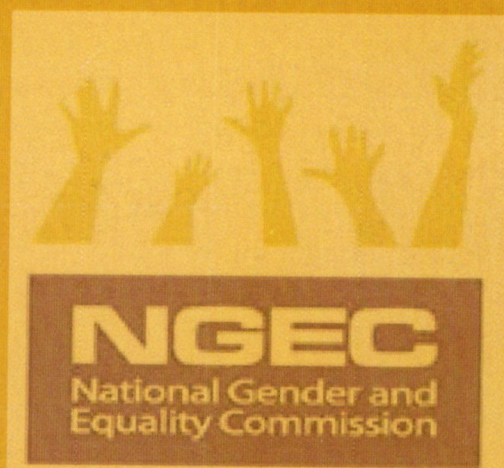
With financial support from European Union through DSW, the commission implemented an empowerment program for youth and women in the informal settlements of Nairobi engaged in the informal businesses through skill development, exposure to economic empowerments, and exchange program.



A youth training forum supported by DSW

to economic empowerments, and exchange program. The intervention branded 'Fit for Life' is implemented with technical support from Ministry of Health, Directorate of youth, and department of cooperatives. The commission is currently reviewing legislative framework for the informal business in Kenya to inform the last phase of this program.

PART TWO
INSTITUTIONAL STRENGTHENING



PART 2

4.0. INSTITUTIONAL STRENGTHENING

4.1 Launch of the Strategic Plan 2013 -2015

In order to realize its full mandate, the Commission, through a broad based consultative process designed its first three-year Strategic Plan, dubbed, 'Our First Mile'. The Strategic plan lays the foundation of engagement with State and non-state actors, the SIGs and Kenyans at large.

Unveiling of NGECE Strategic Plan



Unveiling of NGECE Strategic Plan

4.2 Human Resources and Administration

4.2.1 Application of best practices and lessons from other independent institutions: In effort to apply practical lessons and best practices in the integration of principles

of equality and inclusion, the commission has consulted numerous human rights independent institutions in Kenya, Eastern Africa, and Africa and in the World. Between April and June 2013, the commission benefited from two learning missions to South Africa and United Kingdom. The commission intends to embrace mechanism for realizing substantive and transformative equality learned from these two countries.

4.2.2 *Staff development:* During the reporting period, NGECE staffing levels grew five-fold. In order to adequately equip the staff with the necessary skills to deliver on the core mandate of the commission, five skill and competency development courses were offered: The Public Procurement, Corporate Governance, International Treaties, Gender Mainstreaming, and Disability Mainstreaming.

4.2.3 *Staff welfare:* The commission has established a voluntary staff welfare association

4.3 Institutional Image and Branding

4.3.1 Launch of Logo: During the review period, the commission launched a logo developed through a competitive creative initiative. The logo is expected to frame and position the identity of the commission along its core mandate.



Gender Minister Naomi Shabaan launches the NGECC logo

4.4 Information, Education and Communication

The Commission disseminated educational materials and information through simple brochures, documentaries, website, edited volumes, response to media requests, television and radio shows, press releases (statement and conferences), and organized dialogue and dissemination meetings. During the review period, the commission completed development of a website and commenced communications with public

through social media mainly face book Page, Twitter Account and YouTube Channel to complement other communication channels.

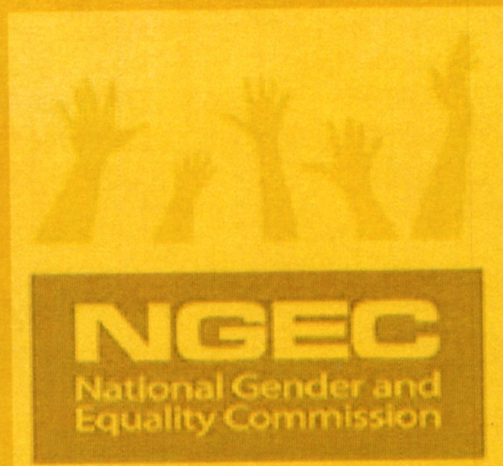
4.5 Internal Audit

In the reporting period, the Commission established an Internal Audit function to provide assurance and improve effectiveness in the key areas of Risk Management, Control and Governance processes

4.6 Procurement

In order to streamline the procurement process, the Commission during the reporting period undertook far reaching measures aimed at strengthening the institutional and structural capacity of the department to respond to the various procurement requests. These include, establishment of an adhoc committee, the Inspection and Acceptance Committee, and organizing a training on public procurement regulations and Act. Further, the commission has extended numerous procurement opportunities to youth, women and PWD to comply with the 30% preferential procurement rule. Through prequalification of suppliers, the commission has responsive bid in 56 categories.

PART THREE
FINANCIAL STATEMENTS



REPUBLIC OF KENYA



KENYA NATIONAL AUDIT OFFICE

REPORT

OF

THE AUDITOR-GENERAL

ON

**THE FINANCIAL STATEMENTS OF
NATIONAL GENDER AND EQUALITY
COMMISSION**

**FOR THE YEAR ENDED
30 JUNE 2013**



REPUBLIC OF KENYA

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NAIROBI



KENYA NATIONAL AUDIT OFFICE

REPORT OF THE AUDITOR-GENERAL ON NATIONAL GENDER AND EQUALITY COMMISSION FOR THE YEAR ENDED 30 JUNE 2013

REPORT ON THE FINANCIAL STATEMENTS

I have audited the accompanying financial statements of the National Gender and Equality Commission which comprise the statement of Assets and Liabilities for Vote R. 214 as at 30 June 2013 and the Appropriation Account for the year then ended, and a summary of significant accounting policies and other explanatory information in accordance with the provisions of Article 229 of the Constitution of Kenya and Section 8 of the Public Audit Act, 2003. I have obtained all the information and explanations which, to the best of my knowledge and belief, was necessary for the purpose of audit.

Accounting Officer's Responsibility for the Financial Statements

The Accounting Officer - National Gender and Equality Commission is responsible for the preparation and fair presentation of these financial statements in accordance with the Government Financial Regulations and Procedures and the Public Finance Management Act, 2012 and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

The Accounting Officer is also responsible for the submission of the financial statements to the Auditor-General in accordance with the provisions of Section 4 of the Public Audit Act, 2003.

Auditor-General's Responsibility

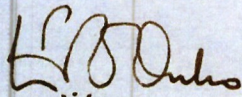
My responsibility is to express an opinion on these financial statements based on the audit and report in accordance with the provisions of Section 9 of the Public Audit Act, 2003. The audit was conducted in accordance with International Standards on Auditing. Those standards require compliance with ethical requirements and that the audit be planned and performed to obtain reasonable assurance about whether the financial statements are free from material misstatement.

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

I believe that the audit evidence obtained is sufficient and appropriate to provide a basis for my audit opinion.

Opinion

In my opinion, the financial statements present fairly, in all material respects, the financial position of the Commission as at 30 June 2013, and of its financial performance for the year then ended, in accordance with Government Financial Regulations and Procedures, Public Finance Management Act, 2012 and comply with the National Gender and Equality Commission Act, 2011.



Edward R.O. Ouko, CBS
AUDITOR-GENERAL

Nairobi

17 February 2014

THE FINANCIAL STATEMENTS APPROPRIATION ACCOUNTS

R 214 NATIONAL GENDER AND EQUALITY COMMISSION APPROPRIATION ACCOUNTS FOR THE YEAR ENDED 30TH JUNE 2013				
Item	Title	APPROVED ESTIMATES	EXPENDITURE	VARIATIONS
	0001 Headquarters Administrative Services			
	Headquarters			
2110100	Basic Salaries - Permanent Employees	49,562,712.00	41,627,727	7,934,985
2110200	Basic Wages - Temporary Employees	269,086.00	1,508,900	(1,239,812)
2110300	Personal Allowance - Paid as Part of Salary	24,029,000.00	30,863,139	(6,834,139)
2120100	Employer Contributions to Compulsory National Social Security Schemes	139,200.00	119,000	20,200
2210100	Utilities Supplies and Services			
	Original.....	900,000		
	Less Supplementary.....	(900,000)		
2210200	Communication, Supplies and Services			
	Original.....	2,893,950		
	Add Supplementary.....	336,155	3,230,105.00	4,472,544
				(1,242,439)
2210300	Domestic Travel and Subsistence, and Other Transportation Costs			
	Original.....	16,684,500		
	Add Supplementary.....	541,550	17,226,050.00	21,925,118
				(4,699,068)
2210400	Foreign Travel and Subsistence, and other transportation costs			
	Original.....	4,450,000		
	Add Supplementary.....	1,540,000	5,990,000.00	6,918,060
				(928,060)
2210500	Printing, Advertising and Information Supplies and Services			
	Original.....	10,280,200		
	Less Supplementary.....	(2,120,020)	8,160,180.00	10,062,389
				(1,932,209)
2210800	Rentals of Produced Assets			
	Original.....	9,680,696		
	Add Supplementary.....	5,000,000	14,680,696.00	19,806,892
				(5,126,196)
2210700	Training Expenses			
	Original.....	32,349,805		
	Less Supplementary.....	(11,619,961)	20,729,844.00	24,136,462
				(3,406,618)
2210800	Hospitality Supplies and Services			
	Original.....	6,612,021		
	Add Supplementary.....	2,262,668	8,874,709.00	8,662,582
				212,127
2210900	Insurance Costs			
	Original.....	8,952,000		
	Less Supplementary.....	(418,000)	8,534,000.00	16,373,373
				(7,839,373)
2211000	Specialised Materials and Supplies			
	Original.....	300,000		
	Less Supplementary.....	(300,000)		
2211100	Office and General Supplies and Services			
	Original.....	7,214,000		
	Less Supplementary.....	(2,602,950)	4,611,050.00	5,169,536
				(558,466)
2211200	Fuel Oil and Lubricants			
	Original.....	3,360,000		
	Add Supplementary.....	200,000	3,560,000.00	4,209,975
				(649,975)
2211300	Other Operating Expenses			
	Original.....	11,963,024		
	Less Supplementary.....	(1,442,264)	10,520,760.00	7,711,108
				2,809,652
2220100	Routine Maintenance - Vehicles and Other Transport Equipment			
	Original.....	3,600,000		
	Less Supplementary.....	(1,600,000)	2,000,000.00	2,736,268
				(736,268)
2220200	Routine Maintenance - Other Assets			
	Original.....	1,040,765		
	Less Supplementary.....	(610,765)	430,000.00	132,540
				297,460
2710100	Government Pension and Retirement Benefits			
	Original.....	1,943,466		
	Add Supplementary.....	156,534	2,100,000.00	2,180,781
				(60,781)
3110300	Refurbishment of Buildings			
	Original.....	500,000		
	Add Supplementary.....	43,300,000	43,800,000.00	363,277
				43,436,723
3110700	Purchase of Vehicles and Other Transport Equipment			
	Original.....	9,000,000		
	Add Supplementary.....	13,800,000	22,800,000.00	26,066,171
				(3,266,171)
3111000	Purchase of Office Furniture and General Equipment			
	Original.....	1,040,000		
	Add Supplementary.....	9,248,000	10,288,000.00	3,367,002
				6,920,998
	GROSS EXPENDITURE R 214		261,535,394.00	238,442,845.22
	APPROPRIATIONS IN AID			
	Sale of Tender documents		2,086,500.00	(2,086,500)
	TOTAL APPROPRIATIONS IN AID		2,086,500.00	(2,086,500.00)
	NET EXPENDITURE		261,535,394.00	236,356,345.22

Approved By: Prof. Rose Odhiambo (HSC)
Commission Secretary/CEO

Signature
Date

R. Odhiambo
31/11/14

R 214 NATIONAL GENDER AND EQUALITY COMMISSION
 APPROPRIATIONS ACCOUNTS SUMMARY
 FOR THE YEAR ENDED 30TH JUNE 2013

I) GROSS EXPENDITURE

Code	Cost		Title	APPROVED ESTIMATES	ACTUAL EXPENDITURE	VARIATION
	Cntr	Item				
1	1		0001 Headquarters Administrative Services	211,424,929.00	188,332,380.22	23,092,548.78
		2	0002 Field Services	50,110,465.00	50,110,465.00	-
						0.00
			NET TOTAL VOTE	261,535,394.00	238,442,845.22	23,092,548.78
			LESS APPLIED APPROPRIATIONS IN AID		2,086,500.00	(2,086,500.00)
			NET TOTAL VOTE R214	261,535,394.00	236,356,345.22	25,179,048.78

II) DETAILS OF APPROPRIATION IN AID

Code	Cost		Title	APPROVED ESTIMATES	ACTUAL RECEIPTS	VARIATION
	Cntr	Item				
1	1		0001 Headquarters Administrative Services	0.00	2,086,000.00	(2,086,000.00)
		2	0002 Field Services	0.00	0.00	-
						0.00
			NET TOTAL VOTE	0.00	2,086,000.00	(2,086,000.00)

Prepared By:

Juliana N. Mutisya
 Deputy Commission Secretary/CEO

Signature



Date:

31/11/2014

Approved By:

Professor Rose Odhiambo
 Commission Secretary/CEO

Signature



Date:

31/11/2014

NOTES TO THE APPROPRIATION ACCOUNTS

NOTE 1: PERSONNEL COST

The total budget versus expenditure did not record an over or under expenditure. The component lines however recorded under and over expenditures as shown below. Personnel costs are made up of basic pay and allowances paid with salaries.

a) Basic salaries - Permanent Employees

This line item was underspent by KES. 7,934,985. The Commission recruited most staff in the financial year who reported on various dates. The salary breakdown between the basic salary and allowances paid together with salaries varied with the new recruits leading to the over-expenditure in the line of basic pay.

b) Basic Wages - Temporary Employees

This line item was overspent by KES. 1,239,812 since it's the line used for casual work. The expenses mainly related to sign language interpreters and mobilizers for Commission activities. The Commission has been unable to hire sign language interpreters who are critical for the Commission's activities due to lack of funds.

c) Personal Allowances paid as part of salary

This line item was overspent by KES. 6,834,139 because the salary breakdown changed when new staff were recruited during the year.

NOTE 2: COMMUNICATION, SUPPLIES AND SERVICES

The line item was over spent by KES. 1,242,439 due to the increased communications during the monitoring of party nominations and the observation the March 4th general elections across the country to ensure non - discrimination of the Commission's target groups.

NOTE 3: DOMESTIC TRAVEL AND SUBSISTENCE AND OTHER TRANSPORTATION COSTS

The line item was overspent by KES. 4,699,068 due travels across the country during Commission activities including the monitoring of party nominations and observation the March 4th general elections across the country nominations and at the general elections to ensure inclusiveness of the Commissions target groups as specified in NGECA Act 2011.

NOTE 4: PRINTING, ADVERTISING AND INFORMATION SUPPLIES AND SERVICES

The line was overspent by KES. 1,932,209. The Commission in fulfillment of its mandate of advising the Government and the public issued several advisories to the public that were published local dailies.

NOTE 5: RENTALS OF PRODUCED ASSETS

This line was overspent by KES. 5,126,196 due to the additional space acquired by the Commission to accommodate new staff recruited during the year as well as the revising of service charge fee by the landlord the NSSF that was backdated for three years.

NOTE 6: TRAINING EXPENSES

This line item was overspent by KES. 3,406,618 due to increased consultative meetings held in preparation for the March 4th general elections and especially participation of the Commission's target groups. The Supreme Court ruling on the 2/3rd gender rule also required dissemination to the Commission's target groups.

NOTE 7: INSURANCE COSTS

This line item was overspent by KES. 7,839,373 as a result of medical insurance for increased staff during the year.

NOTE 8: OTHER OPERATING EXPENSES

This line item was underspent by KES. 2,809,652 due to government austerity measures on contracted services. The Commission also had various matters in court in line with the its mandate.

NOTE 9:REFURBISHMENT OF BUILDINGS

The line was underspent by KES. 43,436,723. The Commission received funding for partitioning of new offices towards the close of the financial year. The process was completed and contracts signed on the 12th June 2013. It was therefore not possible to complete the works and expense the funds within the financial year.

NOTE 10:PURCHASE OF VEHICLES AND OTHER TRANSPORTATION EQUIPMENT

This line item was overspent by KES. 3,266,171 due to the general price increases.

NOTE 11 PURCHASE OF OFFICE FURNITURE

This line item was underspent by KES. 6,920,998 due to late receipt of exchequer funds. The funds had been earmarked for purchase of furniture and related items for the new Commission premises. The funds were received at the close of the financial year in revised estimates.

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STATEMENT OF ASSETS AND LIABILITIES

NATIONAL GENDER AND EQUALITY COMMISSION
STATEMENT OF ASSETS AND LIABILITIES
PERIOD ENDED 30th JUNE 2013

	CURRENT YEAR	TOTALS
ASSETS		
EXCHEQUER ACCOUNT	542,269.00	542,269.00
STANDING IMPREST		
GENERAL SUSPENSE	206,900.00	206,900.00
TEMPORARY IMPREST	33,000.00	33,000.00
PMG (Cash and Bank Balances)	30,564,671.00	30,564,671.00
TOTALS	31,346,840.00	31,346,840.00
LIABILITIES		
GENERAL ACCOUNT OF VOTE	26,608,157.31	26,608,157.31
SUSPENSE ACCOUNT		
STALE CHEQUES		
CLEARANCE ACCOUNT	2,652,183.19	2,652,183.19
EXCESS A.I.A	2,086,500.00	2,086,500.00
TOTALS	31,346,840.50	31,346,840.50

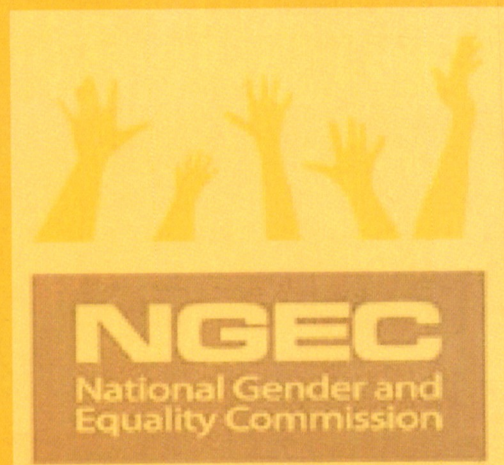
Juliana N. Mutisya
 Deputy Commission Secretary/CEO

Signature
 Date

J.N.M.
 31/1/14

PART FOUR

KEY CHALLENGES RECOMMENDATIONS
AND PRIORITY AREAS



PART 4

6.0 KEY CHALLENGES, RECOMMENDATIONS AND PRIORITY AREAS

6.1 Challenges

- The mandate of the commission is broader than promoting gender equality. Many players, individuals and agencies in private and public sector tend to associate the Commission with women affairs only leaving out a significant proportion of the core mandate around freedom from discrimination, inclusion and realization of the ECOSOC rights.
- With the operationalization of the devolved system of government, the Commission must devolve the services to the greatest extent possible. However, special interest groups are first and foremost vulnerable due to their geographical location and residence relative to the source of development programs. This means the Commission at minimum must establish presence in all counties, a program that will require a significant amount of fiscal and human resources
- The commission like many government agencies experienced reduction in budget allocation. The budgetary measures affected the implementation of interventions in national and county levels.
- The Commission has a significant function of integrating principles of equality and inclusion in the private sector. During the reporting period, the commission spent significant amount of time introducing the function and concept in the private sector. The achievement so far is dismal and more effort and partnership is required in the new fiscal year to stimulate private sector to begin embracing in all their development agenda the fundamental principles of equality and inclusion
- Beginning March 2013, the Commission was functioning with mere three commissioners in office. Given the importance and complexity of the mandate of NGECE, the performance of the Commission was affected. The appointment of additional two commissioners as required by law will not only improve on the governance of the institution but also expand the coverage and increase intensity of coverage of functions assigned to the commission

6.2 Recommendations

- The commission will commence an intensive resource mobilization from the national government. In order to effectively fulfill its mandate the state through parliament should consider increasing the budget allocation of the commission to at least 500 million per year. The commission will also work closely with the development partners to meet the financial gaps from the state funds.
- The state should consider facilitative the commission with the establishment of the regional and county offices through allocation of minimal resources to meet recurrent expenditure on rent and salaries and some funding for programming. The state through the National Treasury should consider allowing the commission to hire additional staff at national and county offices to meet the technical gaps existing in its current staff structures.
- The appointment of two commissioners by His Excellency The President, will not only improve the governance of the Commission but will facilitate the commission to fulfil its mandate with necessary efficiency and speed.

- The Commission should establish a stronger partnership with the private sector and with government institutions working with the private sector such as Vision 2030, Ministry of industrialization to identify key gaps and opportunities for integrating principles of equality and inclusion with greatest impact on the special interest groups.

6.3 Priorities for 2013/2014

- a) Monitor the social security sector with focus to elderly and vulnerable children. NGECC will participate in the review of relevant policies in this sector.
- b) Facilitate creation and review of legal frameworks to support gender equality and inclusion such as national equality policy, tax exemption for persons with disability, community land eviction and resettlement bills.
- c) Advance issues of equality and inclusion in the private sector through identification of alliances and networks from private and public sectors, establishment of standards and benchmarks for equality and inclusion in the private sector.
- d) Coordinate responses to reduction of sexual gender based violence including undertaking 16 international days of activism and costing of SGBV model services at national and county levels.
- e) Advice and support county and national governments to implement basic standards of gender equality and inclusion of special interest groups through SIG responsive budgeting.
- f) Provide county governments and private sector with guidelines for realization of the economic social cultural rights. The intervention will target county public service boards, members of the county assembly, and the county executives.
- g) Facilitate the implementation of critical recommendations from Truth Justice and Reconciliation Report on land use and access among the marginalized and minority communities.
- h) Support the national government in reporting at international platform of the country progress performance on international, regional treaties and conventions due during the year.
- i) Develop minimal indicators for measuring mainstreaming issues of gender in the public sector.
- j) Collaborate with universities and research institutions to entrench equality and inclusion programs on sexual and reproductive health rights, built environments, educational curricular, national and county planning, and women and peace initiatives.

APPENDIX

PROFILE OF COMMISSIONERS AND CHIEF EXECUTIVE OFFICER



Winfred O. Lichuma. EBS

Winfred Lichuma is the Chairperson of The National Gender and Equality Commission (NGEC). Winfred is a Lawyer of over 20 years standing. She holds an LLB from the University of Nairobi, an LLM from the University of Essex in United Kingdom and a MA in Gender and Development from the University of Nairobi.

Previously she served as a Commissioner at the Kenya National Commission on Human Rights and has been a legal adviser to the National Aids Control Council.

She has also worked as a practicing Advocate of the High Court of Kenya. She began her career as a Magistrate of the High Court of Kenya, a position she held for ten years and served around the country, growing up the ranks to Senior Resident Magistrate. Winfred has wide experience in gender mainstreaming and in human rights promotion and programming.



Commissioner Simon J. Ndubai

Commissioner Simon J. Ndubai is a B. Com. Graduate from Poona University. Mr. Ndubai has served as an Internal Auditor in both the Government and parastatals for a period of over 20 years, serving various capacities. Outside his professional duties, he has served as the Treasurer of Elimu Co-operative Society, Chairman of Nairobi Branch of the Association for the Physically Disabled of Kenya, Assistant National Treasurer of the Association for the Physically Disabled of Kenya, Director of the National Council for Persons with Disabilities, Chairman of the Audit Committee of the National Council for Persons with Disabilities, Commissioner Simon J. Ndubai member of the Trustees of Kenyatta National Hospital Superannuation Scheme and Chairman of the Trustees Welfare Committee of Kenyatta National Hospital Superannuation fund. Mr. Ndubai is an expert on disability. He has been involved in the formulation of Persons with Disabilities Act 2003, Special Education Policy, Disability Policy, and implementation of African Decade for Persons with Disabilities, Constitution making process, formulation of the Convention on the Rights of Persons with Disabilities, and a member of the Mainstreaming Committee on issues of Persons With Disabilities at Kenyatta National Hospital.



Commissioner Gumato Ukur Yatani

Commissioner Gumato Ukur Yatani joined NGECC in November 2012 after taking oath of office replacing Commissioner Lydia Gachoya whose term expired on June 2012. She holds an MBA in Human Resource Management from the University of Nairobi and a Bachelor of Education degree from Moi University. She is currently pursuing her doctoral studies on gender and diversity management at the Vienna University of Economics and business.

Commissioner Gumato formerly worked as an undersecretary in the Office of the President till 2011. Between 2005 and 2008, Mrs. Yatani worked as the head of organization development and Human Resource Manager with Kenya Red Cross Society.

She has also worked with the Kenya Post Office Savings bank as a senior field service training coordinator-Western Union. Mrs. Yatani has also served in various organizations including being the Vice Chair of Ewaso Ngiro North Development Authority and board membership of several local NGOs. She is currently the convener of the Minorities and Marginalized Department at the Commission.



Prof. Rose A. O. Odhiambo
Commission Secretary

Prof. Rose A. O. Odhiambo has a background in Gender Mainstreaming, Scientific Research, Curriculum Development and Institutional Management. She has worked for the Kenya Medical Research Institute as a Research Officer, at Egerton University's Department of Biological Sciences as a Senior Lecturer, and was until her appointment as the Director of the University's Institute for Women, Gender and Development Studies (IWGDS) for over 10 years

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