



## Economic and Social Rights Centre (Hakijamii)

**Annual Report**  
January - December 2008

*A society that ensures the protection, promotion and fulfilment of all rights for all people*

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## Chairman's Statement

It is once again with great pleasure that, on behalf of our community partners, staff and Board members of Hakijamii, I share with you this report. It is with some measure of satisfaction that we have been able to properly document our activities each year. The organization places premium on proper and timely documentation of its activities as a way of creating consistent institutional memory and accountability. We are happy that this has consistently been done since its inception in 2004.

2008 was arguably a memorable area for all Kenyans. Many Non Governmental Organizations that prided themselves with working with communities found themselves staring at untimely demise as many of the community groups and areas became no-go zones. It is with considerable pride that Hakijamii became one of the first organizations to use its deeply-rooted relationship with community groups in Nairobi to organize what became known as *Amani na Haki Mashinani* community meetings, a concept which was to be replicated by many other groups across the country. It is a matter of record that these were the first meetings in Nairobi among community groups to begin discussing the root causes of the then on-going orgy of violence in the country. From the first week of January 2008 to mid April 2008, these weekly meetings were held at Pamoja Trust office gardens without failure even when police and demonstrators were engaged in pitched street battles. It was a clear demonstration that our investment in working with and building trust with communities had payed off.

This period therefore was a concrete confirmation of our approach to human rights work which place communities at the centre. Indeed the organization was quickly able to proceed with its other main activities. It is also the period during which Hakijamii was able to firmly establish itself a significant player in human rights advocacy at the international level when it successfully coordinate the hosting of the Strategy Meeting and General Assembly of the International Network on Economic, Social and Cultural Rights in December 2008, Nairobi. The organization continued to be a strategic player in national policy advocacy on land and housing and other economic and social rights' advocacy. Indeed we can say that the organization has now come of age.

All of these would not have been possible without the confidence and support of the community groups. We also owe a lot of debt to all our national and international partners within the civil society sector and beyond. Finally, we are specifically humbled by the continued trust and confidence shown in us by the following supporters:

- Kios (Finnish Foundation for Human Rights).
- Misereor
- Centre on Housing Rights and Evictions.
- Cordaid.
- Concern worldwide.
- Per Josefsson

In a world where sincerity and honesty have become endangered commodities, it is rare to find those who continue to put faith and trust in others. To all of you we say, *ASANTE SANA*.

**Josiah Omotto (Chairman)**

## INTRODUCTION

2008 marked the fourth year of operation for Hakijamii and in a way marked a significant milestone in the pursuit for the progressive realization of its key strategic objectives. The focus for 2008 was to consolidate and further our position as a major player in innovative economic and social rights advocacy not only in Kenya but also regionally and internationally. In this regard and despite the unexpected political turmoil that gripped the country towards the end of 2007 and the beginning of 2008, we were able to achieve most, if not all, of our objectives.

The following broad objectives continued to inform our interventions:

- The strengthening and consolidation of the capacity of marginalised urban community based peoples' organizations, particularly NPSN and KISORA, to effectively and directly advocate for their economic and social rights.
- The advocating and lobbying for the incorporation and adoption of economic and social rights' principles in selected key national policies and legislation.
- The monitoring of the Government's compliance with its obligations under the relevant regional and international human rights' instruments on economic, social and cultural rights.
- The documentation, networking and exchange of information with national, regional and international networks on the progressive realization of economic, social and cultural rights.

## HAKIJAMII SECRETARIAT

Hakijamii's secretariat is headed by an Executive Director who reports to the Board of Directors. The Board is currently in the process of incorporating new members to reflect the social, gender and regional diversity of our nation. The Organization continued with its approach of maintaining a lean but highly motivated staff who in total consist of seven members with occasional support from interns and volunteers. The following members of staff left the organisation: Conrad Bosire (Program Officer), Thomas Mwikamba (Community Officer) and Venice Makori (Administrative Assistant)

### Members of Staff at the Secretariat



**Elijah Odhiambo**  
Programme Director



**Lucy Baraza**  
Accountant



**Beverly Mademba**  
Program Officer  
Water and Sanitation



**Christine Wambugu**  
Program Officer  
Human Rights



**Mercy Okunyanyi**  
Community Officer



**Anne A. Ogada**  
Admin. Assistant

## Board Members



**Josia Omotto**  
Chairman



**Odenda Lumumba**  
Member



**Steve Ouma**  
Member



**Francis Kinyati**  
Member



**Cecilia Kimemia**  
Member



**Dr. Mutuma Rutere**  
Member



**Odindo Opiata**  
Executive Director/Secretary to the Board

The following vision, mission and core values continued to steer Hakijamii's efforts.

### VISION:

A society that ensures the protection, promotion and fulfilment of all rights for all people.

### MISSION:

To strengthen the capacity of peoples' organizations to effectively and directly participate in advocating and claiming their economic, social and cultural rights in Kenya.

### CORE VALUES:

- Equality and non-discrimination.
- Participation and inclusion.
- Professionalism.
- Integrity.
- Honesty.
- Transparency.
- Accountability.
- Human dignity.

### Our overall objectives continued to be:

1. To strengthen the capacity of grass root peoples' organizations to effectively and directly define and claim their economic and social rights.
2. To raise the level of awareness and knowledge on economic and social rights among key policy makers and implementers.
3. To advocate for the mainstreaming of economic and social rights in all policy and legislative agenda.
4. To enhance the level of awareness and knowledge of lawyers, human rights advocates and judicial officers on economic and social rights litigation
5. To establish the Centre as a leading organization/centre in policy advocacy and economic and social rights activism.

## HIGHLIGHTS OF RESULTS AND ACHIEVEMENTS

### THE AMANI AND HAKI MASHINANI INITIATIVE (GRASSROOT PEACE AND JUSTICE )



*Community participants attending an Amani and Haki Mashinani Meeting*

The year under review began on a crisis of unprecedented proportions for the whole country following the disputed results of the December 2007 general elections. More than 1000 are believed to have died in an orgy of violence not hitherto witnesses in our post-colonial history. Hundreds of thousands were internally displaced. The first few months of the year confronted most of the civil society with a situation for which they were clearly ill-prepared. There was utter confusion for the very basic assumption that informed all the plans by the civil society had been shattered. It was in this state of helplessness that Hakijamii, Umande Trust and Kenya Human Rights Institute initiated a community led peace and justice process in Nairobi that began to restore some form of hope for thousands of residents of the peoples' settlements. Other organizations joined in the process and from the month of January 2008 weekly peace and justice meetings started to be held at Pamoja Trust. The immediate result was the establishment of the Amani na Haki Mashinani (Grassroot peace and justice) movement.

The initiative had five key objectives. These were;

- i. To provide and effectively support the fair distribution of humanitarian assistance
- ii. To promote peace and justice among hostile communities through sharing their experiences and seeking common ground
- iii. To empower communities to strengthen the existing structures so that they can prevent violence and monitor peace
- iv. To support and empower survivors of gender based violence
- v. To give a voice to communities through media activities and other events.

This was probably one of the first efforts to meaningfully respond to the on going violence, long before the other formal peace efforts began and indeed the initiative was taking place

even as people continued to kill one another and the police visited violence on others. During all this time no single week passed without the community groups meeting at Pamoja Trust grounds. It is encouraging that this initial effort has been copied by many other organizations since then. The initiative also demonstrated how human rights approach can make a difference even in times of emergency and crisis. When we received humanitarian assistance from Lady Fatemah through our partnership with Centre on Housing Rights and Evictions (COHRE), the distribution was done exclusively by the community members who developed a checklist based to ensure that those in greatest need benefitted first. The process was done so transparently that there was hardly any complaint in spite of the fact that the resources were quite limited. It was an epitome of how resource allocation can be done using the human rights based approach.

Although the initiative did not on its own end to the violence as there were many other actors and factors at play, it demonstrated that having principled relationships with peoples' organizations is key to dealing with most conflicts and that the people themselves have the potential to meaningfully talk to one another and appreciate each other's humanity.

## **THE 2008 ANNUAL PEOPLES' BUDGET**

Since 2007 we have been supporting the Nairobi Peoples' Settlement Network to actively engage in the budget process. This is based on the premise that the active participation of the people in the budget-making process is a precondition for the progressive realization of human rights. The continued exclusion of the marginalised in this process has meant that their needs and priorities are hardly addressed. It is for this reason that in 2007 we decided to support the Nairobi Peoples Settlement Network to develop their own people's budget, which was launched at Ufungamano Hall, Nairobi. The idea was immediately internalized by the people who decided that they would be developing their own annual budgets in which their own priorities are set out.



**Left:** The Swedish Ambassador, Ms Anna Brandt gives the key note speech during the launch of the People's Budget

**Right:** Participants during the launch of the People's Budget at Ufungamano Hall, Nairobi

In 2008 the process was extended to Kisumu where in partnership with the Kisumu Social Rights Association (KISORA), community groups in the two constituencies in Kisumu engaged in a participatory budget process. This was followed by a harmonization joint session involving the NPSN and KISORA groups. The launch of the joint Peoples' Budget was done at Ufangamano Hall which was graced by the Ambassador of Sweden Ms Anna Brandt who gave the key note speech. The Peoples' Budget has now become an important event in the continuing involvement of the grassroots movement in articulating their demands. With time it is hoped that this will develop into of an effective organic national movement that will drastically transform the hitherto closed budget-making process in the country. More importantly, it aims to demystify budget-making process and seeks to place the concrete demands of the people in decision-making.

## HUMAN RIGHTS' DAY CELEBRATION



*Over 2000 participants attended the event marking the Human Rights' Day at Kariokor Social Hall in Nairobi*

The 10<sup>th</sup> of December is always celebrated the world as Human Rights' Day being the date on which the Universal Declaration of Human Rights was adopted. In Kenya the day is normally marked by the mainstream NGOs by organizing talks and other events in up market hotels. In 2005 urban grassroots organizations in Nairobi, with our support and Dignity International, organized the first grassroots-led event which was held in Korogocho. This is the event at which NPSN was formed.

Since then, NPSN has been organizing and conducting the celebrations. 2008 was no exception and for the very first time the event was exclusively organized and conducted by NPSN. We only provided some little material support. The event was held in Kariokor Social hall and was attended by over 2000 participants from people's settlements in Nairobi. The theme of the 2008 was on the national budget and in particular the demand that members of Parliament must pay income tax like all other citizens. It was a clear testimony that NPSN has come of age and is capable of planning and conducting truly people-led advocacy actions. It was the climax of the work that has been going on for the last four years.



## **INSTITUTIONALIZATION OF NPSN AND KISORA AS DEMOCRATIC GRASSROOT ORGANAZITIONS**

From the very onset we realized that in order to enable the marginalised urban poor communities to actively articulate and claim their rights, it is imperative that they form democratic, accountable and transparent organizations owned by the members. This requires the deconstruction of internal power relations based on functional constitutional frameworks and structures. 2008 marked a milestone for both NPSN and KISORA, who are our first community partners. In order to avoid the pitfalls that have befallen such previous initiatives, we avoided adopting a romantic approach in working with community groups. Instead, a principled relationship was created with NPSN and KISORA that enabled them to develop democratic constitutions. NPSN went through a participatory constitution-making process that culminated in holding its first General Assembly during which the draft constitution was discussed and adopted. In the meantime, NPSN also created thematic groups that reflect the actual work that they are involved in. The next stage will be to seek registration so it can begin to operate as an autonomous unit with its own offices and secretariat.

At the beginning of 2008, KISORA was able to open an office and is currently reviewing its constitution to make it responsive to the basic democratic principles. In order to further strengthen the capacity of both organizations to stand on their own, intensive training programs on leadership, proposal writing, and fundraising, sound financial management, internal dispute resolution and networking are already underway. Indeed KISORA was member to seek and obtain membership to Shelter Forum. All these efforts are aimed at ensuring that both organizations become sustainable democratic and autonomous community entities that are able to define their agenda and conduct their affairs and advocate their rights. It is hoped that in due course other partners will come on board and assist these organizations to grow and become formidable change agents.

## **ESRC-NET STRATEGY MEETING AND GENERAL ASSEMBLY**

We are a founder member of the International Network on Economic Social and Cultural Rights (ESCR-NET). Because of our active involvement in the work of the Network, we were requested to assist and coordinate in organizing the second Strategy and General Assembly of the Network in Nairobi. The meeting was initially intended to be held in March 2008 but because of the post election crisis it was postponed to December 2008. It attracted over 200 participants who included a number of representatives of social movements.

Apart from the important deliberations by the various thematic and working groups, the meeting was particularly significant for participants from Africa region when for the first

time they discussed issues of mutual interest at the end of which they resolved to form an interactive online forum. The forum has already been activated and is temporarily being hosted by ourselves. The forum seeks to provide African human rights advocates with a greater opportunity to exchange information, learn from each other and plan joint campaigns.

The Kenyan Civil Society organizations that helped in organizing the meeting also took advantage to convene a session for several social movement groups from all over the country. Following two days of deliberations the participants resolved to work towards the formation of a national movement for Kenyan social movements. This is a great challenge to all organizations with social movements and it is hoped that in the years to come concerted efforts and resources will be directed to supporting the creation of a truly national social movement to articulate the claims and demands of the marginalised.



*Delegates at the Second ESCR-NET Strategy and General Assembly Conference in Nairobi*

## COMMUNITY IN ACTION

Besides the Annual Peoples' Budget and the Human Day celebration, the year also witnessed a number of community-led actions that helped to further strengthen the people's confidence in their ability to be masters of their own destiny. Key community-led activities included the following:

1. Two meetings organized by KISORA with the councillors of Kisumu Municipal Council to discuss the adoption of human rights-based eviction guidelines for the municipality. The meetings appointed a task force to finalize the development of the guidelines for adoption by the Council. This, it is hoped, will be done in 2009. This was testimony to the fact that KISORA is now fully recognized by the local leaders as a legitimate representative of the local residents and a key stakeholder in decision-

making processes at the local level. KISORA has succeeded in strategically placing itself at the negotiating -table and the people can now begin to speak for themselves.

2. The Kogony council of leaders from Kisumu organized and met with the Minister of Lands Mr. James Orengo to discuss the issue of compensation arising from the acquisition of their land for the expansion of Kisumu airport. Although the matter has not been conclusively resolved and the matter is now in court, the meeting was the very first time that the community members were directly engaging with a government minister to discuss their grievances. It is the kind of advocacy that many community groups yearn for and that greatly helps in to articulate community claims.
3. The Railway Dwellers Federation which started as a lobby group of Nairobi residents who are going to be affected by the relocation following the privatization of Kenya and Uganda Railway corporations was finally able to extend its work to Kisumu. Working under the umbrella of the the Swahili name Ngazi ya Chini, the Federation is now fully recognized as the leading representative of the residents in their negotiations with the Kenya Railway Corporation and in that capacity it has ensured that no eviction or any harassment of its members takes place. This is a significant achievement as previously the residents had to rely on other actors to speak for them but they can now speak for themselves. Exchanges were also initiated between the Mombasa and Nairobi groups with a view to establishing a joint campaign committee
4. Following a two day retreat during which contentious issues were openly discussed, the Settlement Executive Committee and the Soweto People's Settlement Forum were able to come with a working formula that would boost the participation of the residents of Soweto in the ongoing slum upgrading process. The retreat was significant in the sense that it enabled the community members to solve their own disputes and create a more legitimate voice for community participation in the upgrading project.
5. Under our right to education program, the education thematic group from Kamukunji constituency organized a highly successful public hearing on the right to primary education in their area. The meeting was attended by the chairperson of the Constituency Development Fund and the personal assistant to the area member of parliament. The meeting resolved to have a 'shadow committee' that would be monitoring the work of the CDF and also to have the CDF Committee to be trained on the human rights based approach. The meeting was exclusively organized by the thematic group and was yet another concrete demonstration of the increasing ability of the grassroot organizations to be in the forefront of advocating for their rights.
6. During the World Urban Forum in Nanjing, the NPSN was ably represented by its current Chairperson who presented a paper on the work of the Network on economic and social rights advocacy. He highlighted the role the Network has played

in campaigning for the national eviction guidelines as well as on the Grassroot Land Tool Network. In attending the conference a statement was being made that time has now come for the grass people themselves to be their own spokespersons as they are best placed to highlight and articulate their visions and aspirations.

We see our role as that of complimenting the organic growth of these democratic peoples' initiatives particularly in identifying and creating space for them to have space at the negotiating table as epitomized the inclusion of NPSN and Muungano wa Wanavijiji in the national task force on the development of national eviction guidelines. Hakijamii is very proud to be associated with these truly people-driven initiatives and intend to continue providing strategic support whenever necessary. In this regard we have already established strategic linkages with grassroot groups in Mombasa as a way of creating the basis for a national coalition of residents of urban peoples' settlements. We organized to have a number of these community –led advocacy actions to receive coverage in both the print and electronic national media thereby providing a wider audience for community voices.

## **ADDING KNOWLEDGE AND SKILLS TO COMMUNITY PROCESSES**

We recognize the fundamental truth that change can only be brought by the concerted and organized action by the people themselves through their organizations. In this regard Hakijamii has consistently seen its role as principally to strengthen the capacity of existing community groups to more effectively demand, claim and advocate for their economic and social rights. Specifically we seek to provide additional knowledge on human rights and skills on advocacy to these groups.

In the year 2008 a number of training and awareness sessions were held with groups in Nairobi, Mombasa and Kisumu mainly on right to water, housing, education, advocacy planning negotiation skills and principles of democratic leadership, among others. In doing all these we were very conscious of the fact that strong internal democratic systems based on accountability and transparency are key to sustainable people-led advocacy. Consequently in 2008, we worked with the NPSN to come up with a constitution and governance system that upholds these principles. The constitution will be registered in 2009.

## **HAKIJAMII'S ADVOCACY AND NETWORKING AT A GLANCE**

We recognize that monitoring government actions to ensure compliance with international human rights standards, policy advocacy and networking are all key requirements for any serious human rights work. 2008 was a busy year in all these fronts. Some of the key interventions included:

- Continuous monitoring of cases of forced evictions through publication of quarterly Housing Rights Newsletter. The newsletter has been instrumental in highlighting cases of evictions and calling on the Government to strictly comply with its international human rights obligations especially with regard to the right to adequate housing. It is the only newsletter of its kind and has been published consistently since 2005.
- As a member of the National Task Force for the development of Eviction guidelines we have lobbied the Government to speed up the process and finally the Government has agreed to incorporate the task force under the Land Reform Transformation Unit as one of those areas that need to be fast tracked even before the national land policy is adopted. In partnership with COHRE, we have been recognized as a leading resource organization in this process.
- As parts of our efforts to expand knowledge on economic, social and cultural rights, we developed a number of popular communication materials which were widely distributed among our partners. These included booklets and posters on the right to water, Swahili version of key international human rights instruments, a booklet on the right to education and the printing of the People's Budget, among others. Feedback from users particularly the community members show that the publications are very popular as they are done in very simple and easy to read language and style.
- 2008 marked an important point in the country's economic, social and cultural rights' history. It was the first time that the country submitted an admissible periodic report to the Committee on Economic, Social and Cultural Rights. Under the Coalition of Non-Governmental Organizations on Economic, Social and



*Elijah Odhiambo (Hakijamii), Mr. Philippe Texier Chairman of the UN-Committee on Economic, Social and Cultural Rights and Monica Otieno (NPSN – CBO supported by Hakijamii) at Palais Wilson Centre Hall in Geneva on November 6th, 2008 after Hakijamii presented a parallel report on the right to housing and social security*

Cultural Rights, we provided technical expertise in the drafting of the Shadow Report. We also submitted a separate shadow report on the right to social security. In partnership with COHRE we submitted additional detailed shadow reports on the right to housing and water and sanitation to the Committee. During the consideration of the country's report we were represented by the Director of Community Outreach who made further oral presentation to members of the Committee. A number of our recommendations in our shadow reports have been adopted by the Committee in its Concluding Observations and will form a basis for future advocacy and lobby work.

- Land remains a serious impediment to the progressive realization of the right to adequate standard of living for the majority of the people especially the marginalised. We have been, from the beginning, actively involved in influencing the content of the draft national land policy. As a key member of the legal thematic group we contributed greatly to the Draft and have been engaged with the process throughout. In 2008 we were part of the civil society coalition under Kenya Land Alliance that met with the Minister of Lands to urge for the expeditious adoption of the policy document. We also continued to work closely with our community partners to exert pressure on the government to ensure that the policy is implemented in full. As part of our continued engagement with the process we have been appointed to the legal technical committee that is looking at the specific legislative reforms that would facilitate the effective implementation of the policy. These are clear indicators of our recognition as a key actor in this critical national process.



Lands minister Hon. James Orengo, with members of the Civil Society at National Civil Forum on Land Reforms at which Hakijamii was one of the organizers

- Networking and coalition-building are key strategic objectives for any organization that seeks to bring any meaningful change. No single organization, however big, can pretend to respond to the myriad of problems required to be addressed for the effective progressive realization of human rights. We have accordingly attached premium attention to consolidating our efforts in networking and coalition-building. To that end we have maintained an active presence in Kenya Land Alliance and Shelter Forum not only as members but as Board members. 2008 was particularly significant for us as it concretely demonstrated the fruits of our investment in networking when we were selected to be the hosting local organization for the International Network on Economic, Social and Cultural Rights General Assembly and Strategy meeting in Nairobi. For an organization that is hardly four years old, this was by any measure, a great achievement and recognition of our active involvement in economic, social and cultural rights advocacy. The organization has also continued to enjoy excellent working relationship with COHRE, Dignity International and Amnesty International.



Odindo Opiata, the Executive Director of Hakijamii (extreme left) with the key note speaker Professor Yash Pall Ghai (centre) during the official opening of ESCR-Net International General Assembly and Strategy Meeting in Nairobi in December 2008

### **Issues of priority considered by Kisumu groups during preparation of people's budget 2008**

- In January 2008 Hakijamii was among a group of prominent human rights organizations and practitioners from Africa who met in Cairo to discuss and lobby for the adoption of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. In June 2008 the UN Human Rights Council finally adopted the Protocol and it is hoped that it will be opened for signature, ratification and accession in March 2009. This development has been hailed as a milestone in the human rights history as for the first time individuals will have an opportunity to directly invoke the provisions of the International Covenant on Economic, Social and Cultural Rights. We are excited to be associated with the efforts that led to this success.

- In June 2008 we were again among a group of leading African organizations invited to Uganda, to deliberate and present a paper on the state of human rights in the developing commonwealth countries. The conference identified the various obstacles facing many developing countries in enforcing human rights including poverty and absence of democratic governance. It was resolved that there was an urgent need for advocates of democracy and human rights to look beyond their national boundaries and begin to forge strategic alliances as most of the problems are common. During the Amnesty International Africa program meeting in London, we were invited to present a paper on forced human rights and forced evictions.

## CHALLENGES

Most of the challenges that the organization faced in the prior years are yet to be overcome, as the organization grows, the institutional structures required to enable it deliver its mandate is increasingly being felt. The competing demands are felt at various levels, at community level, the number of communities who have expressed the desire to partner with the organization, but currently the resources the organization has been able to access cannot meet such demands. Given that the existing community partners, have been able to identify new areas of Economic and social rights, that they seek to engage in (Right to food, health and education); even though the organizations is willing to take additional programmes, it lacks office space to house volunteers who are willing to assist in its upcoming and continuing programmes.

### **Some of the key challenges witnessed during the year 2008, included;**

The over whelming demand by community partners to be supported to implement community led advocacy initiatives, continued; this was at its peak during the post election violence that rock the country in early January 2008. Most of the organizations were caught unprepared. This is a challenge that will require strategic partnership and training on conflict management for Hakijamii and most organizations working with the people.

The continuous demand from community partners for training on human rights and economic and social rights advocacy and community led advocacy initiatives, still remains a challenge given that Hakijamii is not a training organization, and is constrained in terms of resources.

The absence of comprehensive domesticated framework for economic and social rights continue to remain a challenge; even though the government through the ministry of Justice and Constitutional affairs committed before the committee on Economic, Social and Cultural Rights in Geneva in November 2008, that it will be domesticating most of the covenant with the enactment of the new constitution before the end of the year 2009.



## LESSONS

The realization by the people of the power they have in their numbers, when the Kenyan masses forced the two principals (Kibaki and Raila) to meet and agree on a power sharing arrangement, this has demonstrated to the community groups Hakijamii is partnering with that, they have a direct interest on the governance of the country as they stand to lose their livelihood when there is human rights abuse and violations.

The other lesson learnt is that, a mechanism of conflict resolution and peace building must be inbuilt in the work of the organizations, especially those working with community groups.

That the inequalities that is being experienced in the country is playing itself out in the shade of class in the society where the rich are committing human rights abuses and are involved in corruption without caring the cries of the poor, this is a time bomb and sooner if not later, there is going to be insurgency by the poor who happen to be the majority, a strategy must be designed from a rights perspective to avert this simmering disquiet.

The key to unlocking most of the human right (especially ESCR) problems being faced by Kenyans are contained in Agenda 4 of the reconciliation accord, efforts must be made to ensure that CSO and community groups play a key role in the discussions and debate around the issues contained therein. This shall guarantee that recommendations reached reflect the wishes of the majority and not only the political elites.

# HAKIJAMII IN THE MEDIA

## Forms seek to address the n through redistributing to landless people, reports

The policy notes that land problems deserve special attention. The problems include historical injustices, pastoral land, and land rights for special interest groups such as the suburban, slum dwellers and women.

These injustices have been corrected by liquidated development, privatisation, urban Government policies, environmental degradation, gender and trans-generational discrimination.

Land reform proposals of redistribution, restitution and resettlement will form the basis of resolving the Land Question.

Land redistribution will check gross disparities in land ownership by providing the disadvantaged and the poor with access to land for residential and productive purposes.

There is a need to establish clear legal frameworks for identifying, verifying and recording genuine landless people and establish clear and equitable criteria for allocation of settlement plots," the policy states.

Mr Othman Oparia, the Executive Director of Hakijamii, an urban settlement, social and economic rights group, says the leadership of the committee charge-tracks of land cannot bury their heads in the sand over the land problem anymore.

**Comprehensive reforms**  
The land policy is the only self-landing we must carry out comprehensive land reforms. The alternative, if we do not, is not to plan and could plunge Kenya into chaos like Zimbabwe-style land invasions," Oparia warned in an interview with the Standard.

Those deprived of land must now be accorded access rights recognised by the law. For that to be achieved, those holding huge tracts of land must be willing to sell them," he says.

Oparia, a civil rights lawyer, says it is wrong for foreigners who own huge tracts of land under conservation to deny the Government resources.

He adds: "They bring tourism directly to the conservancies. The best they can do is to ensure that conservancies benefit from that land too. The same should apply to elites who seek advantage of non-edible conditions to own huge tracts of land."

Contributing to the debate, Mr Ed-



A police officer guards the endangered Mau Forest. The new Kenya National Land Policy proposes radical reforms to redistribute idle land to squatters.

Makokha, the Executive Director of Shelter Plus, says land grabbers should not be allowed to enjoy their ill-gotten wealth, noting that "land is the best way to transfer money".

Although the Government Lands Act (Cap 280) and Trust Land Act (Cap 286) set out procedures for the allocation of public land, these have been flouted with impunity in well-orchestrated land grabbing schemes.

"In practice, these procedures have been routinely ignored by public officers, resulting in irregular and illegal allocation of public land to the detriment of the public interest," observes the policy's report on irregular land allocation.

Mr Paul Nduv'u, former chairman of the Presidential Land Commission of Inquiry on Irregular and Fraudulent Land Allocation, says the thrust of the land policy is to set mechanisms for the provision of land to the poor and landless.

Nduv'u notes land is an economic resource that should be managed productively for development, and investment.

The Government ought to refrain from giving lands through irrigation and encourage more investment, he explains.

Mr Elgish Ochieng'o, a Programme Officer at Hakijamii, says with proper planning, the Government can successfully carry out land redistribution.

"The first phase of the programme should be acquisition of the large tracts of idle land. Then such an irrigation scheme can be implemented to transform the land," he says.

Mr David Makokha, a Programme Officer with the Kenya Human Rights Commission (KHRC) supports comprehensive planning and investment to promote cheap "vertical" settlements such as apartments that can check the height and growth of informal settlements.

Chief the Japanese example, he says: "Kenya's land area is more than Japan yet with a popu-

lation four times our own, Japan has managed to sustain her people."

**Suggestions**  
The constitution, to restore land rights to those that have unjustly been deprived, there are suggestions the Government should develop a legal and institutional framework for handling the same.

Resettlement is needed to grant internally displaced or historically-displaced persons access to land and provide them with infrastructure and basic services such as shelter, water and sanitation facilities.

Kenya has promised transparency and accountability will guide the resettlement.

The private sector partners, says the minister, the Government will pursue the policy that local people get 40 per cent while 'outside' get 60 per cent of the allocations.

Oparia says issuance of letters of allotment will be regulated. Beneficiaries must accept the offer within 30 days and develop the land to open to the public within two years or risk losing it.

"The National Land Policy is being used as 'to guide the country towards self-reliance, sustainable and equitable use of land for prosperity and justice'."

Land administration and management problems will be addressed through streamlining and strengthening surveying and mapping systems, rationalisation procedures and generalised registration and allocation systems.

The policy is, however, no panacea to all land problems but it is a milestone that issues of land ownership, security of tenure, land use and development, and environmental conservation should be dealt with on a sustainable basis.

**CONTINUED TOMORROW**

Kenya's Kibaki's stance, life has become too expensive. The essential things he used to buy regularly are now out of reach.

A meal of bread and milk, which cost him about Sh75 last year, goes for Sh70. Maize flour that used to be Sh80 not so long ago now costs Sh100. These prices are the first time he uses a maize to frown, in up by Sh100 to take shortcuts and cut costs in the kitchen.

As Mr Amos Kimunya presents budget estimates for the coming financial year, Nairobi is keeping the Finance minister will not make his life any worse.

As shivers in the continuing rise in food prices, inflation has risen to 28.6 per cent by last month. Prospects for a viable economy are dimmed in the aftermath of post-election chaos. Kenyans now have to dig deeper into their pockets to make ends meet, even if it means eating into their savings.

**Wage bill**  
With an expanded Government, Kenya is concerned that the cabinet must will reduce the burden of paying more taxes to meet the bill.

Kenya is concerned that the cabinet must will reduce the burden of paying more taxes to meet the bill. The Government has to get the services paid for remains to be seen. Other immediate concerns are the budget deficit.

Will Kimunya bring down taxes on essential products like flour, cement and sugar to make them more affordable to workers? Will he raise them, thus tightening the noose on the necks of those who lived from hand to mouth even before elections?

Like Oparia, slum dwellers have a raft of proposals they want considered in the Budget. Under the aegis of the Nairobi Peoples' Settlement Network, they intend to petition the Finance minister to factor in their needs in the next financial estimates.

The network, an initiative of community groups from various slums, has produced *The People's Budget: Priorities for Action*.

The document seeks to define the people's priorities are the budget estimates. It asks what they want done in the next financial year.

"Our children stay at home because there are no adequate public schools. We still do not have affordable clean water. Our people living with HIV/AIDS are dying because they lack adequate drugs and food," said a representative from Gikomba.

In view of the enormous economic burden, the people feel the Government makes matters worse by forcing 40 ministries on them.

"We propose that the new constitutional review be finished before the end of the next financial year so that the number of ministries is trimmed," read the document in part.

But since it would take long before the Cabinet is trimmed, the citizens' wage incomes of all MPs subjected to taxation. There is no justification whatsoever, they say, why MPs should be exempted from taxation when the country is in a crisis and badly needs money.

Kenya's Government to implement the



Nduv'u Report by compels those who had been allocated public land irregularly to pay its market value.

"The Government should also take immediate steps to recover all the money obtained through corruption. Such money should be spent on slums upgrading," says David Odhiambo, chairman, Nairobi Eastleigh North Youth Centre.

He added: "We want all ministers and senior public officials to assigned one official vehicle each. The extra vehicles should be sold and the revenue used to provide basic services in the slums and other areas."

Speaking during the People's Budget Forum at Uhunguwa House in Nairobi, Swedish Ambassador, Mr Amos Brandt, also phrased the need for comprehensive constitutional review promised during last year's campaign ahead of the General Election.

Brandt called for equitable distribution of resources to ensure even economic development across the country.

She said Kenyans should comment on the Budget freely as sign of political maturity and

**AT A GLANCE**

● Inflation rate hits 28.6% more experts warn of...

● A meal of bread and milk was Sh50 last year, is now...

● Expanded Government raise public wage bill...



Kenya's Kibaki's stance, life has become too expensive.

## High fees to erode gains

Despite free primary education in many children in the slums out of school. Although the free schooling programme succeeded in bringing a million new students school, more than a million school going age children in slums are out of school. Educationists say this is because four essential features in free availability, accessibility, reparability and adaptability lacking in the slums.

**ACCEPTANCE**  
Availability, according to the invention on the Right to Education for All, means learning in- tions and education programmes must be sufficient to compass lack of discrimination, physical access and economic ability.

Acceptability refers to the form education including curricula and teaching methods that relevant, culturally appropriate and of high quality while

## SCHOOL CRISIS



A class in session at a public primary school. (PHOTO FILE/STANDARD)

adaptability involves change in response to the needs of society and pupils and reflect the diverse social and cultural settings.

In Nairobi slums, lack of schools impedes implementation of free primary education. Corruption and discrimination have seen thousands of slum children drop out of school to en-

gage in child labour and prostitution.

**SPOURED**  
Mr James Ndiba, the chairman of Right to Education advocacy group in Starbe Constituency says, most children are spurred by the high fees charged by informal and private schools.

"Many parents are unable to afford the Sh200-Sh1,500 charged by the schools hence they keep their child at home," he says.

The children are often sucked into the informal employment sector where they are exploited by their employers, and exposed to physical and sexual abuse.

Ms Phelomina Ellenz, the secretary for Embakasi Constituency Right to Education advocacy group, says distance to learning institutions present a big challenge to the girls. "Parents are reluctant to send their children to school because they are at risk of being waylaid and raped," she says. The problem is compounded by insecurity and poor infrastructure.

Children living in slums cannot access schools in neighbouring estates due to the high cost of transportation.

A headmistress of a public primary school refused to enrol a girl from the slums because she came from a slum," she says.

The head teacher said poor children could not pay develop-

ment' fees. In Dagoretti Constituency, reports the Right to Education advocacy group, many children stay away from school because of hunger. "Parents find it difficult to compel their children to go to school on empty stomachs so they encourage them to join in the search for food for the family," says Mr Simon Omari.

**GRAPPLE**  
Others grapple with drug abuse and drug trafficking. Drug abuse and trafficking is rampant in the constituency among parents. They end up dragging along their children," says Njoroge Mbugua of Kasarani Constituency. The advocacy groups are supported by Hakijamii Trust, an economic and social rights organisation spearheading efforts to create awareness through advocacy. The trust has mobilised grassroots representatives to push the Government to institute policy changes that would make free primary education in such slums a reality.

The civil society should when their scope to be effective

# HAKIJAMII'S PUBLICATION DURING THE YEAR 2008



ening democracy. She also called for an overhaul of the land policy to avoid a repeat of the post-election skirmishes. Forum participants, led by their chairman, Mr Humphrey Othman, said the Government in previous budgets had not used funds where they were needed most.

At the same time, the people's budget insists that money should be provided to facilitate the provision of basic services in all slums.

"The 2007/2008 budget should have allocations for the much needed improvement of livelihoods and shelter in slums such as Korogocho, Kibera, Shauri Moyo, Mukuru Kwa Njenga, Mukuru Kwa Njenga, Mukuru kwa Njenga, Simba Langa, Kapang'ang and Kangemi," reads the document in part.

Settlements on most slum areas in Nairobi are on public land and there is no reason why residents should continue staying there without security of tenure," argued Lames Spenyi, Youth Coordinator, Kibera's Noweto East Slum upgrading.

Peter Opiata, the Executive director, Hakijamii Trust called on the Minister for Finance to consider setting aside funds for economic activities for youths in Kibera to foster the planned relocation to a site in Langata.

"Most residents targeted for relocation are hesitant since they are not sure how they will begin their livelihood. The Kenya Slum Upgrading coordinators should ensure jobs are contracted to the local skilled youths," he said. He said the Government should consider setting rent for the new upgraded houses at between \$8,500 and \$9,000 to make them



improve the Opiata, Time for change

## THE LAND DEBATE

Public reactions to proposed commission

Public reactions to proposed commission

Public reactions to proposed commission

Public reactions to proposed commission

Public reactions to proposed commission

Public reactions to proposed commission

Public reactions to proposed commission

Public reactions to proposed commission

Public reactions to proposed commission

Public reactions to proposed commission

Public reactions to proposed commission

affordable to residents. "Adequate funds should be available to review and in a new Rent Restriction Act, protect residents in informal settlements. The same should also be done to finance and improve new national housing programs. Other recommendations include more access roads for slums in Kisumu and near the construction of new schools in the slums.

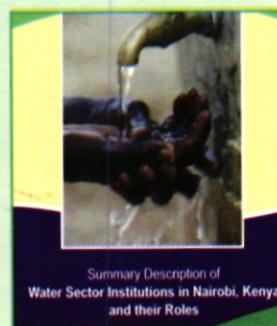
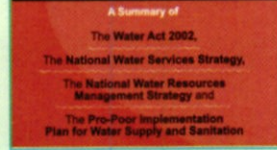
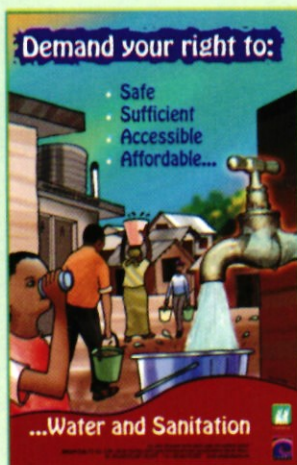
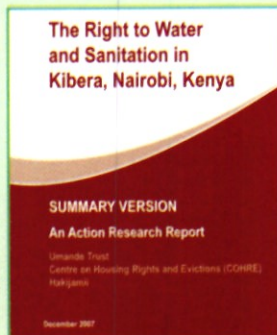
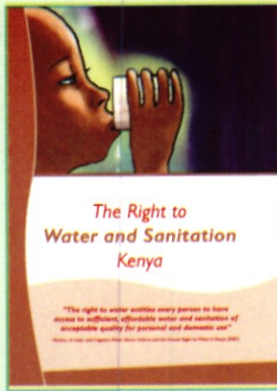
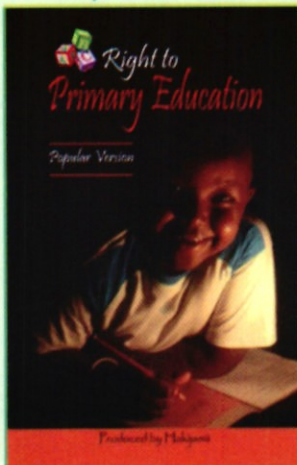
**Education**  
Although the introduction of free education by the government was a great achievement, shum dwellers have a story.

"There are no public schools in informal settlements, result is that many children are out of school or attend schools. Many of these are therefore denied their education," they say.

They are urging the Gov to build more schools in 14 slums (Noweto), Babu Dongo, 3 Laini Saba, Makina, Kiba and in Nairobi and in Mwanja and Bwari in Kisumu for the million children in informal settlements.

Kenya does not offer a chance to present their views before the Finance Minister's budget. But in the 2 years, there have been no changes.

"Citizenship people also involved in the preparation of national budget to ensure priorities are met," said "We need a vibrant, open and an inclusive budget process," she said. "This sustainable development will take place unless we are distributed equitably," said.



## PICTORIAL SUMMARY OF SOME OF THE ACTIONS UNDERTAKEN BY HAKIJAMII IN 2008



Aftermath of the eviction in Dam village in Westlands , Nairobi as documented by Hakijamii



One of the victims of post election who was assisted by Hakijamii to access specialized treatment at KNH is now well and back to business.



Police officers who were used to oversee the eviction/demolition of Dam Village ensuring that residents move from the site.



Elijah Odhiambo- the Director of Community Outreach presenting donations to IDPs at Huruma Police post in Nairobi following the post election violence.



Her Excellency the Ambassador of Sweden, Ms Anna Brandt, fielding questions from journalists after opening the Annual People's Budget at Ufungamano House in 2008.



Mr. H. Otieno (extreme right), chairperson of NPS at the World Urban Forum, Beijingin 2008

## AUDITOR'S REPORT

# RICHARDS & ASSOCIATES

(Certified Public Accountants- K)

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### REPORT OF INDEPENDENT AUDITORS TO MEMBERS OF ECONOMIC AND SOCIAL RIGHTS CENTRE (HAKIJAMII)

We have audited the financial statements of Economic and Social Rights Centre (HakiJamii), set out on pages 6 to 12, which comprise the Balance Sheet as at 31st December 2008, the Receipts and Prepayments, statement of changes in equity and cash flow statement for the year then ended, and a summary of significant accounting policies and other explanatory notes.

#### The Board's Responsibility for the Financial Statements

The Board is responsible for the preparation and fair presentation of these financial statements in accordance with International Financial Reporting Standards and the requirements of the Kenyan NGO'S Co-ordination Act. This responsibility includes: designing, implementing, and maintaining internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

#### Auditor's Responsibility

Our responsibility is to express an independent opinion on these financial statements based on our audit. We conducted our audit in accordance with International Standards on Auditing. Those standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about 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 entity'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 company's internal control. An Audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the Board, as well as evaluating the overall presentation of the statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

#### Opinion

In our opinion the accompanying financial statements give a true and fair view of the state of financial affairs of the organization as at 31st December 2008, and of its income and expenditure, and cash flows for the year then ended in accordance with International Financial Reporting Standards and the requirements of the Kenyan NGO's Co-Ordination Act.

#### Report on Other Legal Requirements

As required by the Kenyan NGO's Co-ordination Act we report to you, based on our audit, that:

1. We have obtained all the information and explanations which to the best of our knowledge and belief were necessary for the purposes of our audit;
2. In our opinion proper books of account have been kept by the organization, so far as appears from our examination of those books; and
3. The organization's balance sheet and, Receipts and Prepayments are in agreement with the books of account.

Richards and Associates  
Certified Public Accountants (K)  
P.O. Box 9386-00200  
Nairobi.

Dated 20<sup>th</sup> Day of May 2009

# BALANCE SHEET

## ECONOMIC AND SOCIAL RIGHTS CENTRE (HAKIJAMII)

ANNUAL REPORT AND FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 31ST DECEMBER 2008

<u>BALANCE SHEET</u>		2007	2008
	<u>Notes</u>	<u>Kshs</u>	<u>Kshs</u>
<b>Non currents assets</b>			
Property, plant and equipment as per schedule	2.1	1,001,615	1,322,554
		<u>1,001,615</u>	<u>1,322,554</u>
Investment	3	-	621,474
<b>Current Assets</b>			
Cash and cash equivalents	4	3,341,292	6,637,093
Deposit and prepayments	5	30,000	57,000
		<u>3,371,293</u>	<u>6,694,093</u>
<b>TOTAL ASSETS</b>		<u><b>4,372,908</b></u>	<u><b>8,638,120</b></u>
REPRESENTED BY:-			
<b><u>EQUITY AND LIABILITIES</u></b>			
Projected and designated funds	6	2,481,595	5,570,470
Accumulated surplus / (deficit)	7	1,607,763	2,932,050
		<u>4,089,358</u>	<u>8,502,520</u>
<b>Current liabilities</b>			
Payable and accruals	8	283,550	135,600
<b>TOTAL EQUITY &amp; LIABILITIES</b>		<u><b>4,372,908</b></u>	<u><b>8,638,120</b></u>

The notes on pages 9-12 forms part of these financial statements.

These financial statements were approved by the Board and signed by:

	Chairman	Date <u>13/5/09</u>
	Treasurer	Date <u>12/05/09</u>
	Secretary	Date <u>12<sup>th</sup> May 2009</u>

*A society that ensures the protection,  
promotion and fulfilment of all rights  
for all people*



**Economic and Social Rights Centre  
(Hakijamii)**

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