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Annual Report and Financial Statements 2004-2005



**KENYA HUMAN RIGHTS
COMMISSION**

TOWARDS A NATIONAL AND IMPORTANTLY LARGE HUMAN RIGHTS CONSTITUENCY

Annual Report

and

Financial Statements

2004-2005



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TOWARDS A NATIONAL AND IMPORTANTLY LARGE HUMAN RIGHTS CONSTITUENCY

Published by



**KENYA HUMAN RIGHTS
COMMISSION**

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KHRC – the organisation

Board of Directors	<p>Makau Mutua, <i>Chair</i> Mwambi Mwasaru, <i>Vice-Chair</i> Njeri Kabeberi Helena Kithinji Alamin Mazrui Karuti Kanyinga Mumina Konzo Kaari Murungi Kathleen Openda-Mvati Wanjiku Miano, <i>Executive Director</i></p>	
Programme Co-ordinator/ Deputy Executive Director	Steve Ouma Akoth	
Monitoring, Research and Documentation	<p>Mikewa Ogada Vincent Musebe Akala</p>	
Advocacy	<p>Ekitela Lokaale Josephine Gikuyu Davis Malombe</p>	
Media and Communication	Cynthia Mugo	
Human Rights Education and Outreach	<p>Geoffrey Osaaji Peter Kiama Maximilla Wekesa Gladys Kabura</p>	
Finance Manager	Beatrice Kuria	
Finance Officer	Mukami Marete	
Administration Staff	<p>Nancy Mwaura Repher Amindo Daniel Nyakundi Grace Mkenda</p>	
Interns	<p>Virginia Munyua David Ole Silikan Chinyere Ezie Prisca Malala Ruth Atieno Lisa Wasonga Maisy Owino Victoria Ochanda</p>	<p>Rose Nyawira Brooke Kirkland Syed Adnan Hussain Caroline Walchen Crispin Odemba Carolyne Gitau Patrick Githinji</p>

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Mission Statement

The Kenya Human Rights Commission (KHRC) is a national non-governmental organisation founded in 1992. It has observer status with the African Commission on Human and People's Rights. It is a member of the International Federation of Human Rights (FIDH) and a partner of Penal Reform International. It is the 1998 Winner of the MS International Award, 2003 Corporate Conscience Award (awarded by Social Accountability International) and 2005 Utetezi Award (awarded by Kenya National Commission on Human Rights).

The KHRC's mission is to promote, protect and enhance the enjoyment of all human rights for all men and women. To achieve this, the KHRC carries out activities through its three programmes:

- 1. Monitoring, Research and Documentation**
- 2. Advocacy**
- 3. Human Rights Education and Outreach**

Its activities include producing human rights status reports, conducting campaigns on strengthening human rights concerns, and initiating community-based rights education and communication programmes. The KHRC is committed to mainstreaming gender in all its policies and operations.

The year 2004 marked the beginning of the third phase of the work of the KHRC. As a transition into this phase in April 2004, the KHRC expanded its community-based work, characterised by a consolidation and reorganisation of efforts. The core features of this shift are situated within the KHRC's strategic plan, the Vision 2012. This vision is rooted in the understanding that human rights can best be defined, claimed and protected by communities. The objectives of the vision are organised into two strategic plans. The current plan covers the period 2004 – 2008.

Its core component is to ensure that the KHRC stimulates the formation of community structures that define and protect human rights. The KHRC has thus organised itself to go truly national – physically, operationally and strategically. The KHRC community work is thus pursued by zoning Kenya into six regions, namely:

- **North Rift Region** (Marakwet, Turkana, West Pokot, Turkana, Kitale and Eldoret).
- **North Eastern Region** (Isiolo, Marsabit, Moyale, Wajir, Mandera, Garissa and surrounding areas).
- **Eastern Region** (Machakos, Kitui, Makueni, Nairobi, Kibwezi, Kajiado and central areas).
- **Rift Valley Region** (Narok, Nakuru, Baringo, Koibatek, Laikipia, Kericho, Nandi Hills areas).
- **Western Region** (Western and Nyanza Provinces).
- **Coastal Region** (Mombasa, Kwale, Lamu, Kilifi, Voi, Taita Taveta areas).

In each region, certain locations emerge as important centres for KHRC to focus attention on. The KHRC is open to taking on groups for similar support.

Vision

A Kenya without human rights violations.

Goal

Rooting human rights in communities.

Mission

To protect, promote and enhance enjoyment of all human rights by all men and women.

Strategic Objectives

These include:

1. Communities organised around specific human rights issues, strengthened and developed into powerful advocacy networks by 2012.
2. Accountable human rights-centred governance amongst state and key non-state actors enhanced by 2008 and attained by 2012.
3. Capacity of the KHRC as a leader in the human rights discourse, advocacy and democratic development enhanced by 2008 and attained by 2012.
4. The KHRC's capacity to learn, adapt and innovate attained by 2008.
5. Financial sustainability of the KHRC significantly secured by 2008 and attained by 2012.

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Message from the Executive Director

It has been one year since the KHRC embarked on the implementation of its road map, Vision 2012, which endeavours to root human rights in communities and hold state and non-state actors accountable through more innovative and informed strategies. The progress to date is modest but encouraging, and inspires our continued efforts towards the realisation of our vision. The primary areas of focus over the past year have been community empowerment, advocacy, government monitoring, research and documentation.



Wanjiku Miano

Community Empowerment

The KHRC has continued to engage with communities with which it had previously collaborated, and has targeted new areas of concern within them. As a result, new community-based advocacy networks have been established and existing networks strengthened, focusing on a variety of cross-cutting issues as outlined later in this report.

As a result of these intensive interactions, a number of communities have demonstrated heightened human rights awareness and abilities to manage and provide leadership for advocacy initiatives. In addition, regional human rights networks have mushroomed, thereby strengthening the nascent human rights movement nationwide. The KHRC remains convinced that the creation of mass consciousness is the only viable vehicle for ensuring a vibrant human rights culture and sustainable democracy in Kenya. To this end, we are resolved to entrench human rights in communities and progressively reconstruct the national value system.

Government Monitoring

The campaign of government monitoring is grounded in the belief that the sovereign will of the people is the foundation of a democratic state. As trustee, the Government has the responsibility to fulfil its obligations, and citizens have a corresponding duty to appraise governmental performance and demand accountability. Access to information has remained a major challenge to efforts to hold the Government accountable. The KHRC maintains that access to information is vital to informed decision-making and active participation by citizens. For this reason, the KHRC has embarked on a nation-wide campaign on the right to information.

The KHRC further identified the disbursement of public funds as an area that needs illumination, owing to widespread ignorance of beneficiary communities. To this end, information on various public funds was gathered and compiled into a comprehensive information manual. The manual highlights the Constituency Development Fund, the Constituency Bursary Fund, the Constituency HIV/AIDS Fund, the Local Authorities Trust Fund, and the Roads Board Fund. The KHRC anticipates that making information on these funds publicly available will open up the management and administration of funds to heightened scrutiny and accountability.

The performance audit of government for this period took the form of a perception survey, gauging Kenyans' opinions on how the government had performed in the protection and promotion of human rights. While the popular view held that the human rights situation in the country had improved in comparison to previous years, Kenyans took issue with the resurgence of high-level corruption, insecurity and the escalating cost of living in the absence of social safety nets. Results of the perception survey have been disseminated widely, including to the relevant government ministries and departments for necessary remedial action.

International Advocacy

The KHRC recognises the need for global dialogue and action to expedite local implementation of global initiatives to improve human rights standards. Last year, under the auspices of the Kenya Human Rights Network (K-HURINET), the KHRC hosted a series of forums which produced an alternative/shadow report of the Kenyan government's report on the International Covenant on Civil and Political Rights. The shadow report was submitted to the United Nations Human Rights Committee in New York in March 2005,

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alongside the second State Report. The Human Rights Committee identified specific issues to which the government was requested to respond. The human rights organisations represented have made recommendations for government action in these areas.

The KHRC has also been active in mobilising local initiatives to utilise international human rights mechanisms and identifying strategic partners to facilitate exchange of experiences and information and to help shape regional and global discourse on issues of collective concern. For example, in March, the KHRC became part of the Africa Transitional Justice Network which broadly aims at exciting discussion on the conceptual definition and other transitional justice related issues within the African context.

The KHRC and Reforms

The KHRC continues to exercise impartiality and independence in censuring government actions and engaging with government departments in various reform initiatives. The KHRC seized the opportunity to advance the human rights agenda following the government's expressed willingness to partner for progress. Over the past year, the KHRC has been active in the Governance, Justice, Law and Order Program (GJLOS), the New Partnership for Africa's Development (NEPAD), police and prison reform initiatives. The KHRC has also partnered with the Kenya National Commission on Human Rights in a number of initiatives.

Institutional Development

The KHRC recognises the need to continue developing its institutional capacity so that it can remain relevant and effective. The KHRC has ensured the development of sound internal systems as follows:

- Development of an Operations Manual;
- Development of a performance measurement system;
- Entrenchment of the provisions of the KHRC gender policy in programmes and institutional matters;
- Identification of relevant staff development programmes to help address individual capacity related deficits;

- Development of mechanisms to identify and combat stress and burnout among staff;
- Development of a framework to ensure Institutional Memory.

Through the continued implementation of these tools, the KHRC aspires to excellence in all its spheres of operation.

Conclusion

The KHRC has documented its achievements under the initial phase of the implementation of the Vision 2012. We recognise that these accomplishments would not have been possible without the passion and enthusiasm of the communities, Kenya Human Rights Network (KHURINET), our international partners and some government institutions – especially the prisons and police departments. We also wish to thank our grant providers for their continued support and belief in our ability to make a difference. The quest for a Kenya without human rights violations is an arduous journey that requires us to hold fast to our values and to our faith in our collective strength.



Wanjiku Miano
Executive Director

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Message from the Finance Manager

The financial statements of the KHRC for the year 2004/5 were approved by the Board on 31st May 2005 and received an unqualified opinion from the External Auditors Ernst & Young on 31st May 2005.

Grant income increased to Kshs 95 million in 2004/5 from Kshs 83 Million from the previous year 2003/4. This we believe was largely attributable to:

- The growth in planned programmes activities;
- Continued confidence from our funding partners in our capacity to deliver our mandate;
- Prudent financial management.

During this period, the KHRC upgraded its accounting systems to ensure continued improvement in its financial management. As a result, the KHRC was able to raise Kshs 4.3 million through foreign exchange gains that enabled the installation of a powerful generator, guaranteeing smooth operations within the offices in case of power blackouts.

Our financial reporting framework continued to receive positive feedback from our key partners. We endeavoured to ensure that all our transactions:

- Are properly authorized, executed in accordance with prescribed regulations, and properly recorded so as to maintain accountability;
- Provide information to manage and report on performance;
- Provide the Board with any information needed to fulfil their responsibilities.

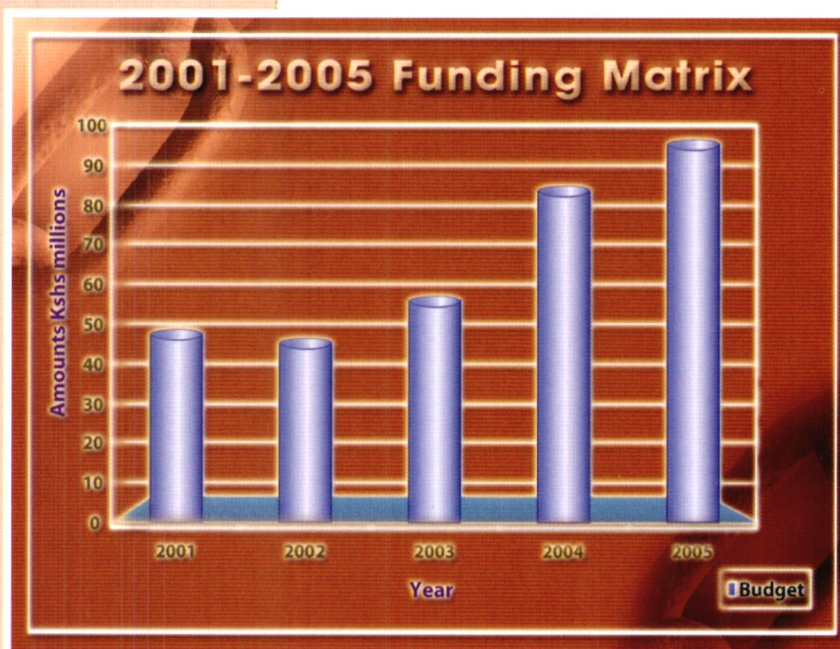
New staff received a thorough grounding in the KHRC's internal financial disciplines. This has helped to maintain a culture of accountability, which is critical to our objective of financial self-reliance.



Beatrice Kuria
Finance Manager



Beatrice Kuria



Staff Updates

Appointments

In response to Vision 2012's stipulation that we need increased grassroots presence, the KHRC recruited three assistant programme officers. Josephine Waithera and Davis Malombe joined as assistant programme officers in the advocacy programme, while Gladys Kabura joined us as an assistant programme officer in the Human Rights and Education programme. The three have a wealth of experience in community work and human rights advocacy.

Additionally, as programme staff changed careers within the field, the KHRC recruited replacements as follows:

In September 2004, Ekitela Lokaale joined the KHRC as a programme officer in the Advocacy Programme. He joins us from the Centre for Minority Rights, where he worked as a Programme Officer in the Justice Promotion Programme, and as a practising advocate with Korir and Partners Advocates.

In November 2004, Geoffrey Osaaji joined the KHRC as a senior programme officer in the Human Rights Education and Outreach Programme. He joins us from the Kenya Women's Political Caucus.

Cynthia Mugo joined the Commission in December 2004 as a programme officer in charge of Media and Communication. She joins us from the Refugee Consortium of Kenya, where she worked as a Programme Officer in the Information and Research Programme.

Moving On

James Nduko, former programme officer in the Human Rights Education and Outreach Programme, joined NOVIB Somalia as a programme officer.

Eliphas Ojiambo, former Programme Officer in the Advocacy Programme, joined the Swedish International Development Agency (SIDA) as a Programme Officer.

Noelina Nabwire, former Programme Officer in the Human Rights Education and Outreach Programme, joined Transparency International-Kenya chapter as the Communications Officer.

Programme Areas

MONITORING, RESEARCH AND DOCUMENTATION

The KHRC continues to strengthen its role as the leading source of information, resources and experience in monitoring the trends, successes and challenges of the struggle for human rights in Kenya. In the year 2004-2005, the Commission undertook the following:

a) The Quarterly Human Rights Report

The Quarterly Human Rights Report (QHRR) compiles and analyses data on human rights violations and offers critical analysis on the trends and prospects for a Human Rights State. Each issue of the QHRR also tackles pressing matter related to human rights in greater depth in its Quarterly Focus section, providing a valuable resource for policymakers, researchers, and other groups and individuals struggling to uphold human rights in Kenya.

During the year in review, the KHRC produced four issues of the QHRR, Volume 6 No. 1-4. The themes covered in the Quarterly Focus this year included pressing rights concerns such as corruption, prison reforms and transitional justice in Kenya.



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b) Power Mapping Research

The year 2004–2005 marked the start of the third strategic phase for the KHRC. To foster an understanding of power relations, and other factors that influence the community's experience with human rights, the KHRC undertook a power mapping exercise, to assess the various factors that vitiate Kenyans' struggle to defend, claim and realise their rights.

Key objectives of the study included:

- Analysis of community social structures and their relationship to power;
- Exploration of the structural institutions which govern people's relationships and how these affect individual participation and the exercise of power

The study revealed that large numbers of people are denied their rights, despite the existence of laws and policies that purport to protect and enforce those rights. The factors behind this are numerous, and often interface with and reinforce one another. The other key finding of the study was that the scarcity of institutions capable of addressing human rights concerns is a major factor contributing to marginalisation.

Given that the rallying call for Vision 2012 is *rooting rights in communities*, the study has enabled the KHRC to deepen its understanding of the "power terrain" at the community level. To address the gaps identified by the power mapping study, the KHRC has zoned the country into six regions: Coastal Region (Mombasa, Kwale, Lamu, Kilifi, Voi, and Taita Taveta), Western Region (Western and Nyanza Provinces), North Rift (Marakwet, Turkana, West Pokot, Turkana, Kitale and Eldoret), Rift Valley Region (Narok, Nakuru, Baringo, Koibatek, Laikipia, Kericho, Nandi Hills areas), Eastern Region (Machakos, Kitui, Makueni, Nairobi, Kibwezi, Kajiado and Central areas) and North Eastern Region (Isiolo, Marsabit, Moyale, Wajir, Mandera, Garissa and surrounding areas). The KHRC has built several solidarity networks with peer organisations and community-based organisations in these regions, with the intent of creating a social movement that continuously challenges the status quo and calls for social justice, basic rights and dignity for all men and women.



Sugarcane farmers in public procession in demand for accountable and transparent governance in the sugar industry

c) Fact-finding Missions

The KHRC continues to conduct strategic fact-finding missions each year to troubled areas to seek authentic information on the state of human rights at the community level. By securing authoritative information on the ground, these on-site investigations provide valuable evidence to substantiate allegations raised by rights monitors living in the area, thereby validating their reports.

This year, the KHRC conducted fact-finding missions in Karigi, North Eastern Province, amongst the Rendille, which led the KHRC team to expose the contamination of the local environment. The KHRC also conducted fact-finding missions on the ethnic violence in Maai Mahiu, Marakwet and Mau Narok. The reports from these missions have provided concrete and factual bases for the KHRC's initiatives to lobby state and non-state actors to reform policies, legislation and practices which contravene regional and international human rights standards.

d) Topical Research and Forthcoming Publications

Thorough and objective research is an essential component of human rights monitoring and advocacy. Such research is crucial in regions where reliable information is scarce. The KHRC's meticulous research studies are thus all the more vital as we continue to probe information on issues that affect Kenyans.

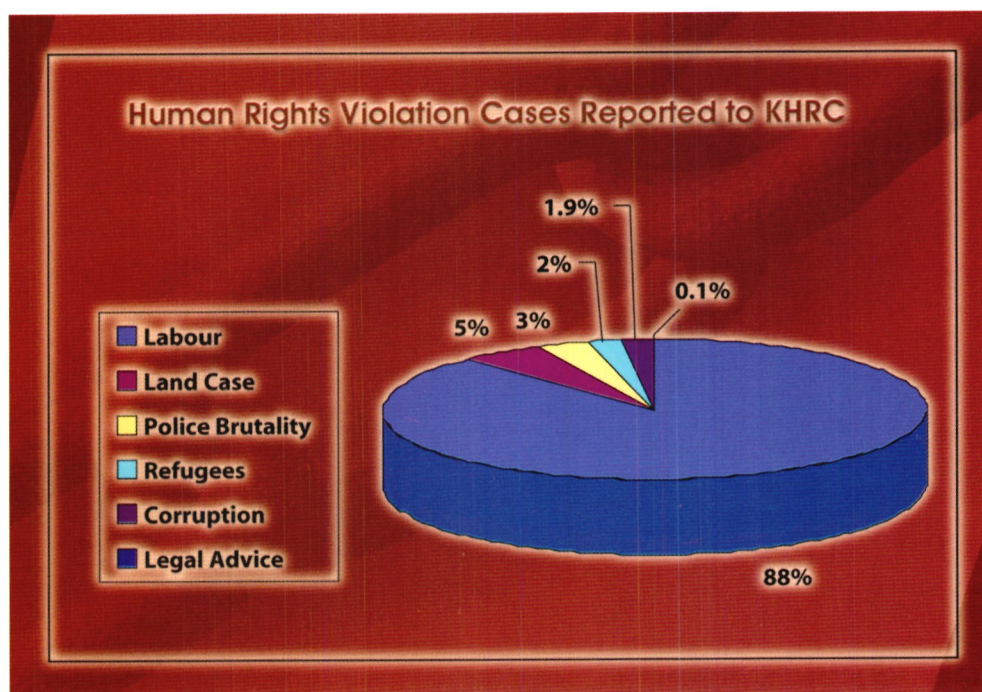
During the year, KHRC collected data on several topics and is currently working towards publishing reports on the following areas of topical research:

- (i) Prisons – The report shall focus on letters written by convicts in the Kenyan prisons;
- (ii) Police – The report is being written jointly with the Commonwealth Human Rights Initiative and focuses on police accountability;
- (iii) Labour – The proposed title of the report is *African Growth and Opportunity Act (AGO): Promises and Reality*;
- (iv) Government Monitoring – The report will be entitled *Tensions of Transitions: Democracy in a Closed Society*.

These reports are expected to contribute significantly towards strengthening the base of knowledge on human rights and policy review in Kenya.

e) Clients

The KHRC continued to assist survivors of human rights violations who reported cases to the KHRC using intermediate forms of advocacy and pressure, such as dialogue with an aim of building common ground and communicating with concerned authorities to urge them to act against violators. Between April 1, 2004 and March 31, 2005 the KHRC handled a total of 1,914 cases bearing human rights dimensions. Most of these clients were assisted by way of showing up at the Commission, but others, mostly because they lived too far, were assisted via the telephone. The large majority of cases were labour related, but land, police brutality and corruption cases also ranked highly. The chart below represents the cases handled during the year. In some cases specific interventions were made, while in others referrals were made to other human rights organisations and government bodies specialising in various areas.



Based upon a review of data from 2004-2005, and previous years, the KHRC is convinced that there are clear, systemic and in most cases, structural factors that cause and perpetuate continued violations as reported by clients.

This pattern further underscores the importance of the appointment of an Ombudsperson, and establishment of other Constitutional bodies, by the Government of Kenya which may help both to protect and defend human rights.

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ADVOCACY

The Advocacy Programme is the flagship of the KHRC. In the year 2004 – 2005, the KHRC focused on six major advocacy areas, namely: constitutional reform, transitional justice, land, labour, police reforms, and prison reforms. These ongoing initiatives were reinforced by various urgent actions and important opportunity interventions. Strategies for these interventions included policy dialogue which proposed new areas in need of protection, legislation and reform to ensure that no retrogressive measures or practices are taken with respect to human rights gains that have been made.

a) Land Rights Advocacy

The KHRC runs land rights advocacy at the policy and community levels. The KHRC has, over the last year, participated in the National Land Policy Formulation Process as a member of the Legal Framework Thematic Group. In October 2004, the KHRC, in partnership with the Swedish NGO Foundation, hosted an international workshop on Land and Economic, Social and Cultural rights. The workshop brought together some 40 human rights activists from Africa, Latin America, Europe and the United States. The outputs of the workshop were shared with the Land Policy Secretariat.



Human rights activists in procession to call for the release of the report of the Presidential Commission on Illegal Allocation of Public Land (Ndung'u Commission). The procession was flagged off by Fr. Gabriel Dolan of Catholic Justice and Peace Commission - Kitale.



From left, Steve Ouma, Hon. Kimunya and Wanjiku Miano at the opening of the International workshop on Land and Economic, Social and Cultural Rights, in Nairobi.

The KHRC is a member of the Kenya Land Alliance (KLA). Through the KLA and its community-based land rights advocacy, the KHRC has played a leading role in land rights in the country. In the year 2004-2005, the KHRC held several community forums on land, which culminated in the

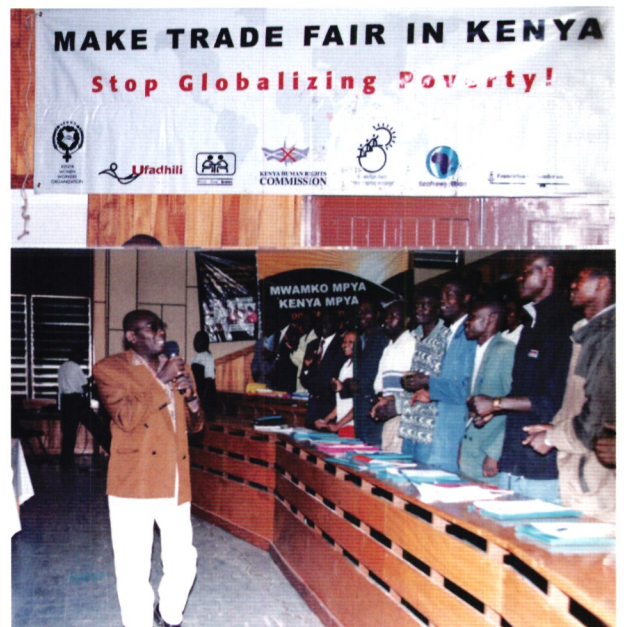
presentation of a memorandum to government departments and land boards. Additionally, together with other civil society organisations, the KHRC participated in the campaign for the release and implementation of the report of the Ndung'u Commission on illegal and irregular allocation of public land.

b) Labour Rights Campaign

The KHRC continued to increase its support for the rights of workers in its struggle to improve working conditions throughout Kenya. This campaign seeks to ensure that not only the State, but also corporations and other non-state actors respect the human rights of all workers. This year, the campaign took on a global agenda and sought to hold national and international sourcing companies accountable for workers' rights violations.

The KHRC conducted consultative meetings and human rights rallies that have stimulated the formation of a strong network of shop stewards in the Export Processing Zones. In the horticulture industry, the KHRC has taken part in the formation of the Horticultural Ethical Business Initiative (HEBI). After two years of engaging in "naming and shaming" campaigns, various stakeholders in the horticulture industry resolved to organise a steering committee that would promote dialogue and safeguard the rights of both enterprise and stakeholders. The stakeholder initiative brought together the Agricultural Employers Association, Kenya Flower Council, Fresh Produce Exporters Association of Kenya, KHRC, Kenya Women Workers' Association, Workers' Rights Watch, and observers from the Royal Netherlands Embassy and British Department for Development (DFID). This approach is aimed at protecting human rights by building strong institutions, systems, and structures that prevent violations and hold perpetrators accountable. Indeed, the framework of HEBI is geared towards promoting competitiveness that has due regard for corporate social responsibility values.

In an effort to raise awareness and generate discussion on the impact of corporate actors on the enjoyment of human rights, the KHRC conducted public lectures at the Kenyatta, Nairobi, Daystar and Catholic Universities of East Africa.



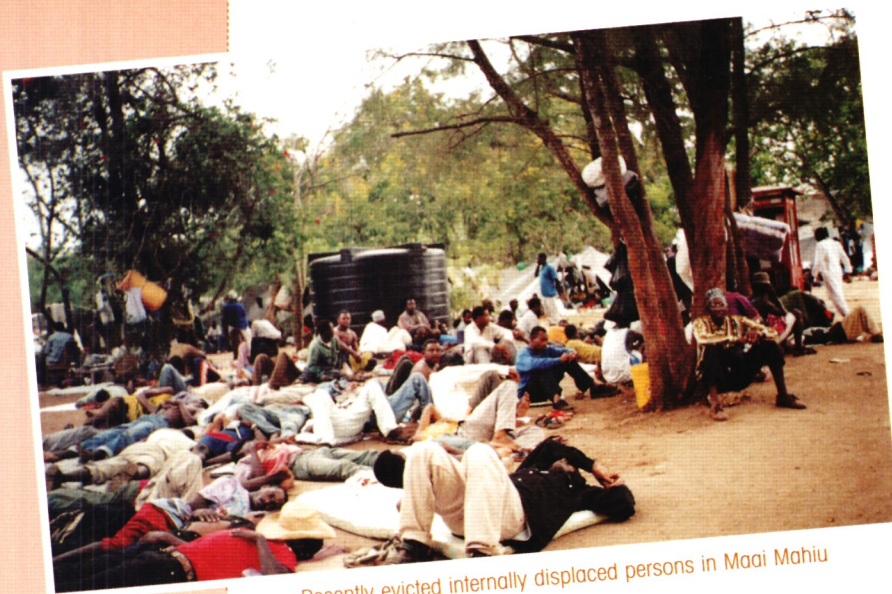
Mr. Muthama addressing the workers leaders during the National Workers Convention in Naivasha

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KHRC recognises that women are often targets of the worst forms of rights abuses in the workplace particularly sexual harassment and rape. With this in mind, the Commission spearheaded a campaign to develop a gender policy for the workplace that protected the rights of women. This year, KHRC worked with the Sher Agencies on the first steps towards implementing this framework. Through this process, a draft policy paper on gender equity in the workplace was prepared to pave way for enhanced organisation of women workers in the cut flower industry. The KHRC intends to replicate this framework to other sectors with due regard for the uniqueness of each sector.

In its resolve to develop a powerful workers' advocacy network across the country, the KHRC also supported the efforts of the Workers Rights Watch, an organisation of shop stewards with networks in Nairobi, Thika, Ruiru, Naivasha, Mombasa and Athi River. With the training initiatives supported by KHRC, many union leaders and other workers have registered a degree of improvement in their negotiation skills and knowledge of applicable labour laws evident through increased engagements between union leaders, workers and labour officers.

c) Transitional Justice



Recently evicted internally displaced persons in Maai Mahiu

The transitional justice agenda this year focused on rights of internally displaced persons (IDPs) in Kenya. One of the important outcomes of this programme was the compilation of an accurate and reliable inventory of genuine victims, survivors and losses following the ethnic violence over land. This has provided the KHRC and policymakers a better understanding of the issues raised affecting IDPs

during the community reflection meetings on their rights and needs. Also, with continued support from the KHRC, various IDP groups have been linked together through the national IDP rights network. Additional work with the Truth Be Told (TBT) Network supplements this important campaign for transitional justice.

A major breakthrough in the campaign for the rights of IDPs was won when the Ministry of Justice and Constitutional Affairs made a promise to act on the resettlement of IDPs, at a public forum¹ convened by the KHRC. In spite of such progress, the KHRC still holds that the transitional justice agenda will not be complete until the Government establishes a Truth, Justice and Reconciliation Commission.

d) Government Reforms

Kenya is going through a period of extensive reform. Numerous reforms were launched by the NARC government in response to insecurity, bad governance and corruption. Currently, these reforms are designed and executed through the Governance, Justice, Law and Order Sector (GJLOS) Reform Programme. The GJLOS Reform Programme was established in November 2003 and adopts an integrated approach to policymaking and implementation across sectors. The KHRC has been represented at the highest level of the Technical Coordinating Committee along with a few other Civil Society Organisations (CSOs). However, following a series of consultations in late 2004, it became evident that CSOs were only peripherally engaged. In February 2005, KHRC was among a number of CSOs that expressed their dissatisfaction with the engagement framework, noting various shortcomings in the government-led process. They are currently in the process of reviewing their engagement with government accordingly, but in the ultimate, CSOs aim to fully contribute to this process.

e) Police Reforms Advocacy

Over the years, the KHRC and other stakeholders have made consistent efforts in urging the police to respect the rule of law and be more accountable to the men and women of Kenya. The government has responded by making the police service one of the institutions targeted for reforms under the GJLOS Programme. In pursuit of police reforms, the government established a Task Force on Police Reforms composed of 15 member organisations drawn from police, government departments, civil society, and the private sector. The KHRC was appointed to represent the civil society on this task force. Since its establishment, the task force has developed a roadmap of planned activities, some of which are in the process of execution.

Whilst the KHRC welcomes the establishment of the task force as a progressive step towards ensuring that the Police Service is effective it is concerned that the existing

¹ Fr. Kaiser's memorial commemorated at Holy Family Basilica on 26th August, 2004

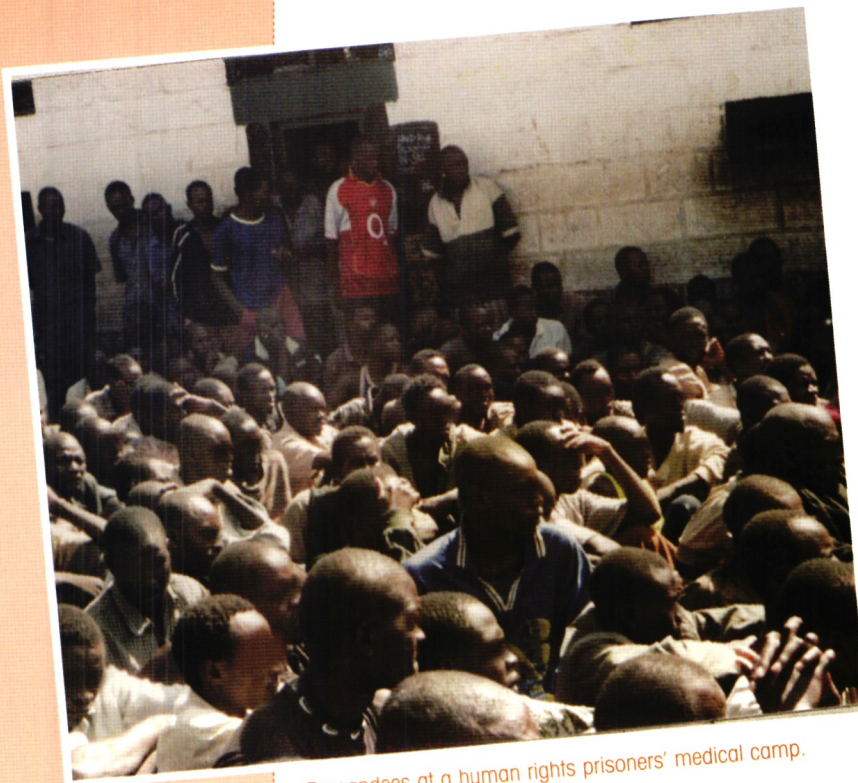
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culture with the Police force is yet to be anchored in democratic principles. In furtherance of its role in influencing these reforms and promoting police accountability, the KHRC convened forums on community policing and a briefing on police reforms for the civil society in Kenya. In KHRC's estimation, the poor relationship between the citizenry and the Police Force remains a significant hurdle. Thus, the KHRC will continue to apply pressure and support this arduous process. The Community Policing programme that the KHRC has undertaken seeks to bridge the divide between the police and citizens by making the police service more accountable to Kenyans. The KHRC also intends to continue influencing the police reform agenda and empower more Kenyans to improve their ability to hold the police accountable, through civilian oversight mechanisms.

Pressure exerted by the KHRC and other civil society groups against the enactment of the Suppression of Terrorism Bill has helped safeguard the fundamental rights of Kenyans; because the Bill in its current form, we believe, gives the police excessive powers that are open to abuse.

f) Prison Reform Advocacy

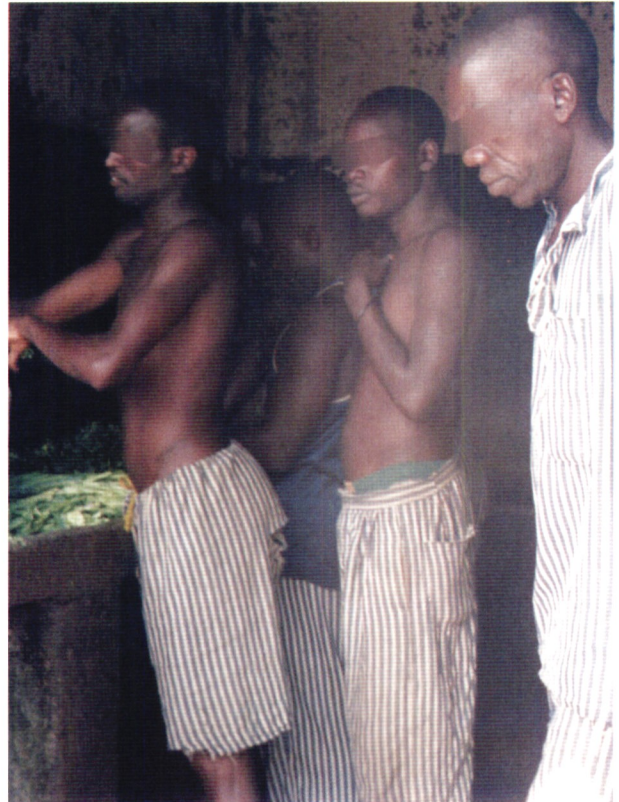
The Steering Committee on prison reforms, of which the KHRC is a member, succeeded in developing a strategic plan that is now a vital tool in guiding the prison reforms process. As reported last year, the NARC government has adopted a more open-door policy with respect to prison reforms. Despite this policy, the current reform initiatives have not been able to reach the structural causes of human rights violations in prisons. Furthermore, the culture of secrecy has made it difficult to access accurate information necessary for effective engagement. In order to seek information, the KHRC has conducted consultative meetings with ex-convicts.



Remandees at a human rights prisoners' medical camp.

The KHRC also conducted a human rights training workshop at the Prisons Officer Training College in Ruiru and has developed a draft manual for training on human rights for prisons officers. The KHRC also continues to attend to ex-convicts and inmates who seek our assistance. Most of the complaints that they report range from congestion, brutality by prison warders, inadequate food, poor hygiene, and other deplorable conditions.

The KHRC is concerned that since the effectiveness of prisons are dependent on other criminal justice organs such as the police, judiciary and Attorney General's Office; the prevailing mismanagement in these areas continues to slacken the pace of the prison reforms. The KHRC maintains that reform initiatives in prisons must seek to synergise efforts with those in related agencies.



g) Constitutional Advocacy

Since the Draft Constitution of Kenya 2004 was acrimoniously adopted at the Bomas of Kenya by the National Constitutional Conference in March, the last year has seen political and civil society divided over the way forward on the consensus-building process. Owing to the complex and delicate nature of the constitutional review process, the KHRC has, as an approach, always networked with other progressive forces in civil society in order to set the national agenda for administrative, legal and political reforms through its constitutional reform advocacy project.

As a result of various forums held to bring together actors from all the civil organisations in democracy and governance sectors, an all-inclusive Multi-Sectoral Forum (MSF) with the specific mandate to provide a framework for consensus-building, and preparing Kenyans for the referendum, was launched. The KHRC sits in one of the working committees that coordinate activities of the forum.

Among the key issues for action for the KHRC, MSF and other actors are to identify the major gains in the Draft Constitution 2004, provide direction on 'contentious issues' and create awareness and publicity over these issues ahead of the referendum.

This picture depicts the state of inmates' well-being in Kenya.

The KHRC is also writing a report on struggle behind the constitution-making process. The booklet is intended to compile and analyse information on the process in a form that is useful for citizens. The draft, which is under scrutiny by the KHRC's editorial committee, should be ready before the end of 2005.

h) Government Monitoring Project

Kenya is not yet a democracy. For it to become one, there must be efforts to evolve a governance system that upholds the rule of law and is accountable to Kenyan citizens. Throughout the year, the KHRC and other civil society actors have adopted the role of a watchdog, ensuring that government acts lawfully.



Participants after a National symposium on the Right to Information in Kenya.

The objective of putting Kenya on a truly democratic path is even more urgent in the light of the emergence of a new political dispensation in Kenya. The KHRC holds that the transition period offers an opportunity for Kenyans not only to consolidate their human rights gains, but to participate in defining the agenda for a new Kenya. This is the thrust behind the KHRC's government monitoring project.

The KHRC has for a long time employed the 'obligations' approach to human rights work, in identifying violations and devising strategies for state implementation of rights. In the year 2004-2005, this has been used to strengthen government accountability and citizens' participation in governance. The KHRC approach is based on the appreciation that the government can only be as accountable as the people make it.

In conjunction with the Open Society for Justice Initiative (OSJI), the KHRC began a project that aims at advocating open access to government information that may be of public interest, by establishing a baseline for transparency and monitoring subsequent trends. This project is linked to, and shares information with, similar projects in other African, Latin American, and European countries. The process has led to collection of data on access to information and level of participation in Kenya resulting in a report on the subject. Care was taken to perform a comparative analysis of Kenya with other countries in order to gauge its relative strengths and weaknesses. The KHRC will be publishing the results of this process in the 2005-2006 period.

The KHRC also commissioned a country-wide survey to gather the opinions of Kenyans on the human rights situation in the country and their rating of the NARC Government's performance in this respect. The 2005 *Public Perceptions Survey on the Human Rights Situation in Kenya* was designed and conducted by Steadman Research Services International on behalf of the KHRC between February and March, 2005. The findings of the survey (whose broad objectives were to rate the performance of government in relation to human rights and gauge the level and extent of awareness among Kenyans of human rights) was conducted in all the eight provinces. The survey confirmed fears that human rights awareness is not as high as was thought to be. It emerged that while more than half the population of Kenyans feel that the government has improved in its efforts to promote human rights; a majority of Kenyans are not aware of their rights.

At the community level, government monitoring has focused on accountability and empowerment of men and women in the regions where the KHRC works. The KHRC holds that access to information can be a powerful tool in the hands of local communities. Public access to information empowers the people to hold government and other authorities accountable – a process that is indispensable to fostering trust in government.

The KHRC organised communities around the project of monitoring the devolved public funds such as the Constituency Development Funds (CDF), Constituency Roads Funds (CRF), Constituency Bursary Funds (CBF), Constituency HIV/AIDS Funds (CAF) and the Local Authority Transfer Funds (LATF). In carrying out this project, the KHRC partnered



Towards a National Human Rights Constituency

A theatre group sensitising communities on how to use theatre as a tool for human rights education and advocacy

with 16 communities that it has been working with over time. The project was conducted in three stages, including a social audit that entailed collecting and collating objective evidence relating to allocation and utilisation of the funds. Public accountability forums were organised in the communities to critique and or enhance public awareness/opinion on the funds and projects. Finally, a national accountability forum/procession was held to heighten the level of national consciousness in the quest for good governance. Monitoring the administration of public funds is a continuous process; the KHRC continues to build community awareness around public funds by conducting training workshops in the different regions with the aim of empowering more people to make their demands on the right to information concerning issues and resources affecting their lives.

i) Mau Mau

In 2002, the KHRC launched a campaign for recognition of the Mau Mau movement and appropriate reparations. Following intense pressure from the KHRC and its partners, the government registered the Mau Mau War Veterans Association in September 2003, bringing the ban on the Mau Mau movement to an end. It is the KHRC's belief that unless the movement's achievements are recognised, its struggles will be forgotten and its importance in Kenya's history will be lost.

The KHRC is thus partnering with the Association to create an understanding and appreciation of the role played by the movement in the struggle for Kenya's liberation. In the last quarter of 2004, the KHRC was involved in several activities aimed at heightening recognition for the Mau Mau. On 19 October 2004, a symposium was held with the Association, students and CSOs. The symposium aimed at publicising the need for Kenyans to recognise the historic role the Mau Mau played in the independence struggle. It also explored ways in which the British colonial government could be held to account for the atrocities committed in Kenya. In March 2005, the KHRC partnered with Professor Caroline Elkins at the launch of her book *British Gulag: The Brutal End of Empire in Kenya*.

In August 2004, the KHRC started a process of recording statements from survivors of British atrocities. Various violations were documented including killings, arbitrary arrests, rape and torture. These statements will be integrated as evidence in the reparations suit which the KHRC and its partners intend to file in the courts in the UK in the next year.

j) Regional and International Advocacy

During the year in review, the KHRC collaborated with various regional and international human rights bodies advocating for issues such as economic, social and cultural rights, workers' rights, prison reforms and transitional justice. The KHRC took part in a consultative forum on the Right to Know in South Africa; the conference on Legal Aid in Criminal Justice which produced the Lilongwe Declaration on Legal Aid in Criminal Justice in Africa; the Africa Social Forum Conference held in Zambia and a conference in Uganda on Accessing Protection of Refugees in the Great Lakes. Additionally, the Africa Democracy Forum (ADF) for which KHRC serves as the secretariat holds much promise for its ability to mobilise other CSOs in the continent around issues of critical regional and global concern. The ADF seeks to consolidate democracy in Africa by providing opportunities for democrats to openly express their views while also acting as a platform for mutual support and the sharing of knowledge and experiences in democracy work. Over 160 organisations and individuals working on democracy issues in Africa currently participate in ADF activities. Since the ADF Secretariat became active in September 2005 following the appointment of a co-ordinator, it has held a global forum on leadership targeting over 100 youths. The ADF, through its Secretariat, has also been active in advocacy initiatives related to the African Court and the ICC statute.



Top: Dr. Patrick Lumumba (left), Steve Ouma of KHRC (centre) and Henry Maina of LRF during the Validation of the ICCPR shadow report on 29th October 2004.

Left: Youth pose for a group photo at the end of the Regional training on Democratic Leadership and Conflict Resolution. First row from left is Anthony Kuria, the ADF coordinator.

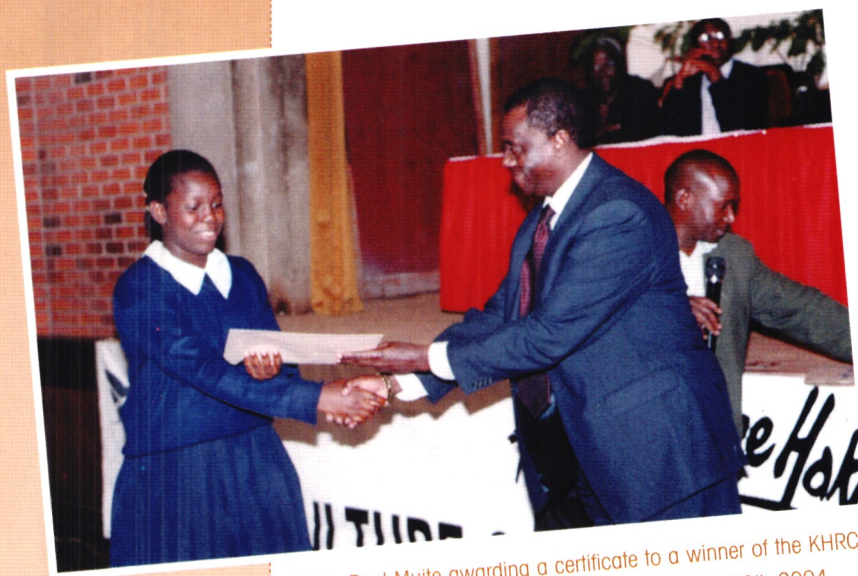
HUMAN RIGHTS EDUCATION AND OUTREACH

Schools Outreach

The Schools Outreach Programme focused on three concerns during the year. First, the KHRC worked on consolidating the gains made in previous years through its partnership with sixteen schools across the country. Efforts were made to build the capacity of these partnerships to respond effectively to human rights issues emerging from communities. The relationships between the KHRC and its partner schools was strengthened through joint reflections, the development and dissemination of resource materials to support the human right curriculum, and the formation of regional teacher coordinating teams.

The second focus was to building strategic linkages with other groups working in the area of human rights education in order to build a strong constituency on this issue. This has improved the institutional capacity of all participants through the sharing of

information on human rights and education. A notable success in this area was the partnership between the Trócaire and several Kenyan organisations, which led to the creation of the Pamoja project. This project linked several schools in Kenya with schools in Ireland. Another important partnership is that between KHRC and the Kenya Institute of Education (KIE) which led to the creation of thirty radio scripts on the subject of human rights for broadcast to school children.



Hon. Paul Muite awarding a certificate to a winner of the KHRC National Human Rights Competition on October 20th 2004 (Heroes Day)

The third key focus area of the schools project was to set the stage for advocacy at the national and international levels on the right to education and other related rights. A number of projects were initiated in pursuit of this goal including the preparation of a research report on the impact of school governance on the right to education. This was driven by the KHRC's belief that as a tool of socialisation, education can facilitate the realisation of greater freedom for citizens. This study provides a tool for the KHRC to advocate for holistic, quality education.

Another successful strategy was to hold human rights competitions in schools, which engaged students in writing three hundred and forty essays on governance and human rights issues in their classrooms. Besides prompting students to think broadly about the issues that affect them, the competition also brought to light several specific governance complaints within their schools which have informed our preparation and planning of intervention strategies to be carried out during the 2005-2006 operational year. The student essays also helped to direct KHRC's strategy by bringing to light additional areas in need of research and advocacy.



A session during the research on governance and human rights in schools in Marakwet district.

Finally, another major success was the organisation of the International Schools' Human Rights Advocacy Forum. This led directly to a commitment from the Chair of the Parliamentary Committee on Education to support the campaign for enhanced human rights education in schools throughout the country.

Community Initiatives

The KHRC conducts community initiatives in the six regions defined by its strategic plan (see page 3). This year, the KHRC achieved several milestones in the various regions.

i) The Eastern Region (Machakos, Kitui, Makueni, Nairobi, Kibwezi, Kajiado and Central areas) The major epicentres of human rights work in this region have been Ndula, Kakuzi, Korogocho, Kangemi, and Kibwezi.

Major issues around which the KHRC has worked and partnered with communities in these areas include landlessness, poor governance in the coffee sector, the right to return and resettlement of IDPs, public funds, and corporate accountability.

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In the endeavour to mobilise the communities around these issues, the KHRC has partnered with: Ndula Information and Resource Centre, ENE Land Commission, Centre for Human Rights and Civic Education (CHRCE), the League of Small-Scale Coffee Farmers (LOSSCOF), Kieni Forest IDPs Regional Network, Miss Korogocho and Bunge la Mwananchi Initiatives. Collectively, the KHRC and the community have engaged in public forums; processions and demonstrations; training, planning and reflection sessions; monitoring and documenting issues; media publicity; and engagement forums with policymakers and other duty bearers.

The main accomplishment of this process is the formation of communities that are sufficiently empowered to challenge both state and non-state actors on human rights issues. The initiatives have also seen the emergence of robust leadership structures at local levels, which are balanced in terms of age and gender representation, to lead human rights struggles. The KHRC intends to continue with this strategy to facilitate communities to express their concerns and effectively dialogue with the state. The major impediment to the communities organising efforts in this region is the limitation posed by the law with respect to community struggles. Kenya's laws generally restrict civil liberties, making it difficult for citizens to organise and express themselves openly. Further, the local administration and the political leadership have continuously restricted and thwarted the communities' efforts to organise.



Human rights defenders after a public accountability forum.

The next agenda for this region will therefore be to strengthen the various community initiatives and encourage them to organise and consolidate gains made in the rest of the region.

ii) The Rift Valley Region (Narok, Nakuru, Baringo, Koibatek, Laikipia, Kericho, Nandi Hills areas)

The KHRC commenced its work in this region from the margins in 2004-2005. The KHRC partnered with organisations in Narok (Maji Moto Group Ranch), Loita, Baringo (Endorois Community), Laikipia (Laikipia Human Rights Network), and IDP communities. Major issues around which the KHRC has worked and partnered with the communities in these areas include landlessness, rights of the minority communities, right to return and resettlement of the IDPs, and accountability in the spending of public funds.



There have been significant achievements in each of these areas. In Narok, the Maji Moto Community has experienced a significant awakening and has organised to promote accountability and stop the arbitrary dissolution of their ranch. The community now plans to ensure access to demarcation records which have been kept secret for over five years.

The KHRC also convened an activity in recognition of International Human Rights Day with the Endorois community. The major purpose of this procession and public forum was the right to self-determination to the extent of the community's entitlement to enjoy benefits accruing from exploitation of resources within their land. The forum, which attracted a crowd of more than 500 men, women and children, was attended by government officials who were asked to respond to questions raised by women, youth and other community representatives.

The KHRC also played a key role in supporting the formation of the Laikipia Human Rights Forum (LHRF). This is a voluntary advocacy and lobbying group founded in January 2004 by human rights activists based in Laikipia District in the Rift Valley Province for the purpose of ensuring that human dignity is respected, protected and upheld in the district. Currently, the forum hosts and steers the Laikipia Human Rights Network, an umbrella body composed of over twenty human rights community-based organisations in the district.

Community consultative meeting by the Rendile community in Kargi to discuss environmental rights issues.

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The Forum has organised itself to provide support for a variety of human rights issues that its members are grappling with. These include issues of environmental protection, discrimination due to their minority status, police brutality, HIV/AIDS, and landlessness.

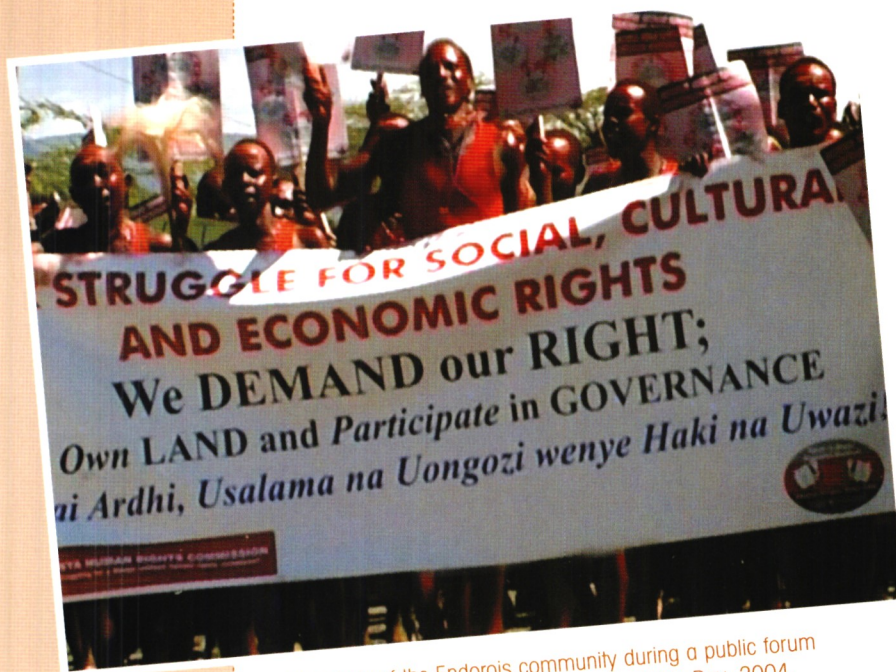
In the first year of the LHRF's existence, it has taken vigorous initiatives in a number of areas, such as the Murengai farm tussle; development rights in Kanyoni and Likii regions; open-air forums in Mwireri and Murengai areas; humanitarian aid to the displaced of Murengai farm in conjunction with the Red Cross and other well-wishers; and the formation of a survivors' group for former flower farm workers. LHRF also hosted the Kenya Human Rights Network (K-HURINET) night vigil (Usiku wa Haki) in commemoration of the UN International Day against Torture (June 26th 2004).

To date, the forum has played a key role in strengthening the capacity of various organisations in Laikipia to promote community-based advocacy.

iii) The North Rift Region (Marakwet, Baringo, Turkana, West Pokot, Trans Nzoia and Eldoret)

The KHRC has not been extremely active in this region. However, we have worked closely with other partner organisations such as the Kitale and Nakuru Catholic Justice and Peace Commissions in addressing emerging human rights issues. In Marakwet, the KHRC undertook a Community Empowerment Project.

In view of the limited accomplishments in this region, the KHRC will conduct a power mapping study and devise mechanisms for partnering more closely with the human rights groups in this region in 2005-2006.



Members of the Endorois community during a public forum commemorating International Human Rights Day, 2004.

iv) The North Eastern Region (Isiolo, Marsabit, Moyale, Wajir, Mandera, Garissa and surrounding areas)

This year, the epicentres for KHRC's work in this region have been Mandera and Marsabit. The KHRC has partnered with local communities to strengthen human rights monitoring and advocacy around the issues of security and transitional justice.

Specifically, the KHRC has collaborated with human rights groups such as the Truth Be Told Network. The KHRC also trained forty human rights monitors in Mandera and partnered with Bakalcha – Barii Support Programme in hosting International Human Rights Day activities in Marsabit in December 2004.

v) Western Region (Western and Nyanza Provinces)

In this region, the KHRC has been present in Siaya, Migori, Kuria, Kisumu, and Kakamega. Our presence in Siaya has crystallised into the formation of the Siaya Human Rights Network (SHRN), which is a conglomeration of various community-based and teachers' organisations. The network has expanded its operations from Ugunja to the other 7 divisions in Siaya District, namely, Ukwala, Karemo, Boro, Gem, Ugenya, and Alego-Usonga. Additionally, the KHRC and the representatives of the Siaya Network conducted research on the issue of widows and orphans with the objective of ensuring that the state resources available are used to strengthen and support the realisation of human rights.

As a result of this association, there has been increased demand for, and improved allocation of, the community HIV/AIDS funds and bursary funds for the most urgent cases. The Network will continue to promote participation and empowerment of the claim-holders in this district and the entire region.

In Kakamega, although the initiative is in its nascent stages, there exists a network that is reviving human rights work in Western Kenya. The Kakamega Human Rights Network is



Community rally on governance and accountability in the sugarcane industry in the Western region.

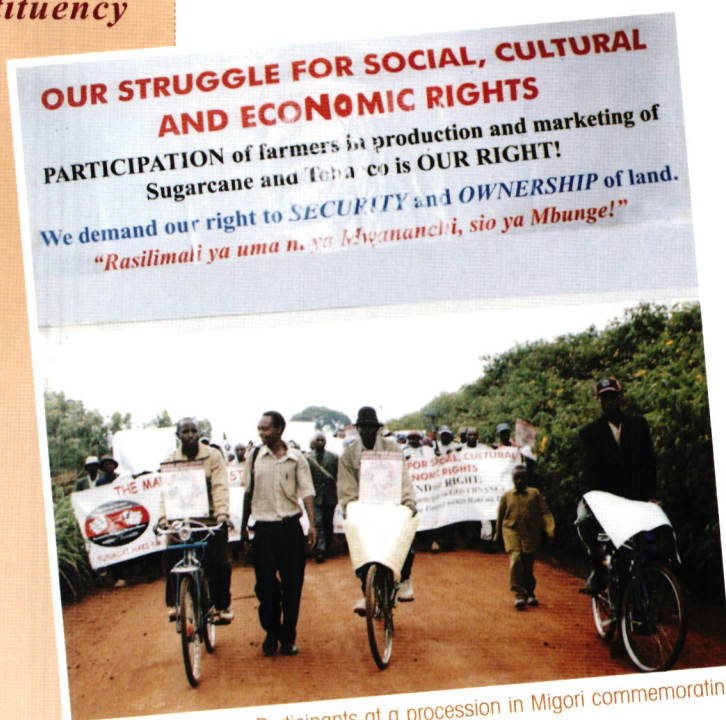
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highly organised and is actively involving both men and women in its activities. The network wishes to expand its scope to cover the whole of Kakamega District. It is organised mainly around issues of governance in the sugar sector. As a result of partnership with the KHRC and other actors, the network and the Sugarcane Farmers' Union played a key role in mobilising and organising farmers to participate in the elections for the Kenya Sugar Board. The KHRC hopes to continue partnering with the network in this region to ensure better governance in the sugar sector and to encourage engagement in the regional and global discussion on sugarcane trade.

In Migori, the KHRC works very closely with the community based organisation called Migori CLAN. The focus of work here has been on strengthening the debate for the

advancement of economic, social and cultural rights. The KHRC has also worked with this community to promote accountability for public funds. Joint public accountability forums have been held in this regard. This approach, based on access to information as a mechanism of encouraging accountability and participation, has played a key role in influencing the projects chosen for the region.

The KHRC hopes to work towards strengthening these networks to become more responsive to human rights violations in these regions.



Participants at a procession in Migori commemorating International Human Rights Day

vi) Coastal Region (Mombasa, Kwale, Lamu, Kilifi, Voi, Taita Taveta areas)

The entry point for our work in the Coast Region was through the Coast Rights Forum (CRF), which is a leader in human rights advocacy in the region. Coupled with the abundance of experience, as well as rich knowledge on the nature of human rights violations in the area, CRF provided us with the desired leadership. Our Coastal Region working partners have however not been limited to the CRF. We have forged a successful working relationship with the recently resuscitated Muslims for Human Rights (MUHURI),

Kwale Education and Development Centre (KEDEC), Mwangaza Haki Group, Ilishe and other community groups all of which are drawn from Mombasa, Kwale, Kilifi and Voi Districts.

Within the first ten months, KHRC and its partners have carried out successful activities that have not only demonstrated progress in the pursuit of human rights but have also been instrumental in developing and cementing the working relationship forged between these human rights organisations. Among others, the KHRC's main focus has been on Economic, Social Cultural Rights (ECSR). The government monitoring project, especially the constituency funds, labour laws and mining are the human rights issues we are currently facilitating at the Coast.

The major challenges facing the region include the level of women's participation in processes affecting their lives. Though women attend meetings/forums, the degree to which they contribute to ongoing discussions is very low. Secondly, the patron-client culture in this area has operated as an obstacle in inculcating the community-based rights approach which aims to devolve responsibility for leadership upon the community. Widespread poverty also threatens the community efforts towards progressive improvement.

In addressing the challenges emerging from the region, the next agenda will mainly focus on conducting different training modules, including gender, leadership and monitoring the expenditure of public funds aimed at heightening the people's participation in reinvigorating demands for basic needs as basic rights within the context of Economic Social and Cultural Rights.

Internships

The Internship Programme is a structured arrangement through which young graduates, community members and foreign students drawn from different parts of the world are afforded an opportunity to gain practical human rights experience. The Internship Programme has proven to be an excellent way of increasing KHRC's visibility among the younger generation. The relationship between the KHRC and the interns is one of mutual benefit. Interns are assigned programme work according to the needs of the office and their own areas of interest.

This year KHRC hosted seventeen interns, appointed in each of our programmes, concentrating on different projects. Of the seventeen hosted, three were youths from our

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partner communities, three were foreign students and eleven were students from around East Africa. The programme has contributed to increased understanding of current human rights issues at the international level and has provided the interns with insight into the work of the KHRC in particular. The KHRC has also used this programme as a means of assisting and contributing to the integration of outstanding young students, graduates and community members into the human rights movement.

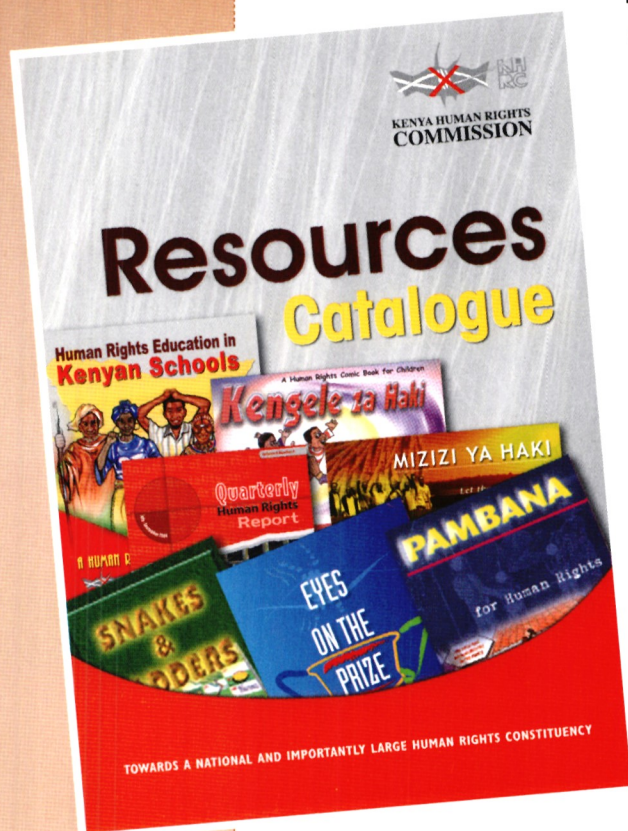
During the year, Interns worked in the various KHRC programmes, and one worked with the administration department of the KHRC. The projects, while intense, have enabled interns to increase their understanding of current human rights issues at the regional, national and international levels. We are proud of our interns and the work they have done!

Resource Centre

The KHRC has a growing Resource Centre that functions as a wide clearing house of materials on human rights, governance and democracy. The Resource Centre was created primarily to make information concerning KHRC's activities readily available to researchers, scholars, professionals and other interested institutions.

As it continues to promote the quest for knowledge and to disseminate accurate information, the centre is undergoing an internal reorganisation and streamlining which will enable it to work more effectively for the organisation and for Kenyans.

The Centre currently subscribes to over fifty periodicals dealing with human rights locally, regionally and internationally. Additionally, there are over 3,000 documents in the collection with a specific focus on human rights thematic priorities. The Resource Centre is open to the public from Monday to Friday (from 8:30 a.m. – 5 p.m.). A selection of our publications can be found on the KHRC's website - www.khrc.or.ke.

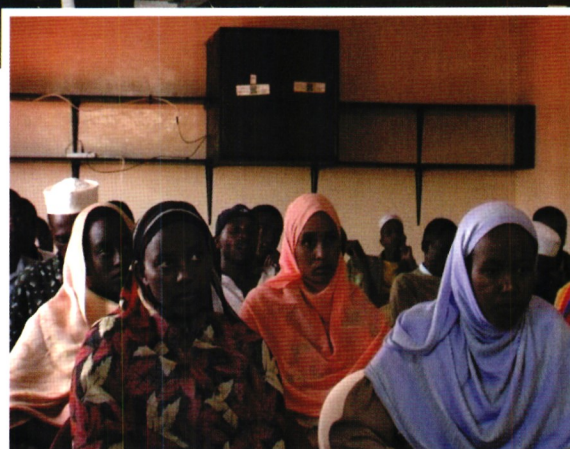


Gender Mainstreaming

The KHRC has identified gender as an important cross-cutting issue that is central to the realisation of our vision and our mission as articulated in Vision 2012. The KHRC position is that Kenya cannot be a democracy when the majority of its population, composed of women and girls, continues to be marginalised and excluded from decision-making processes, while suffering the brunt of human rights violations. The KHRC has developed a gender policy, established a Gender Action Team and adopted gender mainstreaming as a strategy to incorporate gender into all its programmes.

Unfortunately, the desire to mainstream gender has been hampered by factors at the individual and institutional levels. These have included insufficient skills of individual staff members and the lack of

a systematic gender analysis and mainstreaming framework that could be applied by all staff. To rectify these shortcomings, the KHRC has developed a gender training and capacity-building programme, that will equip all staff with the knowledge and skills to facilitate gender analysis and gender mainstreaming in their work. Further, the KHRC is in the process of creating an institutional gender mainstreaming framework, which will include the development of gender indicators and a monitoring and evaluation framework. All of this will be undertaken under the current operational plan 2005-2006.



Top: IEC used at International Women's Day on 8th March 2005.

Left: Participants at a Government Monitoring Forum held in Mandera, North Eastern region.

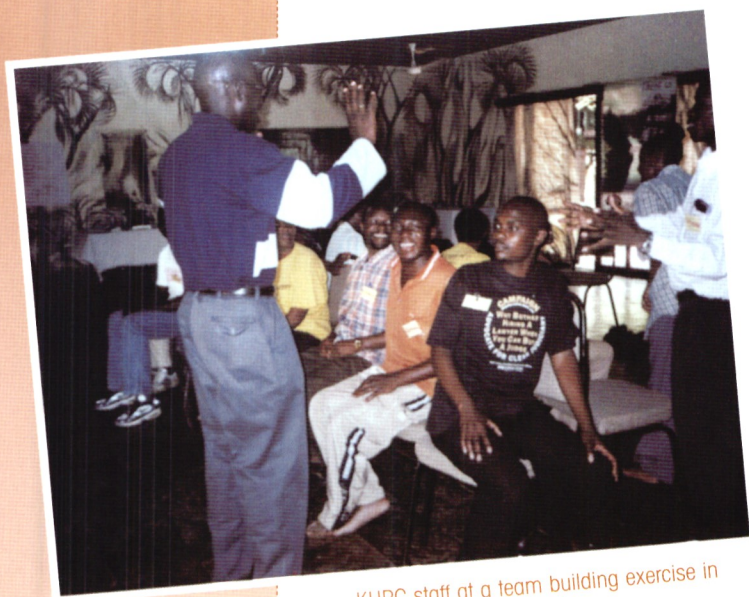
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Organisational Development and Capacity Building

The Commission continues to strengthen its organisational capacity and that of individual staff members to enhance efficiency, effectiveness and sustainability.

Towards this end, we maintain a comprehensive and interactive website. The latest addition is an animated feature that allows for thematic briefing on the major focal issues.

During the year, the Commission also organised several collectives and facilitated individual training programmes for staff members. In October 2004, all staff participated in a team-building retreat and training. This session has played a significant role in unifying the KHRC staff and promoting team work.



KHRC staff at a team building exercise in October 2004

Staff members also underwent training on gender programming and monitoring in March 2005. The training was organised by the KHRC Gender Action Team (GAT) and equipped the staff with the tools necessary for gender programming, and the skills for promoting good gender relations. As a result, there has been an increase in gender consciousness amongst the staff members. Further, it is now apparent that at the KHRC human rights work is gender work.

In furtherance of its policy to build capacity for the training of individual staff members, the KHRC sponsored Peter Kiama, a Programme Officer in Human Rights Education and Outreach, to complete his Masters Studies in Development Studies at Development Studies Centre, Kimmage Manor in Dublin, Ireland. The KHRC also continues to support several staff members in their ongoing professional training. These include Maximillia Wekesa, who is pursuing a Diploma in Information Sciences at the Kenya School of Professional Studies; and Vincent Musebe, an Assistant Programme Officer, who is pursuing a Certificate course in TV and Video Productions at Creative Video Services. In addition, several staff members were sponsored to attend various short-term professional seminars and workshops.

Directors' Report for the year ended 31 March 2005

The directors submit their report and the audited financial statements for the year ended 31 March 2005, which show the state of the commission's affairs.

1. PRINCIPAL ACTIVITY

The principal activity of the commission is the protection of, and advocacy for fundamental human rights in Kenya.

2. ORGANISATION STRUCTURE AND NATURE OF ACTIVITIES

The Kenya Human Rights Commission is an independent, membership, non-partisan organisation. It started its operations in Kenya in September 1992 and in January 1994 was registered in Kenya under the Non-Governmental Organisation Co-ordination Act.

Kenya Human Rights Commission's strategic objectives are to:

- Communities organized around specific human rights issues strengthened and developed into powerful advocacy networks by 2012.
- Accountable human rights centered governance amongst state and key non-state actors enhanced by 2008 and attained by 2012.
- The capacity of KHRC as leader in the human rights discourse, advocacy and democratic development enhanced by 2008 and attained by 2012.
- The KHRC's capacity to learn, adapt and innovate attained by 2008.
- Financial sustainability of KHRC significantly secured by 2008 and attained by 2012.

3. RESULTS

The results for the year are shown on page 39.

4. DIRECTORS

The directors who served during the year and to the date of this report were:-

Makau Wa Mutua	- Chair	Mwambi Mwasaru	- Vice Chair
Jennifer Miano	- Executive Director	Njeri Kabeberi	- Member
Alamin Mazrui	- Member	Kathleen Openda	- Member
Helena Kithinji	- Member	Betty Murungi	- Member
Marina Konza	- Member	Karuti Kanyinga	- Member

5. AUDITORS

Ernst & Young have expressed their willingness to continue in office.

By order of the Board


.....
Professor Makau Wa Mutua
Chair of the Board of Directors

..30/5...2005

Statement of Directors' Responsibilities on the Financial Statements

For the year ended 31 March 2005

The NGO Co-ordination Act requires the directors to prepare financial statements for each financial year, which give a true and fair view of the state of affairs of the organisation as at the end of the financial year and of its operating results for that year. It also requires the directors to ensure the organisation keeps proper accounting records which disclose, with reasonable accuracy, the financial position of the organisation. They are also responsible for safeguarding the assets of the organisation.

The directors accept responsibility for the annual financial statements, which have been prepared using appropriate accounting policies supported by reasonable and prudent judgments and estimates, in conformity with International Financial Reporting Standards and the requirements of the NGO Co-ordination Act. The directors are of the opinion that the financial statements give a true and fair view of the state of the financial affairs of the organisation and of its operating results. The directors further accept responsibility for the maintenance of accounting records which may be relied upon in the preparation of financial statements, as well as adequate systems of internal financial control.

Nothing has come to the attention of the directors to indicate that the organisation will not remain a going concern for at least the next twelve months from the date of this statement.

.....


Director

.....

Director



.....

Date 25/05/05

Report of the Independent Auditors to the Members of Kenya Human Rights Commission

For the year ended 31 March 2005

We have audited the financial statements on pages 39 to 52 which have been prepared on the basis of accounting policies set out on pages 43 and 44. We obtained all the information and explanations which we considered necessary for our audit.

RESPECTIVE RESPONSIBILITIES OF THE DIRECTORS AND THE INDEPENDENT AUDITORS

As stated on page 36, the directors are responsible for the preparation of financial statements which give a true and fair view of the state of affairs of the organisation and of its operating results. Our responsibility is to express an independent opinion on the financial statements based on our audit and to report our opinion to you.

BASIS OF OPINION

We conducted our audit in accordance with International Standards on Auditing. Those standards require that we plan and perform the audit to obtain reasonable assurance that the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. It also includes assessing the accounting principles used and significant estimates made by the directors, as well as evaluating the overall financial statements presentation. We believe that our audit provides a reasonable basis for our opinion.

OPINION

In our opinion, proper books of account have been kept and the financial statements, which are in agreement therewith, give a true and fair view of the state of financial affairs of the organisation at 31 March 2005 and of the results of its surplus and cash flows for the year then ended and comply with International Financial Reporting Standards.

Ernst & Young

Certified Public Accountants

Nairobi

31 May
.....2005

Financial Statements

2004-2005

Human Rights



**KENYA HUMAN RIGHTS
COMMISSION**

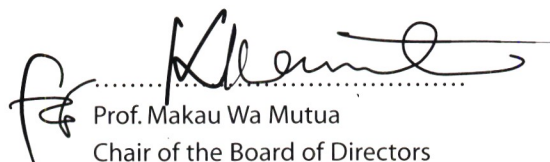
TOWARDS A NATIONAL AND IMPORTANTLY LARGE HUMAN RIGHTS CONSTITUENCY

Balance Sheet

As at 31 March 2005

	Note	2005 KShs.	2004 KShs.
NON CURRENT ASSETS			
Property and equipment	2	8,169,478	3,441,239
CURRENT ASSETS			
Sundry debtors	3	1,701,239	1,264,175
Bank and cash balances		31,502,280	32,425,322
		33,203,519	33,689,497
TOTAL ASSETS		41,372,997	37,130,736
FUND BALANCES AND LIABILITIES			
GENERAL FUND	4	7,923,253	5,729,092
NON-CURRENT LIABILITIES			
Capital grants	5b	8,169,478	3,441,239
CURRENT LIABILITIES			
Deferred income	5a	16,260,846	20,619,182
Creditors and accruals	6	9,019,420	7,341,223
		25,280,266	27,960,405
TOTAL FUND BALANCES AND LIABILITIES		41,372,997	37,130,736

The financial statements were approved by the Board of Directors on.....30 May.....2005 and signed on its behalf by:-


Prof. Makau Wa Mutua
Chair of the Board of Directors


Ms. Jennifer Miano
Executive Director

Income and Expenditure Account

For the year ended 31 March 2005

	Note	2005 KShs.	2004 KShs.
INCOME			
Grant income	7	70,150,812	74,756,508
Amortisation of capital grant		3,936,892	2,597,478
Investment income		377,507	-
Sale of publications		195,446	213,965
Gain on disposal of fixed assets		-	450,000
Other income	8	1,864,565	1,465,288
		<u>76,525,222</u>	<u>79,483,239</u>
EXPENDITURE			
Communities advocacy initiatives		19,915,750	19,968,314
Accountable and human rights centered governance		14,723,079	10,004,797
KHRC leadership in the human rights discourse		4,505,002	15,194,493
Institutional and staff capacity		6,081,170	4,078,602
Financial sustainability		255,651	111,151
Staff costs	9	17,751,496	18,666,066
Administration costs		7,162,021	7,187,878
Depreciation		3,936,892	2,597,478
		<u>74,331,061</u>	<u>77,808,779</u>
SURPLUS FOR THE YEAR	10	<u>2,194,161</u>	<u>1,674,460</u>

Statement of Changes in Fund Balances

For the year ended 31 March 2005

	Note	Donor funds KShs	General fund KShs	Total KShs (Note 4)
Balance at 1 April 2003				
As previously stated	11a	4,854,723	4,052,632	8,905,355
Adoption of IAS 20		(4,854,723)	-	(4,854,723)
As restated		-	4,052,632	4,052,632
Surplus for the year		-	1,674,460	1,674,460
Balance at 31 March 2004				
Balance at 1 April 2004				
As previously stated		-	5,729,092	5,729,092
Prior year adjustment:				
Amortisation of capital grants	11b	-	2,597,478	2,597,478
Depreciation	11b	-	(2,597,478)	(2,597,478)
As restated		-	5,729,092	5,729,092
Surplus for the year		-	2,194,161	2,194,161
Balance at 31 March 2005				
		-	7,923,253	7,923,253

Cash Flow Statement

For the year ended 31 March 2005

	2005 KShs.	2004 KShs.
Cash flows from operating activities		
Surplus for the year	2,194,161	1,674,460
Adjustment for:		
Gain on disposal of fixed assets	-	(450,000)
Capital grant receipts	8,692,143	1,639,685
Depreciation	3,936,892	2,597,478
Amortisation of grant income	(3,936,892)	(2,597,478)
Operating surplus before working capital changes	10,886,304	2,864,145
Sundry debtors	(437,064)	1,598,270
Deferred income	(4,358,336)	6,275,418
Sundry creditors	1,678,197	3,532,686
Net cash flows from operating activities	7,769,101	14,270,519
Cash flows from investing activities		
Fixed assets purchases	(8,692,143)	(1,639,685)
Cash flows from financing activities		
Proceeds from disposal of fixed assets	-	450,000
	(8,692,143)	(1,189,685)
Net (decrease)/ increase in cash equivalent	(923,042)	13,080,834
Cash and cash equivalent at the beginning of the year	32,425,322	19,344,488
Cash and cash equivalent at the end of the year (Note 12)	31,502,280	32,425,322

Notes to the Financial Statements

For the year ended 31 March 2005

1. SIGNIFICANT ACCOUNTING POLICIES

a) Basis of accounting

The financial statements are prepared on the historical cost basis of accounting.

b) Investments

All non-trading investments are initially recorded at cost, being the fair value of the consideration given including acquisition costs. Premiums and discounts on held to maturity investments are amortised using the effective interest rate method and taken to income.

c) Income / funding

Income/funding comprises of grants from various donors and interest received from investments in treasury bills, bank deposits and other income. Revenue grants are recognised in the year they are expended. Capital grants are amortised to income over the useful life of the related fixed assets. Income from investments in treasury bills is recognised when it is earned. Other income and income from bank deposits is recognized when it is earned.

d) Expenditure

Expenditure comprises expenses incurred directly for programme activities. These are recognised on an accrual basis.

e) Property and equipment

Property and equipment are stated at cost less accumulated depreciation.

Depreciation is calculated on the straight-line basis, at annual rates estimated to write off the cost of the assets over their expected useful lives.

Notes to the Financial Statements

For the year ended 31 March 2005 (continued)

The annual depreciation rates in use are:

Prefabs	20%
Motor vehicles	25%
Equipments	20%
Computers	33.3%
Furniture & fittings	12.5%

f) Foreign currency transactions

Transactions during the year are converted into Kenya Shillings at rates ruling at the transactions dates. Assets and liabilities at the balance sheet date, which are expressed in foreign currencies, are translated into Kenya Shillings at rates ruling at that date. The resulting differences from conversion and translation are dealt with in the profit and loss account.

g) Retirement benefits costs

The organisation operates a defined contribution pension scheme for its employees. The organisation also contributes to a statutory defined contribution pension scheme, the National Social Security Fund (NSSF). Contributions are determined by local statute and are currently limited to KShs. 200 per employee per month. Contributions made to the two schemes are charged to the income and expenditure account in the year of contribution.

h) Employee entitlements

The monetary liability for employees' accrued annual leave entitlement at the balance sheet is recognised as an expense accrual.

i) Deferred income

Grant receipts for which related expenses are to be incurred in the future financial periods are deferred and recognised as income when the related expenses have been incurred.

Notes to the Financial Statements

For the year ended 31 March 2005 (continued)

2. PROPERTY AND EQUIPMENT

	Prefabs KShs	Furniture & fittings KShs	Office equipments KShs	Motor vehicles KShs	Computers KShs	Total KShs
COST						
At 1 April 2004 as previously stated	-	-	-	-	-	-
Prior year adjustment and as restated	45,020	1,525,842	4,823,634	5,497,325	5,836,799	17,728,620
Additions	2,424,716	476,901	2,180,300	3,189,900	420,326	8,692,143
Disposals	(45,020)	-	-	-	-	(45,020)
At 31 March 2005	2,424,716	2,002,743	7,003,934	8,687,225	6,257,125	26,375,743
DEPRECIATION						
At 1 April 2004 as previously stated	-	-	-	-	-	-
Prior year adjustment and as restated	18,008	756,026	3,832,341	4,122,994	5,558,012	14,287,381
Charge for the year	484,943	205,576	795,065	2,171,806	279,502	3,936,892
On disposal	(18,008)	-	-	-	-	(18,008)
At 31 March 2005	484,943	961,602	4,627,406	6,294,800	5,837,514	18,206,265
NET BOOK VALUE						
At 31 March 2005	1,939,773	1,041,141	2,376,528	2,392,425	419,611	8,169,478
At 31 March 2004	27,012	769,816	991,293	1,374,331	278,787	3,441,239

The prior year adjustments relate to change in accounting policy on the treatment of fixed assets acquired using capital grant income (see note 11b).

Notes to the Financial Statements

For the year ended 31 March 2005 (continued)

3. SUNDRY DEBTORS

	2005 KShs.	2004 KShs.
The sundry debtors balances are made up of the following: -		
Prepaid expenses	305,130	367,727
Other debtors	44,011	457,664
Staff advances	1,377,098	593,897
	1,726,239	1,419,288
Provisions for doubtful debts	(25,000)	(155,113)
	1,701,239	1,264,175

4 GENERAL FUND

	2005 KShs.	2004 KShs.
Balance at the beginning of the year	5,729,092	4,054,632
Surplus for the year	2,194,161	1,674,460
Balance at the end of the year	7,923,253	5,729,092

Notes to the Financial Statements

For the year ended 31 March 2005 (continued)

5 GRANTS

Grant income and receipts are analysed as follows:-

(a) Revenue grants

Donor	Balance at 1 April 2004 KShs	Receipts KShs	Transfers KShs	Expended in the year KShs	Balance at 31 Mar 2005 KShs
Ford Foundation	462,215	11,249,250	-	5,559,872	6,151,593
DANIDA	570,532	10,000,000	-	10,570,532	-
Norwegian Embassy	12,872,003	-	-	12,497,995	374,008
FINNISH	2,800,248	9,850,000	-	10,341,620	2,308,628
NOVIB	1,222,799	15,108,750	598,578	14,264,696	2,665,431
SIDA	2,394,758	10,643,974	-	9,772,400	3,266,332
TROCAIRE/DCI	296,626	14,620,415	-	13,457,119	1,459,922
OSI	-	1,011,010	-	1,011,010	-
ILRF	-	1,136,523	-	1,101,591	34,932
ADF	-	266,120	-	266,120	-
	20,619,181	73,886,042	598,578	78,842,955	16,260,846

The end of year balances above are disclosed in the balance sheet as follows:

	2005 KShs.	2004 KShs.
Deferred income	16,260,846	20,619,181
(b) Capital grants		
Balance as at 1 April 2004	3,441,239	4,399,032
Additions (note 7)	8,692,143	1,639,685
	12,133,382	6,038,717
Less		
Net book value of disposals	(27,012)	-
Amortisation	(3,936,892)	2,597,478
Balance as at 31 March 2005	8,169,478	3,441,239

Notes to the Financial Statements

For the year ended 31 March 2005 (continued)

6. CREDITORS AND ACCRUALS

	2005 KShs.	2004 KShs.
These are made up of the following		
Audit fees	500,000	500,000
Other accrued expenses	5,560,695	5,390,865
Reports and IEC materials	1,028,600	591,000
KHRC projects	1,930,125	859,728
HURI Sacco	-	(370)
	<u>9,019,420</u>	<u>7,341,223</u>

7. GRANT INCOME

	2005 KShs.	2004 KShs.
Ford Foundation	5,559,872	21,336,936
DANIDA	10,570,532	9,429,467
DFID	-	216,837
Norwegian Embassy	12,497,995	4,034,767
USAID	-	1,809,381
FINNISH	10,341,620	5,074,584
NOVIB	14,264,696	6,591,942
SIDA	9,772,400	8,009,763
TROCAIRE/DCI	13,457,119	16,210,607
RNE	-	115,076
NED	-	2,809,640
OTHERS	-	757,193
OSI	1,011,010	-
ILRF	1,101,591	-
ADF	266,120	-
	<u>78,842,955</u>	<u>76,396,193</u>
Less amounts utilized for capital acquisition (note 5)	<u>(8,692,143)</u>	<u>(1,639,685)</u>
	<u>70,150,812</u>	<u>74,756,508</u>

Amounts used in capital acquisition are deferred and recognized as income over the useful life of the related fixed asset.

Notes to the Financial Statements

For the year ended 31 March 2005 (continued)

8. OTHER INCOME

	2005 KShs.	2004 KShs.
Foreign exchange gain	1,159,508	96,071
Bank interest	32,190	-
Consultancy income	123,829	170,092
Project hosting fees	338,808	212,178
Miscellaneous income	210,230	986,947
	1,864,565	1,465,288

9. STAFF COSTS

	2005 KShs.	2004 KShs.
Salaries	14,892,769	15,398,284
Leave accrual	78,695	-
Medical insurance	1,357,579	1,520,111
Provident fund contributions	1,275,795	1,466,947
Welfare	106,658	242,724
NSSF contributions	40,000	38,000
	17,751,496	18,666,066

Notes to the Financial Statements

For the year ended 31 March 2005 (continued)

10. SURPLUS FOR THE YEAR

	2005 KShs.	2004 KShs.
The surplus for the year is stated after charging:-		
Provident fund and NSSF contributions	1,315,795	1,504,947
Audit fees	500,000	500,000
Directors emoluments	2,395,800	3,443,000
And after crediting:		
Exchange gains	1,159,508	96,071
Proceeds on disposal of motor vehicle	-	450,000
Investment income	377,507	-

11. PRIOR YEAR ADJUSTMENTS

- This relates to changes resulting from the adoption of International accounting Standard (IAS) Number 20 on grants in 2004. In adopting the standard, opening donor fund balances of KShs 4,854,723 as at 1 April 2003 have been deferred so as to match revenue to related expenses.
- During the year, the Commission changed its accounting policy on the treatment of property and equipment to recognize them in the balance sheet. In changing this policy, a prior year adjustment of KShs 17,728,620 relating to cost has been debited to property and equipment and KShs 14,287,381 has been credited to accumulated depreciation as at 1 April 2004. Capital grants used in asset acquisition have also been credited with related capital grants net of amortisation amounting to KShs 3,441,239 as at 1 April 2004. In addition, 2004 income and expenditure account has been restated to recognize depreciation charges and grant amortisation of KShs 2,597,478 each.

Notes to the Financial Statements

For the year ended 31 March 2005 (continued)

12. CASH AND CASH EQUIVALENTS

For purposes of the cash flow, cash and cash equivalents comprise of:-

	2005 KShs	2004 KShs
Bank and cash balances	31,502,280	32,425,322

13. RELATED PARTY TRANSACTIONS

Staff advances

As at 31 March 2005, balances outstanding in the advance to staff account amounted to KShs. 1,377,098 (2004: KShs. 593,897). These represent interest free short-term advances recoverable within one year.

14. TAXATION

The organisation has applied for exemption from Income Tax department. The directors are of the opinion that tax exemption will be granted by the Commissioner of Income Tax. No provision for taxation has been made in these accounts for any taxation that might be payable should the organisation not be exempted from income tax.

15. EMPLOYEES

The number of employees at the end of the year was 22 (2004:13).

Notes to the Financial Statements

For the year ended 31 March 2005 (continued)

16. COMPARATIVES

Where necessary, comparatives have been adjusted to conform with changes in presentation in the current year. In particular, the comparatives figures have been adjusted to take into account the effect of the prior year adjustments.

17. REGISTRATION

The organisation is registered in Kenya under the Non Governmental Organisations Co-ordination Act, 1990.

18. CURRENCY

These financial statements are presented in Kenya Shillings (KShs).

KENYA HUMAN RIGHTS COMMISSION

ANNUAL REPORT AND FINANCIAL STATEMENTS 2004–2005



Damoya Tutetee Haki



**KENYA HUMAN RIGHTS
COMMISSION**

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