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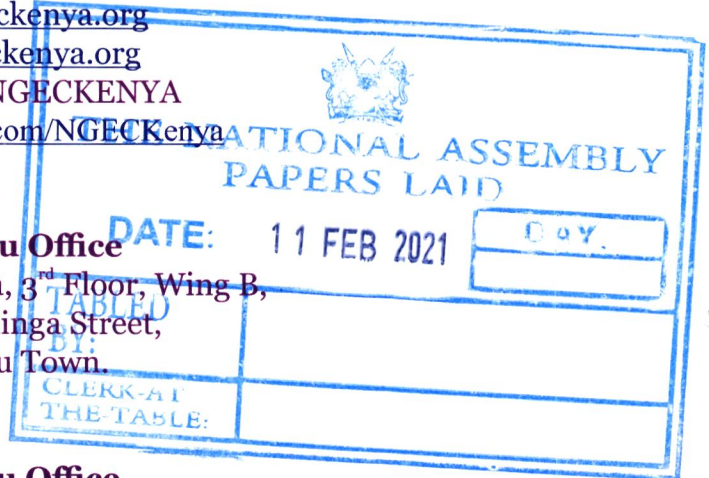
NGECC

National Gender and
Equality Commission

Annual Report
2018 - 2019



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National Gender and Equality Commission
1st Floor, Solution Tech Place, 5 Longonot Road, Upper Hill, Nairobi
P.O BOX 27512-00506
Nairobi, Kenya
Landline: +254(020)3213100
Mobile: +254 (709)375100
Toll Free: 0800720187
SMS: 20459
www.ngeckenya.org
info.ngeckenya.org
Twitter: @NGECKENYA
www.facebook.com/NGECKKenya



Kisumu Office
Reinsurance Plaza, 3rd Floor, Wing B,
Oginga Odinga Street,
Kisumu Town.

Nakuru Office
Tamoh Plaza, 1st Floor, Kijabe Street,
Nakuru Town.

Garissa Office
KRA Route off Lamu Road, Province,
Garissa Town.

Malindi Office
Malindi Complex, off Lamu-Malindi Road,
Malindi Town.

Kitui Office
Nzambani Park, off Kitui Referral Hospital Road,
Kitui Town.

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LIST OF ACRONYMS

AU	African Union
BBI	Building Bridges Initiative
BVR	Biometric Voter Registration
CCI	Charitable Children's Institutions
CRPD	Convention for Persons with Disability
CSW	Commission on the Status of Women
EITWGs	Equality and Inclusion Technical Working Groups
GRB	Gender Responsive Budgeting
HSNP	Hunger Safety Net Programme
IDLO	International Development Law Organization
IEC	Information, Education and Communication Materials
ITDP	Institute of Transportation and Development Policy
KCCL	Kenya Community Center for Learning
KIPPRA	Kenya Institute for Public Policy Research and Analysis
MoH	Ministry of Health
NCPWD	National Council for Persons with Disability
NGEC	National Gender and Equality Commission
NSE	Nairobi Securities Exchange
NTSA	National Transport and Safety Authority
PWDs	Persons with Disabilities
REDD+	Reduce Emissions from Deforestation and Forest Degradation
RRI	Rapid Results Initiative
SGBV	Sexual and Gender Based Violence
SIGS	Special Interest Groups
SOPs	Standard Operating Procedures
UNSCR	United Nations Security Council Resolution
UPR	Universal Periodic Review

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FOREWORD FROM THE CHAIRPERSON

I am pleased to present the National Gender and Equality Commission's 2018-19 Annual Report. During the reporting period, we have continued to execute our mandate faithfully and diligently as stipulated in the Constitution of Kenya 2010 and the National Gender and Equality Commission Act No. 15 of 2011. The programmatic interventions for the financial year 2018/19 were informed by the priorities outlined in the new Strategic Plan 2019-2024 which seeks to build on the success of previous blueprints. In this Strategic Plan, we have identified research and knowledge management as a critical strategy in executing our mandate of conducting and coordinating research to inform policies and programmes for promoting gender equality and freedom from discrimination.

During the financial year 2018-19, the Commission made significant achievements despite encountering operational challenges brought about by budget rationalization. The Commission delivered its mandate in terms of policy and legislative advisories, by conducting rapid interventions, coordination, monitoring and auditing the application of the principles of equality and inclusion at the national and county governments and in the private sector.

We are encouraging and cultivating teamwork as a core value among staff and Commissioners in ensuring effective discharge of the Commission's mandate. Since taking over office in August 2018, we have progressively recruited additional technical staff to facilitate effective discharge of our mandate. The Commission adopted a policy to convert some of our technical staff on a contracted scheme of service to a permanent and pensionable scheme of service to retain and consolidate the skill sets necessary to run the Commission's Programs and Corporate Services.

A lot, however, remains to be done especially at the legislative level towards providing adequate legal mechanisms for complying with constitutional imperatives especially the inclusion of special interest groups in appointive and elective bodies. But this has to be informed by bipartisan political goodwill. We expect parliament and other legislative bodies to play their role and enact laws for the good of citizens and in furtherance of the constitutional principles of equality and non-discrimination.

I especially wish to acknowledge and appreciate the support of the Government of Kenya and the Commission's development partners for financial and material support during the financial year under review. I also wish to sincerely thank the Commissioners and staff for their contribution and urge them to continue in their efforts in the forthcoming year.



DR. JOYCE M. MUTINDA (PhD).
CHAIRPERSON

STATEMENT FROM THE COMMISSION SECRETARY/CHIEF EXECUTIVE OFFICER

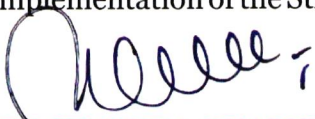
The financial year 2018/2019 heralded a new dawn for the National Gender and Equality Commission following the appointment of a new Chairperson and two new Commissioners who joined the institution to drive the gender agenda forward. Similarly, I joined the Commission as Secretary and Chief Executive Officer to consolidate the secretariat and help steer the programmatic interventions.

I sincerely wish to thank the new Chairperson, Commissioners and Secretariat staff for forging a united front and showing commitment to deliver on the Commission's huge mandate. Indeed, since establishment, the Commission has progressively evolved and carved a niche for itself as the defender and promoter of equality and inclusion rights. We now seek to consolidate that profile and venture into new areas as inspired by the national government priorities.

The Strategic Plan 2019-2024 sets an ambitious five-point thematic matrix, namely: compliance monitoring and reporting, investigations and redress, public education and mainstreaming, research and knowledge management and institutional capacity that will guide all strategic interventions in discharging our mandate. We have rationalized the programmes and costs for the 2019-2024 Strategic Plan by 16% from the previous Strategic Plan Cost of Ksh. 4.75 billion to reflect an aggregate budget of Ksh. 3.99 billion. This translates into a projected annual expenditure of Ksh. 800 million.

The government's financial support to the Commission has been increasing marginally in the past six years from Ksh. 234m in the financial year 2013-2014 to Ksh. 360m in the financial year 2018-2019. This has meant that some critical programmes have had to be shelved. We shall continue to streamline our program budgeting strategies and pitch for more budgetary allocations during the Sector Working Group bidding. We shall also revitalize our resource mobilization strategy and appeal to our development partners to support some of our flagship programmes.

As we appeal to the Government and the relevant agencies for budgetary support, I call upon members of the NGEN secretariat to dedicate themselves to the delivery of our mandate through the implementation of the Strategic Plan 2019-2024 and to embrace teamwork.



BETTY SUNGURA-NYABUTO MBS
COMMISSION SECRETARY / CEO

EXECUTIVE SUMMARY

This section presents a summary of key achievements made by the Commission in the financial year 2018/2019 in monitoring, auditing, facilitating and coordinating the integration of the principles of equality and inclusion at international, regional and national levels and a summary of good practices and challenges encountered during implementation of its programmes.

During the reporting period, the Commission unveiled a 5-year Strategic Plan to run from 2019 to 2024. The Strategic Plan 2019-2024 seeks to build momentum on the successes realized in the initial plan and position the Commission as the institution of choice in providing evidence-based interventions on all matters touching on equality and inclusion.

In line with the Commission's mandate of conducting audits on the status of Special Interest Groups (SIGs) including minorities and marginalized groups, Persons with Disabilities, women, youth and children and in ensuring compliance with the principles of equality and inclusion, NGECE undertook sensitization of County Public Service Board's chairpersons and secretaries on mainstreaming of SIGs in County Public Service Boards. A total of 90 members of County Public Services Boards drawn from 41 counties were sensitized. The board members committed to ensuring equality and inclusion in employment. As a follow up to the sensitization, the Commission will undertake an audit to assess the status of equality and inclusion of SIGs in all the 47 County Governments in Kenya.

In the period under review, the Commission finalized an assessment of equality and inclusion in the Judiciary. The study sought to analyze the gender sensitivity and responsiveness of the Judiciary in its internal operations and delivery on its external mandate. In the same year, the Commission assessed the status of equality and inclusion in 62 private companies registered with the Nairobi Securities Exchange. There was a notable increase in the number of women who were chairs of the boards in the 2018/19 financial year as compared to the 2017/2018 financial year when women chairpersons accounted for 11.3 percent.

The Commission reviewed 17 Bills, 9 Policies, and 11 Acts of Parliament towards ensuring compliance with the principles of equality and freedom from discrimination. The review shows an increased consideration of issues of equality and inclusion in legal and policy formulation. In line with the function of receiving and evaluating annual reports on progress made by public institutions and other sectors on compliance with constitutional and statutory requirements on the implementation of the principles of equality and freedom from discrimination, the Commission received, analyzed and evaluated a total of 185 biannual reports from ministries, departments, agencies and county governments for 2018/2019 financial year. This number is an increase from the 108 reviewed and analyzed in the previous financial year.

In the same financial year, the Commission was involved in 10 public interest litigation cases meant to enhance respect for human rights, access to justice, equality and inclusion for special interest groups in the social-economic development agenda. Additionally, the Commission received and processed a total of 105 complaints on violation of the principles of equality and inclusion. This shows a marked increase compared to the previous financial year when the Commission received and processed 77 complaints. The increase is attributed to public awareness campaigns conducted by the Commission during the period under review. The complaints revolved around property ownership, gender-based violence, social-economic rights, access to government affirmative economic funds such as youth funds, women enterprise funds, Inua Jamii among others, violations of rights by State and other actors and discrimination based on disability.

Arising from a public debate on the age of consent for sex that was sparked by a Court of Appeal judgment in March 2019 that invited national discourse on mechanisms for dealing with children offenders under provisions within the Sexual Offences Act 2016, the Commission organized a forum drawing stakeholders from different public and private sectors to discuss the substantive issues on the age of consent for sex, anticipated consequences of either decision and make policy recommendations to the State.

To complement the efforts of the Kenya Government towards the development of policies supportive of inclusive urban transportation, UN-Habitat, NGEK, the National Transport and Safety Authority (NTSA) and the Institute of Transportation and Development Policy (ITDP), designed a project to assess and inform policies in the implementation of universal access for groups in vulnerable situations in Nairobi. The Commission received commitments from Parliament, national and county governments, development partners and the private sector in ensuring that the right to access public infrastructure among persons with limited mobility including children, older members of society and persons with disabilities and women are protected and promoted.

In the financial year 2018/2019, the Commission had a gross budget of Kshs. 361,815,032 which was made up of Ksh. 360,615,032 and Kshs 1,200,000 in recurrent and development votes respectively. The actual expenditure stood at Ksh. 345,197,543 which amounted to an absorption level of 95%.

The year under review was not without challenges, key among them being;

1. Inadequate funding to deliver on the complex mandate.
2. Lack of a legal framework to enforce equity and inclusion-related constitutional provisions e.g. two-thirds gender rule; five percent progressive recruitment and representation of PWDs.

3. Lack of an enforcement mechanism for non-compliance with the principles of equality and inclusion, and
4. Barriers to translating affirmative action into substantive equality due to prevalent cultural-traditional practices, political norms and entrenched patriarchy

To address the challenges, this report makes the following recommendations:

1. Increased funding from the National Treasury to enable the Commission to discharge its mandate effectively.
2. Enactment of necessary laws at the national and county level to enforce constitutional provisions on equity and inclusion.
3. The amendment of the Public Finance Management Act to provide for a requirement that public institutions demonstrate compliance with the principles of equality and inclusion before they can qualify for funding by the National Treasury.
4. Enhance coordination with actors working on issues of Special Interest Groups

In the next financial year, the Commission has prioritized the following interventions:

1. Expanding the scope of interventions on universal access to public infrastructure.
2. Monitoring and auditing participation of SIGs on the opportunities available in the Big 4 Agenda and climate change.
3. Auditing county governments on equality and inclusion in representation and employment in the executive and legislative organs including the service boards.
4. Promoting practical green energy options for uptake by SIGs and sensitize SIGs about the economic and social value of adopting green energy.

This report is divided into five chapters. Chapter One describes the mandate, composition and structure of the Commission. Chapter Two chronicles critical programmatic achievements in key strategic objectives while Chapter Three details public education and advocacy interventions as well as the institutional growth achieved in the past year concerning personnel, information and technology, procurement and in strengthening its risk management functions. The audited accounts of the financial year 2018/2019 are presented in Chapter Four while Chapter Five describes the key challenges, recommendations and priority areas of the Commission for the financial year 2019/2020.

INTRODUCTION

Article 254 (1) of the Constitution of Kenya 2010 requires Constitutional Commissions and holders of Independent Offices to submit a report to the President and Parliament as soon as practicable after the end of each financial year.

Section 53 (1) of the National Gender and Equality Commission Act No. 15 of 2011 states the report of the Commission under Article 254 of the Constitution shall, in respect of the financial year to which it relates, contain;

- a) the financial statements of the Commission;
- b) a description of the activities of the Commission;
- c) recommendations on specific actions to be taken in furtherance of the findings of the Commission;
- d) recommendations on legal and administrative measures to address specific concerns identified by the Commission; and
- e) any other information relating to its functions that the Commission considers relevant.

This report is prepared according to Article 254 of the Constitution of Kenya 2010 and Section 53 of the National Gender and Equality Commission Act No. 15 of 2011. The report details key achievements made by the Commission in the financial year 2018/2019 in monitoring, auditing, facilitating and coordinating the integration of the principles of equality and inclusion at international, regional and national levels and a summary of good practices and challenges encountered during implementation of its programmes.

CHAPTER ONE

1.0 The Commission

The National Gender and Equality Commission (NGEC) is a Constitutional Commission established by the National Gender and Equality Commission Act. No. 15 of 2011 pursuant to Article 59 (4) & (5) of the Constitution of Kenya, 2010. The Commission's mandate is to promote gender equality and freedom from discrimination for all people in Kenya with a focus on special interest groups, which include: women, children, youth, persons with disabilities (PWDs), older members of society, minorities and marginalized groups.

The Commission headquarters is in Nairobi with five regional offices in Garissa, Kisumu, Nakuru Kitui and Kilifi. As per the provisions of the National Gender and Equality Commission Act No. 15 of 2011, the Commission consists of a Chairperson and four other members appointed per its constitutive act. The Chairperson and members serve on a full-time basis for a non-renewable term of six years. By the end of the financial year under review, the leadership of the Commission comprised of Dr. Joyce M. Mutinda (PhD), as Chairperson, Dr. Chomba Munyi (PhD) as the Vice-Chairperson, Dr. Florence Wachira (MBS) and Hon. Priscilla Nyokabi as Commissioners and Ms. Betty Sungura-Nyabuto (MBS) the Commission Secretary/CEO.

1.1 Functions of the Commission

The mandate of NGEC is spelt out under section 8 of the National Gender and Equality Act No. 15 of 2011 as follows:

- a) promote gender equality and freedom from discrimination in accordance with Article 27 of the Constitution;
- b) monitor, facilitate and advise on the integration of the principles of equality and freedom from discrimination in all national and county policies, laws, and administrative regulations in all public and private institutions;
- c) act as the principal organ of the State in ensuring compliance with all treaties and conventions ratified by Kenya relating to issues of equality and freedom from discrimination and relating to special interest groups including minorities and marginalized persons, women, persons with disabilities, and children;
- d) co-ordinate and facilitate mainstreaming of issues of gender, persons with disability and other marginalized groups in national development and to advise the Government on all aspects thereof;
- e) monitor, facilitate and advise on the development of affirmative action implementation policies as contemplated in the Constitution;

- f) investigate on its own initiative or on the basis of complaints, any matter in respect of any violations of the principle of equality and freedom from discrimination and make recommendations for the improvement of the functioning of the institutions concerned;
- g) work with other relevant institutions in the development of standards for the implementation of policies for the progressive realization of the economic and social rights specified in Article 43 of the Constitution and other written laws;
- h) co-ordinate and advise on public education programmes for the creation of a culture of respect for the principles of equality and freedom from discrimination;
- i) conduct and coordinate research activities on matters relating to equality and freedom from discrimination as contemplated under Article 27 of the Constitution;
- j) receive and evaluate annual reports on progress made by public institutions and other sectors on compliance with constitutional and statutory requirements on the implementation of the principles of equality and freedom from discrimination;
- k) work with the Kenya National Commission on Human Rights, the Commission on Administrative Justice and other related institutions to ensure efficiency, effectiveness and complementarity in their activities and to establish mechanisms for referrals and collaboration in the protection and promotion of rights related to the principle of equality and freedom from discrimination;
- l) prepare and submit annual reports to Parliament on the status of implementation of its obligations under this Act;
- m) conduct audits on the status of special interest groups including minorities, marginalized groups, persons with disabilities, women, youth and children;
- n) establish, consistent with data protection legislation, databases on issues relating to equality and freedom from discrimination for different affected interest groups and produce periodic reports for national, regional and international reporting on progress in the realization of equality and freedom from discrimination for these interest groups;
- o) perform such other functions as the Commission may consider necessary for the promotion of the principle of equality and freedom from discrimination; and
- p) perform such other functions as may be prescribed by the Constitution and any other written law.

1.2 Powers of the Commission

General Functions and Powers.

Article 252 (1) of the Constitution of Kenya 2010 provides that each Constitutional Commission and each independent office;

- a) may conduct investigations on its own initiative or on a complaint made by a member of the public;
- b) has the powers necessary for conciliation, mediation and negotiation;
- c) shall recruit its own staff; and
- d) may perform any functions and exercise any powers prescribed by legislation, in addition to the functions and powers conferred by this Constitution.

In addition to the powers conferred in Article 252 of the Constitution, Section 26 of the National Gender and Equality Commission Act No. 15 of 2011 confers the Commission powers to;–

- a) issue summons as it deems necessary for the fulfillment of its mandate;
- b) require that statements be given under oath or affirmation and to administer such oath or affirmation;
- c) adjudicate on matters relating to equality and freedom from discrimination;
- d) obtain, by any lawful means, any information it considers relevant, including requisition of reports, records, documents and any information from any person, including governmental authorities, and to compel the production of such information for the proper discharge of its functions;
- e) by order of the court, enter upon any establishment or premises, and to enter upon any land or premises for any purpose material to the fulfillment of the mandate of the Commission and in particular, for the purpose of obtaining information, inspecting any property or taking copies of any documents, and for safeguarding any such property or document;
- f) interview any person or group of persons;
- g) subject to the adequate provision being made to meet his expenses for the purpose, call upon any person to meet with the Commission or its staff, or to attend a session or hearing of the Commission, and to compel the attendance of any person who fails to respond to a request of the Commission to appear and to answer questions relevant to the subject matter of the session or hearing;
- h) conduct audits of any public or private institution to establish the level of compliance with the Constitution with regard to integrating the principle of equality and equity in its operations; and
- i) require any public or private institution to provide any special report on matters relating to the institution's implementation of the principle of equality and equity including gender equity.

CHAPTER TWO

2.0 Programmatic Interventions

During the period under review, the Commission realized significant achievements on its mandate and functions.

This chapter presents theme-based policy and programmatic achievements for the period.

2.1 Compliance Monitoring and Reporting

2.1.1 Monitor Participation and Inclusion of SIGs in Development Agenda

a) Equality and Inclusion in the County Governments

In line with the Commission's mandate of conducting audits on the status of SIGs including minorities and marginalized groups, Persons with Disabilities, women, youth and children and in ensuring compliance to the principles of equality and inclusion, NGECE undertook sensitization of the County Public Service Board's chairpersons and secretaries on mainstreaming of SIGs in County Public Service Boards. A total of 90 members of the County Public Services Boards drawn from 41 counties were sensitized. The board members committed to ensuring equality and inclusion in employment. As a follow up to the sensitization, the Commission will undertake an audit to assess the status of equality and inclusion of Special Interest Groups in all the 47 county governments in Kenya.

In strengthening county government processes for citizens' participation and budget planning processes as envisioned in the Constitution of Kenya 2010, County Government Act 2012 and the Public Finance Management Act 2012, the Commission through its regional offices (Kisumu, Malindi and Kitui) participated and provided technical support to Bungoma, Migori, Kwale and Makueni Counties during the capacity building of Members of County Assembly, Executives and community members on fiscal accountability through public participation.

The overall goal of the capacity building workshops was to promote fiscal accountability through engendering budgets in counties by engaging, informing, influencing and sustaining community actions in the counties. More specifically, the workshops sought to develop a basic understanding of engendering budgets (GRB) and ensure budgets are sensitive to the needs and opportunities available for youth, PWDs, older members of society, women and men, girls and boys. The Commission emphasized the need by counties to implement the provisions of the guidelines to Gender Responsive Budgeting developed by the NGECE.

b) Equality and Inclusion in the National Registration Processes for SIGs

The Commission through the Kilifi Regional Office monitored the mass registration for PWDs organized by the National Council for Persons with Disability (NCPWD) in Ziwani, Mombasa County in June 2019. An estimated 300 people were in attendance and a total of 225 PWDs registered. The Commission noted the need for county governments to review or waiver the fees charged for a medical assessment for PWDs since it is not affordable to most of them.

Besides, the Commission monitored the registration of births of minority and marginalized groups and other SIGs across three Sub-counties in Kilifi including Malindi, Kilifi North and Marafa where community members were sensitized on the role of NGECC, its mandate and their rights including access to crucial documents and services such as birth and death certificates, identification documents and other government services. The Rapid Results Initiative (RRI) by the State Department of Civil Registration was part of fast-tracking the issuance of birth and death certificates across the country. A total of 668 (268 males and 400 females) and 2 PWDs were registered for birth certificates during the exercise. The Commission documented some of the challenges hampering the acquisition of birth certificates by minority and marginalized groups, which include: lack of identity cards of parents, the long vetting process, and low literacy levels. Also, marginalized groups travel to their ancestral homes to get their relatives or parents identification documents as proof of citizenship of their parents. As a result, most of them have resigned to not seeking these key services resulting in their children to suffer the consequences.

c) Equality and Inclusion in the Judiciary

During the period under review, the Commission finalized an assessment of equality and inclusion in the Judiciary. The study sought to analyze the gender sensitivity and responsiveness of the Judiciary in its internal operations as well as delivery on its external mandate. The report was validated in May 2019 and brought together 95 participants including judges, magistrates, court clerks and other employees of the Judiciary. The Commission and Judiciary will launch the report in the FY 2019/2020. Some of the key findings from the Audit include:

- Judges have an internal voluntary agreement based on which they elect alternating genders to positions of Principle Judge in High Court and the Employment and Labour Relations Court.
- The Judiciary lacks a comprehensive Gender Policy.
- The Judiciary has no Affirmative Action Policy.
- A body of constitutional jurisprudence on gender equality that recognizes historical gender discrimination has started to slowly develop within the Judiciary.

d) Equality and Inclusion in Private Sector

The Commission assessed the status of equality and inclusion in 62 private companies registered with the Nairobi Securities Exchange within the period under review. The number of board members and directors varied from four to 12. The method of the study involved desk review, self-administered questionnaires through the Capital Markets Authority (CMA) and call-back for clarification of facts from various institutions.

The total membership of the assessed boards was 544 directors. Out of the 62 assessed boards, 128 board members were women as shown below in Table 1.

Table 1: Percentage distribution of women and men who are Chairpersons of Boards in companies registered with the Nairobi Securities Exchange

Position	Women	%	Men	%	Total
Board members	128	24	426	78	544
Women Chairpersons to the Board	8	13	87	88.9	62

Data Source: NGE Database, 2019

- Out of the 62 companies assessed, 24% of board members were women as compared to 78% of men
- 13% of the companies had women as Chairpersons to the Board.
- Only 23% of companies had met 33% and above gender threshold representation.

There was notable increase in the number of women who were chairs of the boards in 2018/19 as compared to 2017/2018 year where women chairs accounted to 11.3%.

e) Equality and Inclusion in Public Universities

Within the period, the Commission assessed 30 public universities on the integration of the principles of equality and inclusion in the University Councils. In particular, the Commission assessed the number of women who were chairpersons to the University Councils. Out of the 30 public universities assessed, 23.3% of the Councils were chaired by women.

- 4 universities had equal number of men and women (50%) in their boards
- There was no representation of persons with disabilities in the Councils
- There was no youth representation in the Councils

- 33.3% of the Universities did not accomplish the 2/3 gender principles in their board members while 66.6% of the universities (20) had met the 2/3 gender threshold.

f) Equality and Inclusion in Elections

The Commission printed and launched a publication following the monitoring and observation of the 2017 general elections dubbed “*The Milestone: Equality and Inclusion in the 2017 Kenya General Elections*”, which proposes a raft of recommendations to actors in the electoral cycle to enhance opportunities for participation of special interest groups in future elections. Some of the recommendations include; design of elections behaviour change campaign to influence people's attitude to support women and other SIGs in elections; funding women and other SIGs candidates in elections; adequate training of SIGs to prepare them for elections and enforcement of administrative and policy frameworks on elections to eliminate electoral malpractices.

Further, the Commission through the Kisumu regional office was accredited to observe the participation of Special Interest Groups (women, youth, persons with disabilities, the minorities and marginalized communities) in the by-election in Ugenya Constituency. The Commission observed the participation of SIGs in the electoral process; the extent of the integration of principles of gender equality and freedom from discrimination in the electoral processes; the extent to which the election process adhered to constitutional and other legal provisions, and documented the extent of integration of the principles of equality and inclusion of special interest groups in the electoral processes.

The Commission team participated in a one day observers' briefing on 3rd April 2019 and observed the voting process in six locations which included the following polling stations: Ukwala Boys Primary School, Siwar Primary School, Lifunga Primary School, Undhine Primary School, Sega Township Primary School and Ligose Primary School.

The team documented the following general observations of the voting process in the sampled polling stations:

- Accessibility of the venue and communication to SIGs: All the polling stations were accessible to SIGs especially the PWDs and were given priority. However, there were neither braille nor sign language interpreters deployed by IEBC to support the PWDs with hearing or sight disabilities.
- of materials: All the ballot papers, booths, ballot boxes required for the election were available and properly arranged by the IEBC staff. The presiding officers and clerks were well trained to carry out the responsibilities assigned to them.
- Security; Security personnel were adequately distributed in the six polling stations as observed by NGEK, at least four officers were available in each of the polling stations.

- Complaints; There were complaints raised especially by the youth on queuing for too long at times occasioned by the priority given to the elderly, pregnant women, PWDs and the sick. Other delays were caused by the failure of the biometric gadgets to read fingerprints of selected populations such as motorbike riders and the elderly and also malfunction of the gadget due to overheating.

Based on the findings, the Commission recommends that the BVR gadgets should be tested before the voting exercise and if they fail, an alternative voter verification method should be deployed to avoid delays in the voting process. The voters, especially the elderly whose names are in the register but the BVR kit failed, on several occasions to recognize their fingerprints, should be allowed to proceed and vote after their verification using an alternative credible system. Such an intervention will avoid keeping voters at the polling stations for long.

g) Equality and Inclusion in the BIG Four Agenda

The Commission participated in a workshop aimed at building partnerships and mainstreaming gender in the Big Four Agenda. The Commission is committed to ensuring the inclusion of special interest groups in the Big Four Agenda.

2.1.2 Integration of Principles of Equality and Inclusion in Legislative Instruments

The Commission has the responsibility to monitor, facilitate and advise public and private institutions on the integration of the principles of equality and freedom from discrimination in all national and county policies, laws and administrative procedures, standards, regulations and guidelines. Concerning this function, the Commission achieved the following:

a) Legislative Handbook on Principles of Equality and Non-Discrimination

The Commission in partnership with the International Development Law Organization developed a legislative handbook on Principles of Equality and Non-Discrimination. The handbook clarifies the different roles of legislators at the National Assembly, Senate and County Assemblies in coming up with responsive laws, rules and regulations and policies that address equality and inclusion issues. Properly used, the handbook is an invaluable tool for the realization of gender equality and the inclusion of SIGs in mainstream society. The handbook guides every step of these processes and should be a critical legislators' companion in service delivery in Parliament, County Assemblies, State departments, State and non-State agencies that have a stake in gender equality and inclusive development. The Handbook was launched on 30th October 2018 at the Intercontinental Hotel where members of the National Assembly, the Senate and County Assemblies were represented.

b) Prototype Guidelines for Safe Houses

The Commission with support from Jamii Thabiti Project commissioned a scoping study intending to provide an analysis of existing policy and legislative frameworks, plans, facilities and actual implementation mechanisms of protection for survivors of Sexual and Gender-Based Violence (SGBV) in selected counties using a survivor-centered and rights-based approach. The study that was implemented by Collaborative Centre for Gender and Development through Coffey International, recommended the development of model guidelines to establish, manage, govern and run shelters/ homes for services of SGBV by State and non-State actors in Kenya.

Through the involvement of stakeholders from State and non- State actors and in partnership with key stakeholders, NGECE commenced a process of developing model guidelines on safe houses/shelters. Once completed, the guidelines will provide minimum consideration of standards for the development and establishment of safe houses/ shelters at the national and county level. So far, the prototype guidelines have been subjected to internal review and external validation.

c) County Government Policy on Sexual and Gender-Based Violence and the Model Legislative Framework on Sexual and Gender-Based Violence

Section 8(b) of the National Gender and Equality Act No. 15 of 2011 mandates the Commission to advise county governments on the integration of the principles of equality and freedom from discrimination. In line with this mandate, the Commission developed a Model Legislative Framework to provide guidelines to the county governments on critical elements and considerations for law on SGBV. The Legislative Framework further aims to provide a mechanism for coordinating the response to the prevention and management of Sexual Gender-Based Violence (SGBV). The Commission reprinted 700 copies of the County Government Policy on Sexual and Gender-Based Violence and the Model Legislative Framework on Sexual and Gender-Based Violence for County Governments and disseminated the same in Bomet, Kitui, Kwale, Meru and Kirinyaga counties. The main objective was to enhance knowledge to duty bearers and rights holders towards adherence with the National Framework on Gender Equality and GBV. A total of 117 participants were reached with representation from County Executive, County Assemblies, learning institutions, Faith-Based Organizations (FBOs) and Civil Society Organizations (CSOs). So far, several counties, for example, Bomet, Kilifi, Kwale have developed draft Sexual and Gender-Based policies based on the guidelines. Meru County is the first to formulate a robust policy on SGBV that was not only approved by the Executive but passed through procedural debate in the County Assembly.

d) Dialogue Forums to Ensure Compliance with the Principles of Equality and Inclusion

i. The Constitution of Kenya (Amendment) Bill No. 4 of 2018 (Duale 2) on the Not More Than Two-Thirds Gender Principle

The Commission held legislative dialogue sessions with members of the National Assembly and Senate on 17th October 2018 to drum up support for the Constitution of Kenya (Amendment) Bill, 2018 popularly known as the, "*Two-Thirds Gender Bill*" or "*Duale Bill*". The Bill sought to implement Article 81(b) of the Constitution by ensuring that the membership of the National Assembly and the Senate conforms to the not more than two-thirds gender principle. Further, the Commission held a breakfast meeting with journalists and editors who were sensitized on the contents of the not more than "*Two-Thirds Gender Bill*" to ensure fair and positive coverage of debates.

Also, the Commission with support from UN Women launched a publication "*the Journey to Gender Parity in Political Representation*" which documents the processes, lessons learned and missed opportunities in the development of mechanisms for the realization of the not more than two-thirds gender principle. The publication covers the period 2012 to 2018 and will be useful in informing any further efforts and discussions on this matter. It is clear in this publication that no country has achieved the not-more than two-thirds gender principle or any quota representation through the First-Past-the-Post Electoral Architecture. During the launch, the Commission noted the need for a national dialogue on the not more than two-thirds gender principle in addition to the exploration of other mechanisms including Article 100 of the Constitution of Kenya for the promotion of greater representation of Special Interest Groups

ii. Building Bridges Initiative

The Commission presented to the Building Bridges Initiative (BBI) taskforce practical solutions for addressing the persistent exclusion of selected communities and groups in the electoral processes with a focus on the most vulnerable populations. The Commission limited itself to three out of the nine key issues of the Terms of Reference of the BBI taskforce. The three are: divisive elections, inclusivity and devolution. Key among these solutions is the creation of the national and county electoral colleges to safeguard the electoral positions of PWDs, minorities, youth among others. Other recommendations given are on accessibility to built environments for all persons with limited mobility, and the use of health money cards for health programs among others.

iii. Age of Consent for Sex

Based on the public debate on the age of consent for sex that was sparked by a Court of Appeal judgment in March 2019 that invited national discourse on mechanisms for dealing with children offenders under provisions within the Sexual Offences Act 2016, the Commission in fulfillment of its mandate, organized a forum drawing stakeholders from different public and private sectors including; academia, justice, education, health, children rehabilitation institutions, children, among others to discuss the substantive issues on the age of consent for sex, anticipated consequences of either decision and make policy recommendations to the State.

The Commission received 29 institutional-based memoranda on the matter. Among agencies that made submissions include: Ministries, Council of Governors, associations of persons with disabilities, youth, former children assembly officials and agencies working with children, research agencies, professional associations, universities, the Judiciary, constitutional commissions, religious bodies, and older members of society among others. The report will be validated and launched during the financial year 2019/2020. The recommendations of the report will inform the review of the ongoing discussions on the amendment to the Sexual Offences Act. The recommendations will also inform programmatic interventions necessary to reduce the prevalence and incidence of sexual activities among minors and/ or with minors.

iv. Inclusive Urban Transport

To compliment efforts of the Kenya government towards the development of policies supportive of inclusive urban transportation, UN-Habitat, the National Gender and Equality Commission (NGEC), the National Transport and Safety Authority (NTSA) and the Institute of Transportation and Development Policy (ITDP), designed a project in 2018 titled, *"Access and Mobility: The Implications of Universal Access on Groups in Vulnerable Situations in Nairobi"* which commenced in April 2019.

The Commission held consultative meetings on the project with vulnerable persons with limited mobility including persons with disabilities, women, youth, children, and older members of society, State agencies responsible for transport matters in Kenya including National Transport and Safety Authority, Nairobi area Metropolitan Transport Authority (NaMATA), Ministry of Transport, Infrastructure, Housing and Urban Development, Ministry of Labour and Social Protection, National Council for Persons with Disabilities, County Governments of Nairobi and Kiambu, investors in the *matatu* sector and their crews, vehicle assembling and bodybuilding firms, agencies that have demonstrated that inclusive public transport is possible through modifications of their own buses such as Kenya Institute of Special Education (KISE) and Kenya Community Centre for Learning (KCCL) and members of parliament aimed at embedding the concept of universal accessibility in the formulation of transport policies, regulations and practice as well as consider lessons learned and best practices on this sector.

The Commission received commitments from Parliament, national and county governments, development partners and the private sector in ensuring that the right to access of public infrastructure among persons with limited mobility including children, older members of society and persons with disabilities and women are protected and promoted. Nairobi County Government has so far implemented some of the commitments i.e. installation of Digital Zebra Crossings in selected highways.

Some of the key recommendations and commitments from these consultative forums on inclusive urban transport include:

1. The need for urban infrastructure that allows inclusive universal accessibility and mobility.
2. The introduction of the concept of smart cities where persons with limited mobility including those with visual impairments are linked digitally to their cities, which makes their mobility and accessibility easy. The information allows them to live independently.
3. The government promotes the use of adapted public transport (matatus and buses) by giving incentives and develop a behaviour change campaign to promote acceptability and positive attitudes towards persons with limited mobility.
4. The need for a comprehensive policy framework that promotes inclusive transport for all.

v. A Legislative Framework to Implement Article 100

The Commission in collaboration with the Office of Attorney General, Kenya Law Reform Commission and the National Assembly Constitutional Implementation Oversight Committee (CIOC) facilitated the development of the Representation of Special Interest Groups Law (Amendment) Bill No. 52 of 2019. After the publication of the Bill, the Commission submitted a detailed memorandum to the CIOC for their consideration during the finalization process of the Bill. The Commission noted that the Country was yet to enact a law on Article 100 contrary to the provisions the Fifth Schedule of the Constitution of Kenya 2010. The lack of this legislative framework has denied special interest groups an opportunity to play a role in the governance process through the legislation making process. In the memorandum, the Commission proposed the establishment of national and county electoral colleges to guarantee fair representation and participation of Persons with Disabilities and youth in legislative assemblies.

e. Review of Bills and Policies

During the financial year under review, the Commission reviewed 17 Bills, 9 Policies and 11 Acts of Parliament towards ensuring compliance with the principles of equality and freedom from discrimination as summarized below in Table 2. The review shows an increased consideration of issues of equality and inclusion in legal and policy formulation.

Table 2: Schedule of Policies, Bills and Acts of Parliament Reviewed

SN	BILLS	CATEGORY			KEY RECOMMENDATIONS
		COUNTY	NATIONAL	SENATE	
1	Kenya Uwezo Fund Bill 2019		✓		The Commission noted that the Bill was not clear on the proportion of funds allocated to the youth.
2	Public Procurement and Asset Disposal(Amendment) Bill 2019		✓		The Commission sought clarity on 30% allocation in terms of specific percentage to youth, women and PWDs.
3	Representation of Special Interest Groups Law (Amendment) Bill 2019		✓		The Commission recommended the lowering or waiver of subscription fees for SIGs to membership of political parties; the enhancement of the mandate of the Commission to include oversight powers over the political parties fund to ensure SIGs benefit from the fund.
4	The Equalization Fund Bill 2019		✓		The Commission sought justification as to why only Mandera, Turkana and Wajir were classified as the only marginalized counties.
5	The Constitution of Kenya Amendment Bill No.4 of 2018		✓		The Commission supported the enactment of the Bill for implementing Article 81, 90, 97 and 98 of the Constitution.
6	Mental Health (Amendment) Bill 2018			✓	The Commission recommended the term "mental health practitioners" to include counsellors to cure the acute shortage of psychiatrists.
7	National Social Assistance Bill 2018			✓	The Commission rejected the Bill on grounds that it proposed to take away the functions and powers of the Board of Management of the National Social Assistance Authority under the Social Assistance Act, 2013 and transfer them to the Ministry of Labour and Social Protection.

8	Energy Bill 2018		✓	The Commission advised for the provision of measures of conservation of protected areas which impacts on SIGs.
9	County Wards Development Equalization Fund Bill 2018		✓	The Commission commended the Bill for ensuring equal developments in wards and enhanced equity in the county's development.
10	Natural Resources Sharing Bill 2018		✓	The Commission proposed the addition of a new section in respect to gender equality, equity and non-discrimination and protection of SIGs.
11	Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill 2018		✓	The Commission recommended the deletion of the "preservation of human dignity" and replaced it with, "enforcement of economic and social rights Bill"; deleted the word "persons with limited capabilities" and replaced it with, "persons in need".
12	Nakuru County Gender & Equality Women Empowerment Bill 2017	✓		The Bill was to be redone because it only focused on women and left out issues affecting men.
13	Siaya County Finance Bill 2018	✓		The Commission proposed waiving of licence fees for PWDs.
14	Siaya County Gender & Equality Women Empowerment Bill 2018	✓		The Commission advised on the removal of proposed charges of Kshs. 700 for P3 forms.
15	Nakuru County Disability Bill 2018	✓		The Commission recommended the removal of functions duplicating the functions of NCPD; advised considering different sources of funding of the proposed Disability Fund of Nakuru County.
16	Persons With Disability Bill (Kedipa) 2016	✓		The Commission proposed amendment of the Preamble to include Article 2 of the Constitution; expansion of the definition of the term "Disability" to include long-term physical, mental, intellectual, or sensory impairments.

17	Sexual Assault Forensic Evidence Bill 2018	✓			The Commission advised the re-drafting of the entire Bill for lack of coherence and clarity.
18	POLICIES National Policy on Older Persons and Ageing 2019		✓		The Commission proposed the enactment of legislation to regulate the welfare of older members of society and legal aid programmes initiated by the State to aid older members of society
19	National Policy on the Prevention, Response and Protection from Unlawful Acts		✓		The Commission gave data on SGBV victims to inform on the development of the policy.
20	National Youth Policy 2019		✓		The Commission observed that the policy was a claw back on the gains made by the Youth Council and proposed enhancement of the mandate of the Youth Council for effective implementation.
21	Kisumu County SGBV Policy 2019	✓			The Commission proposed the addition of the term “economic violence” as a form of SGBV.
22	Nakuru County Gender Policy	✓			The Commission identified several gender issues affecting different sectors for consideration in the policy; facilitated the development of the Nakuru gender policy roadmap to guide its development, adoption and implementation.
23	National Policy on Family Promotion and Protection 2019		✓		The Commission advised the State Department of Social Protection to produce an Annual state of the family report.
24	Kilifi County Draft Peace Policy	✓			The Commission recommended the inclusion of SIGs in the County Peace Committees.
25	Political Party Primaries Policy Framework		✓	✓	The Commission recommended the inclusion of accessibility of election materials to SIGs and

				inclusion of Supreme Court Advisory on gender representation.
26	ACTS OF PARLIAMENT Persons with Disabilities Act 2003	✓	✓	The Commission noted that most of the provisions were not in line with the Bill of Rights in the 2010 Constitution and the Provisions of the Convention on the Rights of Persons with Disabilities and recommended its amendment.
27	Political Parties Act 2011	✓	✓	The Commission recommended deleting the term SIGs and replacement thereof with, "youth, women, persons with disabilities, minority and marginalized persons; empowering Registrar of Political parties to decline registration of political parties that do not have the requisite representation of youth, women, persons with disabilities, ethnic, minority and marginalized peoples or groups.
28	Social Assistance Act No 24 of 2013	✓		The Commission recommended the operationalization of the Act for purposes of regulating cash transfer programmes.
29	Elections Act 2011	✓		The Commission recommended amendment of section 104 to include measures on assisted voting for all SIGS including elderly and visually impaired persons and the restating of the age of voting in section 3 of the Act.
30	Election Offences Act 2016	✓		The Commission recommended the inclusion of specific penalties to dissuade the use of children in campaigns/rallies; the amendment of section 16 of the Electoral Code of Conduct to include the youth as a category of SIGs that should be accorded security during elections.

31	Election Campaign Financing Act 2013		✓	The Commission recommended the amendment of section 6 to provide for campaign financing for SIGs based on criteria defined in the regulations.
32	Sexual Offences Act 2006		✓	The Commission recommended the inclusion of "Romeo and Juliet" clauses and the expansion of forms of sexual assault.
33	Kisumu County Persons With Disability Act 2016 Anne	✓		The Commission commended the county government for having a brailled version of the Act.
34	Petroleum (Exploration & Production) Act Cap 308		✓	The Commission commended the facilitation of economic growth by the state and advised on enhanced protection of protected areas in tandem with development projects. That the Act is amended to provide for the shielding of protected ecosystems from the installation of energy production structures, as SIGs depend on these areas for their survival.

2.1.3 Monitoring Institutional and Organization Reporting

In line with the function of receiving and evaluating annual reports on progress made by public institutions and other sectors on compliance with constitutional and statutory requirements on the implementation of the principles of equality and freedom from discrimination, the Commission received, analyzed and evaluated biannual reports from ministries, departments, agencies and county governments for the 2018/2019 financial year. A total of 185 reports were received and processed.

During the year, the Commission noted an increase in the reports received compared to the financial year 2018/2019 (108). This is attributed to the advisories issued by the Commission to all Ministries, Departments and Agencies (MDAs), the Office of the Attorney General, county governments, Parliamentary Service Commission and the Judicial Service Commission. The Commission also undertook the sensitization of various agencies including South Nyanza Sugar Company (Sony Sugar), Coast Development Authority (CDA), State Department for Petroleum, Kenya Institute of Depository Cooperation, Energy Regulatory Commission (Energy Petroleum Regularly Authority) and Kirinyaga University.

2.1.4 State Compliance on Reporting of International and Regional Treaties, Conventions and Protocols

One of the functions of NGEK is to act as the principal organ of the State in ensuring compliance with all treaties and conventions ratified by Kenya that touch on equality and freedom from discrimination and relating to special interest groups including minorities and marginalized persons, women, persons with disabilities and children. During the year under review, the Commission either contributed to Country reports and/or participated in different international treaty body sessions. Section hereunder provides a detailed account of each report.

a) Commission on the Status of Women (CSW)

The Commission participated in the 63rd Commission on the Status of Women (CSW) at the UN General Assembly in New York on 11th – 22nd March 2019, which focused on Social Protection, Public Services and Sustainable Infrastructure. The Chairperson of the Commission, Dr. Joyce Mutinda, made a presentation on the progress in women's economic empowerment. She made a strong case for strengthening visibility, collective voice and representation, improving public sector practices in employment and procurement as well as ensuring protection and reforming discriminatory laws and regulations. The Commission also participated in the Kenya and Sri Lanka side event on women investing in peace as well as a Kenyan side event on Beyond Zero campaign aimed at eradicating maternal and child mortality.

Further, the Commission participated in the pre-and-post-CSW meetings whose objective was to plan and brief stakeholders on the 63rd Commission on the Status of Women (CSW), and during the post CSW meetings, the forum sensitized participants about the action plan on emerging issues based on Kenya's report in addition to discussions on agenda related to women's empowerment and gender equality.

b) Convention on the Rights of Persons with Disabilities (CRPD)

The Commission participated in the 12th session of the Conference of States Parties to the CRPD, at the UN in New York, from 11th to 13th June 2019. The overarching theme of the Conference was *"Ensuring the inclusion of persons with disabilities in a changing world through the implementation of the CRPD"*.

The Commission is also a member of the inter-agency coordination committee spearheading the implementation of the disability priority issues. The Commission will facilitate the committee to develop advisories on sign language and braille services as well as advisories on minimum accessories required at the workplace for different categories of persons with disabilities. Further, the Commission is facilitating other stakeholders to commence the process of ratifying the Protocol to the African Charter on Human and People's Rights on the Rights of Persons with Disabilities in Africa.

c) The UN Open-Ended Working Group on Ageing

The Commission contributed and participated in the UN Open-Working Group Session on ageing which was held between 15th and 18th April 2019, in New York. As a follow-up action, the Commission facilitated the Ministry of Labour and Social Protection to form a technical working group to spearhead the process of ratification of the Protocol to the African Charter on Human and People's Rights on the Rights of Older Persons in Africa.

d) Development of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) Scorecard

The Commission in collaboration with other stakeholders developed a scorecard for use as a performance management tool in the assessment of Kenya's implementation of the Maputo Protocol. The scorecard will support a comparison of the strategic goals against results and aid in the reporting obligations to the African Union's Commission on the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa. The protocol is a legal framework negotiated by Africans for Africans and it addresses the contextual realities of girls and women in Africa. It addresses issues of harmful cultural practices, traditions and gender-specific stereotypes that continue to entrench discrimination against women, and the right to a positive cultural context. The scorecard will be validated and published during FY 2019/2020.

e) Beijing Declaration Platform for Action +25 Report

The Commission participated in the development of the Beijing Declaration and Platform for Action +25 Country Report. The national report assessed the progress made in the implementation of the Beijing Declaration and Platform for Action in Kenya.

f) Kenya National Action Plan on UNSCR 1325

NGEC has been an active member of the Kenya National Action Plan on UNSCR 1325 Steering Committee. The Commission actively participated in the review of the progress made by all actors on the implementation of the 2016-2018 action plan on Women Peace and Security; in preparation of Kenya's reports to UNSC and AU; and, review of a roadmap that will inform the second generation KNAP 2019-2023 on UNSCR 1325.

g) Universal Periodic Review

The Commission participated in the development of the Country position paper on the 3rd cycle of Universal Periodic Review (UPR) to be held in Geneva in 2020. The UPR is a unique process which involves a review of the human rights records of all UN member states. The UPR is a State-driven process, under the auspices of the Human Rights Council, which provides the opportunity for each State to declare what actions they have taken to improve the human rights situations in their countries and to fulfill their human rights obligations.

2.2 Investigations and Redress

2.2.1 Public Interest Litigation

In the 2018-19 financial year, the Commission was involved in ten public interest litigation cases meant to enhance respect for human rights, access to justice, equality and inclusion for special interest groups in the social-economic development agenda. These are summarized below in table 3.

Table 3: No. of Cases on Discrimination Received by the Commission in FY 2018-2019

NO.	CASE NUMBER	PARTIES IN THE CASE			OVERVIEW OF THE CASE	STATUS
		Petitioner	Respondent	Interested Party		
1.	Petition 313 of 2015	1. Peter Solomon Gichira	1. The Attorney General 2. National Gender and Equality Commission		The issue in the matter is whether the term “gender” as contained in the constitution connotes the conventional binary male or female genders or includes a '3rd gender' and whether not more than two-thirds gender discourse should include a 3rd gender with a distinct quota in the National Assembly and the Senate.	The case was compromised following the filing of the Report of the Intersex Taskforce on Policy, Legal, Institutional and Administrative Reforms and a mechanism established to ensure the report is implemented.
2.	Petition 12 of 2016	2. National Gender and Equality Commission,	1. Cabinet Secretary, Ministry of Interior and Coordination of National Government, 2. The Attorney-General,	1. National Police Service Commission, Interested Party	The matter concerns the National Assembly's act vide the Statute Law (Miscellaneous Amendment) Act, 2015 to delete section 14(b) of the National Police Service Act (No. 11A of 2011) which was a key provision containing the Constitutional framework for mainstreaming gender equality in the National Police Service especially at	An interlocutory ruling issued denying the Commission conservatory orders. Matter pending hearing on the main petition.

					<p>top leadership as required by Article 27(6) and (8) of the constitution which the commission challenges.</p>	
<p>3</p>	<p>Petition 605 of 2014</p>	<ol style="list-style-type: none"> 1.SWK, 2.PAK, 3.GWK, 4.AMM, 5.Kenya Legal and Ethical Issues Network on HIV & AIDS (KELIN), 6.African Gender and Media Initiative Trust (GEM), 	<ol style="list-style-type: none"> 1. Médecins Sans Frontières- France, 2. Pumwani Maternity Hospital, 3. Marie Stopes International 4. County Executive Network on HIV & AIDS 5. The Hon. Attorney General, 6.General, Committee 7. Member in Charge of Health Services– Nairobi County, Cabinet Secretary, Ministry of Health, 	<ol style="list-style-type: none"> 1. National Gender and Equality Commission, <i>amicus curiae</i> 	<p>This matter concerns the issue of forced and coerced sterilization of women living with HIV and AIDS and violation of constitutional rights especially sexual reproductive health rights.</p>	<p>Hearing of the matter ongoing.</p> <p>NGEC has prepared an amicus brief for filing at the close of the case.</p>
<p>4</p>	<p>Petition 606 of 2014</p>	<ol style="list-style-type: none"> 1.LAW 2.Kenya Legal and Ethical Issues Network on HIV & AIDS (KELIN), 3.African Gender and Media Initiative Trust (GEM), 	<ol style="list-style-type: none"> 1.Marura Maternity & Nursing Home, 2.County Executive Committee Member in Charge of Health Services–Nairobi County, 3.Cabinet Secretary, Ministry of Health, 4.The Attorney General 	<ol style="list-style-type: none"> 1. National Gender and Equality Commission, <i>amicus curia</i> 	<p>This matter concerns the issue of forced and coerced sterilization of women living with HIV and AIDS and violation of constitutional rights especially sexual reproductive health rights.</p>	<p>Hearing of the matter ongoing.</p> <p>NGEC has prepared an amicus brief for filing at the close of the case.</p>

5 Petition 266 of 2015, FIDA and others vs. Ministry of Health and others

1. Federation of Women Lawyers (FIDA-Kenya),
2. JMM through PKM (Suing as Guardian and next friend of JMM),
3. Ruth Mumbi Meshack,
4. Victoria Atieno Awuor,

The Attorney General, The Cabinet Secretary Ministry of Health, The Director of Medical Services,

1. Kenya Christian Professionals Forum-
2. East Africa Centre for Law and Justice,
3. Catholic Doctors Association,
4. Rev. John Mbugua,
5. Nazlin Umar Rajput,
6. Article 19,
7. Physicians for Human Rights,
8. Women's Link Worldwide, 1st Amicus Curiae
9. Kenya National Commission on Human Rights, 2nd Amicus Curiae
10. National Gender and Equality Commission, 3rd Amicus Curiae

The matter concerns the actions of the Ministry of Health through the Director of Medical Services to withdraw the Standards and Guidelines for reducing morbidity and mortality from unsafe abortion in Kenya, largely addressing the issue of unsafe abortions as a main cause despite the Constitution permitting abortion if, in the opinion of a trained health professional, there is need for emergency treatment or the life or health of the pregnant woman is in danger.

On June 12, 2019, a five-judge bench of the High Court of Kenya delivered a ground breaking judgement in which it affirmed the spirit and letter of the Constitution.

On all the issues raised, the Court found that:

1. The withdrawal of the Standards and guidelines, the ban on training of health professionals on safe abortion and the use of Medabon, the threat of penal sanctions against the health professionals by the Director of Medical Services were unlawful, illegal, arbitrary and unconstitutional and thus the standards and guidelines and the training curriculum continue to exist as if they were never withdrawn.
2. The Constitution provides for a right to abortion where, in the opinion of a trained health professional there is need for emergency treatment, or that the life or health (mental, psychological or physical) of the mother is in danger, or if permitted by any other written law.

3. Abortion is permitted in Kenya if a pregnancy results from rape or defilement, and in the opinion of a trained health professional, it endangers the physical, mental and social well-being of a woman.
4. The blanket prohibition of abortion under the Penal Code cannot stand because it is inconsistent with the provisions of the Constitution as well as the Sexual Offences Act.
5. Kenya's refusal to be bound by Article 14(2)(c) of the Maputo Protocol to the African Charter on Human and People's Rights does not affect to the extent that those provisions of the Protocol mirror those in Article 26 (4) of the Constitution of Kenya, which is binding.
6. Trained health professionals who are permitted by the Constitution to make an opinion that an abortion is necessary to include nurses, clinical officers, and midwives in addition to doctors and specialist obstetrician-gynecologists.

7. The court agreed with and adopted the World Health Organization's definition of health to mean "***a state of complete physical, mental and social well-being, and not only the absence of disease or infirmity.***"

The Court made the following orders:

1. That by withdrawing the Standards and Guidelines and the training curriculum and by banning training and use of Medabon, the MOH violated and or threatened the right of women and adolescent girls of reproductive age to the highest attainable standard of health, right to non-discrimination, right to information, consumer rights, and right to benefit from scientific progress;
2. That by banning the training of health professionals and use of Medabon, the MOH violated and/ or threatened the rights of health care professionals to information, freedom of expression and association, consumer rights, and right to benefit from scientific progress;

3. That the acts of withdrawing the Standards and Guidelines and National Training Curriculum, the banning of training and use of Medabon were unlawful, illegal, arbitrary, unconstitutional, and were therefore void;
4. That abortion is allowed in cases of emergency, to save the life or health of the mother, and as provided by any other written law. Abortion is also allowed in cases of rape or defilement if in the opinion of a trained health professional the pregnancy poses a danger to the life or the health of the mother.
5. That the government of Kenya should pay PKM a sum of **Kshs 3,000,000** being compensation for the physical, psychological, emotional and mental anguish, stress, pain, suffering and death of JMM occasioned by the violation of JMM's constitutional rights

Matter consolidated with petition 401 of 2017.

Case pending hearing and determination. Coming for hearing on 11th December, 2019.

The matter concerns the 8th August, 2017 elections where the two-thirds gender principle was expected in representation in

1. Centre for Rights Education and Awareness (CREAW),

6 Petition No. 397 of 2017

		<p>1st Petitioner, Crown Trust, 2nd Petitioner,</p> <p>3. Speakers National Assembly and Senate, Respondents</p> <p>4. National Gender and Equality Commission, Amicus Curie</p>			<p>the National Assembly and the Senate.</p>	
<p>7</p>	<p>Judicial Review case No.11 of 2017 of 17th January 2017.</p>	<p>1. Republic, Applicant</p>	<p>1.National Assembly 2.Cabinet secretary, Ministry of Environment, 3. Attorney General,</p>	<p>1. John Kioli, 2. Charles Mwangi, 3. Cynthia Wachabe, 4. The Green Belt Movement, 1stEx <i>Parte Applicant</i> 5. Pan-African Climate Justice Alliance 2ndEx <i>Parte Applicant</i> 6. Transparency International Kenya, 3rdEx <i>Parte Applicant</i> 7. National Gender and Equality Commission, Amicus curie</p>	<p>The matter in contention concerns the appointment of members to the National Climate Change Council to represent the civil society by the parliament.</p> <p>The proposed members of the council did not meet the two-thirds gender principle as required by section 7 of the Climate Change Act, No. 11 of 2016 informing our joining the case.</p>	<p>Judgement delivered by Lady Justice E. Aburili. Case on appeal</p> <p>Notice of Appeal filed on 12th October, 2018</p>

8 Petition No. 371 of 2016 of 2017 of 6th October 2016

1. Centre for Rights Education and Awareness (CREAW),
2. Crawn Trust,
3. Kenya National Commission on Human Rights,

1. The speaker of the National Assembly,
2. Speaker of the Senate,
3. The Attorney General,

1. Kenya Human Rights Commission
2. Federation of Women Lawyers (FIDA)
3. **National Gender and Equality Commission, 1st Amicus Curiae**
4. Law Society of Kenya, 2nd Amicus Curiae

The matter concerns the failure by parliament to develop a framework for the implementation of the two-thirds gender principle and consequently seeking dissolution of parliament.

The petition was allowed and the Judge (John M. Mativo) made the following orders;

a. A declaration be and is hereby issued that the National Assembly and the Senate have failed in their joint and separate constitutional obligations to enact legislation necessary to give effect to the principle that not more than two thirds of the members of the National Assembly and the Senate shall be of the same gender.

b. A declaration be and is hereby issued that the failure by parliament to enact the legislation contemplated under article 27 (6) & (8) and 81(b) of the Constitution amounts to a violation of the rights of women to equality and freedom from discrimination and a violation of the Constitution.

c. An order of mandamus be and is hereby issued directing Parliament and the Honourable Attorney General to take steps to ensure that the required legislation is enacted with **A PERIOD OF SIXTY (60) DAYS** from the date of the order and to report the progress to the Chief Justice.

d. That it is further ordered that if parliament fails enact the said legislation within the said period of **SIXTY (60) DAYS** from the date of this order, the Petitioners or any other person shall be at liberty to petition the Honourable Chief Justice to advise the President to dissolve Parliament.

e. That the Respondents do pay costs of this petition to the petitioners.

National Assembly and Senate filed Civil Appeal No. 148 of 2017 which was dismissed .

SIG concerned here is women.

Hearing of the matter finalized.

Appeal dismissed on 5th April, 2019 by the Court of Appeal.

Judgement of Mativo in Petition 371 of 2016 upheld.

The National Assembly and Senate appealed the judgement of Mativo in Petition 371 of 2016 which gave parliament 60 days to enact legislation from March, 29th 2017.

1. Centre for Rights Education and Awareness (CREAW),
2. Crawn Trust,
3. Kenya National Commission on Human Rights,
4. Hon. Attorney General,
5. Kenya Human Rights Commission
6. Federation of Women Lawyers (FIDA)

1. The speaker of the National Assembly, 1st Appellant
2. Speaker of the Senate, 2nd Appellant

9 Civil Appeal No. 148 of 2017

			<p>7. National Gender and Equality Commission, Law Society of Kenya,</p>			
<p>10</p>	<p>Civil Appeal No.28 of 2017 on Social Assistance Act, 2013</p>	<p>1.The National Gender and Equality Commission,</p>	<p>1.The Cabinet Secretary, Ministry of Labour and Social Security, 2.The Attorney General.</p>		<p>The matter concerns the Cabinet Secretary, the Ministry of Labour and East African Community Affairs & another acting ultra vires and its failure to implement the Social Assistance Act 2013 and acting ultra vires in contravention with Article 43 of the Constitution of Kenya 2010.</p>	<p>The case dismissed at the High Court. Appeal filed out of time and this did not proceed.</p> <p>The SIGs concerned include the elderly, Persons with Disabilities, youth and children.</p>
<p>11</p>	<p>Petition 409 of 2017 NGEC v. IEBC</p>	<p>1. The National Gender and Equality Commission,</p>	<p>1. Independent Electoral and Boundaries Commission (IEBC)</p>		<p>Matter challenging 2017 elections nominations</p>	<p>The case was dismissed on a technical ground that individual complainants should have filed election petitions in Election Courts. It is currently pending appeal. This was a departure from Petition 147 of 2017, National Gender and Equality Commission v Independent Electoral and Boundaries Commission & another [2013] where NGEC's petition was partly successful leading to repetition</p>

of the allocation of seats for nominations by IEBC.

Copies of the judgements can be accessed on the links below.
<http://kenyalaw.org/caselaw/cases/view/151912/>
<http://kenyalaw.org/caselaw/cases/view/87523>

Appeal ongoing

Judgement delivered on May. Child released to mother's custody.

It concerns rights of Children with disabilities.

The matter is challenging the unlawful detention of minors with mental disability by the Holy Ghost church to receive spiritual healing where he and other children have been chained. It is premised on torture, cruel treatment, denial of the right to health and degrading and inhuman treatment.

NGEC is enjoined as an interested party.

- | | | |
|----|---------------------|---|
| 12 | Petition 23 of 2018 | <ol style="list-style-type: none"> 1. Rose Ajwang (suing as mother & Next friend of Seth Opondo Ojwang), 2. Kenya National Commission on Human Rights V. 3. Holy Ghost Coptic Church of Africa & 6 Others 4. NGEC & 5. National Council of Persons with Disability |
|----|---------------------|---|

<p>13</p>	<p>Nakuru Petition 1 of 2019</p>	<p>1.NGEC V. 2.Majority Leader of the County Assembly of Nakuru 3.Clerk of the County Assembly of Nakuru 4.Speaker of the County Assembly of Nakuru 5.Hon. Stanely Karanja 6.Salaries and Remuneration Commission 7.Jubilee Party 8.Catherine Kamau</p>			<p>The petition is challenging the de-whipping of female nominated MCAs from committees and leadership of the same. It is also challenging the constitutionality of the SRC circular on mileage allowance for nominated MCAs.</p>	<p>Judgment delivered on 29th July 2019. However, the County Assembly of Nakuru filed a Notice of Appeal on behalf of the 1st to 4th Respondents on 8th August, 2019.</p> <p>Salaries and Remuneration Commission however complied by issuing a circular Ref.No. SRC/TS/CGOVT/3/61 guiding that all nominated Members of County Assembly shall be paid mileage allowances on same basis as elected members. Copy of the Judgement can be accessed on http://kenyalaw.org/caselaw/cases/view/178745/</p>
<p>14</p>	<p>Marsabit Petition 1 of 2017</p>	<p>Qabale Diba Badake & 2 others</p>	<p>Marsabit County Public Service Board and 3 others</p>	<p>NGEC</p>	<p>The petition challenges the recruitment exercise of chief officers at Marsabit County where PWDs were not considered despite applying and being qualified.</p>	<p>Matter coming up for judgement on 20th November 2019.</p>

15

Petition No. 74 of 2019

- 1.Mohammed Arif Khan (suing on behalf of and the next friend of MK and RK (Minors)
- 2.The Chair man of the Council of Kenyan Muslims
- a.Versus
- 3.The Board of Directors Oshwal Academy Limited

- 1.National Gender and Equality Commission
- 2.Kenya National Commission on Human Rights
- 3.The Cabinet Secretary, Ministry of Education
- 4.The Attorney General

The 1st Respondent formulated a school policy that prohibits “ritualistic prayers” in school yet Muslim students and their parents had requested the school to allow them to observe afternoon prayers. The policy also gave the school absolute discretion to decide the progression of pupils to the next level in school, e.g. from lower primary to upper primary.

They consider the actions as a violation of their constitutional rights to religion and worship.

Conservatory orders in the matter issued on 29th March 2019. The matter is currently pending ruling on whether it should be referred to a 3-judge bench.

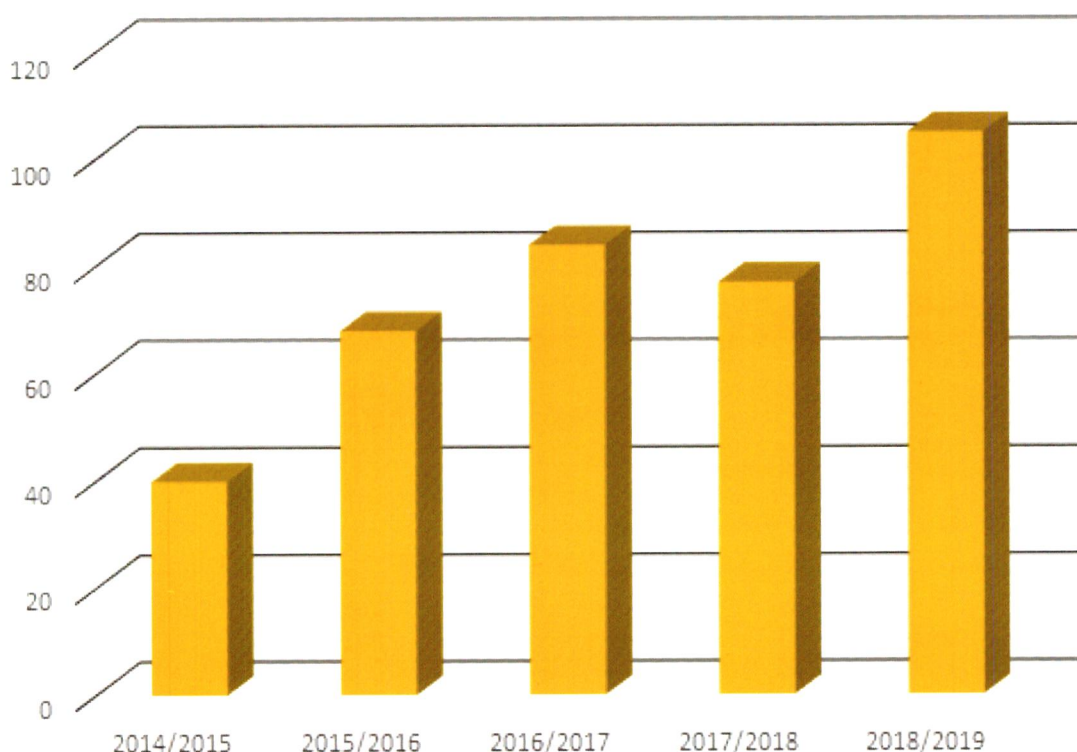
Matter touches on Youth and children’s rights to worship.

2.2.2 Powers Relating to Investigations

Section 8(f) of the National Gender and Equality Commission Act No. 15 of 2011 gives the Commission the mandate to carry out inquiries and investigations from complaints lodged by persons or on its initiative. These include but not limited to receiving, processing and offering redress to complaints that are in respect to the violation of the principles of equality and freedom from discrimination. The complaints emanate from lodged claims. In the 2018/19 financial year, the Commission received a total of 105 complaints on violation of the principles of equality and inclusion. This shows a marked increase compared to the previous financial year when 77 complaints were received and processed. The increase is attributed to public awareness campaigns conducted by the Commission during the period under review.

The complaints revolved around property ownership, gender-based violence, social-economic rights, access to government affirmative economic funds such as youth fund, women enterprise fund, *Inua Jamii* among others, violations of rights by State and other actors and discrimination based on disability. Table 4 annexed summarizes complaints received, processed, and/ or referred. The total number of complaints in 2018/2019 increased compared to other financial years as shown in Figure 1.

Fig.1: Summary of Complaints processed in 2014/2015,2015/16, 2016/17, 2017/18, and 2018/2019.



Data Source: NGECC Database

a) Rapid Assessment on the Status of Implementation of Standards by Children Charitable Institutions in Mombasa County

The Commission conducted a rapid assessment of the status of implementation of standards by Children Charitable Institutions (CCI) in Mombasa County. The exercise was conducted through observations, key informant interviews with National and County Government Administration, children officers, and Focus Group Discussions (FGDs) with the management of the CCIs in Mombasa County.

b) Rapid Assessment in Response to Land and Property Inheritance Conflict in Kwale and Kilifi Counties for Older Persons

In response to press reports on the increased cases of attacks targeting elderly persons in Kwale County, the Commission conducted a rapid assessment to establish the status of the elderly and identify the causes of the attacks in Kwale and Kilifi Counties. The assessment established that the attacks were not because of the alleged witchcraft but were driven by land and property inheritance in the area. The young men in the area felt that if they eliminated their parents, they had better chances of inheriting the properties.

c) Classification of Indigenous Peoples' in Kenya: A Position Paper to Inform Inquiry

The Commission developed a position paper on background and process for the categorization of the indigenous persons in Kenya regarding the World Bank Funded Project. The World Bank Group Inspection Panel had received complaints from seven affected indigenous groups seeking clarification on the classification of indigenous communities in Kenya. To this end, the World Bank Washington office requested NGEK to help their technical office understand the classification and categorization of indigenous persons in Kenya to make informed decisions and guide the Inspection Panel on this issue.

2.3 Public Education and Mainstreaming

During the reporting period, the Commission intensified efforts in creating awareness and educating individuals and institutions on their role in the realization of principles of equality and inclusion. Additionally, the Commission increased collaboration and partnership with the public and private sectors in implementing programmes to enhance participation and representation of SIGs in national and county development through the following interventions:

2.3.1 Public Education

a) Formation of Equality and Inclusion Technical Working Groups (EITWGs)

Equality and Inclusion Technical Working Groups (EITWG) help to improve the coordination and cooperation of agencies dealing with equality and inclusion of the most vulnerable groups.

They support a comprehensive and coordinated approach to managing equality and inclusion of Special Interest Groups in all spheres of life, contribute to a shared vision, integrated strategies and approaches among stakeholders to better address emerging issues of equality and inclusion. During the period under review, the Commission formed six (6) EITWG in the following counties: Nyandarua, Turkana, Kitui, Tana River, Nyamira and Kilifi. During the launch, the stakeholders were also sensitized on NGECS mandate and equality and inclusion principles.

Also, with support from Jamii Thabiti, the Commission strengthened five EITWGs in Mandera, Wajir, Siaya, Kisumu, Kwale and Baringo counties through the provision of technical capacity to enable them effectively discharge their duties.

b) Prevention and Response to GBV in Schools

The Commission organized a consultative meeting with teachers on prevention and response to GBV in select primary schools. The activity was aimed at sensitizing teachers and enhancing their understanding of gender and GBV in schools; create awareness on legal and policy frameworks on GBV and increase knowledge on response to school-based SGBV. The sensitization workshop was held as part of the activities to commemorate the 16 Days of Activism against GBV. A total of 45 teachers, including 23 headteachers, and 22 guidance and counselling teachers drawn from twenty-three (23) primary schools from Nairobi, Kiambu, Machakos, Kajiado and Nakuru Counties were reached. The key outcome of the training was that teachers acquired knowledge and will replicate it in other schools at sub-county levels in their respective counties.

c) The 4th Annual Legislative Summit, 2019 in Kisumu

The Commission participated in the 4th Annual Legislative Summit held in Kisumu from 13th to 17th April 2019. The Commission also participated in the pre-summits to the Legislative Summit on Youth, Persons with Disabilities and Women held between 13th and 14th April 2019. The Legislative Summit is an annual conference of county legislatures across the country. The summit is aimed at promoting positive engagement between the Senate, County Assemblies and other institutions relevant to devolution as well as providing capacity-building and technical assistance to county assemblies to enable them effectively execute their legislative and oversight roles in the devolved system of government. The Summit 2019 sought to build on the gains of the previous three legislative summits whilst providing an avenue for Kenya legislatures to critically interrogate their roles in the devolved governance structure, six years after its implementation began. The theme was *"Accelerating devolution; assessing the achievements and addressing the gaps in policy and legislation"*. The Commission presented a snapshot of the recommendations presented to the BBI Taskforce on inclusivity and the elimination of divisive politics. Further, the Commission held dialogues with the legislators and other devolution stakeholders on mainstreaming gender equality and inclusion, which led to concrete resolutions designed to mainstream gender quality and inclusion in all the policies, laws and regulations.

d) Second Children's Devolution Conference

The Commission participated in the 2nd Children Devolution conference in February 2019 at Nairobi Primary School, Nairobi. The Commission advocated the integration, inclusion and participation of all categories of children in the devolution agenda. The Commission was also part of the core team that developed a joint children's communique presented by the children during the annual devolution conference in Kirinyaga.

e) The KIPPRA Annual Regional Conference

The Commission participated in the Kenya Institute for Public Policy and Research (KIPPRA) Annual Regional Conference held on 11th-13th June 2019 in Mombasa. The conference brought together delegates comprising officials from national and county governments, representatives of national authorities from the regional blocs, regional think tanks, development partners, civil society and special interest groups to share knowledge and discuss policies, legislative, regulatory and administrative frameworks that support a gendered approach to development. The Commission moderated plenary sessions on gender-related policies and laws, universal health coverage, Gender-Based Violence (GBV) and child and forced marriages, access and ownership of land, food safety and nutrition. The Commission also made a presentation on inclusive urban transport and its role and experience in reviewing gender-related policies, regulations, laws and affirmative actions.

f) Development of the National Plan of Action (2019-2024) on Violence Against Children (VAC)

The Commission provided technical support in the development of the National Plan of Action (2019-2024) on Violence Against Children (VAC). The Commission also supported the National Children Council in the review and finalization of the guidelines on Child Protection in Emergencies (CPiE). The Commission ensured the integration of the principles of gender and equality in the National Action Plan.

g) Gender and Ageing in African Context

The Commission participated in a workshop on Gender and Ageing in African contexts held on 4th - 5th June 2019. The objective of the workshop was to create interest in the development of a policy-oriented research agenda at national and African regional levels to address issues relating to gender, ageing, and the rights and needs of older people. Participants drawn from the public sector, academia and civil societies in Kenya, Malawi and Ethiopia attended. Some of the recommendations from the workshop included: A need to set up think tanks within the universities to influence policy and curriculum development/ capacity building on the intersection between matters of ageing, gender, and disability; to influence the ratification of the Protocol to the African Charter on Human and People's Rights on the Rights of Older Persons in Africa and to also influence implementation at the local level and ensure that the older persons understand their rights and their voices are amplified in public policy-making processes.

h) Awareness of Rights and Access to Justice for SIGs

The Commission conducted public awareness forums among Special Interest Groups on their rights and access to justice systems in the five counties of Kirinyaga, Nyeri, Isiolo, Kericho and Nairobi. The program supported by IDLO reached 1,014 Special Interest Groups. As a result, the Commission noted an increase in the number of complaints (by more than 100%) compared to other reporting periods. The fora clearly showed the limitations SIGs have in claiming their rights and multiple opportunities through which their access to justice can be promoted through public education and the provision of referral services.

In partnership with National Coalition on Human Rights Defenders, the Commission through the Kisumu Regional Office trained the Vihiga County Court Users Committee and grass-root women human rights defenders about championing the promotion of land rights and protection of women, girls and boys from harmful practices. The members were also trained on a comprehensive response to GBV cases in Vihiga County. Forty (40) community members were trained and encouraged to strengthen the social movement enabling grass-roots women in rural communities to engage with each other, have access to education, information and training opportunities. Also, the training enabled the grassroots women rights defenders to analyze the risks they face and to develop their security and protection strategies.

i) Accountability Campaign: Keeping the Promise to end GBV in Kenya

Keeping the Promise campaign is a nationwide initiative organized and established by NGECS and stakeholders in 2015. The campaign seeks to disseminate and sensitize duty bearers on their roles in ending GBV and in turn strengthening their action and accountability in prevention and response to GBV. The campaign is simultaneously directed to reach both duty bearers and rights holders. During the period under the review, the activity was conducted in Busia, Wajir, and Mandera and with the Nakuru technical working group and reached 255 actors.

j) Promotion of Affirmative Action and Inclusion of Special Interest Groups in the Development Agenda

One of the functions of the Commission is to monitor, facilitate and advise on the development of affirmative action implementation policies. In line with this function, the Commission undertook a desk review to identify existing gaps and opportunities in the affirmative action policies in Kenya. The review established that Kenya lacks a national affirmative action policy but various policies and administrative procedures mention affirmative actions as a strategy to greater involvement of SIGs in the development agenda. The report shall be finalized in the FY 2019/2020 and shall be used to inform state agencies in their efforts to the development of the National Affirmative Action Policy.

2.3.2 Mainstreaming Issues of Equality and Inclusion

Building the Capacities of Agencies on Gender Mainstreaming

During the period under review, NGECE was invited by several agencies to build the capacity of their gender mainstreaming committees on integrating gender perspectives in the annual work plans. Between 9th-12th July 2018 at the Kenya School of Government in Nairobi, NGECE trained Chief Officers from Makueni County on gender mainstreaming. Further, NGECE supported the County in developing a workplace SGBV and a gender mainstreaming policy. On 9th August 2018, NGECE facilitated the Community Empowerment and Social Inclusion Network in reviewing their gender strategy in a workshop held at the Dairy Training Institute (DTI) Naivasha.

2.3.3 Coordination, Strengthened Partnerships and Collaboration

For NGECE to fulfill its mandate on matters of equality and inclusion, the Commission organizes thematic-based coordination meetings bringing together critical actors (national, county, private, academia, non-State actors and researchers) to discuss emerging and priority issues around equality and inclusion. Table 5 below presents the distribution of the coordination meetings by thematic areas for the year under review.

Table 5: Coordination Meetings by Thematic Area for 2018/2019

Theme	No. of Forums	Critical issues discussed
Gender and Women	10	Review of the Maputo Protocol score card GBV in emergencies 16 days of activism <i>National Standard Operating Procedures (SOPs) for Prevention and Response to GBV by National Police Service.</i>
Minority and Marginalized	2	Inclusion of Minority and Marginalized groups in Development Critical role of indigenous groups in the REDD+ strategy
Youth and Children	2	Review of the Youth Policy Age of Consent for sex
Disability and Elderly	5	Dissemination of Final Evaluation of Social Protection Rights Component of the Hunger Safety Net Programme (HSNP) Discussion of preliminary findings on the rights of Persons with Albinism Inclusive Urban Transport Review of the PWD bill awaiting the second tabling in parliament <i>Inua Jamii pilot programme</i> Planning for NONDO on Wheel chair race and Fashion Gala
Equality and Inclusion Technical Working Groups	20	Planning and commemoration of SIGs international and national days in Nakuru Garissa, Kilifi Kisumu and Kitui Sharing reports to inform on the progress of the TWG by members Mapping partners with aim to foster inter agency capacity in addressing issues of equality and inclusion.

		<p>To strengthen response and capacity to handle GBV</p> <ul style="list-style-type: none"> • Support in the review of County policies and laws • Gender-responsive budgeting
<p>Theme based commemoration of National/ International Days for SIGs at county levels</p> <ol style="list-style-type: none"> 1.The International Youth Day 2018 whose theme was 'safe spaces for youth'; 2.The International Day of the Family celebrations with the theme 'Families and Climate Action: Focus on SDG13' across the regions in March 2019. 3.International Day of the girl Child 11th October 4.International day for Persons with Disabilities – 3rd December 5.International Women's Day (8th March) 	7	<p>Creation of critical mass promoting women and youth's rights in participation, development, and governance including political leadership</p> <p>The Commission issued statements reiterating the need to promote equality and freedom from discrimination for SIGs.</p>

- 6. International Day for Older Persons (IDOP)-
- 7. UN World Elder Abuse Awareness day on June 15

2.4 Research and Knowledge Management

Another function of the Commission is to conduct and coordinate research activities on matters relating to equality and freedom from discrimination. During the reporting period the Commission began putting into place mechanisms to strengthen research and knowledge management through the following interventions:

2.4.1 Research

a) Development of a Research Policy

In 2018/2019, the Commission began the process of developing a research policy. The policy is intended to guide the Commission and other stakeholders in their effort to produce credible evidence-based research reports that adhere to conventional research standards. The process began with consultative meetings with experts from Kenyatta University's Capacity Building Division in January 2019. One of the key outcomes of these consultative forums was the need for a sensitization workshop for policymakers and senior management on the rationale for research policy. Consequently, a one-day sensitization workshop was held in June 2019 reaching NGEK policymakers and senior managers (4 policymakers and 8 senior managers). Through this workshop, a roadmap to the development of a research policy was established that includes the identification of a technical team to steer the process. The draft policy shall be available in the next financial year 2019/2020.

b) County Gender Monitoring Matrix

During the year under review, the Commission finalized the development of the County Gender Monitoring Matrix that began in 2014. The Monitoring Matrix was developed with technical support from the World Bank (Kenya Accountability Project), and hosts indicators for monitoring integration of the principles of gender equality and inclusion in service delivery at county government levels. The Matrix builds on other broad frameworks including the Vision 2030, the Monitoring and Evaluation Results Framework for the Integration of the Principles of Equality and Inclusion in Kenya (2016), and the National Monitoring and Evaluation Framework towards the Prevention of and Response to Sexual and Gender-Based Violence in Kenya (2014). The Matrix is organized along three pillars, namely; economic, social and political, mainly selected based on potential influence on gender equality and women empowerment. The data shall be made available through the Knowledge and Management hub at Council of Governors (the Maarifa Centre). Plans are underway to integrate the Commission to the county governments' portal for ease of access to relevant data on equality and inclusion.

c) Monitoring County Interventions

To ensure equality in the distribution of interventions undertaken by NGEK, the Commission has developed a County Monitoring Program to track the frequency of NGEK's intervention by type, intended audience and counties in Kenya.

During the year under review, most interventions were concentrated in areas where the Commission has regional offices meaning the establishment of regional offices is directly correlated to increased community-based interventions in the host counties.

2.4.2 Knowledge Management

a) Developing a Knowledge Management Policy

During the year under review, the Commission embarked on a journey to developing a knowledge management policy. The process began with brainstorming meetings with experts on knowledge management from Kenyatta University. From these sessions, NGEK policymakers and senior management were sensitized on knowledge management at a workshop held at Maanzoni Lodge, Machakos County. The sensitization targeted policymakers, the Commission Secretary, Director and 12 senior members of staff from both the headquarters and regional offices. The team agreed on a roadmap towards the development of a knowledge management policy for the Commission. A fair draft policy shall be available in the next financial year.

b) Diversity in Communication

The Commission, as per its mandate of promoting gender equality and non-discrimination, ensures all documents are available in accessible formats for persons with disabilities. During the year under review, the Commission set up a Braille unit. The unit ensures diversity in communication as a strategy for ensuring access to communication by persons with disabilities. The strategy entails the braille of publications and the use of sign language in all programs of the Commission. Braille documents include publications, advertisements, advisories and any other internal and external communication materials. The accessibility includes but not limited to braille documents, large print and voice-enabled presentations.

CHAPTER THREE

3.0 Institutional Capacity

During the reporting period, the Commission unveiled a 5-year Strategic Plan to run from 2019-2024. The Commission had been implementing an interim Strategic Plan 2017-2022 which was developed during a transition period when the Commission was not fully constituted. The development of this plan was preceded by a review of the past performance of the Commission based on the targets set in the First Strategic Plan implemented between 2013 and 2017. In that analysis, it was established that the Commission made successful and major interventions but also experienced challenges that impeded full execution of its mandate.

The Commission experienced limited financial resources coupled with inadequate human resource especially in technical areas which affected the effective implementation of planned programmes. The Strategic Plan 2019-2024 seeks to build momentum on the successes realized in the initial plan and position the Commission as the institution of choice in providing evidence-based interventions on all matters touching on equality and inclusion. In the new Strategic Plan, the Commission has identified research and knowledge management as a critical strategy in informing policies and programmes for promoting gender equality and freedom from discrimination.

The Commission plans to invest heavily in the development of a database that will consolidate and avail data on the status of integration of principles of equality and inclusion desegregated fully by categories of special interest groups. To retain and consolidate the skill set necessary to run its Programs and Corporate Services, the Commission has initiated plans to convert some of its technical staff on a contracted scheme of service to permanent and pensionable terms which hopefully will be in place in the next Financial Year 2019/2020. The costed budget for the 2019-2024 strategic plan accounts for 16% rationalization from the previous plan's budget and reflects an aggregate budget of Ksh. 3.99 billion for five years. This translates to a projected annual expenditure of Ksh. 800 million.

3.1 Human Resource

During the reporting period, the Commission workforce increased from 72 officers to 98 staff members at the end of the financial year 2018-2019. The Commission also enhanced its staff capacity through various training and development programs. Different professional cadres were trained in their fields of expertise to attain the required continuous professional development.

During the period, the Organization Structure for NGEK and career progression guidelines were reviewed and adapted to respond to the structure. Staff was also sensitized on the two documents to enhance knowledgeability and ownership. The Commission together with the Salaries and Remuneration Commission (SRC) undertook a job re-evaluation to provide for the positions or roles created in the new structure.

The Commission also approved the establishment of a Staff Pension Scheme that will see staff in grades NGEC 10 to 4 convert to new terms once the Scheme is approved by the relevant authorities and registered with RBA.

3.2 Supply Chain

In the 2018-2019 financial year, the Commission's total expenditure on goods and services was Ksh. 69,560,992.67 out of which Ksh. 23,695,778.00 (equivalent to 34%) was awarded to youth, women and Persons with Disabilities.

3.3 Public Communications

During the reporting period, the Commission made policy pronouncements around thematic issues touching on Special Interest Groups by leveraging on major occasions and trending national debates to advise on the integration of the principles of equality and non-discrimination. Among the occasions and national discourses included celebrations of International Women's Day, the rise of reported cases of child pregnancies and the legislation of the two-thirds gender Bill in parliament.

Additionally, the Commission disseminated IEC materials in field public awareness forums among them, the 6th Annual Devolution Conference held in Kirinyaga County, the 7th Annual Conference of Constitutional Commissions and Independent Offices in Meru County, the 2nd National Conference on Female Genital Mutilation in Narok County, public awareness forum on the enactment of legislation to operationalize Article 100 of the Constitution of Kenya 2010 in Narok County and the first Anti-Female Genital Mutilation Conference held at the Kenya Institute of Curriculum Development in Nairobi among others.

3.4 Information and Communication Technology.

Within the same period, the Commission's website registered increased traffic and popularity as a result of sustained search engine optimization (SEO) efforts by the ICT department. The progressive web approach redesign undertaken during the year paid off as mobile devices provided over 60 percent of the traffic compared to desktop computers. The website remains the best ranked among Chapter 59 Commissions. The online complaints tool was revamped to ensure immediate notification to the legal department when a case is lodged thus improving complaints workflow and handling timelines. Kitui and Malindi regional offices were connected with broadband Internet while a new mast was set up at the Garissa office to improve connectivity.

CHAPTER FOUR

4.0 Financial Statements

The gross budget for the National Gender and Equality Commission in the 2018/19 financial year stood at **KShs. 361,815,032**, which comprised of **Kshs. 360,615,032** and **Kshs. 1,200,000** for recurrent and development votes respectively. The actual expenditure was **Kshs. 345,874,370** representing a **96** percent absorption level.

This chapter presents comprehensive financial statements for the year in review.



NGEC

**National Gender and
Equality Commission**

**NATIONAL GENDER AND EQUALITY COMMISSION
REPORTS AND FINANCIAL STATEMENTS
FOR THE FINANCIAL YEAR ENDED
JUNE 30, 2019**



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National Gender and Equality Commission

1st Floor, Solution Tech Place, 5 Longonot Rd, Upper Hill, Nairobi

P.O. Box 27512-00506

Nairobi, Kenya

Landline: +254(020)3213100

Mobile: +254 (709)375100

Toll Free: 0800720187

SMS: 20459

info@ngeckkenya.org

www.ngeckkenya.org

Twitter: @NGECKENYA

www.facebook.com/NGECKKenya

Kisumu Office

Reinsurance Plaza, 3rd Floor, WingB,

Oginga Ondiga Street,

Kisumu Town.

Nakuru Office

Tamoh Plaza, Floor, Kijabe Street,

Nakuru Town.

Garissa Office

KRA Route Off Lamu Road, Province,

Malindi Town.

Kitui Office

Nzambani Park, Off Kitui Referral Hospital Road,

Kitui Town.



NATIONAL GENDER AND EQUALITY COMMISSION

REPORTS AND FINANCIAL STATEMENTS

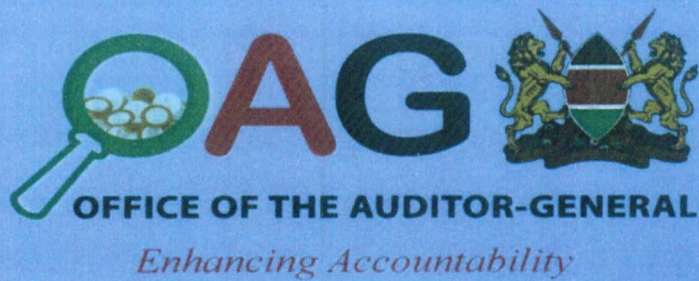
FOR THE FINANCIAL YEAR ENDED

JUNE 30, 2019

**Prepared in accordance with the Cash Basis of Accounting Method under the
International Public Sector Accounting Standards (IPSAS)**



REPUBLIC OF KENYA



REPORT

OF

THE AUDITOR-GENERAL

ON

**NATIONAL GENDER AND EQUALITY
COMMISSION**

**FOR THE YEAR ENDED
30 JUNE, 2019**

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I. KEY ENTITY INFORMATION AND MANAGEMENT

(a) Background Information

The National Gender and Equality Commission (NGEC) is a Constitutional Commission established by the National Gender and Equality Commission Act. No. 15 of 2011 pursuant to Article 59 (4) & (5) of the Constitution of Kenya, 2010. The Commission's mandate is to promote gender equality and freedom from discrimination for all people in Kenya with focus on special interest groups, which include: women, children, youth, persons with disability (PWDs), older members of society, minorities and marginalised groups.

The vision, mission, core values and functions of the National Gender and Equality Commission are:

1.1 Vision

A society free from gender inequality and all forms of discrimination

1.2 Mission

To promote gender equality and freedom from all forms of discrimination in Kenya, especially for special interest groups through ensuring compliance with policies, laws and practice

1.3 Core Values

- a) Fairness
- b) Inclusiveness
- c) Accountability
- d) Teamwork
- e) Integrity

1.4 Functions

The functions of the Commission as provided for in Section 8 of the National Gender and Equality Commission Act No. 15 Act of 2011 are to:

- i) promote gender equality and freedom from discrimination in accordance with Article 27 of the Constitution;
- ii) monitor, facilitate and advise on the integration of the principles of equality and freedom from discrimination in all national and county policies, laws, and administrative

regulations in all public and private institutions;

- iii) act as the principal organ of the State in ensuring compliance with all treaties and conventions ratified by Kenya relating to issues of equality and freedom from discrimination and relating to special interest groups including minorities and marginalized persons, women, persons with disabilities, and children;
- iv) coordinate and facilitate mainstreaming of issues of gender, persons with disability and other marginalized groups in national development and to advise the Government on all aspects thereof;
- v) monitor, facilitate and advise on the development of affirmative action implementation policies as contemplated in the Constitution;
- vi) investigate on its own initiative or on the basis of complaints, any matter in respect of any violations of the principle of equality and freedom from discrimination and make recommendations for the improvement of the functioning of the institutions concerned;
- vii) work with other relevant institutions in the development of standards for the implementation of policies for the progressive realization of the economic and social rights specified in Article 43 of the Constitution and other written laws;
- viii) co-ordinate and advice on public education programmes for the creation of a culture of respect for the principles of equality and freedom from discrimination;
- ix) conduct and co-ordinate research activities on matters relating to equality and freedom from discrimination as contemplated under Article 27 of the Constitution;
- x) receive and evaluate annual reports on progress made by public institutions and other sectors on compliance with constitutional and statutory requirement on the implementation of the principles of equality and freedom from discrimination;
- xi) work with the National Commission on Human Rights, the Commission on Administrative Justice and other related institutions to ensure efficiency, effectiveness and complementarity in their activities and to establish mechanisms for referrals and collaborations in the protection and promotion of rights related to the principle of equality and freedom from discrimination;
- xii) prepare and submit annual reports to Parliament on the status of implementation of

its obligation under this Act;

- xiii) conduct audits on the status of special interests groups including minorities, marginalized groups, persons with disability, women, youth, and children;
- xiv) establish, consistent with data protection legislation, databases on issues relating to equality and freedom from discrimination for different affected interest groups and produce periodic reports for national, regional and international reporting on progress in the realization of equality and freedom from discrimination for these interest groups;
- xv) perform such other functions as the Commission may consider necessary for the promotion of the principle of equality and freedom from discrimination; and
- xvi) perform such other functions as may be prescribed by the Constitution and any other written law.

(b) Key Management

The NGE C's day-to-day management is under the office of the Commission Secretary/CEO. The other members of senior management include:

- (i) Betty Sungura - Nyabuto, MBS - Commission Secretary/CEO
- (ii) Paul Kuria – Director, Programmes and Research
- (iii) Winfred Wambua – Assistant Director, Programmes
- (iv) Wilson Desire - Assistant Director; Legal, complaints, investigation and redress
- (v) Beatrice Cheruiyot – Ag. Finance Manager
- (vi) Lucy Mandago - Human Resources Manager
- (vii) Goretty Osur – Regional Co-ordinator

(c) Fiduciary Management

The key management personnel who held office during the financial year ended 30th June 2019 and who had direct fiduciary responsibility were:

- (i) Betty Sungura - Nyabuto, MBS - Commission Secretary/CEO
- (ii) Paul Kuria – Director, Programmes and Research
- (iii) Winfred Wambua – Assistant Director, Programmes
- (iv) Wilson Desire - Assistant Director; Legal, complaints, investigation and redress
- (v) Beatrice Cheruiyot – Ag. Finance Manager
- (vi) Lucy Mandago - Human Resources Manager
- (vii) Goretty Osur – Regional Co-ordinator

The accompanying financial statements constitute the financial statements for the National Gender and Equality Commission

(d) Fiduciary Oversight Arrangements

i) Audit Committee

Committee members:

1. Kenneth Kuguru – Chairperson
2. Dr. Chomba Munyi – Commission Vice-Chairperson and Member
3. Esther Ngeru – Member representing National Treasury
4. Rosemary Olonde – Member

The Audit Committee was launched in December 2017. The Committee is responsible for strengthening the effectiveness of the internal audit function including regular review of its capacity, review and approval of the Internal Audit Charter and Internal Audit annual work plan.

ii) Advisory Team

Members at Policy level

1. Dr. Joyce Mutinda – Chairperson
2. Dr. Chomba Munyi – Vice Chairperson
3. Hon. Priscilla Nyokabi - Commissioner
4. Dr. Florence Wachira, MBS - Commissioner
5. Betty Sungura– Nyabuto, MBS - Commission Secretary/CEO

The main roles played by the team are:

- To review all financial reports and make recommendation to the Commission; These include expenditure, receipts and procurement quarterly reports;
- Review all financial, procurement and programs quarterly and annual; Work plans;
- Review printed supplementary budget proposals prepared by the Secretariat.

iii) Members at Secretariat Level

- (i) Betty Sungura - Nyabuto, MBS - Commission Secretary/CEO
- (ii) Paul Kuria – Director; Programmes
- (iii) Winfred Wambua – Assistant Director, Programmes
- (iv) Wilson Desire - Assistant Director; Legal, Complaints, Investigations and Redress
- (v) Lucy Mandago – Human Resources Manager
- (vi) Beatrice Cheruiyot – Ag. Finance Manager
- (vii) Goretty Osur – Regional Co-ordinator

The main roles played by the Secretariat include:

- To review and consider the cash flow plans for recommendation to the Commission;
- To review the utilization of the cash limits and consider any changes as may be required;
- To review the utilization of the donor funds voted for the Commission;
- To advise the accounting officer on the challenges related to the budget implementation;
- To review and approve the submission of the payment returns, payroll IPPDs, pending bills

- To participate in budget sector working groups.
- To review budgets, supplementary estimates and performance of budget against actual for the Commission in consultation with the Heads of Department.
- Reviewing and making recommendations on management programs established to monitor compliance with sound public financial management, internal controls, policies, laws, regulations, procedures and the code of ethics.

iv) Human Resource and Advisory Committee:

The members who served the Committee were:

1. Lucy Mandago
2. Sylvester Mbithi
3. John Nzioka
4. Matthew Musau
5. Beatrice Cheruiyot

The roles played by the committee include:

- Review of training plans and training reports;
- Adjudication of disciplinary matters and make recommendations;
- Review Commission's Human Resource policies for technical input;
- Consider and recommend for approval staff training requests;
- Review staff needs and welfare.

*National Gender and Equality Commission Reports and Financial Statements
For the year ended June 30, 2019*

THE COMMISSION



Dr. Joyce Mutinda, PhD
Commission Chairperson



Hon. Priscilla Nyokabi
Commissioner



Dr. Joel Chomba, PhD
Vice Commission Chairperson



Dr. Florence Wachira, MBS
Commissioner

BIOGRAPHIES



Dr. Joyce Mutinda, PhD
Commission Chairperson

Dr. Joyce Mwikali Mutinda is the Chairperson of the National Gender and Equality Commission. She was appointed on August 17, 2018 and sworn in on August 27, 2018. Dr. Mutinda is an accomplished educationist, gender analyst, quality auditor, training consultant and a monitoring and evaluation expert. She holds a Doctor of Philosophy degree in Educational Management from Makerere University in Uganda, a Master of Arts degree in Gender Analysis in Development from the University of East Anglia in the United Kingdom and a Bachelor of Education

degree from the University of Nairobi, Kenya.

Prior to her appointment, Dr. Mutinda was the Chairperson of Rongo University Council. Throughout her career, Dr. Mutinda has served in over fifteen public institutions in the education sector and civil service and undertaken numerous local, regional and international consultancies.

She has published over 20 research papers and reports and is a respected training consultant and facilitator. She has attended over 40 high level workshops and seminars and represented the country in various capacities. At the community level, she has served in various Management Boards of secondary schools and Teacher Training Colleges as well as holding leadership positions in various associations.

Dr. Mutinda is an avid reader and writer, cherishes mentoring the youth, motivating the girl-child and women, conserving the environment and loves singing.



Dr. Joel Chomba, PhD
Vice Commission Chairperson

Dr. Chomba is the Vice Chairperson of the Commission. He was appointed on August 17, 2018 and sworn in on August 27, 2018. He holds a Doctor of Philosophy Degree from Kenyatta University, Doctor of Education (Special Needs Education) from the University of Marylebone, UK, PGDE in Curriculum Development and Evaluation from Kenyatta University, Master's degree in Special Needs Education from Michigan State University, U.S.A, and a Bachelor of Education

from University of Nairobi.

He has served in the Disability Sector as a Chairman in the Disabled Voters of Kenya Alliance (DVA) and Kenya Union for the Blind (KUB). Other memberships include; the Nairobi County Public Service Board, National Council for Persons with Disabilities (NCPWD), Kenya Institute

of Special Education (KISE) Council, Kenya Institute for the Blind (KIB) Board of Management and Nguvu Boys' High School Board of Management.

Prior to his appointment Dr. Chomba worked as a Senior Lecturer at Kenyatta University in the Special Needs Education Department, as Managing Director at Disability Awareness and Development (FAMDAD) Management Consultancy and as an Executive Director at the African Union of the Blind (AFUB).



Dr. Florence Wachira
Commissioner, MBS

Commissioner Dr. Florence Nyokabi Wachira is a Human Resource Management practitioner and a career Public servant. Prior to joining the Commission, she held various positions in the civil service of Kenya where her last appointment was as Director of Recruitment and Selection in the Public service Commission.

She holds a Doctorate degree in Human Resource Management, a Master's degree in Human Resource Development and a Master's Degree in Gender and Development studies. She is a Full member of the Kenya Institute of Management (KIM) and a Chartered member of the UK based Chartered Institute of Personnel Development (CIPD).

She has vast knowledge and experience in people management and especially in talent development and management of Diversity. She is a firm believer in truth, justice and fairness in all matters affecting people



Hon. Prisella Nyokabi
Commissioner

Hon. Nyokabi is an Advocate of the High Court of Kenya and holds a Bachelor of Law Degree from the University of Nairobi and a Diploma from the Kenya School of Law. She is the first Nyeri County Woman Member of Parliament who served from 2013 to 2017. She was appointed on August 17, 2018 and sworn in on August 27, 2018. Before joining Parliament, Hon. Nyokabi was the Executive Director of Kituo Cha

Sheria. She served as the Deputy Presiding Officer Eastern Africa in the African Union Permanent Assembly of the Civil Society (AU ECOSOC) and as a Media Council of Kenya Complaints Commissioner. She was nominated Top 40 under 40 Women in Kenya in 2010 and 2011 by Nation Business Daily

During her stint in Parliament Hon. Nyokabi championed issues of women, human rights and development.

She served in various Parliamentary committees including: Justice and Legal Affairs Committee as the Vice Chairperson, Budget and Appropriations Committee, House Business Committee, Chairperson of Caucus 47 of all the County Women Representatives, Kenya Women Parliamentary Association (KEWOPA) as an Executive Committee Member and Catholic MPs Forum as a Member. Hon. Nyokabi is married and a mother of two.

*National Gender and Equality Commission Reports and Financial Statements
For the year ended June 30, 2019*

SECRETARIAT



Betty Sungura - Nyabuto, MBS
Commission Secretary/CEO

Vacant

Director Corporate Services



Paul Kuria
Director Programmes &
Research



Winfred Wambua
Asst. Director
Programmes



Wilson Desire
Asst. Director Legal,
Complaints,
Investigations &
Redress



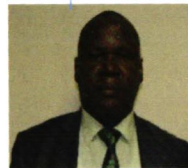
Goretty Osur
Regional Co-ordination



Beatrice Cheruiyot
Ag. Finance Manager



Lucy Mandago
Human Resource &
Administration Manager



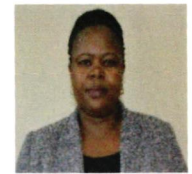
Mathew Musau
Senior Procurement Officer



Daniel Waitere
Senior Public Communications Officer



John Munene
Senior ICT Officer



Jackline Kanisa
Senior Internal Auditor



Betty Sungura-Nyabuto, MBS
Commission Secretary/CEO

Ms. Betty Sungura- Nyabuto MBS, is the Commission Secretary and Chief Executive Officer of the National Gender and Equality Commission (NGEC). An accomplished scholar, Advocate of the High Court of Kenya and an active member of the Law Society of Kenya, Betty holds a Bachelor of Laws (LLB) and Master in Laws (LLM) in International Trade & Investment Law, both from the University of Nairobi.

Betty has served at the Independent Electoral and Boundaries Commission (IEBC) in the Chief Executive portfolio both as Acting CEO and Deputy CEO capacities. She had previously served as the CEO of the Law Society of Kenya. She has served as Legal Counsel at FIDA- Kenya. In her legal career and governance leadership stint, she has interacted widely with the legal profession at the bar, bench, private and public sector as well as at local, regional and international levels including the East African Court of Justice(EACJ) and the EAC.

Betty is a proficient author, child rights defender and has written books on good governance and also authored separately with the UN- Women on how to promote participation of women in elections. As part of her participation in good governance, Betty has undertaken major regional and international consultancies including assisting the Burundi Bar Association with Strategic Planning in preparation of their first ever Strategic Plan with the support of Avocats sans frontières Belgium.

She has worked with Plan Nederlands International in Amsterdam defending child rights and is currently serving as a member of the Law Society of Kenya Mentorship Board/ Committee. She is a Commissioner of Oaths and a Notary Public, both conferred by the Judiciary in Kenya.



Paul Kuria
Director Programmes
& Research

Mr. Paul Kuria was appointed the position of Director Programs and Research in March 2019.

He holds a bachelor's degree in Anthropology and a master's degree in Anthropology both from the University of Nairobi, Kenya.

He is responsible for the design of programmatic interventions and strategic research activities essential for the fulfilment of the Commission's core mandate and functions.

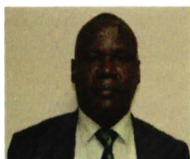
Prior to the appointment, Mr. Kuria served in the management of NGEC (2013 and 2017) as Ag. Commission Secretary/CEO

In 2018, Mr. Kuria was the technical advisor of Gender Committee, Council of Governors where he directed UNWOMEN supported programs.

Mr. Kuria is the former Kenya Country Manager of Bill and Melinda Gates Kenya Urban Reproductive Health Program, and former Project Manager of the David and Lucile Packard Foundation Western Kenya Reproductive Health Project.

	<p>Ms. Winfred Wambua was appointed the Assistant Director Programs in 10th August, 2018. She holds a Master of Arts in Development studies and a Bachelor of Arts degree in Anthropology (first class honors) from the University of Nairobi. In her role she is responsible for the design, development and execution of the programmatic interventions that promote equality and inclusion of the special interest groups. Prior to her appointment Ms. Winfred served as a Chief Officer in charge of Gender, Youth, Sports and social services in Makueni County.</p>
	<p>Desire Njamwea was appointed the Assistant Director Legal, Complaints, Investigations and Redress on 10th August, 2018. He holds a Master of Laws in International Human Rights and HIV in Africa from the University of Pretoria, Bachelors of Law from Moi University, Kenya and Diploma in Law. He is in charge of designing and reviewing the Commission's mechanism for receiving and processing complaints of violations of principles of equality and freedom from discrimination; designing and facilitating mechanisms for formal hearings and inquiries; establishing joint referral mechanisms for complaints with Article 59 Commissions; ensuring compliance by the Commission on its legal mandates; reviewing laws, policies and administrative regulations to ensure integration of principles of equality and freedom from discrimination.</p>
	<p>Lucy Mandago was appointed the Human Resource Manager on 1st July 2016. She is in charge of all the Human Resource functions in the Commission. She is also charged with advising the Commission on all Human Resource matters so as to facilitate proper decision making. Lucy is a Certified Human Resource Professional (CHRP) with a Master of Business Administration (MBA) – Human Resource Management option; Bachelor of Arts in Social Sciences (Sociology Major and Economics - Minor); Higher National Diploma in Human Resource Management and Senior Management Course.</p>
	<p>CPA Beatrice J Cheruiyot assumed the position of Ag. Finance Manager when she joined NGEK in February 2018. She holds a Masters of Business Administration- Finance Option from JKUAT, Bachelors of Business Administration degree, Finance and Accounting option and a Certified Public Accountant of Kenya (CPAK). She is in charge of Finance and Accounting Division that is mandated with the development and maintenance of effective financial management and control systems; coordination of budget planning and implementation; formulation, management and implementation of the budget, recommending and implementing sound financial management policies, standards, systems, strategies and procedures at the Commission. Beatrice is an active Member of the Institute of Certified Public Accountants of Kenya (ICPAK) and a member of Association of Women Accountants in Kenya (AWAK). She has over 12 years'</p>

	<p>experience in the field of Finance and Accounting.</p>
 <p style="text-align: center;">Goretty Osur Regional Co-ordination</p>	<p>Goretty Osur was appointed Regional Coordinator in August, 2018. Her duties entail; Provision of advice on matters relating to gender equality and freedom from discrimination, coordination of public education programmes for the creation of a culture of respect for principles of equality and freedom from discrimination and coordinating programme activities at the regional levels, Development of strategic partnerships and coordination with relevant stakeholders on matters of SIGs; collaborations and resource mobilization for the regions and monitoring and advocating for compliance with constitutional provisions, national laws, regional and international conventions and treaties relating to gender equality and freedom from discrimination and implementing strategies in the Commission’s Strategic Plan relating to special interest groups on mainstreaming, monitoring and development of affirmative action policies in National and County governments in the public and private sector. She holds a Master of Arts in Sociology, University of Nairobi, Diploma in Human Resource Management from the Kenya Institute of Management and Bachelors of Arts in Sociology and Public Administration, University of Nairobi.</p>
 <p style="text-align: center;">John Munene Senior ICT Officer</p>	<p>Mr. John Munene joined the Commission in 2012. He is responsible for ensuring the Commission achieves optimal effectiveness and efficiency through deployment of cutting end technology and innovation. He holds a Master’s Degree in Information System from University of Nairobi and a degree in Information Technology from Moi University. He is a Certified Information Systems Auditor, Certified Information Security Manager and a Certified Cisco Network Associate among other qualifications. He is a member of Certified Information Systems Audit and Control Association (ISACA) and Computer Society of Kenya.</p>
 <p style="text-align: center;">Jackline Kanisa Senior Internal Auditor</p>	<p>Mrs. Jackline Kwamboka Kanisa assumed the position of Senior Internal Auditor in 24th June, 2019. She is in charge of Internal Audit Division that provides objective appraisal of the financial and operational activities of the Commission. She holds a Masters in Strategic Management from Kenyatta University and Bachelors degree in Commerce (Finance option) from Catholic University of Eastern Africa, a Certified Public Accountant, an active Member of the Institute of Certified Public Accountants of Kenya (ICPAK) and a member of Certified Information Systems Audit and Control Association (ISACA).</p>



Mathew Musau
Senior Procurement
Officer

Mr. Mathew Musau was employed as the Senior procurement Officer on 1st September 2014. He holds a Masters degree in Procurement and Logistics from JKUAT, a Bachelor of Commerce Degree in Business Management/ Marketing from Daystar University, a Graduate Diploma in Procurement from the Chartered Institute of Procurement and Supply (CIPS) and a certificate in Strategic Management and Leadership from the Kenya Institute of Management (KIM).

Prior to this employment, Mathew was the Senior Procurement Officer at KenGen.

He is responsible for managing the procurement function of the Commission and providing technical advice to the Management.



Daniel Waitere
Senior Public
Communications
Officer

Daniel Waitere is the Senior Public Communications Officer at the National Gender and Equality Commission (NGEC) having joined on 15th September, 2012. Mr. Waitere holds a Bachelor of Arts degree in Communications from Daystar University. Daniel has excellent communication skills and good understanding of mainstreaming issues of gender and disability into programmatic interventions in promotion of the rights of the special interest groups who include women, persons with disabilities, the youth, children, older members of society, the minority and marginalized groups in Kenya.

II. FOREWORD BY COMMISSION CHAIRPERSON



Dr. Joyce Mutinda, PhD
Commission Chairperson

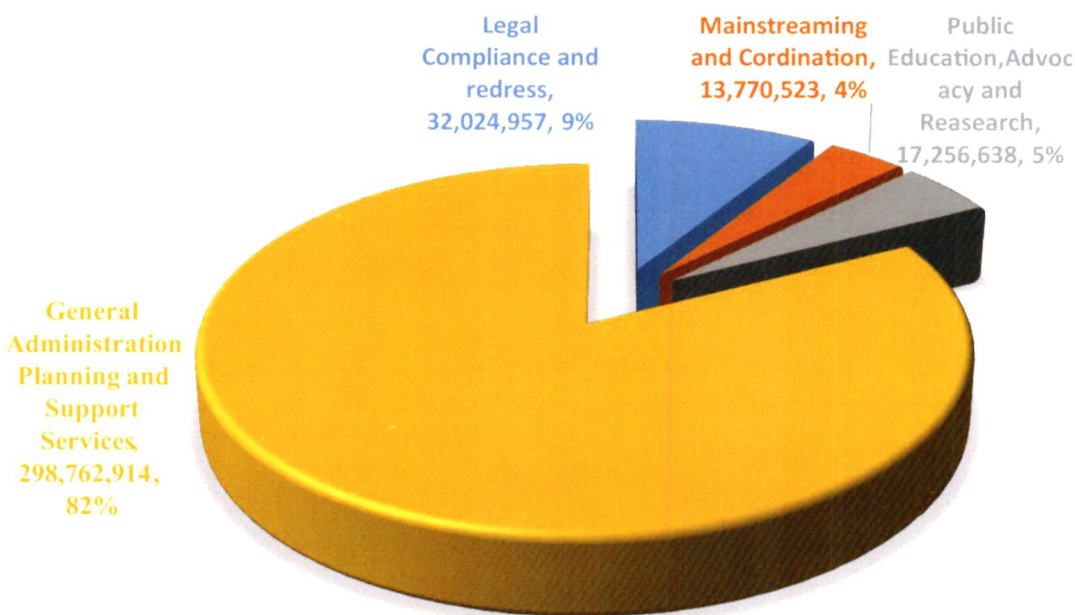
The National Gender and Equality Commission (NGEC) is a Constitutional Commission established by the National Gender and Equality Commission Act. No. 15 of 2011 pursuant to Article 59 (4) & (5) of the Constitution of Kenya, 2010. The Commission's mandate is to promote gender equality and freedom from discrimination for all people in Kenya with focus on special interest groups, which include: women, children, youth, persons with disabilities (PWDs), older members of society, minority and marginalised groups.

In the financial year 2018/19 the National Gender and Equality Commission had a gross budget of **KShs. 361,815,032** which was made up of **Kshs 360,615,032** and **Kshs 1,200,000** for recurrent and development votes respectively. The actual expenditure was Kshs 345,197,543, making it **95% absorption level**.

Budget allocation

This gross budget was allocated under the programme for promotion of Gender Equality and Freedom from discrimination under the following four sub-programmes as shown in the chart below:

Budget Allocation by sub-programmes



- ii. **Legal Compliance and Redress:** The objective of the sub programme is to monitor, facilitate and advise on the integration of the principles of equality and freedom from discrimination in all national and county policies, laws, and administrative regulations in all public and private institutions and investigate and seek redress for violation of principles of equality and inclusion as envisaged under article 27 and 43 of the constitution. It was allocated Kshs. 32,024,957 representing 9% of the budget.
- iii. **Mainstreaming and Coordination:** The objective is to co-ordinate and facilitate mainstreaming of issues of gender, persons with disabilities and other marginalized groups in national development programs and actions. It also advises the Government and facilitates the implementation of affirmative actions and programs. It was allocated Kshs. 13,770,523 representing 4% of the budget.
- iv. **Public Education, Advocacy and Research:** The main objective is to co-ordinate and advice on public education programmes for the creation of a culture of respect for the principles of equality and freedom from discrimination, conduct and co-ordinate research activities on matters relating to equality and freedom from discrimination as contemplated under Article 27 of the Constitution of Kenya, 2010. It was allocated Kshs. 17,256,638 representing 5% of the budget.
- v. **General Administration and Support Services:** Its objective is to strengthen institution capacity to deliver on its mandate. It was allocated Kshs. 298,762,914 representing 82 % of the budget.

Key Performance Highlights

Financial Performance Summary

Actual Performance against Budget for Year to 30th June 2019

Revenue/Expense Item	Original Budget	Adjustments	Final Budget	Actual on Comparable Basis	Budget Utilisation Difference	% of Utilisation Difference to Final Budget
RECEIPTS						
Total Receipts	195,042,339	166,772,693	361,815,032	345,946,799	15,868,233	96%
					0	
Payments					0	
Grand Total	195,042,339	166,772,693	361,815,032	345,197,543	16,617,489	95%
Surplus/Deficit	-	-	-	749,256		

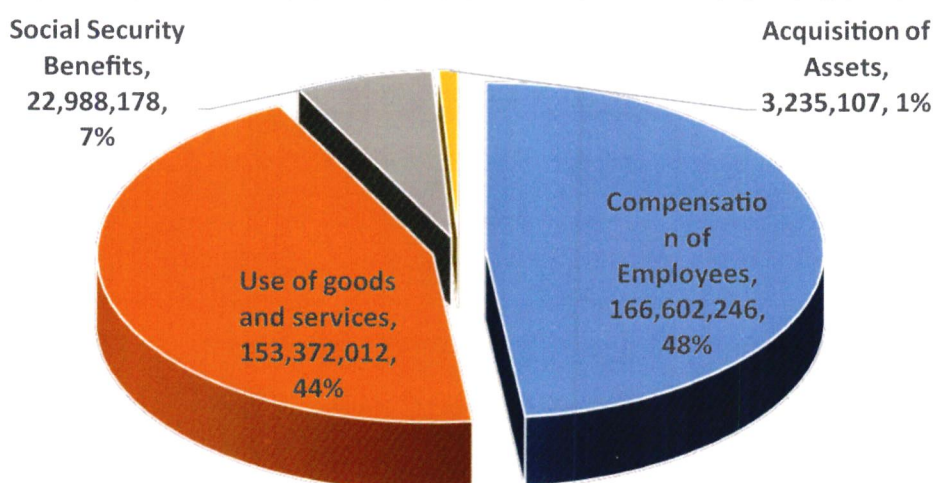
Actual receipts by the Commission stood at 4% below budget while actual payments were 5% below budget. This is attributable to underutilization of budget allocation for personnel emolument occasioned by late replacement of staff who resigned from the Commission.

Budget Utilisation

The Commission spent **KShs. 345,197,543** against an approved budget of **KShs. 361,815,032** representing absorption of **95%**. Utilisation of the budget was carried out through various activities (economic classifications) as shown in the Table herein:

It should be noted 44% of budget allocation for the Commission was used on procurement of goods and services, 48% for personnel emoluments, 7% on gratuity and 1% is for acquisition of fixed assets.

Budget Utilisation: Economic classification



Comparing the current financial year to FY 2017/18, there was an increase of 6.5% in utilization from Kshs 324,635,090 in FY 2017/18 to Kshs. 345,197,543 in FY 2018/19.

Receipts

The Commission receipts mainly comprise of exchequer releases from the National Treasury and external grants from development partners. During the financial year 2018/19 the Commission received a total of Kshs. 345,777,100 relating to exchequer releases from National Treasury. This is an increase of 6% of total receipts compared Kshs. 325,512,017

received in FY 2017/18.

Payments:

The total payments for the FY 2018/19 were Kshs. 345,197,543 representing 6.6% increase compared to Kshs. 324,635,090 spent in the FY 2017/18.

The payments for FY 2018/19 are as follows: -

Revenue/Expense Item	Approved Budget allocation	Actual Payments	Variance
Payments			
Compensation of Employees	171,370,000	166,602,246	4,767,754
Use of goods and services	162,583,871	152,372,012	9,011,859
Social Security Benefits	22,988,178	22,988,178	-
Acquisition of Assets	4,872,983	3,235,107	1,637,876
Grand Total	361,815,032	345,197,543	15,417,489

Financial Asset Summary:

	2018/2019 Kshs	2017/2018 Kshs	Change	% Change
FINANCIAL ASSETS				
Cash and Cash Equivalents				
Bank Balances	53,720,738	43,656,562	10,064,176	21.66%
Cash Balances	-	-		
Total Cash And Cash Equivalents	53,720,738	43,656,562		
Accounts Receivables - Outstanding Imprest and Clearence Accounts	-	168,600	- 168,600	-81.32%
TOTAL FINANCIAL ASSETS	53,720,738	43,825,162	9,895,576	21.27%

The financial assets held by the Commission as at 30.06.2019 totaled to Kshs. 53,720,738. This comprised of Kshs. 142,656 cash balance held on the recurrent account, Kshs. 606,600 in the Access and Mobility project account (UN Habitat) and Kshs. 52,971,481 cash held on the deposit account all at Central Bank of Kenya. This is an increase of Kshs. 9,895,576 from the balance of Kshs. 43,656,562 for FY 2017/18.

Cash Flows and Cash Position

The cash and bank balances held by the National Gender and Equality Commission as at 30th June 2019 was Kshs 53.72 Million compared to Kshs 43.65 Million held as at 30th June 2018. The breakdown of the cash and bank balances is as summarized in the table herein.

Cash and Bank Balance

Bank balances increased by 23.05% as a result of increased deposits for staff gratuity.

	2018-2019 Kshs	2017-2018 Kshs	Balance Kshs	% Kshs
Total	53,720,738	43,656,562	10,064,176	23%

Cash Flow Activities

Net cash flows utilised in investing activities decreased due to a decrease in amounts utilized in the acquisition of assets. There was a decrease in cash flow from operations activities due to decrement in the budget.

The table herein summarizes cash flows generated and used from various activities.

	2018/2019 Kshs	2017/2018 Kshs	Change	% Change
CASH FLOW FROM OPERATING ACTIVITIES				
Net cashflow from operating activities	13,299,282	(19,029,684)	32,328,966.45	-169.89%
CASHFLOW FROM INVESTING ACTIVITIES				
Net cash flows from Investing Activities	(3,235,107)	(3,664,725)	429,618.00	-11.72%
CASHFLOW FROM BORROWING ACTIVITIES				
Net cash flow from financing activities	-	-		
NET INCREASE IN CASH AND CASH EQUIVALENT	10,064,175	(22,694,409)		
Cash and cash equivalent at BEGINNING of the year	43,656,562	66,350,971	(22,694,409.05)	-34.20%
Cash and cash equivalent at END of the year	53,720,737	43,656,562	10,064,175.40	23.05%

Key Achievements of the National Gender and Equality Commission in the FY 2018/19

The Commission accomplished the following during FY 2018/19:

1. The Commission monitored state compliance with four (4) international treaties with and convention. These include Convention on the Rights of Persons with Disabilities (CRPD), 11th UN Open Working Group Session on Ageing, the 12th Session on the UN Convention on the Rights of Persons with Disabilities and the Universal Periodic Review.
2. NGECC held (44) stakeholder coordination forums to ensure a coordinated approach towards addressing issues of Special Interest Groups (SIGs). The stakeholders were drawn from both state and non-state actors. The coordination meetings provided a platform where issues affecting SIGs were deliberated upon.
3. Six (06) Equality and Inclusion Technical Working Groups (ETWGs) were established in Nyandarua, Nyamira, Malindi, Kitui, Tana River and Mandera Counties. These ETWGs are meant to inculcate a culture of respect for the principles of equality and freedom from discrimination in the respective areas.
4. Four (04) consultative meetings were held with members of Parliament and other stakeholders to lobby and enlist their support for The Constitution of Kenya Amendment Bill No. 4 of 2018 (Duale 2) on the 2/3 gender.
5. One hundred and eight (108) performance compliance reports from Ministries, Departments and Agencies were received, analyzed and certificates issued. The Commission issued 48 advisories in cases of non-compliance. The reports were

based on three key parameters namely 2/3 gender principle, 5% for Persons with Disabilities and representation for youth in employment.

6. A consultation forum was held with teachers from Kiambu, Nairobi, Machakos and Kajiado Counties to promote gender equality and inclusion in schools.
7. A Model Legislative and Policy Framework on Sexual and Gender Based Violence (SGBV) was formulated, published, launched and disseminated. This policy document was disseminated in Mandera, Nakuru, Bomet, Kirinyaga and Kitui counties. The model provides guidance on formulation of policies and enactment of laws. It also provides a coordination mechanism to County governments on critical issues on SGBV. The dissemination forums targeted County Executive, County Assembly and County Gender Technical Working Groups.
8. One hundred and fifty two (152) advisories were issued to public institutions and agencies on violations of the principles of equality and inclusion based on received complaints. The institutions and agencies included; Office of the President, the National Treasury, the National Assembly, the Senate, Public Service Commission, Governors in the 47 Counties, all the 47 County Assemblies and all the 47 County Assembly Service Boards. Others included the National Assembly's Constitutional Implementation Oversight Committee (CIOOC), Justice and Legal Affairs Committee of the National assembly, Senate Committee on Justice, Legal Affairs and Human Rights and the public.
9. Launching the *Legislative handbook: principles of equality and non-discrimination*. The handbook guides legislators on the understanding of principles of gender equality and inclusion. It contains information on international and regional standards, constitutional and legal framework on gender equality and inclusion. The launch was attended by representatives from the National Assembly, Senate, National and County Governments.
10. Regional offices monitored the inclusion of special interest groups in the public participation processes of the 2019/2020 budget hearing processes.
11. Commemoration of various National and International days and events such as the International Day of the Girl Child, International Day of the Older Persons, and International Day of Persons with Disability.
12. Reviewed 35 bills and policies at national and county government levels; public participation bill of 2018, division of revenue bill 2018, persons with disabilities bill (ongoing) and office of the County Attorney bill (ongoing)
13. Involvement in thirteen (13) public interest litigation cases meant to enhance respect for human rights, access to justice, equality and inclusion for special interest groups in social economic development agenda. The cases include:
 - a) In petition 313 of 2015, NGEC was joined in the case as an Interested Party. The case was seeking constitutional interpretation on whether the term "gender" as contained in the Constitution of Kenya, 2010 connotes the conventional binary male or female genders or includes a '3rd gender' and whether not more than two-thirds gender discourse should include a 3rd gender with a distinct quota in the National Assembly and the Senate. (Doc. 6)

- b) In petition 12 of 2016, NGECE filed the case against the National Assembly for passing the Statute Law (Miscellaneous Amendment) Act, 2015 which deleted section 14 (b) of the National Police Service Act (No. 11A of 2011), a key provision containing the Constitutional framework for mainstreaming gender equality in the National Police Service especially at top leadership as required by Article 27(6) and (8) of the constitution which the Commission challenges
- c) In petitions No. 605 and 606 of 2014, NGECE was joined in the two cases as *amicus curiae* (friend of the court). The case concerned an issue of forced and coerced sterilization of women living with HIV and AIDS and violation of constitutional rights especially sexual reproductive health rights
- d) In Petition 266 of 2015, NGECE was joined in the case as a friend of the court. The Ministry of Health through the Director of Medical Services to withdraw the Standards and Guidelines for reducing morbidity and Mortality from Unsafe Abortion in Kenya largely addressing the issue of unsafe abortions as a main cause despite the Constitution permitting abortion if in the opinion of a trained health professional, there is need for emergency treatment, or the life or health of the pregnant woman is in danger.
- e) In Judicial Review No. 11 of 2017, NGECE was joined in the case as Interested Party. The case concerned the appointment of members to the National Climate Change Council to represent the civil society by the Parliament. The proposed members of the Council did not meet the two-thirds gender principle as required by section 7 of the Climate Change Act, No. 11 of 2016 informing our joining the case.
- f) In Petition 226 of 2015, NGECE sued the Cabinet Secretary, Ministry of Labour and East African Community Affairs & another acting ultra vires and its failure to implement the Social Assistance Act 2013 and it acting ultra vires in contravention with Article 43 of the Constitution of Kenya 2010
- g) In Petition 409 of 2017, NGECE sued the IEBC challenging 2017 elections party nomination lists.
- h) In Kisumu Petition No. 23 of 2018, NGECE was joined in the case as an Interested Party. The case concerns unlawful detention of minor with mental disability by Holy Ghost church to receive spiritual healing where he and other children have been chained. It is premised on torture, cruel treatment, denial of right to health and degrading and inhuman treatment.
- i) Nakuru Petition No. 1 of 2019, NGECE sued the County Assembly of Nakuru challenging the de-whipping of female nominated MCAs from committees and leadership of the same. It also challenged the constitutionality of the SRC circular on mileage allowance for nominated MCAs.
- j) Nyeri Petition No. 1 of 2017, NGECE was joined in the case as Interested Party. The case is challenging the recruitment exercise of chief officers in Marsabit County where PWDs were not considered despite applying and being qualified


Emerging Issues

- a) High demand for social safety programs due to increased vulnerability of women, youth, and older members of the society, PWD and nomadic communities.
- b) Increased violation of principles of equality and inclusion in both private and public sphere with high incidence reported among children, older members of the society, minorities and Persons With Disabilities.
- c) Need for coordinated response to vulnerability of special interest groups on the following: Disasters, erratic climate changes, large natural resource mining, energy and infrastructure projects that displace population.

Challenges

The following challenges weighed heavily on the Commission's effort to effectively deliver on its strategic interventions:

- i. **Budgetary constraints:** Inadequate funding coupled with budget cuts which resulted in inability to effectively discharge its mandate
- ii. **Low staff establishment:** Under staffing of professional/technical levels and high technical staff turnover hampered effective service delivery. The Commission will initiate negotiation for recruitment of more staff.
- iii. Inability to fully operate County offices due to limited resources.



Dr. Joyce Mutinda, PhD
Commission Chairperson

III. STATEMENT OF ENTITY MANAGEMENT RESPONSIBILITIES

Section 81 (1) of the Public Finance Management Act, 2012 requires that, at the end of each financial year, the Accounting Officer for a National Government Entity shall prepare financial statements in respect of that entity. Section 81 (3) requires the Financial Statements so prepared to be in a form that complies with relevant Accounting Standards as prescribed the Public Sector Accounting Standards Board of Kenya from time to time.

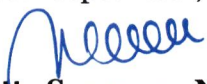
The Accounting Officer in charge of the National Gender and Equality Commission is responsible for the preparation and presentation of the entity's Financial Statements, which give a true and fair view of the state of affairs of the entity for and as at the end of the financial year (period) ended on June 30, 2019. This responsibility includes: (i) maintaining adequate financial management arrangements and ensuring that these continue to be effective throughout the reporting period; (ii) maintaining proper accounting records, which disclose with reasonable accuracy at any time the financial position of the entity; (iii) designing, implementing and maintaining internal controls relevant to the preparation and fair presentation of the financial statements, and ensuring that they are free from material misstatements, whether due to error or fraud; (iv) safeguarding the assets of the entity; (v) selecting and applying appropriate accounting policies; and (vi) making accounting estimates that are reasonable in the circumstances.

The Accounting Officer in charge of the National Gender and equality Commission accepts responsibility for the entity's Financial Statements, which have been prepared on the Cash Basis Method of Financial Reporting, using appropriate accounting policies in accordance with International Public Sector Accounting Standards (IPSAS). The Accounting Officer is of the opinion that the entity's financial statements give a true and fair view of the state of entity's transactions during the financial year ended June 30, 2019, and of the entity's financial position as at that date. The Accounting Officer in-charge of the National Gender and equality Commission further confirms the completeness of the accounting records maintained for the entity, which have been relied upon in the preparation of the entity's financial statements as well as the adequacy of the systems of internal financial control.

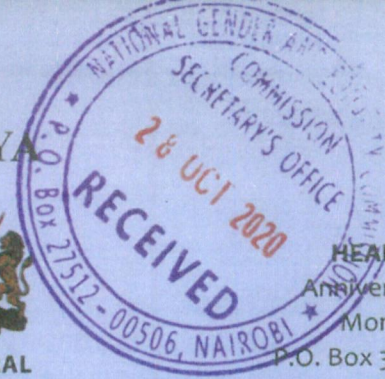
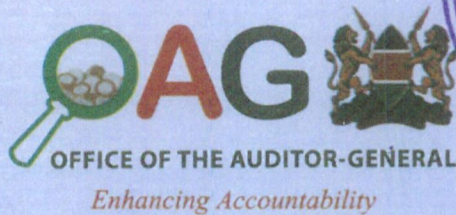
The Accounting Officer in charge of the National Gender and equality Commission confirms that the entity has complied fully with applicable Government Regulations and the terms of external financing covenants (where applicable), and that the entity's funds received during the year under audit were used for the eligible purposes for which they were intended and were properly accounted for. Further the Accounting Officer confirms that the entity's Financial Statements have been prepared in a form that complies with relevant accounting standards prescribed by the Public Sector Accounting Standards Board of Kenya.

Approval of the Financial Statements

The entity's financial statements were approved and signed by the Accounting Officer on 30th September, 2019.


Betty Sungura - Nyabuto, MBS
COMMISSION SECRETARY/CEO


CPA Beatrice heruiyot
AG. FINANCE MANAGER
ICPAK :6016



Telephone: +254-(20) 3214000
E-mail: info@oagkenya.go.ke
Website: www.oagkenya.go.ke

HEADQUARTERS
Anniversary Towers
Monrovia Street
P.O. Box 30084-00100
NAIROBI

REPORT OF THE AUDITOR-GENERAL ON NATIONAL GENDER AND EQUALITY COMMISSION FOR THE YEAR ENDED 30 JUNE, 2019

REPORT ON THE FINANCIAL STATEMENTS

Opinion

I have audited the accompanying financial statements of the National Gender and Equality Commission set out on pages 26 to 39, which comprise the statement of financial assets and liabilities as at 30 June, 2019, and the statement of receipts and payments, statement of cash flows, and summary statements of appropriation – recurrent, development and combined for the year then ended, and a summary of significant accounting policies and other explanatory information in accordance with the provisions of Article 229 of the Constitution of Kenya and Section 35 of the Public Audit Act, 2015. I have obtained all the information and explanations which, to the best of my knowledge and belief, were necessary for the purpose of the audit.

In my opinion, the financial statements present fairly, in all material respects, the financial position of the National Gender and Equality Commission as at 30 June, 2019, and of its financial performance and its cash flows for the year then ended, in accordance with International Public Sector Accounting Standards (Cash Basis) and comply with the National Gender and Equality Commission Act, 2011 and the Public Finance Management Act, 2012.

Basis for Opinion

The audit was conducted in accordance with International Standards of Supreme Audit Institutions (ISSAIs). I am independent of National Gender and Equality Commission in accordance with ISSAI 130 on Code of Ethics. I have fulfilled other ethical responsibilities in accordance with the ISSAI and in accordance with other ethical requirements applicable to performing audits of financial statements in Kenya. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

Key Audit Matters

Key audit matters are those matters that, in my professional judgment, are of most significance in the audit of the financial statements. There are no key audit matters to communicate in my report.

Other Matter

Pending Bills

As disclosed under Notes 13 to the financial statements, the Commission had pending bills totalling Kshs.2,882,138 as at 30 June, 2019 that were not settled during the year 2018/2019 but were instead carried forward to 2019/2020. Failure to settle bills during the year in which they relate to adversely affects the provisions of the subsequent year to which they have to be charged.

REPORT ON LAWFULNESS AND EFFECTIVENESS IN USE OF PUBLIC RESOURCES

Conclusion

As required by Article 229(6) of the Constitution, based on the audit procedures performed, I confirm that, nothing has come to my attention to cause me to believe that public resources have not been applied lawfully and in an effective way.

Basis for Conclusion

The audit was conducted in accordance with ISSAI 4000. The standard requires that I comply with ethical requirements and plan and perform the audit to obtain assurance about whether the activities, financial transactions and information reflected in the financial statements are in compliance, in all material respects, with the authorities that govern them. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my conclusion.

REPORT ON EFFECTIVENESS OF INTERNAL CONTROLS, RISK MANAGEMENT AND GOVERNANCE

Conclusion

As required by Section 7(1)(a) of the Public Audit Act, 2015, based on the audit procedures performed, I confirm that, nothing has come to my attention to cause me to believe that internal controls, risk management and governance were not effective.

Basis for Conclusion

The audit was conducted in accordance with ISSAI 2315 and ISSAI 2330. The standards require that I plan and perform the audit to obtain assurance about whether effective processes and systems of internal control, risk management and governance were maintained in all material respects. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my conclusion.

Responsibilities of Management and those Charged with Governance

Management is responsible for the preparation and fair presentation of these financial statements in accordance with International Public Sector Accounting Standards (Cash

Basis) and for maintaining effective internal control as Management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error and for its assessment of the effectiveness of internal control, risk management and governance.

In preparing the financial statements, Management is responsible for assessing the Commission's ability to sustain services, disclosing, as applicable, matters related to sustainability of services and using the applicable basis of accounting unless Management is aware of the intention to terminate the Commission or to cease operations.

Management is also responsible for the submission of the financial statements to the Auditor-General in accordance with the provisions of Section 47 of the Public Audit Act, 2015.

In addition to the responsibility for the preparation and presentation of the financial statements described above, Management is also responsible for ensuring that the activities, financial transactions and information reflected in the financial statements are in compliance with the authorities which govern them, and that public resources are applied in an effective manner.

Those charged with governance are responsible for overseeing the financial reporting process, reviewing the effectiveness of how the entity monitors compliance with relevant legislative and regulatory requirements, ensuring that effective processes and systems are in place to address key roles and responsibilities in relation to governance and risk management, and ensuring the adequacy and effectiveness of the control environment.

Auditor-General's Responsibilities for the Audit

The audit objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion in accordance with the provisions of Section 48 of the Public Audit Act, 2015 and submit the audit report in compliance with Article 229(7) of the Constitution. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISSAIs will always detect a material misstatement and weakness when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

In addition to the audit of the financial statements, a compliance audit is planned and performed to express a conclusion about whether, in all material respects, the activities, financial transactions and information reflected in the financial statements are in compliance with the authorities that govern them and that public resources are applied in an effective manner, in accordance with the provisions of Article 229(6) of the Constitution and submit the audit report in compliance with Article 229(7) of the Constitution.

Further, in planning and performing the audit of the financial statements and audit of compliance, I consider internal control in order to give an assurance on the effectiveness of internal controls, risk management and governance processes and systems in accordance with the provisions of Section 7(1)(a) of the Public Audit Act, 2015 and submit the audit report in compliance with Article 229(7) of the Constitution. My consideration of the internal control would not necessarily disclose all matters in the internal control that might be material weaknesses under the ISSAIs. A material weakness is a condition in which the design or operation of one or more of the internal control components does not reduce to a relatively low level the risk that misstatements caused by error or fraud in amounts that would be material in relation to the financial statements being audited may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions.

Because of its inherent limitations, internal control may not prevent or detect misstatements and instances of non-compliance. Also, projections of any evaluation of effectiveness to future periods are subject to the risk that controls may become inadequate because of changes in conditions, or that the degree of compliance with the policies and procedures may deteriorate.

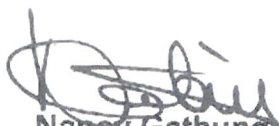
As part of an audit conducted in accordance with ISSAIs, I exercise professional judgement and maintain professional skepticism throughout the audit. I also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Management.
- Conclude on the appropriateness of the Management's use of the applicable basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Commission's ability to sustain its services. If I conclude that a material uncertainty exists, I am required to draw attention in the auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my audit report. However, future events or conditions may cause the Commission to cease sustaining its services.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

- Obtain sufficient appropriate audit evidence regarding the financial information and business activities of the Commission to express an opinion on the financial statements.
- Perform such other procedures as I consider necessary in the circumstances.

I communicate with the Management regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that are identified during the audit.

I also provide Management with a statement that I have complied with relevant ethical requirements regarding independence, and to communicate with them all relationships and other matters that may reasonably be thought to bear on my independence, and where applicable, related safeguards.



Nancy Gathungu
AUDITOR-GENERAL

Nairobi

26 October, 2020

IV. STATEMENT OF RECEIPTS AND PAYMENTS FOR THE YEAR ENDED 30TH JUNE, 2019

	Note	2018/2019 Kshs	2017/2018 Kshs
RECEIPTS			
Transfers from National Treasury	1	345,777,100	325,512,017
Other Receipts	2	169,699	-
TOTAL REVENUES		345,946,799	325,512,017
PAYMENTS			
Compensation of Employees	3	166,602,246	141,972,381
Use of goods and services	4	152,372,012	152,447,984
Social Security Benefits	5	22,988,178	26,550,000
Acquisition of Assets	6	3,235,107	3,664,725
TOTAL PAYMENTS		345,197,543	324,635,090
SURPLUS/DEFICIT		749,256	876,927

The accounting policies and explanatory notes to these Financial Statements form an integral part of the Financial Statements. The entity financial statements were approved on 30th September 2019 and signed by:



**Betty Sungura - Nyabuto, MBS
COMMISSION SECRETARY/CEO**



**CPA Beatrice Cheruiyot
AG. FINANCE MANAGER
ICPAK: 6016**

V. STATEMENT OF ASSETS AND LIABILITIES AS AT 30TH JUNE, 2019.

	Note	2018/2019 Kshs	2017/2018 Kshs
FINANCIAL ASSETS			
Cash and Cash Equivalents			
Bank Balances	7A	53,720,738	43,656,562
Cash Balances	7B	-	-
Total Cash And Cash Equivalents		53,720,738	43,656,562
Accounts Receivables - Outstanding Imprest and Clearance Accounts	8	-	168,600
TOTAL FINANCIAL ASSETS		53,720,738	43,825,162
LESS: FINANCIAL LIABILITIES			
Accounts Payables - Deposits	9	52,971,481	42,948,235
NET FINANCIAL ASSETS		749,256	876,927
REPRESENTED BY			
Fund balance b/fwd	10	168,600	32,988
Prior year Adjustment	11	(168,600)	(32,988)
Surplus/Deficit for the year		749,256	876,927
NET FINANCIAL POSSITION		749,256	876,927

The accounting policies and explanatory notes to these Financial Statements form an integral part of the Financial Statements. The entity financial statements were approved on 30th September 2019 and signed by:



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**CPA Beatrice Cheruiyot
AG. FINANCE MANAGER
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VI. STATEMENT OF CASH FLOWS FOR THE YEAR ENDED 30TH JUNE, 2019

	Note	2018/2019 Kshs	2017/2018 Kshs
CASH FLOW FROM OPERATING ACTIVITIES			
Receipts for operating income			
Transfers from National Treasury	1	345,777,100	325,512,017
Other Receipts	2	169,699	-
		345,946,799	325,512,017
Payments for operating expenses			
Compensation of Employees	3	(166,602,246)	(141,972,381)
Use of goods and services	4	(152,372,012)	(152,447,984)
Social Security Benefits	5	(22,988,178)	(26,550,000)
		(341,962,436)	(320,970,365)
Adjusted for:			
Changes in receivables		168,600.00	(168,600)
Changes in payables		10,023,246	(23,369,748)
Prior year adjustment		(168,600.00)	(32,988)
Net cashflow from operating activities		14,007,609	(19,029,684)
CASHFLOW FROM INVESTING ACTIVITIES			
Acquisition of Assets	6	(3,235,107)	(3,664,725)
Net cash flows from Investing Activities		(3,235,107)	(3,664,725)
CASHFLOW FROM BORROWING ACTIVITIES			
Net cash flow from financing activities		-	-
NET INCREASE IN CASH AND CASH EQUIVALENT		10,772,502	(22,694,409)
Cash and cash equivalent at BEGINNING of the year		42,948,236	66,350,971
Cash and cash equivalent at END of the year		53,720,738	43,656,562

The accounting policies and explanatory notes to these Financial Statements form an integral part of the Financial Statements. The entity Financial Statements were approved on 30th September 2019 and signed by:



**Betty Sungura - Nyabuto, MBS
COMMISSION SECRETARY/CEO**




**CPA Beatrice Cheruiyot
AG. FINANCE MANAGER
ICPAK: 6016**


VII. SUMMARY APPROPRIATION: RECURRENT AND DEVELOPMENT COMBINED FOR THE YEAR ENDED 30TH JUNE, 2019

Revenue/Expense Item	Original Budget	Adjustments	Final Budget	Actual on Comparable Basis	Budget Utilisation Difference	% of Utilisation Difference to Final Budget
	a	b	c=a+b	d	e=c-d	f=d/c %
RECEIPTS						
Exchequer releases	361,815,032	-	361,815,032	345,777,100	16,037,932	96%
Other Receipts	-	-	-	169,699	(169,699)	-100%
Total Receipts	361,815,032	-	361,815,032	345,946,799	15,868,233	96%
Payments						
Compensation of Employees	171,370,000	-	171,370,000	166,602,246	4,767,754	97%
Use of goods and services	162,583,871	-	162,583,871	152,372,012	10,211,859	94%
Social Security Benefits	22,988,178	-	22,988,178	22,988,178	0	100%
Acquisition of Assets	4,872,983	-	4,872,983	3,235,107	1,637,876	66%
Grand Total	361,815,032	-	361,815,032	345,197,543	16,617,489	95%
Surplus/Deficit	-	-	-	749,256	(749,256)	

Notes: Underutilization of 66% on Acquisition of Assets is as a result of late submission of invoices.

The entity Financial Statements were approved on 30th September 2019 and signed by:


Betty Sungura - Nyabuto, MBS
COMMISSION SECRETARY/CEO


CPA Beatrice Cheruiyot
AG. FINANCE MANAGER
ICPAK No.:6016

VIII. SUMMARY STATEMENT OF APPROPRIATION: RECURRENT FOR THE YEAR ENDED 30TH JUNE, 2019

Revenue/Expense Item	Original Budget	Adjustments	Final Budget	Actual on Comparable Basis	Budget Utilisation Difference	% of Utilisation Difference to Final Budget
	a	b	c=a+b	d	e=d-c	f=d/c %
RECEIPTS						
Exchequer releases	360,615,032	-	360,615,032	345,170,500	15,444,532	96%
Other Receipts	-	-	-	169,699	(169,699)	100%
Total Receipts	360,615,032	-	360,615,032	345,340,199	15,444,532	96%
PAYMENTS						
Compensation of Employees	171,370,000	-	171,370,000	166,602,246	4,767,754	97%
Use of goods and services	161,383,871	-	161,383,871	152,372,012	9,011,859	94%
Social Security Benefits	22,988,178	-	22,988,178	22,988,178	0	100%
Acquisition of Assets	4,872,983	-	4,872,983	3,235,107	1,637,876	66%
Grand Total	360,615,032	-	360,615,032	345,197,543	15,417,489	96%
Surplus/Deficit	-	-	-	142,656	27,043	

The entity Financial Statements were approved on 30th September 2019 and signed by:



**Betty Sungura - Nyabuto, MBS
COMMISSION SECRETARY/CEO**




**CPA Beatrice Cheruiyot
AG. FINANCE MANAGER
ICPAK No.:6016**

IX. SUMMARY STATEMENT OF APPROPRIATION: DEVELOPMENT

Revenue/Expense Item	Original Budget	Adjustments	Final Budget	Actual on Comparable Basis	Budget Utilisation Difference	% of Utilisation Difference to Final Budget
	a	b	c=a+b	d	e=d-c	f=d/c %
RECEIPTS						
Exchequer releases	-	1,200,000	1,200,000	606,600.00	593,400	51%
Total Receipts	-	1,200,000	1,200,000	606,600.00	593,400	51%
PAYMENTS						
Use of goods and services	-	1,200,000	1,200,000	-	1,200,000	0%
Grand Total	-	1,200,000	1,200,000	-	1,200,000	0%
Surplus/Deficit	-	-	-	606,600.00	- 606,600.00	

The entity Financial Statements were approved on 30th September 2019 and signed by:


Betty Sungura - Nyabuto, MBS
COMMISSION SECRETARY/CEO


CPA Beatrice Cheruiyot
AG. FINANCE MANAGER
ICPAK No.:6016

X. BUDGET EXECUTION BY PROGRAMMES AND SUB-PROGRAMMES

Programme/Sub-programme	Original Budget 30th June, 2019 Kshs	Adjustments Kshs	Final Budget 30th June, 2019 Kshs	Actual on comparable basis 30th June, 2019 Kshs	Budget utilization difference Kshs
Promotion of Gender Equality and freedom from Discrimination	361,815,032	-	361,815,032	345,197,543	16,617,489
Legal Compliance and redress	32,024,957	-	32,024,957	28,572,890	3,452,067
Mainstreaming and Cordination	13,770,523	-	13,770,523	11,542,465	2,228,058
Public Education, Advocacy and Reasearch	17,256,638	-	17,256,638	15,847,217	1,409,421
General Administration Planning and Support Services	298,762,914	-	298,762,914	289,234,972	9,527,942
TOTAL	361,815,032	-	361,815,032	345,197,543	16,617,489

The entity Financial Statements were approved on 30th September 2019 and signed by:



Betty Sungura - Nyabuto, MBS
COMMISSION SECRETARY/CEO



CPA Beatrice Cheruiyot
AG. FINANCE MANAGER
ICPAK No.:6016

The principle accounting policies adopted in the preparation of these financial statements are set out below:

1. Statement of compliance and basis of preparation

The financial statements have been prepared in accordance with Cash-basis IPSAS financial reporting under the cash basis of Accounting, as prescribed by the PSASB and set out in the accounting policy notes below.

This cash basis of accounting has been supplemented with accounting for; a) receivables that include imprests and salary advances and b) payables that include deposits and retentions. The receivables and payables are disclosed in the Statement of Assets and Liabilities. The Statement of Assets and Liabilities is not mandatory statement under the IPSAS Cash basis but is encouraged in order to disclose information on assets and liabilities.

The financial statements are presented in Kenya Shillings, which is the functional and reporting currency of the entity all values are rounded to the nearest Kenya Shilling. The accounting policies adopted have been consistently applied to all the years presented.

The financial statements comply with and conform to the form of presentation prescribed by the PSASB.

2. Reporting entity

The Financial Statements are for National Gender and Equality Commission. The Financial Statements encompass the reporting entity as specified under section 81 of the PFM Act 2012 and also comprise of the following development project implemented by the entity:

- Strengthening the foundation for equality and inclusion in Kenya: a programme for public and private sector

3. Recognition of receipts and payments

a) Recognition of receipts

The Entity recognizes all receipts from the various sources when the event occurs and the related cash has actually been received by the entity

Transfers from the Exchequer

Transfer from Exchequer is recognized in the books of accounts when cash is received. Cash is considered as received when payment instruction is issued to the bank and notified to the receiving entity.

External Assistance

External assistance is received through grants and loans from multilateral and bilateral development partners.

Donations and grants

Grants and donations shall be recognized in the books of accounts when cash is received. Cash is considered as received when a payment advice is received by the recipient entity or by the beneficiary. In case of grant/donation in kind, such grants are recorded upon receipt of the grant item and upon determination of the

value. The date of the transaction is the value date indicated on the payment advice.

Undrawn external assistance

These are grants at reporting date as specified in a binding agreement and relate to funding for projects currently under development where conditions have been satisfied or their ongoing satisfaction is highly likely and the project is anticipated to continue to completion. During the year ended 30th June 2019, there were no instances of non-compliance with terms and conditions of the grant.

b) Recognition of payments

The entity recognises all expenses when the event occurs and the related cash has actually been paid out by the entity.

Compensation of employees

Salaries and Wages, Allowances, Statutory Contribution for employees are recognized in the period when the compensation is paid.

Use of goods and services

Goods and services are recognized as payments in the period when the goods/services are consumed and paid for. Such expenses, if not paid during the period where goods/services are consumed, shall be disclosed as pending bills

Acquisition of fixed assets

The payment on acquisition of property plant and equipment items is not capitalized. The cost of acquisition and proceeds from disposal of these items are treated as payments and receipts items respectively. Where an asset is acquired in a non-exchange transaction for nil or nominal consideration and the fair value of the asset can be reliably established, a contra transaction is recorded as receipt and as a payment.

A fixed asset register is maintained by each public entity and a summary provided for purposes of disclosure. This summary is disclosed as an annexure to the entity's financial statements.

4. Cash and cash equivalents

Cash and cash equivalents comprise of cash at bank in the deposit and Recurrent Bank account at the Central Bank of Kenya.

XII. NOTES TO THE FINANCIAL STATEMENTS

1. TRANSFERS FROM NATIONAL TREASURY

The following are the amounts transferred from the exchequer to the Commission on a quarterly basis:

Description	2018-2019 Kshs	2017-2018 Kshs
Total Exchequer Releases for quarter 1	63,970,500	88,586,957
Total Exchequer Releases for quarter 2	108,100,000	107,473,260
Total Exchequer Releases for quarter 3	75,000,000	34,400,000
Total Exchequer Releases for quarter 4	98,706,600	95,051,800
TOTAL	345,777,100	325,512,017

The received was Kshs.345, 777,100 against an approved budget of Kshs 361,815,032.

2. OTHER RECEIPTS

Description	2018-2019 Kshs	2017-2018 Kshs
Administrative Fees and Charges	169,699	-
TOTAL	169,699	-

3. COMPENSATION OF EMPLOYEES

Compensation of employees comprise of remuneration paid to employees in return for the work done.

It includes social contributions made by the National Gender and equality Commission on behalf of its employees.

Description	2018-2019 Kshs	2017-2018 Kshs
Basic salaries of permanent employees	98,629,027	85,632,920
Basic Wages-Temporary Employees	2,491,206	1,962,200
Personal allowances paid as part of salary	65,276,013	54,175,200
Employer contributions to compulsory national social	206,000	202,000
TOTAL	166,602,246	141,972,320

4. USE OF GOODS AND SERVICES

These comprise the total value of goods and services consumed.

	2018-2019	2017-2018
	Kshs	Kshs
Utilities, supplies and services	2,484,232	1,780,922
Communication, supplies and services	2,970,917	4,060,047
Domestic travel and subsistence	18,373,648	24,973,761
Foreign travel and subsistence	16,067,166	6,323,850
Printing, advertising and information supplies & services	4,098,343	4,451,260
Rentals of produced assets	44,499,753	38,944,290
Training expenses	10,795,998	11,795,090
Hospitality supplies and services	5,006,906	5,650,201
Insurance costs	30,185,676	26,499,337
Specialised materials and services	1,239,068	2,242,150
Office and general supplies and services	2,041,648	3,651,879
Other operating expenses	6,509,461	6,960,315
Routine maintenance – vehicles and other transport equipment	3,186,826	6,719,848
Routine maintenance – other assets	1,088,180	456,020
Fuel Oil and Lubricants	3,824,190	7,939,015
TOTAL	152,372,012	152,447,984

5. SOCIAL SECURITY BENEFITS

	2018-2019	2017-2018
	Kshs	Kshs
Government pension and retirement benefits	22,988,178	26,550,000
TOTAL	22,988,178	26,550,000

Social Security benefits relate to staff gratuity payable upon exit.

These comprises of 31% staff gratuity payable on expiry of the contract or exit whichever comes earlier

6. ACQUISITION OF ASSETS

	2018-2019 Kshs	2017-2018 Kshs
Refurbishment of Buildings	793,900	609,455
Purchase of Vehicles and Other Transport Equipment		-
Purchase of Office Furniture and General Equipment	2,441,207	3,055,270
Research, Studies, Project Preparation, Design & Supervision	-	-
TOTAL	3,235,107	3,664,725

7.A Bank Accounts

Name of Bank, Account No. & currency	2018-2019 Kshs	2017-2018 Kshs
<i>Central Bank of Kenya, 1000181532, KShs</i>	142,656	708,327
<i>Central Bank of Kenya, 1000414863, KShs</i>	-	-
<i>Central Bank of Kenya, 1000414855, KShs</i>	606,600	606,600
<i>Central Bank of Kenya, 1000182385, KShs</i>	52,971,481	42,948,235
Total	53,720,738	43,656,562

7. B Cash in Hand

	2018-2019 Kshs	2017-2018 Kshs
Cash in Hand – Held in domestic currency	-	-
TOTAL	-	-

Cash in hand should also be analysed as follows:

	2018-2019 Kshs	2017-2018 Kshs
Headquarters, Solutions Tech Building, Cash office		-
TOTAL	-	-

8. OUTSTANDING IMPREST

Description	2018-2019 Kshs	2017-2018 Kshs
Government Imprests	-	168,600
TOTAL	-	168,600

9. ACCOUNTS PAYABLES

Description	2018-2019 Kshs	2017-2018 Kshs
Deposits	52,971,481	42,948,235
TOTAL	52,971,481	42,948,235

10. FUND BALANCE BROUGHT FORWARD

Description	2018-2019 Kshs	2017-2018 Kshs
Bank accounts	-	32,988
Government Imprests	168,600	-
Payables – Deposits	-	-
TOTAL	168,600	32,988

There was a balance of Kes 708,326 brought forward from the FY 2017/18. This was meant to cover expenses accounted for in the FY 2017/18.

11. PRIOR YEAR ADJUSTMENTS

Description of the error	2018-2019 Kshs	2017-2018 Kshs
Adjustments on bank account balances	(168,600)	(32,988.00)
TOTAL	(168,600)	(32,988.00)

The adjustments of Kes 168,600 relates to imprests not surrendered in the financial year 2017/18 but surrendered in FY 2018/19

12. RELATED PARTY DISCLOSURE

The Commission did not have related part transactions for the year

13. PENDING BILL

The Commission pending bills were Kes 2,882, 138.16 as at end of year 2018/2019. These occurred due to late submission of invoices (Annex I).

14. PROGRESS ON AUDITORS RECOMMENDATIONS

All issues were resolved

ANNEX 1 – SUMMARY OF FIXED ASSET REGISTER

Asset class	Historical Cost b/f (Kshs)	Additions during the year (Kshs)	Disposals during the year (Kshs)	Historical Cost c/f (Kshs)
Buildings and structures	3,097,455	793,900	-	3,891,355
Transport equipment	22,881,000	0	-	22,881,000
Office equipment, furniture and fittings	3,055,270	2,441,207	-	5,496,477
Heritage and cultural assets	8,990,390	0	-	8,990,390
Total	38,024,115	3,235,107	-	41,259,222

CHAPTER FIVE

5.0 Challenges, Priority Areas and Recommendations

5.1 Challenges

- a. Inadequate funding to deliver on the complex mandate.
- b. Lack of a legal framework to enforce equity and inclusion-related constitutional provisions, e.g. two-thirds gender rule, five percent progressive recruitment and representation of PWDs.
- c. Lack of an enforcement mechanism for non-compliance with the principles of equality and inclusion, and
- d. Barriers to translating affirmative action into substantive equality due to prevalent cultural-traditional and political norms and entrenched patriarchy.
- e. The Commission has usually operated without the full compliment thus affecting policy interventions.

5.2 Priority areas

- a) Expanding the scope of interventions on inclusive access to public infrastructure. The Commission launched a pilot project on access to public transport in Nairobi and wishes to expand the coverage and reach to provide national and county governments with concrete recommendations for consideration in ensuring universal access to among others Bus Rapid Transit.
- b) Auditing national and county governments' social-economic empowerment and enterprise funds for women, youth, older persons and PWDs. To examine the levels of exclusion as well as the net effect on livelihoods of the most vulnerable groups including the existence of sustainability measures such as linkages to financial institutions and markets at the national level.
- c) Monitor and audit the coverage, processes, delivery and uptake of National Safety Net Program, social assistance component with a focus to Persons with Severe Disability Cash Transfer (PWSD-CT); Hunger Safety Net Cash (HSNP targeting *Turkana, Mandera, Wajir and Marsabit*); Older Persons Cash Transfer (OPTC, Inua Jamii); and Cash Transfer for Orphans and Vulnerable Children (CT-OVC).
- d) Audit of county governments on equality and inclusion in representation and employment in the executive and legislative organs.
- e) Monitoring the equality and inclusion levels in the social security programs for vulnerable populations (including NSSF) and national health insurance, access to pilot Universal Health Coverage program (*Isiolo, Nyeri, Machakos and Kisumu counties*) for special interest groups.

- f) Monitor the status of the 100 percent ECDE to primary to secondary school transition: are there eligible children not in school? Who are they and why are they left behind? Are current policies on school enrolment, retention and transition still excludes certain categories of children and how can that be addressed?
- g) Dissemination of the results of the NGECE 2019/2020 audit results on the uptake of green energy among vulnerable populations (media and community-based dissemination).
- h) Finalization of the Commission rules and regulations to strengthen procedures for the conduct of investigations, management of complaints and provide general rules on the administration of equality and inclusion across the public and private sector.
- i) Audit private and public housing schemes to establish the extent to which the youth, older members of the society, persons with disabilities and women and urban population benefit from housing schemes. The program will also lead to the development of the standards for the implementation of the housing policy.
- j) Building capacity of Commissioners and management team on alternative dispute resolution mechanisms.
- k) Monitor compliance with international treaties, conventions and protocols.

5.3 Recommendations

- a. Increased funding from the National Treasury to enable the Commission to discharge its mandate effectively.
- b. Enactment of necessary laws at the National and County level to enforce constitutional provisions on equity and inclusion.
- c. The amendment of the Public Finance Management Act, to provide for a requirement that public institutions demonstrate compliance with the principles of equality and inclusion before funding by the National Treasury.
- d. Enhanced implementation of all gender equality laws and policies.
- e. State to take measures to ensure the full complement of Commissioners at all times.

Appendix 1: NGEN Leadership Profile



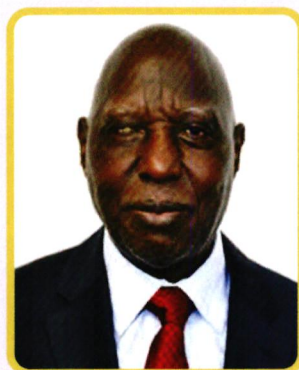
DR. JOYCE BABBIE MWIKALI MUTINDA (PhD)

Dr. Joyce Babbie Mwikali Mutinda is the Chairperson of the National Gender and Equality Commission. She was appointed on August 17 2018 and sworn into office on August 27, 2018. Dr. Mutinda is an accomplished educationist, gender analyst, quality auditor, training consultant and a monitoring and evaluation expert. She holds a Doctor of Philosophy degree in Educational Management from Makerere University in Uganda, a Master of Arts degree in Gender Analysis in Development from the University of East Anglia in the United Kingdom and a Bachelor of Education degree from the University of Nairobi, Kenya.

Before her joining NGEN, Dr. Mutinda was the Chairperson of Rongo University Council. Throughout her career, Dr. Mutinda has served in over fifteen public institutions in the education sector and civil service and undertaken numerous local, regional and international consultancies.

She has published over 20 research papers and reports and is a respected training consultant and facilitator. She has attended over 40 high-level workshops and seminars and represented the country in various capacities. At the community level, she has served in various management Boards of Teacher Training Colleges, Secondary Schools as well as holding leadership positions in various associations.

Dr. Mutinda is an avid reader and writer, cherishes mentoring the youth, motivating the girl-child and women, conserving the environment and loves singing.



DR. MURITHI J. CHOMBA MUNYI (PhD).

Dr. Chomba is the Vice-Chairperson of the Commission. He was appointed on August 17, 2018 and sworn in on August 27, 2018. He holds a Doctor of Philosophy degree from Kenyatta University, Doctor of Philosophy in Education (Special Needs Education) from the University of Marylebone, UK, PGDE in Curriculum Development and Evaluation from Kenyatta University, Masters degree in Special Needs Education from Michigan State University, U.S.A, and a Bachelor of Education degree from University of Nairobi.

He has served in the disability sector as Chairman of the Disabled Voters of Kenya Alliance (DVA) and Kenya Union for the Blind (KUB).

Other memberships include; the Nairobi County Public Service Board, National Council for Persons with Disabilities (NCPD), Kenya Institute of Special Education (KISE) Council, Kenya Institute for the Blind (KIB) Board of Management and Nguviu Boys' High School Board of Management.

Before his appointment Dr. Chomba worked as a Senior Lecturer at Kenyatta University in the Special Needs Education Department, as Managing Director at Disability Awareness and Development (FAMDAD) Management Consultancy and as an Executive Director at the African Union of the Blind (AFUB).



DR. FLORENCE NYOKABI WACHIRA, MBS

Commissioner Dr. Florence Nyokabi Wachira MBS is a Human Resource Management practitioner and a career public servant. Before joining the Commission, she held various positions in the civil service of Kenya where her last appointment was as Director of Recruitment and Selection in the Public Service Commission.

She holds a Doctorate in Human Resource Management, a Master's degree in Human Resource Development and a Master's Degree in Gender and Development studies.

She is a full member of the Kenya Institute of Management (KIM) and a Chartered Member of the UK based Chartered Institute of Personnel Development (CIPD).

She has vast knowledge and experience in people management and especially in talent development and management of Diversity. She is a firm believer in truth, justice and fairness in all matters affecting people.



HON. PRISCILLA NYOKABI KANYUA

Commissioner Hon. Nyokabi is an Advocate of the High Court of Kenya and holds a Bachelor of Law Degree from the University of Nairobi and a Diploma from the Kenya School of Law. She served as the first Nyeri County Woman Member of Parliament between 2013- 2017. She was appointed on August 17, 2018, and sworn in on August 27, 2018. Before joining Parliament, Hon. Nyokabi was the Executive Director of Kituo Cha Sheria. She served as the Deputy Presiding Officer Eastern Africa in the African Union Permanent Assembly of the Civil Society (AU ECOSOC) and as a Media Council of Kenya Complaints Commissioner.

She was nominated Top 40 under 40 Women in Kenya in 2010 and 2011 by Nation Business Daily.

During her stint in Parliament Hon. Nyokabi championed issues of women, human rights and development. She served in various Parliamentary committees including the Justice and Legal Affairs Committee as the Vice-Chair, Budget and Appropriations Committee, House Business Committee, Chairperson of Caucus 47 of all the County Women Representatives, Kenya Women Parliamentary Association (KEWOPA) as an Executive Committee Member and Catholic MPs Forum as a Member. Hon. Nyokabi is married and a mother of two.



BETTY SUNGURA-NYABUTO MBS

Betty Sungura-Nyabuto **MBS**, is the Commission Secretary and Chief Executive Officer of the National Gender and Equality Commission. An accomplished scholar, Advocate of the High Court of Kenya and an active member of the Law Society of Kenya, she holds a Bachelor of Laws (LLB) and Master in Laws (LLM) in International Trade & Investment Law, University of Nairobi. She is a Certified Secretary and an active member of the ICS Institute of Certified Secretaries (ICS), a Commissioner of Oaths and a Notary Public, both conferred by the Judiciary of Kenya.

She has served as a Legal Counsel at Fida Kenya, interacted widely with the legal profession at the bar, bench, and in the public sector as well as at local, regional and international levels including the East African Court of Justice (EACJ) and the EAC.

Betty has served as Chief Executive Officer of the Law Society of Kenya. She has also served as Deputy Commission Secretary /CEO at the Independent Electoral and Boundaries Commission (IEBC). At the IEBC she was appointed Acting Chief Executive Officer by the Commission (IEBC) and Accounting Officer by the Cabinet Secretary, National Treasury in two Financial Years.

She is a proficient author, child rights defender, has written books on good governance, and authored separately with the UN Women on how to promote the participation of women in elections. As part of her participation in good governance, She has undertaken major regional and international consultancies including assisting the Burundi Bar Association with Strategic Planning in preparation of their first-ever Strategic Plan with the support of Avocats sans frontières Belgium.

She has worked previously with Plan Nederlands International in Amsterdam defending child rights and is currently serving as a member of the Law Society of Kenya Mentorship Board/ Committee.

Appendix 2: A Schedule of Complaints Received, Processed and/ or Referred.

NO.	REF. NO	GENDER/SIG	SUMMARY OF COMPLAINT	SPECIFIC INTERVENTION
1	NGEC/44/2018	Female	Complaint alleging marital dispute	Advised to seek assistance from FIDA
2.	NGEC/45/2018	Female	Complaint regarding ongoing court case	Advised to inquire more on the matter from the office of the judiciary ombudsman.
3.	NGEC/46/2018	Male	Delay in issuance of birth certificate	Inquired at the department of births and registration and certificate issued.
4.	NGEC/47/2018	Male	Alleged corruption in lands office	Matter referred to National Land Commission as it was outside the Commission's mandate.
5.	NGEC/48/2018	Female	Alleged harassment by family members	Matter referred to area assistant chief as it was criminal.
6.	NGEC/49/2018	Male	Alleged marginalization	Initiated investigation into the alleged claim.
7.	NGEC/51/2018	Male	Alleged discrimination on employment	Initiated investigation and found that the matter lacked merit.
8.	NGEC/52/2018	Male	Alleged discrimination on employment	Initiated investigation into the alleged claim and found that matter lacked merit.
9.	NGEC/53/2018	Male	Complaint regarding road accident	Advised complainant to seek the services of a private advocate.
10.	NGEC/54/2018	Male	Delay in court case	Advised to inquire more on the matter from the office of the judiciary ombudsman.

11.	NGEC/55/2018	Male	Determination of land dispute	Advised complainant to visit the local lands registry office.
12.	NGEC/56/2018	Female	Alleged sexual harassment	Followed up with police station and ensured documentation was properly done and matter filed in court.
13.	NGEC/57/2018	Male	Unlawful termination of contract	Referred complainant to the county labour office.
14.	NGEC/58/2018	Male	Alleged discrimination by employer	Matter resolved amicably between the parties and withdrawn from the Commission.
15.	NGEC/59/2018	Male	Alleged discrimination by the employer	Matter resolved amicably between the parties at the Commission.
16.	NGEC/60/2018	Female	Alleged domestic abuse	Matter referred to FIDA.
17.	NGEC/61/2018	Female	Delay of court case	Matter referred to Judicial ombudsman.
18.	NGEC/62/2018	Female	Delay in conclusion of court case	Matter referred to Judicial ombudsman.
19.	NGEC/63/2018	Male	Alleged discrimination at county assembly	Initiated inquiry and matter resolved.
20.	NGEC/64/2018	Female	Unresponsiveness by employer	Matter referred to KUDHEIHA Union.
21.	NGEC/65/2018	Male	Complaint alleging discrimination	Initiated inquiry and matter resolved.
22.	NGEC/1/2019	Female	Child custody	Referred the Complainant to the Nakuru Provincial Hospital for psychiatric evaluation and advised the complainant to enroll the kids into

				a school. Nakuru Children's office confirmed the enrollment of the Kids to school. The complainant given custody over the children. NGEC Nakuru office and Children's office to monitor the progress of the children.
23.	NGEC/2/2019	Female	Alleged unfair termination from employment	Advised the complainant to file the matter at the employment court for the reason NGEC could not satisfactorily grant the complainant her request
24.	NGEC/3/2019	Male	Alleged discrimination	Requested complainant to provide more information
25.	NGEC/4/2019	Male	Alleged unfair treatment at work place	Complainant advised to seek assistance from his work union as a first resort
26.	NGEC/5/2019	Female	Matrimonial property dispute	Referred the matter to an organization known as Legal Foundation Trust in Kilimani where the complainant was offered pro bono services.
27	NGEC/6/2019	Male	Alleged discrimination	Wrote a letter to TSC informing them of the complaint, inquiring of their policies of accommodating PWDs and actions they have taken to accommodate PWD teachers in the workplace. TSC is yet to respond.

28.	NGEC/7/2019	Female	Alleged unlawful ouster from office	Complainant advised to exhaust the internal party dispute resolutions mechanisms for Jubilee Party.
29.	NGEC/8/2019	Male	Alleged erroneous entry of name by department of civil registration	Complainant advised to liaise with the office of births and deaths at the State Department for Immigration, Border control and registration of persons.
30.	NGEC/9/2019	Male	Alleged human trafficking. Matter in court	Complainant advised to wait until full hearing of the matter in court.
31.	NGEC/10/2019	Female	Alleged unfair treatment of an elderly man	Advised to seek assistance from the area chief and social services office.
32.	NGEC/11/2019	Male	Alleging historical injustices towards Abasuba tribe	Upon investigation, it was discovered that the Basuba ethnic community is already listed as a minority community.
33.	NGEC/2/2019	Male	Determination of land ownership	Advised complainant to file criminal charges against the people who sold his land parcel.
34.	NGEC/13/2019	Female	Alleged discrimination	Advised complainant to liaise with the Kenya Union of Domestic, Hotels, Educational Institutions, Hospitals and Allied Workers KUDHEIHA offices in Thika for assistance and appraise us of the matter.

35.	NGEC/14/2019	Female	Alleged defilement	Upon follow up we established that the complainant had earlier been filed at KNCHR and the matter had been successfully resolved.
36.	NGEC/15/2019	Female	Probate and succession. Matter in court	The complainant advised to wait upon full determination as the matter is already in a competent court.
37.	NGEC/16/2019	Female	Alleged flouting election procedure	The complainant advised to wait upon full determination as the matter is already in a competent court.
38.	NGEC/17/2019	Female	Alleged discrimination by employer	Advised complainant to liaise with the Labour office at Naivasha for remedy or alternatively report to the Kenya Union of Domestic, Hotels, Educational Institutions, Hospitals and Allied Workers KUDHEIA offices in Naivasha for assistance and appraise us of the matter.
39.	NGEC/18/2019	Male	Complaint alleging discrimination	The complaint was dismissed because the relief sought by the complainant was outside the Commissions mandate. He sought compensation from the government for having been jailed for 32 years.

40.	NGEC/19/2019	Female	Complaint alleging defilement	The Commission carried out a rapid response activity and the matter is still under investigation.
41.	NGEC/20/2019	Female	Alleged breach of contract	The complaint was dismissed as it failed to disclose any impropriety regarding the Commissions mandate.
42.	NGEC/21/2019	Female	Alleged unfair dismissal from employment	The complainant was advised to furnish the commission with her medical records to help us determine and process the complaint.
43.	NGEC/22/2019	Female	Alleged unlawful seizure of goods	The complainant advised to liaise with the Anti Counterfeit Agency and obtain an investigation report and use the report to file criminal charges against her supplier.
44.	NGEC/23/2019	Female	Alleged delay in communicating verdict	The complaint referred to Commission on Administrative Justice for resolution (CAJ).
45.	NGEC/24/2019	Male	Alleged irregular employment	The complainant advised to seek for redress from CAJ.
46.	NGEC/25/2019	Male	Determination of land ownership	The complainant advised to get an execution order from court and serve it to the respondents.
47.	NGEC/26/2019	Male	Divorce matter currently in court	The complainant advised to seek further remedies in court.

48.	NGEC/27/2019	Male	A complaint alleging unresponsiveness	The commission wrote a letter to Internal Affairs.
49.	NGEC/28/2019	Male	A complaint alleging defilement	The commission wrote a letter to Internal Affairs.
50.	NGEC/29/19	Male	A complaint alleging defilement	The respondent requested to furnish the Commission with particulars.
51.	NGEC/30/19	Female	Alleged delay in processing pension	The complainant was advised to seek assistance from the office of the Ombudsman.
52.	NGEC/31/2019	Male	Alleged non-compliance to government circular	Complainant advised to seek assistance from the office of the Ombudsman.
53.	NGEC/32/2019	Male	Alleged discrimination on grounds of disability	An inquiry was carried out and matter resolved.
54.	NGEC/33/2019	Male	Alleged unfair dismissal from employment	The complainant was advised to follow up the matter with CAJ.
55.	NGEC/34/2019	Female	Determination of land ownership	The complainant was advised to seek the services of a private advocate.
56.	NGEC/35/2019	Male	Social assistance	The complainant was advised to follow proper process of registration.
57.	NGEC/36/2019	Male	Employment dispute	Advised to seek the services of a private advocate.
58.	NGEC/37/2019	Female	Probate and succession mater	The complainant was advised to seek the services of a private advocate.

59.	NGEC/38/2019	Male	Alleged breach of contract	The respondent was requested to furnish the Commission with particulars.
60.	NGEC/39/2019	Male	Employment dispute	Advised to seek the services of a private advocate.
61.	NGEC/40/2019	Female	Alleged unresponsiveness	Requested the complainant to furnish us with her OB number and particulars of the Police Station.
62.	NGEC/41/2019	Male	Alleged breach of contractual terms	Advised to seek the services of a private advocate.
63.	NGEC/42/2019	Male	A complaint alleging sodomy	Advised to follow up with the Office of the Attorney General to have the protection order executed.
64.	NGEC/43/2019	Female	Matrimonial property dispute	Advised to seek the services of a private advocate or FIDA in the alternative.
65.	NGEC/44/2019	Male	Alleged discrimination	Shared the concerns with the Youth and Children's Department.
66.	NGEC/45/2019	Female	Alleged discrimination of youths in employment opportunities	The complainant was advised to bring the relevant papers as per the advert.
67.	NGEC/51/2019	Female	Matrimonial Property dispute	Advised to seek assistance from the Chief as a first resort.
68.	NGEC/52/2019	Male	Alleged discrimination	Advised to register for assistance at the County Commissioner's office and get services of a private advocate to help him with the land issue.

69.	NGEC/54/2019	Female	Enquiry regarding social services	Advised to continue with the court process.
70.	NGEC/55/2019	Male	Enquiry about court case	The complainant advised to liaise with the Office of the Ombudsman as the matter was administrative.
71.	NGEC/56/2019	Female	Alleged employment dispute	Advised to visit KUDHEIHA for redress.
72.	NGEC/57/2019	Female	Matrimonial dispute	Advised complainant to visit FIDA for assistance.
73.	NGEC/58/2019	Female	Alleged employment dispute	Advised to visit KUDHEIHA for redress.
74.	NGEC/59/2019	Male	Alleged assault	The complainant advised to visit a private advocate and report the assault to the police.
75.	NGEC/60/2019	Female	Matrimonial dispute	The complainant was advised to visit the Children's Office for assistance on how to get custody of her children.
76.	NGEC/61/2019	Male	Enquiry regarding registration	Advised to visit the NCPWD offices for registration.
77.	NGEC/62/2019	Female	Enquiry regarding registration	Advised to visit the NCPWD offices for registration.

78.	NGEC/63/2019	Male	Alleged discrimination	Advised the complainant to visit a counselor to help him and requested him to furnish us with particulars for his complaint against NHIF.
79.	NGEC/64/2019	Male	Social Assistance	The complainant was advised to seek assistance from NCPWD.
80.	NGEC/65/2019	Male	Alleged discrimination	The complainant was advised to furnish us with particulars.
81.	NGEC/66/2019	Female	Alleged discrimination	The complainant was advised to furnish us with particulars.
82.	NGEC/67/2019	Female	Medical appeal	Advised the woman to visit Kenyatta National Hospital for assistance.
83.	NGEC/68/2019	Male	Matrimonial property dispute	Advised him to visit a private advocate.
84.	NGEC/69/2019	Male	Alleged corruption	Advised to seek redress at EACC.
85.	NGEC/70/2019	Male	Financial assistance	Advised that the Commission had no mandate to handle her request.
86.	NGEC/71/2019	Male	Breach of contract	Advised to seek the services of a private advocate because NGEC lacked the mandate to deal.
87.	NGEC/72/2019	Female	Financial assistance	The complainant was advised to visit the Children's Office for assistance.
88.	NGEC/73/2019	Female	Matrimonial dispute	Matter referred to the NCPWD.

89.	NGEC/79/2019	Male	Matrimonial dispute	Advised to seek redress from FIDA.
90.	NGEC/80/2019	Female	Civil case in court	Advised to wait upon court determination.
91.	NGEC/81/2019	Female	Inquiry regarding a court process	Advised to avail full details of the matter.
92.	NGEC/82/2019	Female	Alleged discrimination	Advised to seek the service from NCPWD.
93.	NGEC/83/2019	Female	Alleged theft	Advised to report the matter to the area police officer in charge.
94.	NGEC/84/2019	Male	Land dispute	Advised to seek assistance from the Kiambu land register.
95.	NGEC/85/2019	Female	Social assistance	The complainant advised to register her daughter at NCPWD.
96.	NGEC/86/2019	Male	Alleged discrimination	Commission to undertake an audit on the status of SIGs in all counties and issue advisory.
97.	NGEC/87/2019	Male	Alleged discrimination	Advised to furnish the Commission with all the information.
98.	NGEC/88/2019	Male	Alleged discrimination	Commission to undertake an audit on the status of SIGs in all counties and issue advisory.
99.	NGEC/89/2019	Male	Alleged discrimination	Commission to undertake an audit on the status of SIGs in all counties and issue advisory.

100.	NGEC/90/2019	Female	Job seeker	Linked with job providers.
101.	NGEC/91/2019	Male	Alleged discrimination	Commission to undertake an audit on the status of SIGs in all counties and issue advisory.
102.	NGEC/92/2019	Male	Alleged discrimination	Commission to undertake an audit on the status of SIGs in all counties and issue advisory.
103.	NGEC/93/2019	Male	Alleged discrimination	Commission to undertake an audit on the status of SIGs in all counties and issue advisory.
104.	NGEC/94/2019	Female	Child support	Complainant advised on the steps to be taken and advised to liaise with the Children's Department.
105.	NGEC/95/2019	Female	Alleged discrimination	The concerns noted by the Commission for implementation.