




Kenya National Commission on Human Rights



ANNUAL REPORT

2023-2024


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KENYA NATIONAL COMMISSION ON HUMAN RIGHTS

ANNUAL REPORT

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STATEMENT FROM THE CHAIRPERSON

As we present the Kenya National Commission on Human Rights annual report and financial statements for the financial year 2023/2024, I am honored to reflect on the progress, achievements, and challenges faced in the course of executing its mandate. This report highlights the Commission's unwavering commitment to promoting and protecting human rights, both within Kenya and in regional and global contexts. Established under Article 59 of the Constitution of Kenya, the KNCHR is mandated to safeguard the rights and freedoms enshrined in the Constitution, ensuring that all Kenyans enjoy their inherent dignity. Our work is guided by core values of integrity, professionalism, accountability, and a steadfast dedication to human rights principles.

During the reporting period FY 2023/2024, the KNCHR continued to strengthen its position in the human rights landscape at national, regional, and global levels. Our affiliation with the African Commission on Human and Peoples' Rights (ACHPR) reinforced our commitment to upholding the African Charter on Human and Peoples' Rights. This continued affiliation enabled the Commission to collaborate with other national human rights institutions across Africa, sharing best practices and addressing common challenges. Additionally, our active membership in the Network of African National Human Rights Institutions (NANHRI) enhanced our regional influence. Through NANHRI, the KNCHR engaged in collective efforts to improve



Roseline D A Odede, HSC
Chairperson, Kenya National Commission
on Human Rights

the effectiveness of national human rights institutions across the continent, fostering dialogue, capacity building, and strategic partnerships that amplify our impact as Kenya's flagship human rights institution.

Further, the Commission enjoys its prestigious "A" status ranking by the Global Alliance of National Human Rights Institutions (GANHRI) during the 2023/2024 period. This status reflected our compliance with the *Paris Principles*, which set the standards for national human rights institutions worldwide. The "A" status underscores the Commission's independence, mandate, and effectiveness in promoting and protecting human rights. It also allows us to participate in global forums, influencing international human rights discourse and policy.

STATEMENT FROM THE CHAIRPERSON

Our strategic planning and management during the financial year 2023/2024 was instrumental in navigating the complexities of human rights work in Kenya. Guided by our strategic plan for 2023-2028, KNCHR focused on addressing emerging human rights issues, strengthening institutional capacity, and enhancing public awareness of human rights and fundamental freedoms. Key priority areas during this period included access to justice, accountability in governance, protection of vulnerable and marginalized groups, economic and social rights, business and human rights, addressing impunity and bad governance, and emerging human rights issues such as environmental justice and climate change. Recognizing the profound impact of these issues on Kenyans' fundamental rights, the KNCHR integrated them into its strategic planning.

The Commission's management framework emphasized transparency, accountability, and stakeholder engagement. Through regular consultations with Government Ministries, Departments, Agencies, and strategic partners, the KNCHR ensured that its strategies were informed by diverse perspectives and grounded in the realities of promoting and protecting human rights and upholding constitutionalism.



The KNCHR achieved significant milestones during the financial year 2023/2024. The Commission received and processed numerous human rights complaints, conducted investigations, issued status reports on human rights violations, and provided recommendations to various State and non-state actors. Our monitoring activities covered critical areas such as security operations and the rights of marginalized and minority communities. Internally, the Commission strengthened its systems to ensure efficient service delivery. The implementation of robust planning, monitoring, and evaluation mechanisms, along with the use of ICT systems, enhanced our ability to track progress, identify gaps, and make informed decisions.

Among the Commission's notable achievements during the financial year under review was the successful review of bills and issuance of advisories to various government entities, advocating for legislative and policy reforms that promote human rights and fundamental freedoms in Kenya. These efforts contributed to the enactment of laws aimed at protecting the rights touching on Penal reforms, Health, Agriculture, climate and conservation, Education, social political, public finance management among others. The KNCHR also made strides in promoting economic and social rights, advocating for equitable access to healthcare, education, and housing. Public education and awareness campaigns reached millions of Kenyans during the financial year, fostering a culture of human rights and empowering individuals to claim their rights. The Commission partnered with media outlets, community organizations, and educational institutions to disseminate human rights information and engage the public in meaningful dialogue.

STATEMENT FROM THE CHAIRPERSON

Despite these achievements, the Commission faced several challenges in its efforts to uphold human rights and fundamental freedoms in Kenya. Resource constraints due to budget cuts limited the KNCHR's ability to fully implement its programs and reach all parts of the country. The volatile political environment and instances of insecurity posed risks to staff and hindered operations. Additionally, resistance from some quarters, particularly in addressing governance and accountability issues, presented obstacles. In some cases, the Commission's recommendations were not fully implemented, undermining efforts to effect meaningful change.

The Kenya National Commission on Human Rights remains steadfast in its commitment to upholding the dignity and rights of all Kenyans. The financial year 2023/2024 was a period of significant achievements and formidable challenges. With the continued support of the Government and other our stakeholders, the Commission is confident that it will overcome any obstacles and continue to make strides toward a just and equitable society that observes and adheres to human rights principles.



Roseline Odede, HSC

Chairperson

Kenya National Commission on Human Rights

STATEMENT FROM THE COMMISSION SECRETARY/CHIEF EXECUTIVE OFFICER

The Kenya National Commission on Human Rights (KNCHR) releases its annual report for the financial year 2023-2024, highlighting its achievements, challenges, and emerging issues in the promotion and protection of human rights in Kenya. The statement provides a comprehensive overview of the Commission's performance, budget absorption rates, key achievements, and the challenges faced in the execution of its mandate.

Budget performance

The KNCHR demonstrated strong financial management during the financial year 2023/2024, achieving an overall budget absorption rate of 96%. Specifically, the absorption rate for government funds was 97%. This indicates the Commission's effective utilization of resources to deliver on its mandate of promoting and protecting human rights in Kenya. The Kenya National Commission on Human Rights had a budget for Financial Year 2023/24 of KShs 766,529,026. The Government's contribution was KShs. 539,796,436 (70%).



Dr. Bernard Mogesa PhD, CPM
Commission Secretary/Chief
Executive Officer

In line with its mandate, during the 2021/22– FY 2023/24 MTEF period, the commission processed 8,614 human rights complaints from 2,974 women, 5,407 men, 65 intersex individuals, and 168 others. Of these, 2,401 targeted state entities. Complaints covered refugee rights, extrajudicial killings, torture, and labor issues, with 47.7% on ECOSOC rights, 44.9% on civil rights, and 7.5% on group rights. Commission was involved in 34 Public Interest litigation cases and resolved 54 cases through Alternative Dispute Resolution (ADR) mechanisms and provided training on human rights standards to 3,860 individuals across public and private sectors. Through its public awareness efforts, KNCHR reached 277,332 members of the public via forums and extended its message to over 10 million people through media engagements focused on the Bill of Rights.

Additionally, the Commission undertook the review of over 79 laws and policies at both national and county levels, issuing 27 advisory notes to stakeholders and conducted inspections in 73 public and private entities to assess human rights compliance. Internationally, it made 36 submissions to global human rights forums and assisted in the preparation of three state compliance reports on human rights.

The Commission identified challenges in its operations, including under staffing, limited regional reach, inadequate documentation from complainants, and occasional non-cooperation from certain actors. In response, the commission plans to advocate for the restoration of its internship program, leverage partnerships for wider reach, enhance awareness and capacity among institutions to integrate human rights into their operations, and encourage thorough documentation from petitioners while exploring technological solutions in its operations.

The KNCHR operated across three main service areas: Human Rights Protection and Promotion Services, Human Rights Standards Advisory Services, and Human Rights Standards and Principles Compliance Services. The Commission's key achievements during the financial year 2023-2024 are outlined below:

Under the Human Rights Protection and Promotion Services output area, the KNCHR focused on receiving, processing, and investigating human rights complaints, promoting dispute resolution mechanisms, strategic public interest litigation, and advocating for a Human Rights-Based Approach (HRBA) in the administration of justice. The Commission also engaged in public awareness campaigns and capacity-building initiatives for duty bearers.

- **Complaints handling:** The Commission received 3,154 human rights complaints out of a projected 3,800, with 3,177 complainants across six regions: Nairobi, Western, Coast, Central, North Eastern, and North Rift. Of these cases, 66.21% received legal advice and assistance, while 33.79% were referred to partner organizations for further follow-up. The majority of complainants were male (67.09%), followed by females (31.20%), and intersex individuals (0.35%). The complaints were primarily related to police misconduct, land disputes, and labor rights violations. Geographically, Nairobi recorded the highest number of complaints, followed by Mombasa and Kisumu.



- **Investigations:** The Commission conducted 121 investigations into human rights violations, focusing on systemic violations linked to businesses and civil and political rights violations, particularly following the 2022 general elections.



- **Public Interest Litigation (PIL):** The Commission attended to 34 ongoing PIL cases addressing various human rights issues.



**STATEMENT FROM THE COMMISSION
SECRETARY/ CEO**

- **Human rights awareness:**

Through forums, roadshows, and media campaigns, the Commission reached 265,000 community members, close to its target of 300,000. The forums focused on empowering individuals to claim their rights, with topics including refugee rights, business and human rights, and the rights of intersex persons.



- **Capacity building:** The Commission trained 1,088 individuals from both public and private sectors on human rights themes, including refugee rights, business and human rights, and alternative justice systems.



The Commission plays a critical role in reviewing laws, policies, and programs to ensure compliance with human rights standards. During the financial year 2023/2024, KNCHR reviewed 41 laws and policies and submitted 27 advisories to various government bodies, including Parliament and ministries.

- **Key laws and policies reviewed:** The Commission reviewed several significant bills and policies, including the Anti-Corruption and Economic Crimes (Amendment) Bill, the Assisted Reproductive Technology Bill, the Law of Succession (Amendment) Bill, and the Social Assistance (Amendment) Bill. The Commission also provided advisories on the Public Policy Handbook for Kenya, the Public Transport (Motorcycle Regulation) Bill, and the Street Vendors (Protection of Livelihood) Bill, among others.

- **Advisories:** The Commission submitted 27 advisories on reviewed bills and policies, including recommendations on the Anti-Corruption and Economic Crimes (Amendment) Bill, the Cotton Industry (Development) Bill, and the Public Policy Handbook for Kenya. These advisories were aimed at ensuring that legislation and policies align with human rights principles.

The KNCHR engaged with State and non-State actors to ensure compliance with national, regional, and international human rights obligations. The Commission also monitored the implementation of its recommendations and provided platforms for capacity strengthening.

- **Engagement with international and regional human rights mechanisms:** The Commission submitted nine (9) reports and statements to regional and international human rights bodies, including the African Commission on Human and Peoples' Rights, the African Committee of Experts on the Rights and Welfare of the Child, and the United Nations Human Rights Council. These submissions highlighted key human rights issues in Kenya and provided recommendations for better protection of human rights.
- **Prison inspections:** The Commission conducted audits of 73 prison facilities out of 137 nationwide, focusing on human rights compliance. Preliminary findings revealed challenges such as overcrowding, inadequate facilities, and human rights violations against prisoners. However, there was increased awareness among prison officers regarding the rights of vulnerable groups, including persons with disabilities, intersex individuals, and migrants.

Emerging issues

The KNCHR identified several emerging issues that required urgent attention in the coming years:

- **Cyber space violations:** The rise in human rights violations in the cyber space, including online harassment and data privacy breaches, underscores the need for National Human Rights Institutions (NHRIs) to play a more active role in safeguarding digital rights. The African Declaration on Internet Rights and Freedoms provides a framework for promoting human rights standards in internet policies.
- **Retrogressive cultural practices:** Certain regions in Kenya continue to grapple with retrogressive cultural practices, such as witchcraft accusations, which hinder the adoption of human rights principles. These practices are deeply entrenched and often perceived as foreign concepts, making it challenging for communities to recognize and understand their rights.
- **Violations against vulnerable and marginalized groups:** Despite ongoing efforts, vulnerable groups, including the marginalized, continue to face human rights violations. The Commission emphasizes the need for sustained advocacy and protection mechanisms for these groups.
- **Civic education:** Continuous civic education is essential to enhance awareness of human rights, national unity, and core values. The Commission highlights the importance of integrating human rights education into national and county-level programs.

- **Data protection and technology:** The intersection of data protection, technology, and human rights presents new challenges that require careful consideration. The Commission calls for robust policies and frameworks to address these emerging issues.

Conclusion

The KNCHR 2023-2024 annual report highlights the Commission's effective advancement of human rights and fundamental freedoms in Kenya through complaint resolution, investigations, public interest litigation, and capacity-building and public awareness. Despite operational challenges, KNCHR strengthened its engagement with National Human Rights mechanisms referenced under chapter 4 of the constitution, the parliament, Judiciary, the executive as well as the county governments. The Commission has also enhanced its engagement with regional and international human rights mechanisms, reinforcing adherence to international standards. The report emphasizes ongoing civic education and policy development to address emerging issues in data protection and technology. Committed to protecting vulnerable populations, KNCHR advocates for integrating human rights principles across governance and societal frameworks.



Dr. Bernard Mogesa, PhD, CPM

Commission Secretary/Chief Executive Officer
Kenya National Commission on Human Rights



LIST OF ACRONYMS

1.	KNCHR	Kenya National Commission on Human Rights
2.	ACHPR	African Commission on Human and Peoples' Rights
3.	NANHRI	Network of African National Human Rights Institutions
4.	GANHRI	Global Alliance of National Human Rights Institutions
5.	HRBA	Human Rights-Based Approach
6.	ECOSOC	Economic, Social, and Cultural Rights
7.	PIL	Public Interest Litigation
8.	ADR	Alternative Dispute Resolution
9.	CRPD	Convention on the Rights of Persons with Disabilities
10.	ICPAK	Institute of Certified Public Accountants of Kenya
11.	CMA	Capital Markets Authority
12.	NSE	Nairobi Securities Exchange
13.	PSASB	Public Sector Accounting Standards Board
14.	RBA	Retirement Benefits Authority
15.	SDG	Sustainable Development Goals
16.	SGBV	Sexual and Gender-Based Violence
17.	UNGPs	United Nations Guiding Principles on Business and Human Rights
18.	ODPP	Office of the Director of Public Prosecutions
19.	NCAJ	National Council on the Administration of Justice
20.	NEMA	National Environment Management Authority

21. KeNHA	Kenya National Highways Authority
22. IPCRM	Integrated Public Complaints and Referral Mechanism
23. CUC	Court Users Committee
24. AGPO	Access to Government Procurement Opportunities
25. CHRB	Corporate Human Rights Benchmark
26. CRVWDA	Central Rift Valley Water Works Development Agency
27. ELC	Environment and Land Court
28. WRA	Water Resources Authority
29. IAAC	Inter-Agency Coordinating Committee
30. CBM	Christian Blind Mission
31. UDPK	United Disabled Persons of Kenya
32. COTU-K	Central Organisation of Trade Unions - Kenya
33. MTI	Mediation Training Institute
34. MOU	Memorandum of Understanding
35. IFMIS	Integrated Financial Management Information System
36. SSL	Secure Sockets Layer
37. GMS	Grants Management System
38. OSHA	Occupational Safety and Health Act
39. WIBA	Work Injury Benefits Act
40. FiRe	Financial Reporting



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CHAPTER

1 INTRODUCTION

The Kenya National Commission on Human Rights (KNCHR or 'The Commission') is a Constitutional Commission established under Article 59(1) and Chapter 15 of the Constitution of Kenya (CoK) and subsequently operationalized through an Act of Parliament, the Kenya National Commission on Human Rights Act Cap 71.

The Commission is an Independent National Human Rights Institution (NHRI) guided by the 1993 United Nations-approved principles on the establishment and functioning of independent National Human Rights Institutions referred to as the Paris Principles. The Commission is accredited by the **Global Alliance of National Human Rights Institutions (GANHRI)** as an **"A" Status NHRI** and is fully compliant as adopted by the UN Human Rights Commission Resolution 1992/54 of 1992 and the UN General Assembly Resolution 48/134 of 1993. The Commission enjoys an affiliate status with the African Commission on Human and Peoples' Rights (ACHPR) since 2004.

The Commission complies with the Constitution of Kenya as well as relevant statutes such as the Public Finance Management Act 2012, The Public Procurement & Asset Disposal Act 2015, the Employment Act 2007, and the Occupational Safety & Health Act 2007. In addition, KNCHR is committed to high standards of ethics and complies with relevant statutes such as; the Leadership & Integrity Act, of 2012 and the Public Officers Ethics Act, of 2003.



In view of the foregoing, this report complies with Section 53 of the KNCHR Act which obligates The Commission to provide a detailed report of activities and recommendations on policy, legal and administrative structures to address specific concerns identified by the Commission.

1.1 Mandate of The Commission

The Commission's mandate as provided for in Article 59(2) and Article 249 of the CoK and operationalized by the KNCHR Act 2011 is broadly interpreted as follows:

1. To promote human rights, fundamental freedoms, Constitutionalism and
2. To protect and secure the observance of human rights and fundamental freedoms in all spheres of life.

The functions of The Commission as set out in Articles 59(2) and 252, Constitution 2010 are to: -

- (a) Promote respect for human rights and develop a culture of human rights in the Republic;
- (b) Promote the protection and observance of human rights in public and private institutions;
- (c) Monitor, investigate and report on the observance of human rights in all spheres of life in the Republic;
- (d) Receive and investigate complaints about alleged abuses of human rights and take steps to secure appropriate redress where human rights have been violated;

CHAPTER 1 INTRODUCTION

- (e) On its own initiative or on the basis of complaints received, investigate or research matter in respect of human rights, and make recommendations to improve the functioning of State and non-State organs;
 - (f) Act as the principal organ of the State in ensuring compliance with obligations under international and regional treaties and conventions relating to human rights;
 - (g) Formulate, implement and oversee programmes intended to raise public awareness of the rights and obligations of a citizen under the Constitution;
 - (h) Work in close liaison with the National Gender and Equality Commission and the Commission on Administrative Justice to ensure efficiency, effectiveness and complementarity in their activities and to establish mechanism for referrals and collaboration;
 - (i) Perform such other functions as the Commission may consider necessary for the promotion and protection of human rights and
 - (j) Perform such other functions as may be prescribed by the Constitution and any other written law.
- (c) Call for information from a public entity or private body to facilitate monitoring of compliance with the provisions of this Act;
 - (d) Monitor the compliance by the State with international treaty obligations relating to torture and cruel, inhuman and degrading treatment and punishment;
 - (e) Recommend effective measures for prevention of torture and cruel, inhuman and degrading treatment and punishment;
 - (f) Create awareness among the public on their right to freedom from torture and cruel, inhuman and degrading treatment or punishment, by means of continuing civic awareness programs, symposia, publications and other means as may be determined by the Commission;
 - (g) receive reports from public entities with respect to the implementation of this Act, assess and act on the reports with a view to assessing the violation of the right to freedom from torture and cruel, inhuman and degrading treatment and punishment;
 - (h) work with enforcement agencies towards the promotion of compliance with international best practices on prevention of torture and cruel, inhuman and degrading treatment and punishment;
 - (i) liaise with public entities on the implementation of the right to freedom from torture and cruel, inhuman and degrading treatment or punishment by public and private agencies; and
 - (j) Perform other functions as may be determined by the Cabinet Secretary in consultation with the National Assembly.
 - (k) Submit an annual report to the National Assembly.

1.2 Additional mandate

The KNCHR has been also given an additional mandate under the **Prevention of Torture Act** as stipulated in the Act No 12 of 2017. Section 12 of the Act provides for the functions of the Commission as follows:

- (a) Investigation of alleged violations of the Act upon receipt of a complaint or on its own initiative;
- (b) Promoting the right to freedom from torture and cruel, inhuman and degrading treatment and punishment pursuant to the provisions of the Constitution and this Act;

1.3 Additional roles of The Commission

Apart from the functions clearly outlined in Section 7 of the KNCHR Act 2011, the following roles were added as part of the Commission's responsibilities:

S/ NO	ACT OF PARLIAMENT /GAZETTE NOTICE	ACT NUMBER	PROVISION/SECTION OF THE LAW
1.	Persons Deprived of Liberty Act	Act Number 23 of 2014	<ul style="list-style-type: none"> • Section 27 (8) provides for the right of a person deprived of liberty to lodge confidential complaint on rights violations within custody. • Section 29 (1) & (2) establishes the Consultative Committee on Persons Deprived of Liberty and mandates the committee to deliberate and resolve matters relating to persons deprived of liberty. • Section 29 (3) (g) lists KNCHR as a member of the Committee.
2.	Counter-Trafficking in Persons Act	Act No 8 of 2010	<p>Section 19 creates the Counter-Trafficking in Persons Advisory Committee in which KNCHR is a member. The Committee under section 20 advises the Cabinet Secretary on:</p> <ol style="list-style-type: none"> (a) formulation of a comprehensive and integrated program to prevent and suppress the trafficking in persons; (b) coordination of policies and programmes of the agencies to effectively address the issues and problems attendant to trafficking in persons; (c) coordination of the dissemination of information on the law and the issues relating to trafficking in persons through concerned agencies and non-governmental organizations; (d) formulation of programmes for the reintegration of both locally and internationally trafficked persons; (e) monitoring and evaluation of the progress of Kenya with respect to prevention, protection and prosecution efforts relating to trafficking in persons; (f) consultation and advocacy with Government departments and agencies and non-governmental organizations, to advance the purposes of this Act; (g) compilation and documentation of data and information on cases of trafficking in persons for purposes of policy formulation and program direction;

S/ NO	ACT OF PARLIAMENT /GAZETTE NOTICE	ACT NUMBER	PROVISION/SECTION OF THE LAW
			<p>(h) development of mechanisms to ensure the timely, coordinated, and effective response to cases of trafficking in persons;</p> <p>(i) measures to enhance cooperative efforts and mutual assistance between Kenya and other countries through bilateral and multilateral arrangements to prevent and suppress international trafficking in persons measures necessary to rehabilitate victims of trafficking in persons;</p> <p>(j) mechanisms to screen persons entering or leaving Kenya to determine if they are victims of trafficking in persons;</p> <p>(k) public information campaigns against trafficking in persons;</p> <p>(l) establishment of and support community-based initiatives that address trafficking in persons;</p> <p>(m) implementation of effective pre-employment orientation seminars and pre-departure counselling programmes to applicants for overseas employment;</p>
3.	Independent Policing Oversight Authority Act	Cap 88 Laws of Kenya	Section 9 (1) (c) provides that the Chairperson of the Commission shall be an <i>ex-officio</i> member of the Board
4.	Legal Aid Act	Act Number 6 of 2016	Section 5 establishes the National Legal Aid Service where the Commission sits as a board member (section 9(1) (h))
5.	Office of the Director of Public Prosecutions	Act No 2 of 2013	Section 16 of the Act establishes the Advisory Board to the Office of the Director of Public Prosecutions and provides that the Chairperson of KNCHR as being a member. The principle function of the board is to advise the ODPP on recruitment and appointment of members of staff; promotion; discipline and any other matter that may be referred to the board by the ODPP.
6.	Power of Mercy	Act No21 of 2011	KNCHR sits in the selection panel of the Members to the Committee as provided for under section 9 of the POMAC Act.

S/ NO	ACT OF PARLIAMENT /GAZETTE NOTICE	ACT NUMBER	PROVISION/SECTION OF THE LAW
7.	Taskforce on review of the laws relating to the exercise of the Power of Mercy	Gazette Notice No 7382	Taskforce appointed by the Attorney General to review the Laws relating to the exercise of the Power of Mercy under Article 133 of the Constitution. KNCHR is a member of this taskforce.
8.	Judicial Service Act	Act No 1 of 2011	Section 34 establishes the National Council on the Administration of Justice with the mandate to ensure a coordinated, efficient, effective and consultative approach in the administration of justice and reform of the justice system. The KNCHR sits as a member of the Council
9.	NCAJ Standing Committee on the Administration of Justice for Children	Gazette Notice No. 8777	Judicial Service Act, No. 1 of 2011 Committee main mandate is to coordinate the administration of justice for children
10.	NCAJ Standing Committee on Court Users Committee	Gazette Notice No. 8779	Judicial Service Act, No. 1 of 2011 Committee main mandate is to coordinate the work of Court Users Committees across the country
11.	National Council on Administration of Justice Committee on Criminal Justice Reforms	Gazette Notice No. 87778	The Committee's terms of reference are: (a) Establish and design mechanisms to ensure that Kenya's criminal justice system operates in a manner consistent and compliant with the provisions of the Constitution, 2010. (b) Identify legal, institutional, administrative and financial barriers that impede the efficient functioning of the criminal justice system. (c) Identify areas of inter-agency collaboration and cooperation that would make the criminal justice system effective in serving members of the public. (d) Identify and review laws and policies that criminalize petty offences and make recommendations on their declassification and reclassification.

S/ NO	ACT OF PARLIAMENT /GAZETTE NOTICE	ACT NUMBER	PROVISION/SECTION OF THE LAW
			<ul style="list-style-type: none"> (e) Review Kenya's penal laws. (f) In consultation with the NCAJ agencies, develop, operationalize and oversee the execution of a comprehensive implementation framework/strategy/plan of the CJS Audit Report. (g) Undertake any study or survey to deepen and expand understanding on Kenya's criminal justice system. (h) Conduct sensitization sessions among relevant stakeholders and the public on the contents of the audit report and engage them on the criminal justice reform initiative. (i) Engage other relevant state and/or non-state agencies in realizing the desired results of the audit findings implementation.
12.	NCAJ Committee on review of Laws and Policies relating to sexual offences and gender-based violence	Gazette Notice No. 9302	<p>Terms of Reference of the Committee:</p> <ul style="list-style-type: none"> (a) Review of the Sexual Offences Act (SOA) and other laws on sexual and gender-based violence (SGBV); (b) Review of the Sexual Offences Act (SOA) and other laws on sexual and gender-based violence (SGBV); (c) Review and oversee the implementation of policies, guidelines, rules, and strategies related to the efficient administration of justice for the SGBV; (d) Engage all relevant actors in the development of laws, policies, guidelines, and strategies on sexual offenses and gender-based violence; (e) Develop rules on victim protection under SGBV for the efficient administration of justice; (f) Identify areas of inter-agency collaboration and co-operation that would make lead to efficient operationalization of the Sexual Offences Act, policies, and guidelines for effective service to the public; (g) Monitor the prevalence of SGBV and the effectiveness of the control measures and advice the Council; (h) Disseminate information to relevant institutions through the Council for action, including the public; and

S/ NO	ACT OF PARLIAMENT /GAZETTE NOTICE	ACT NUMBER	PROVISION/SECTION OF THE LAW
			(i) Oversee and standardize the sensitization and training programmes related to the SOA and other laws on SGBV, and the sexual offences policies and guidelines.
13.	Witness Protection Agency	Act No 16 of 2006	Section 3 (P) creates the Witness Protection Advisory Board and provides for KNCHR as a member of the board. The Board mandate is to advise the agency on the exercise of its functions and in particular: (a) Advise on the formulation of witness protection policies In accordance with the current law and international best practices (b) Have general oversight over the administration of the Agency.
14.	Intersex Persons Implementation Co-ordination Committee (IPICC)	Gazette Vol. 184 18-8-23	The Attorney General aids the government in executing recommendations from the Taskforce report on Intersex Persons in Kenya. IPICC, led by KNCHR's Chairperson, and a Vice Chairperson from the Attorney General's office, oversees this initiative, with the Secretariat at KNCHR.
15.	National Monitoring Agency of the Convention on the Rights of Persons with Disabilities	Article 33 of the CRPD	On 9 th June 2017, the Attorney General re-designated the Commission as the monitoring agency for the Convention on the Rights of Persons with Disabilities. This nomination is vital for monitoring and advising the state on its obligations under the Convention and the Kenyan Constitution.
16.	Taskforce on Traditional, Informal, and Other Mechanisms used to Access Justice in Kenya	Gazette Notice No 1339 date 4 th March 2016	(a) Convene stakeholders and practitioners in Alternative Justice System in order to map out and understand the prevalence of use of Alternative Justice System, its intersection with the Judicial System and the progress made in infusing it with national and constitutional values; (b) Undertake a situational analysis of any existing reports, manuals, guidelines, practice notes, legal provisions on mainstreaming Alternative Justice System;

S/ NO	ACT OF PARLIAMENT /GAZETTE NOTICE	ACT NUMBER	PROVISION/SECTION OF THE LAW
			<ul style="list-style-type: none"> (c) In conjunction with the Judiciary Training Institute to pilot and benchmark existing models of Court-Annexed Alternative Justice System, to capacitate them, observing them and document their functioning to glean best practices to be used to develop potential national model; (d) Work with any seconded Consultants to synthesize secondary and primary data collected to address the objectives of the policy formulation exercise; (e) Consolidate best practices from selected traditional justice systems of selected communities; (f) Highlight challenges and effects of inter-linkage between traditional justice systems and the formal justice system; (g) Consult with key stakeholders and recommend a linkage between traditional and informal Justice Systems and the formal justice systems; (h) Study best practices, formulate the policy on mainstreaming alternative techniques for reducing case backlog and produce a draft; (i) Develop a strategic plan to implement the policy; (j) Present the draft documents to key stakeholders within the justice sector through meetings and workshops and incorporate comments as necessary; and (k) Develop a National Model for Court-annexed traditional justice resolution mechanism for possible adoption.
17.	Board of Directors of the Kenya Board of Mental Health	Gazette Notice No. 8818	<p>Section 4(2) of the Mental Health Act. Under section 5 of the Act, the role of the Board are as follows:</p> <ul style="list-style-type: none"> • advise the National government and county governments on the levels of access to mental health care services in Kenya and the most appropriate strategies and programmes for the care of persons with mental illness and the effective delivery of mental health care services at the national and county levels of government; • set standards for the establishment of mental health units; • approve the establishment of mental health units within a national referral hospital

S/ NO	ACT OF PARLIAMENT /GAZETTE NOTICE	ACT NUMBER	PROVISION/SECTION OF THE LAW
			<ul style="list-style-type: none"> inspect mental health units and mental health facilities to ensure that they meet the prescribed standards to develop guidelines on emergency treatment of persons with mental illness the procedures to be adhered to during emergency treatment; to collaborate with the Cabinet Secretary responsible for education in developing and integrating in the education syllabus instructions relating to mental health, including instructions on prevention, treatment, rehabilitation and general information on mental health related illness to prepare reports on prevalence of mental illness in the country and in particular to articulate in the reports an analysis of the specific types of mental illness recorded in every county. to perform such other functions as may be conferred upon it by or under this or other written law.
18.	Focal point on Children	Children's act	By advisory
19.	Inter-Agency Coordinating Committee (IAAC) Coordination Committee of the WHO Quality Rights Initiative ¹	--	<p>IAAC was formed after consultations between the State Department for Social Protection and disabled peoples' organizations (DPOs) to implement the disability agenda in Kenya. Its objectives include promoting multi-sectoral collaboration for disability inclusion in mainstream policies and sharing experiences and best practices in the sector.</p> <p>KNCHR co-chairs the sub-committee on legal/policy/research and data with CBM. It's a WHO QualityRights Coordination Committee member and part of two sub-committees. KNCHR collaborates with the Ministry of Health on mental health services, aligning with the CRPD, while the Ministry of Labor and Social Protection handles IACC communications.</p>

¹ <https://www.health.go.ke/kenya-adopts-qualityrights-mental-health-initiative/#:~:text=Nairobi%20November%2018%2C%202019%20%E2%80%93%20The,for%20people%20with%20mental%20disorders.>

S/ NO	ACT OF PARLIAMENT /GAZETTE NOTICE	ACT NUMBER	PROVISION/SECTION OF THE LAW
20.	Kenya National Bureau of Statistics (KNBS) and Disability Statistics Committee Inter-Agency Coordinating Committee (IAAC)	MOU	<p>The Commission is also a member of a number of Statistical Committees, including the Technical Working Committee on Disability Data. This Committee's objectives include coming up with disability disaggregated data to inform planning and programmes for persons with disabilities in Kenya.</p> <p>KNCHR, along with Christian Blind Mission (CBM), co-chairs the sub-committee on legal/policy/research and data within IAAC. The Ministry of Labor and Social Protection handles communication regarding meetings of the entire IAAC. KNCHR's role involves facilitating the implementation of the disability agenda, promoting multi-sectoral collaboration for inclusion in development, and providing a platform for sharing experiences and information in the sector.</p>
21.	Global Labor Programme-Labor Markets Governance Advisory Committee-KNBS and Disability Statistics Committee	--	Sightsavers and partner NGOs launched the Global Labor Program - Inclusive Futures to promote inclusive work opportunities in Kenya. The program builds skills and collaborates with agriculture and retail businesses to enhance inclusion of people with disabilities and protect labor rights.
22.	Global Labor Programme-Labor Markets Governance Advisory Committee	--	The Commission participates in the "Governance" domain of the Global Labor Program - Inclusive Futures, collaborating with United Disabled Persons - Kenya (UDPK) and the Central Organisation of Trade Unions - Kenya (COTU-K) to improve the legal and institutional frameworks governing work opportunities for people with disabilities.

1.4 Guiding Principles

In fulfilling its mandate, The Commission acts in accordance with the values and principles set out in the Constitution and the Laws of Kenya and observes and

respects:

- (a) The diversity of the people of Kenya;
- (b) Impartiality and gender equity;
- (c) All treaties and conventions which have been ratified

in Kenya and in particular the fact that human rights are; *indivisible, interdependent, interrelated, and of equal importance for the dignity of all human beings*, and

(d) The rules of natural justice.

Implementation of The Commission's mandate is pursued through various strategies including but not limited to: *processing complaints, conducting investigations, securing redress and accountability, undertaking audits, research, advisories, lobbying, advocacy, conducting human rights education and training, monitoring, and partnership building.*

1.5 Affiliation to international and regional networks

The Commission is affiliated to the *Global Alliance of National Human Rights Institutions (GANHRI)*, an international, independent body established to promote the establishment and strengthening of NHRIs in conformity with the *Paris Principles*; and KNCHR enjoys 'A' Status accreditation.

The Commission is also an active and key full member of the 44 States' regional human rights umbrella body namely; the *Network of African National Human Rights Institutions (NANHRI)*. The Commission hosts the NANHRI Secretariat at its head office in Nairobi. NANHRI encourages and supports the establishment of strong and independent African NHRIs in compliance with Paris Principles through national, sub-regional, regional and international cooperation. It strives to ensure that African NHRIs effectively undertake their mandate of human rights monitoring, protection, promotion, and advocacy towards a continent characterized by human rights culture and justice for all.

The Commission remains a full member and host of the NANHRI and has committed to continue offering institutional support to the Network to enable it to undertake its mission of strengthening NHRIs in Africa.

1.6 Collaboration with Constitutional Commissions and Independent Offices

Article 59 of the Constitution of Kenya, provides for the establishment of the Kenya National Human Rights and Equality Commission (KNHREC). However, the operationalization of Article 59(4) of the National Assembly as constituted; then split KNHREC into three Commissions, namely the Kenya National Commission on Human Rights (KNCHR), the Commission on Administrative Justice (CAJ), and the National Gender and Equality Commission (NGEC). The Commission collaborates closely with other Article 59 Commissions given their shared mandate on the protection and promotion of human rights. This is done through the Integrated Public Complaints and Referral Mechanism (IPCRM) which provides for the receipt and onward referrals of public complaints to participating institutions.

The Commission also works closely with other Constitutional Commissions and Independent Offices (CCIOs), specifically through targeted strategic meetings, engagements and institutional participation in the annual conferences.

1.7 Leadership and Management

Section 9 of the KNCHR Act provides that the Commission will comprise a Chairperson and four Members of the Commission. The Chairperson, in

in conjunction with the Commission Members supervise and direct the oversight work of the Commission. The Commission has a Secretariat which is the implementing organ. The Secretariat is composed of the Secretary to the Commission, who is appointed by Commissioners and serves as the Chief Executive Officer and the Accounting Officer. The Commission Secretary, in discharge of the management duties, responsibilities

and accountabilities, and is assisted by five (5) Directorates namely; Complaints and Investigations, Research, Advocacy and Outreach, Legal Services, Regional Services and Corporate Services.

The Chairperson directs and supervises the oversight work of the Commission. The Chairperson and the four Commissioners were appointed on 3rd March 2022.



ROSELINE DA ODEDE HSC,
CHAIRPERSON



DR. RAYMOND NYERIS,
VICE-CHAIRPERSON



HON. SARA BONAYA,
COMMISSIONER



DR. DENNIS WAMALWA,
COMMISSIONER



PROF. MARION MUTUGI EBS,
COMMISSIONER



DR. BERNARD MOGESA PhD, CPM
COMMISSION SECRETARY/CEO

1.8 Staffing

The Kenya National Commission on Human Rights (KNCHR) Secretariat comprises the Commission Secretary, who serves as the Chief Executive Officer, and staff members. At the close of the reporting period, the Commission employed 126 staff out of the authorized establishment of 461 positions recommended by the Directorate of Personnel Management (Ministry of Public Service, Performance and Delivery Management). During the year under review, nine additional staff were recruited to replace those who had resigned. Officers from the level of Deputy Director to the Secretary serve on five-year renewable contracts, while the remaining staff hold permanent and pensionable positions. The Commission also maintains an active attachment and volunteer program, which provided opportunities to 42 young professionals during this review period to enhance their capacities in the human rights profession and also in corporate service.

1.9 Strategic Framework

The Commission 2023-2028 Strategic Plan articulates The Commission's strategic direction for the next five years toward its mandate in the promotion, fulfilment, and protection of human rights and fundamental freedoms. As the fifth strategic document, this plan builds on the successful implementation of the previous four strategic plans.

During the performance period of this Strategic Plan, The Commission implemented four (4) strategic objectives that were crucial in realizing increased enjoyment of human rights and fundamental freedoms by all. These strategic objectives are as follows:

Strategic objective 1: To Enhance Education and Capacity Building on Human Rights;



Strategic objective 2: To Enhance Monitoring Compliance and Observance of Human Rights;



Strategic objective 3: To enhance Access to Justice, Redress and Accountability on Human Rights Violations; and



Strategic objective 4: To Enhance Institutional Efficiency and Effectiveness.

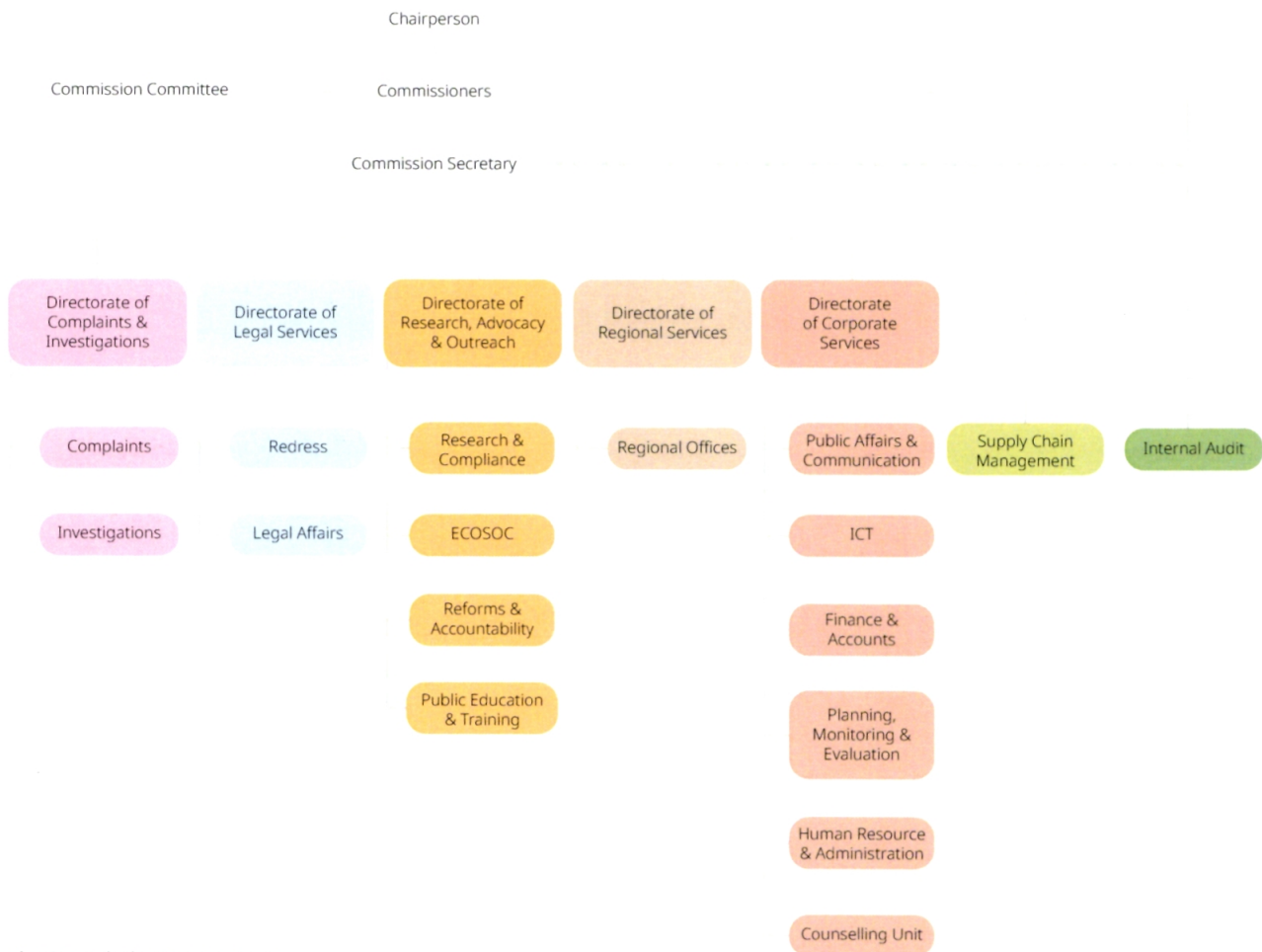


To achieve the strategic objectives, the Commission implements a range of strategies. These initiatives encompass, but are not limited to, the following key strategies: processing complaints, conducting thorough investigations, facilitating redress, undertaking audits and research, providing advisories, engaging in lobbying and advocacy efforts, conducting human rights education and training programs, and actively monitoring progress while fostering partnerships and collaborations.

1.10 Structure of the Commission

The Commission is organized around 5 Directorates and 2 independent units namely; Complaints and Investigations Directorate; Redress and Legal Services Directorate; Reforms, Accountability and Advocacy Directorate; Regional Services Directorate; Corporate Services Directorate and Internal Audit and Risk Management and Supply Chain Management Units.

The Regional Services Directorate cover five (5) KNCHR regional offices – the North Rift regional office in Kitale; the Northern Kenya regional office based in Wajir; the Coast Regional Office in Mombasa; Western Regional Office in Kisumu and Central Regional Office in Nyahururu and 3 satellite offices in Garissa, Kajiado and Isiolo.



The Commission Organogram

Renewable energy and human rights

The Commission trained **58 non-state actors** from private companies and civil society on a human rights-based approach to renewable energy management, while 22 professionals from renewable energy firms learned about grievance mechanisms and human rights due diligence. Post-training, two companies sought KNCHR's support to revise their grievance mechanisms, and one requested assistance in community engagement and HRBA implementation.

Empowering human rights defenders

The Commission trained, **35 human rights defenders** (HRDs) in Mombasa on human rights principles, KNCHR's mandate, and violation reporting. The commission also trained Nakuru, 36 HRDs focusing on refugee and host community rights. Both initiatives aimed to strengthen collaboration among human rights actors in refugee

rights protection and enhancing peaceful co-existence between refugee and host communities

Advancing intersex Persons rights

KNCHR partnered with Stretchers Youth Organization to raise awareness on intersex rights under the Children Act, 2022. A training session on February 14, 2024, engaged 40 including representatives from the Ministry of Interior and National Administration, Ministry of Labour and social protection, National Police Service, civil society, local administration, and two intersex Persons society of Kenya. The session highlighted the criminalization of Intersex Genital Mutilation and showcased advocacy milestones, such as the inclusion of an "I" gender marker in government documents like birth notifications and ODPP charge sheets. The training deepened the understanding of intersex persons rights and their lived experiences.



Training traffic officers at coast regional training centre on Intersex persons

Expanding reach through Trainers of Trainers (ToT)

KNCHR expanded its impact by training **465 participants** across seven regions (Nairobi, Mombasa, Lodwar, Kakuma, Kalobeyei, Garissa, and Wajir) as Trainers of Trainers. The TOTs were equipped to disseminate knowledge on complaint mechanisms, HRBA, the Refugee Act 2021, and KNCHR's role in rights protection.

Key outcomes and partnerships

These initiatives bolstered human rights awareness and coordination among duty bearers, enabling rights-based approaches in their work. Progress on intersex rights advanced policy reforms and understanding within the criminal justice system, while refugee-focused training integrated human rights perspectives into stakeholder engagement. KNCHR also strengthened partnerships and streamlined complaint referral mechanisms to ensure timely interventions.

Through these efforts, KNCHR reinforced its commitment to change, education, and collaboration in promoting a culture of human rights across Kenya.

2.2 Public awareness on human rights

Through human rights awareness forums, an outreach was made to **265,000 community** members, achieving a significant portion of the targeted **300,000 members**. The focus of these forums was to empower individuals in claiming their rights. The topics covered included the promotion of Refugee rights, Business and Human Rights Alternative Justice Systems (AJS), the rights of intersex individuals.

Human rights commemoration and awareness events

The Kenya National Commission on Human Rights (KNCHR) organized forums to commemorate key human rights days, sensitizing **6,950 participants**, including **50 intersex persons**, on human rights principles and fundamental freedoms. Commemorating days such as; **International Human Rights Day**, **The 16 Days of Activism** (focusing on gender-based violence and inclusivity), **Intersex Persons Awareness Day** (advocating legal recognition of intersex persons rights), **International Women's Day**, **International Peace Day**, and **World Suicide Prevention Day** underscored critical human rights themes. For **World Mental Health Day**, KNCHR released an audio-visual² production aligned with the 2023 theme: "*Mental health is a universal human right*"

Simultaneously, KNCHR partnered with state and non-state actors to advance awareness of Economic, Social, and Cultural Rights, reaching **6,644 individuals**. Specific initiatives included marking **World Indigenous Peoples' Day** in Sandai, Baringo County, and **International Human Rights Day** with the Ogiek community in Mariashoni, Nakuru County; Participation in the **8th Annual Indigenous Women Forum** (Isiolo County) and the Africa Learning Exchange on Conservation and Rights (Naivasha sub county). These initiatives focusing on Indigenous Peoples' rights helped to raise awareness about challenges faced by indigenous human rights defenders. Collectively, these efforts highlighted the intersection of human rights, indigenous advocacy, and community empowerment.

² KNCHR (2024) *Mental Health and Human Rights*. [YouTube video], 10 Oct. Available at: <https://youtu.be/FbNbQzVuQnE?si=hnXfUc5jtPnEJSVy> (Accessed: 27 March 2025).



KNCHR Regional coordinator and community members raise their hands to indicate standing up for human rights during open forum at the launch of the 16 days of Activism in Chanani, Tana River County.

Through these engagements, KNCHR strengthened collaborations with stakeholders such as the Judiciary and County Commissioner's offices. The Commission disseminated IEC materials, reports, and resources to

amplify advocacy efforts and enhance public awareness of human rights issues, ensuring broader reach and sustained impact.



Central Regional Coordinator Ms. Ruth Getobai addresses the public during the International Peace Day celebrations at the Rumuruti Prison Grounds, September 2023.

Enhanced community integration between refugees and host communities through rights awareness forums

KNCHR in conjunction with Refugee consortium of Kenya (RCK) organized **10 community dialogue forums** in **Mombasa, Nadapal, Kakuma, and Nairobi**. The forums included the commemoration of World Refugee Day in Kakuma. KNCHR reached **1,830 members** of the public and sensitized **200 refugees** on their integration with host communities. KNCHR and RCK adopted a joint approach to sensitization by involving both refugees and host communities as a lesson learnt from a study³.

This method supports peaceful co-existence and empowers communities to demand their rights from duty bearers. The dialogue forums allowed KNCHR to capture human rights concerns for intervention and to strengthen the relationship between refugees and host communities. The findings show gaps in human rights awareness among refugees and the general public, and a low level of participation by refugees in national matters. Past sensitization efforts focused solely on refugees, which widened the gap between refugees and host communities.

³ KNCHR (2024). Transforming refugee policy in Kenya: From Encampment to Social economic integration." Retrieved from <https://acrobat.adobe.com/id/urn:aaid:sc:EU:634cde96-dea4-44bd-a131-cc34bc7a025>.

CHAPTER 2 **EDUCATION AND CAPACITY
BUILDING ON HUMAN RIGHTS**



KNCHR CEO, Dr. Mogesa addressing congregants during the 2023 World Refugee Day in Kalobeyei Turkana County

Empowering communities through business and human rights engagement

KNCHR participated in a peer exchange program on Business and Human Rights organized by Global Compact Kenya. The program built the capacity of **65 participants** and allowed KNCHR to share its experience on human rights in business practices. KNCHR supported an exchange on responsible business initiatives in developing countries organized by Strathmore University. This event, which covered experiences from Kenya and Ghana, reached **42 participants** and offered a forum to present KNCHR's role in integrating human rights into business processes. Move to S.4

KNCHR hosted webinars on Business and Human Rights that reached around **500 people**. The webinars provided guidance on the application of human rights principles in business. KNCHR also disseminated the National Action Plan on Business and Human Rights (NAP-BHR) in Narok and Baringo Counties. The dissemination reached **627 participants** and distributed copies of the NAP-BHR, which enhanced knowledge and encouraged the integration of the plan by the Business Community.

The Commission engaged approximately **560 Stakeholders** and featured discussions on empowering marginalized groups during the 2nd African Business and Human Rights Forum. KNCHR also ran a radio talk-show program that reached about **3,000 listeners**. The talk-show addressed evictions and explained the safeguards under Section 152 of the Land Act 2012 along with available remedy mechanisms.

KNCHR conducted awareness forums in Kwale and Kilifi counties to explain the NAP-BHR to community members and stakeholders. The forum sensitised 108 participants about their rights and the resettlement process linked to Bamburi PLC's shale extraction plan. KNCHR also led stakeholder discussions on the impact of business operations on human rights, focusing on salt companies. The discussions addressed environmental concerns, land and resource disputes, and other human rights issues while outlining expectations for remedy mechanisms and accountability.

KNCHR multi-channel outreach on human rights awareness

Strengthening public rights awareness via SMS

KNCHR created over **48 thematic human rights messages** for broadcasting through its bulk **SMS platform**. The messages derived from the Bill of Rights and covered topics such as indigenous people, protection against cruel, inhuman, or degrading treatment, consumer rights, youth rights, and the rights of older citizens. The messages reached over **20,700 members** of the public. KNCHR's work aimed to empower individuals by informing them of their rights and responsibilities.

Enhancing human rights awareness through IEC and social media campaigns

KNCHR developed and disseminated IEC materials and messaging on elections, access to justice, and child rights. The Commission published the *2022 Elections Monitoring Recommendations Matrix*⁴ and the *North Rift Security Inquiry Report Recommendation Matrix* and *The Tumaini Handbook* on laws concerning intersex persons in Kenya⁵. *Standard Operating Procedures on Monitoring Migrants in Detention Places* were also disseminated.

The commission posted video clips and human rights messages on its website, X (formerly Twitter), and Facebook handles. All these activities improved access to information and supported public engagement and awareness on human rights and other emerging issues.

Public awareness through media engagement

KNCHR participated in multiple media events on Radio Yetu FM, Hega FM, KTN News, and Citizen TV. The topics covered included access to justice, business and human rights, renewable energy, and human rights violations. Additionally, the commission took part in media briefings and radio talk shows during the countdown to International Human Rights Day and World Refugee Day in Turkana County, reaching about **1,500 listeners**. KNCHR's activities enhanced public understanding of human rights issues and bolstered the commission's role in advocacy.

KNCHR engaged in media campaigns to raise public awareness on human rights. The commission hosted a radio talk show on Sauti Ya Pwani FM during Intersex

Awareness Day, reaching around in Mombasa, Kwale, Kilifi, Voi, and Lamu. The program discussed the Intersex Bill 2023 and legal protections for intersex persons. KNCHR also partnered with France 24 to create a media feature on human rights abuses in cashew nut processing plants in Kilifi County, supported by a five-minute video titled "**A tough nut to crack: The dark side of Cashewnut production in Kenya**".⁶

2.3 Social accountability and advocacy networks

Strengthening Human Rights through Direct Engagement and Capacity Building

Referral partners meetings

KNCHR led six referral partners meetings in Trans Nzoia and Turkana Counties. The meetings focused on refugee and host community rights. KNCHR held three meetings in partnership with LWF. KNCHR engaged state and non-state actors to improve complaint referral mechanisms. KNCHR enhanced the capacity of 190 partners on the Human Rights-Based Approach in complaint handling and established new and existing partnerships.

Capacity building workshop

KNCHR conducted a workshop in Uasin Gishu County for Civil Society Organizations and Human Rights Defenders. The session focused on the rights of intersex persons. KNCHR built the capacity of 25 participants on human rights standards, protection mechanisms, and documentation of human rights violations, including sexual and gender-based violence.

4 <https://www.knchr.org/Portals/0/KNCHR%20Elections%20Recommendations%20Matrix%202022.pdf>

5 https://www.knchr.org/Portals/0/Tumaini%20IPPIC_Final.pdf

6 <https://www.youtube.com/watch?v=Kx51Wsj7pU>

Accountability forums and sensitization meetings

KNCHR organized seven accountability forums on child rights and protection, intersex persons' rights, and election monitoring. KNCHR held sensitization forums on child protection in Korondille, Buna, Griftu, and Tula. KNCHR organized a meeting on the intersex persons bill in 2023 and conducted support meetings with NCAJ on child rights and criminal justice. KNCHR also arranged a psychosocial support meeting for victims of political violence and sexual and gender-based violence in Isiolo County, produced IEC materials, and held follow-up meetings with the USAID team to evaluate community peace dialogues following the 2022 elections.

Legislative and policy engagement

KNCHR convened a stakeholders meeting to address the constitutionality of Section 226 of the Penal Code on attempted suicide. KNCHR participated in the Quality Rights Committee Year Review and the Inter Agency Coordination Committee meeting on disability rights and mental health services. KNCHR engaged in media campaigns to raise public awareness on human rights issues.

Data quality and inclusion

KNCHR took part in the KNBS Technical Working Committee workshop on Citizen Generated Data. KNCHR focused on expanding the committee to include Special Interest Groups. KNCHR used the Kenya Statistical Quality Assurance Framework to validate citizen-generated data. KNCHR's data supports the collation and submission of data on SDG 16.10.1.

2.4 Integrate human rights knowledge in formal and informal learning institutions

Enhancing human rights awareness in higher learning institutions and communities

KNCHR hosted public lectures and induction sessions that brought together students and lecturers from prominent institutions. The commission hosted 300 students and 4 lecturers from Egerton University. Among the students, 240 came from the School of Gender and Development Studies and 60 from the Faculty of Law. In addition, 7 students and 2 lecturers from the University of Pretoria participated in an induction session that explained KNCHR's mandate as a National Human Rights Institution and its relevance to their studies. KNCHR officers supervised the sessions, ensuring that students gained practical experience for their careers.

KNCHR extended its training efforts by engaging 24 attaches from various universities and colleges, including one intersex learner. The Commission used these sessions to equip participants with hands-on exposure to human rights work. In parallel, KNCHR partnered with Laikipia University Human Rights Club to conduct sensitization sessions at Igwamiti Primary and Losogwa Police Station. These sessions focused on the rights of children and the criminal justice system. KNCHR further partnered with Laikipia University on a Sports and Human Rights symposium and engaged the university's business community to discuss business and human rights.

CHAPTER

3 MONITORING COMPLIANCE AND OBSERVANCE OF HUMAN RIGHTS



State organs have a constitutional duty to observe, respect, protect, promote and fulfil the human rights and fundamental freedoms based on the Bill of Rights (Article 21). Traditionally, it had been thought that the obligation of promoting and protecting human rights was exclusively that of the State and that private entities could not be brought to account for violations of human rights. Furthermore, all State organs and all public officers have the duty to address the needs of vulnerable groups within society including women, older members of society, persons with disabilities, children, youth, members of minority or marginalised communities and members of a particular ethnic, religious or cultural community.

In interpreting this question, the Judiciary has recognised that private bodies and individuals wield great power over the citizenry and that it is important that the latter are protected from such private bodies who may for instance discriminate or cause other constitutional breaches.

Kenya is bound by various regional and international human rights obligations which form part of the laws of Kenya (Article (2) (6)). Further, the Constitution obligates the State to, *'enact and implement legislation to fulfil its international obligations in respect of human rights and fundamental freedoms'*.

One of the functions of the Commission as outlined by Article 59(2) of the Constitution is to act as the *principal organ of the State in ensuring compliance with obligations under international and regional treaties and conventions relating to human rights*.

3.1 Monitoring compliance with human rights principles and standards in public and private institutions

3.1.1 Review of laws and policies at the national and county level

Reviewed 38 bills and policies, and 3 petitions and submitted 26 advisories to relevant national and county focal points on legislation and policy making

The Commission submitted 27 advisories of which 6 were oral submissions in person to parliamentary

committees upon invitation. These advisories guided Parliamentary House Committees, stakeholders, and other actors to align proposed laws and policies with Kenya's Bill of Rights and international human rights standards. The Commission assessed bills and policies for compliance with constitutional and human rights requirements and provided recommendations to align them with legal frameworks. Offices and statutory bodies adopted most recommendations. This work improves governance and protects human rights in Kenya by ensuring laws uphold dignity and rights for all.

The table below gives a list of the advisories submitted by the Commission.

No.	Advisory	Submitted to
1	Advisory on the Anti-Corruption and Economic Crimes (Amendment) Bill, 2023	National Assembly Departmental Committee on Justice and Legal Affairs
2	Revised advisory on the Assisted Reproductive Technology Bill, 2022	Oral submission before the Departmental Committee on Health on the Assisted Reproductive Technology Bill, 2022.
3	Advisory on the Cotton Industry (Development) Bill, 2023	Departmental Committee on Agriculture, Livestock and Fisheries
4	Advisory on the Public Policy Handbook of Kenya	Office of the Prime Cabinet Secretary
5	Advisory on the Public Transport (Motorcycle Regulation) Bill, 2023	Senate Standing Committee on Roads and Transportation
6	Advisory on the University (Amendment) Bill, 2023	Departmental Committee on Education and Research
7	Advisory on the Law of Succession (Amendment) Bill, 2023	Senate Departmental Committee on Justice Legal Affairs and Human Rights
8	Advisory on the Street Vendors (Protection of Livelihood) Bill, 2023	Senate Standing Committee on Tourism, Trade and Industrialization
9	Advisory on the Mining (Amendment) Bill, 2023	National Assembly Departmental Committee on Environment, Forestry and Mining
10	Advisory on the Land Regulations 2023	Cabinet Secretary for Lands, Public Works, Housing and Urban Development

No.	Advisory	Submitted to
11	Advisory on the Petition regarding the enactment of legislation to criminalise and prescribe penalties for the crime of enforced disappearance	Oral submission to the National Assembly Public Petitions Committee
12	Advisory on the Petition on the Qualification of Speaker of the Senate, National Assembly or County Assembly	Senate Standing Committee on Justice, Legal Affairs and Human Rights
13	Advisory on the Petition regarding the banning TikTok in Kenya	National Assembly Public Petitions Committee
14	Advisory on the Ethics and Economic Crimes (Amendment) Bill, 2024	Departmental Committee on Justice and Legal Affairs
15	Advisory on the Conflict of Interest Bill, 2023	Senate Standing Committee on Justice, Legal Affairs and Human Rights
16	Advisory on the Constitution of Kenya (Amendment) (No. 2) Bill, Senate Bills No. 52 of 2023.	Oral submission to the Senate Standing Committee on Justice, Legal Affairs and Human Rights
17	Advisory on the National Land Policy, 2009	Ministry of Lands, Public Works, Housing and Urban Development
18	Advisory on the Status of Human Rights in the Country	Constitutional Implementation Oversight Committee
19	Advisory on the Alleged Human Rights Violations by the British Army Training Unit in Kenya	National Assembly Departmental Committee on Defence, Intelligence and Foreign Relations
20	Advisory on the Basic Education Bill, 2024	Cabinet Secretary, Ministry of Education
21	Advisory on the Basic Education Scholarships and Bursaries Bill, 2024	Cabinet Secretary, Ministry of Education
22	Advisory on the Education Appeals Tribunal Bill, 2024	Cabinet Secretary, Ministry of Education
23	Advisory on the Kenya National Examinations Council (Amendment) Bill, 2024	Cabinet Secretary, Ministry of Education
24	Advisory on the Kenya Literature Bureau (Amendment) Bill, 2024	Cabinet Secretary, Ministry of Education
25	Advisory on the Universities Bill, 2024	Cabinet Secretary, Ministry of Education
26	Advisory on the Tertiary Education Placement and Funding Bill, 2024	Cabinet Secretary, Ministry of Education

Sample of two advisories submitted:

HUMAN RIGHTS COMPLIANCE

sample advisory

Advisory on the KNCHR Amendment Bill

The Commission convened a with the Office of the AG to discuss the Kenya National Commission on Human Rights Act Cap 71. The meeting yielded positive reception for the majority of amendments. The few that were still problematic included sections 26 and 37 that require a court order or notice to be given before entering premises for investigations. On the specifics of the proposed amendments, the following were agreed upon:

- The Office agreed with the Commission to amend section 8(f) so as to retain the wording as contained under Article 59(g) of the Constitution- thus, removing the proviso that forbids the Commission from engaging in compliance matters over treaties that relate to special interest groups.
- On the proposed amendment to section 8 for specific mandate to advise/encourage ratification of treaties, the KNCHR was advised to explore other alternative phrases that could carry a similar meaning.
- With regard to unannounced visits to places of detention, the proposal was to be amended to carry the wording of the KNCHR Act 2002 on visit to prisons omitting the word 'inmates' and defining the term detention broadly (to capture private institutions and other holding facilities) in line with international best practice.
- On the proposal to include CSOs in the composition of the Selection panel, it was agreed that the whole provision- section 11 be repealed and replaced afresh. The new composition to retain only one representative of APSEA (instead of two); have representation from a more relevant private sector (such as KEPSA, KAM etc) and to include representation of the CSOs through the NGO Council. Further, the erroneous section 11(14) to be deleted as highlighted.
- The proposed amendments to sections 26 and 37 on the need for a court order and giving notice to administrative heads before undertaking investigations were to be given more thought. Reference was to be made to a recent court judgment in EACC case concerning exercise of similar powers.
- The amendments concerning the recruitment of Commissioners six months prior to the end of sitting Commissioners' terms as well as the one proposing introduction of an offence on victimization of petitioners under section 52 of the Act were adopted. The Commission was encouraged to pursue political lobbying beyond legislation.

HUMAN RIGHTS COMPLIANCE

sample advisory

Petition for Criminalizing Enforced Disappearance

The KNCHR, led by its chairperson, made an oral submission before the National Assembly Public Petitions Committee. The submission addressed a petition submitted by Dr. Annette Mbogoh that highlighted a high trend of enforced disappearances and extra-judicial killings in Kenya.

KNCHR presented detailed statistics to illustrate the severity of the issue. The commission shared its experience in processing complaints and investigating these crimes. It demonstrated its adherence to practices based on the UN Convention for the Protection of All Persons from Enforced Disappearance.

The commission underlined the need to criminalize enforced disappearance and urged the Republic of Kenya to ratify and implement the International Convention on Enforced Disappearance. The office of the Attorney General has put together a committee advising the Government of Kenya to ratify the UN protocol against Enforced Disappearance.

3.1.2 Audit of institutional compliance with human rights standards

National audits expose critical gaps in 73 prison facilities

The Kenya National Commission on Human Rights (KNCHR) successfully completed the pilot phase of its Standard Operating Procedures (SOPs) for monitoring migrants in detention facilities. Following this milestone, the Commission formally adopted the revised protocols, integrating human rights-based frameworks to enhance oversight. Subsequently, KNCHR spearheaded a nationwide prison inspection initiative, collaborating across its offices, divisions, and regional branches to audit 73 out of 137 prison facilities—exceeding the initial target of 50.

The findings, compiled into a comprehensive report, underscore systemic challenges, including inadequate infrastructure, insufficient bedding, and overcrowding-related health and sanitation risks. Notably, the audit

documented a rise in human rights violations against detainees, alongside the defacement of KNCHR-installed informational billboards designed to educate prisoners and officers on rights and responsibilities—a concern highlighting the need for reinforced guidance and accountability mechanisms.

Positive observations included heightened awareness among prison staff regarding the rights of vulnerable groups, such as individuals with HIV, chronic illnesses, disabilities, intersex persons, and migrants. Additionally, improvements were noted in access to services for children accompanying incarcerated mothers in female facilities, coupled with increased donor engagement to address these issues.

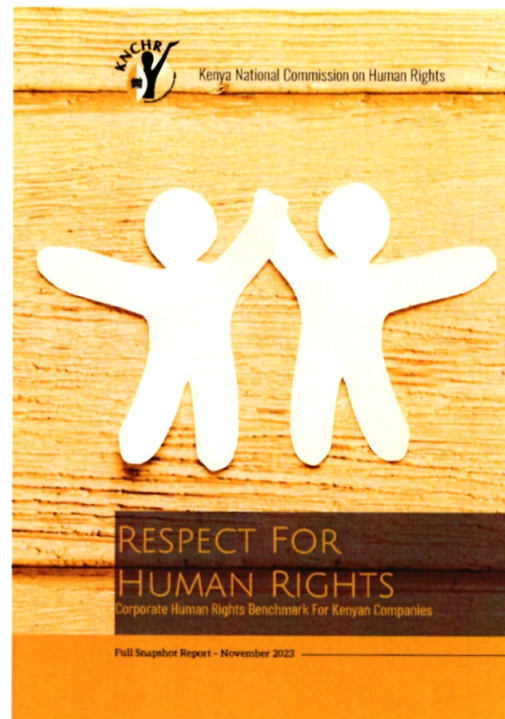
This report will serve as a pivotal advocacy tool to strengthen partnerships with Kenyan correctional authorities and stakeholders, driving reforms to align detention practices with national and international human rights standards.

3.2 Evidence-based research toward the promotion of human rights and prevention of human rights violations

Benchmarking human rights in Kenyan corporations: “Insights from the CHRB Assessment”



The KNCHR, in collaboration with DIHR, finalized and published the *Corporate Human Rights Benchmark (CHRB) Report for Kenyan Companies*⁷ during the reporting period. The report evaluates human rights due diligence practices among Kenya’s largest corporations, anchored in the UN Guiding Principles on Business and Human Rights (UNGPs). It analyzes transparency, sectoral disparities, access to remedy, and corporate commitments to addressing human rights impacts. To disseminate findings, KNCHR organized a workshop sharing insights from the 2022-2023 assessment and printed copies for stakeholder dialogues. Published on KNCHR’s website and business-focused microsite, the report has gained traction as a reference in academic and policy research⁸. By benchmarking corporate accountability, the CHRB report aims to drive alignment with international standards, foster sector-wide improvements, and enhance corporate transparency in safeguarding human rights across Kenyan industries.



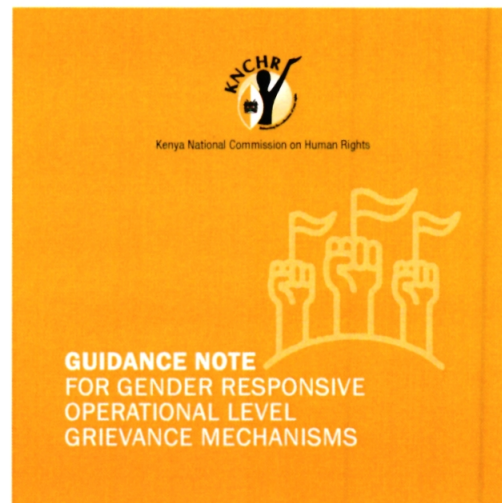
7 https://www.knchr.org/Portals/0/CHRB_KNCHR_B5_1208231852_Final_edited.pdf

8 <https://www.worldbenchmarkingalliance.org/impact/third-party-research-using-our-chrb-methodology/>

KNCHR Guidance Note on Gender-Responsive Operational Grievance Mechanisms Via Stakeholder Engagement



The KNCHR developed its *Guidance Note for Gender-Responsive Operational-Level Grievance Mechanisms*⁹ by reviewing draft model guidelines and incorporating insights from three public/community engagement forums, where stakeholders provided feedback on enhancing gender sensitivity in grievance processes. This participatory approach ensured alignment with Kenya's constitutional mandates and international human rights standards, while fostering public awareness on business and human rights obligations. The finalized document outlines structured mechanisms for reporting, investigating, and resolving gender-based discrimination and rights violations, prioritizing victim confidentiality, accountability, and equitable justice. Designed to empower marginalized groups and survivors of gender violence, it promotes institutional reforms and safe redress pathways. Published and disseminated to key stakeholders, the Guidance Note reflects KNCHR's commitment to infusing a culture of human rights principles in governance and corporate practices through inclusive policy development.



⁹ <https://www.knchr.org/Portals/0/Gender%20Grievance%20mechanisms.pdf>

2022 Elections Monitoring Recommendations Matrix for Institutional Reforms Towards Human Rights Compliance



The KNCHR monitored all stages of the Kenyan electoral process, resulting in two important reports, “Bound Ballot” and “Demystifying Democracy,” containing valuable insights and recommendations. Out of the two reports a compendium was developed which KNCHR aims to disseminate widely to the public, stakeholders and relevant duty bearers. These recommendations are meant to inspire advocacy, legislative changes, and administrative actions. KNCHR’s goal is to enhance future electoral processes with a focus on the rule of law, human rights, and democratic principles. This compendium serves as a guide to creating a more just electoral landscape in Kenya.

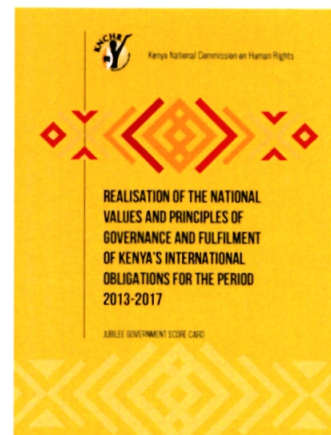


**2022 ELECTIONS MONITORING
RECOMMENDATIONS MATRIX FOR
INSTITUTIONAL REFORMS TOWARDS
HUMAN RIGHTS COMPLIANT ELECTIONS**

Assessing Progress: KNCHR’s Audit on Implementing National Values and Governance Principles



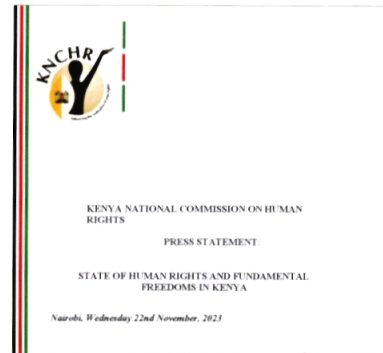
In 2023, the Kenya National Commission on Human Rights (KNCHR) audited the implementation of recommendations from its earlier report, “Realization of the National Values and Principles of Governance and Fulfilment of International Obligations for the Period 2013-2017: A Jubilee Government Scorecard.” This audit aimed to evaluate progress and identify areas for further attention. The findings, integrated into KNCHR’s 2023 alternative report on National Values and Principles of Governance, revealed that while some progress had been made, information on various issues and recommendations was limited. This highlighted the need for continued engagement with relevant stakeholders to ensure comprehensive implementation of the proposed interventions. By systematically evaluating progress and integrating findings into its reports, KNCHR ensures that stakeholders are informed and engaged in the continuous improvement of governance practices in Kenya.



State of Human Rights Report: January 2022 to March 2023



During the year under review the Commission prepared the report covering January 2022 to March 2023. The report evaluates progress on human rights issues and fundamental freedoms. It identifies areas that require attention and suggests steps for State agencies to meet Kenya's human rights obligations. The report was shared with relevant actors and the public.



The KNCHR Chairperson addresses the media on 22nd November 2023 during the release of the State of Human Rights Address.

3.3 Advocacy on upholding human rights principles and standards

Strengthening data quality and inclusion in reporting

The commission partnered with KNBS Technical Working Committee on Citizen Generated Data to address gaps in official statistics. The committee reviewed the terms and quality criteria for collecting data where the Commission's recommendations to include persons with disabilities, minority and marginalized communities, children, and the elderly were adopted. This step helps capture data from all sections of society. The KNBS framework, based on the Kenya Statistical Quality Assurance Framework, sets clear standards for data to qualify as official statistics. The Commission uses this framework to support its work on SDG 16.10.¹⁰. The approach improves data collection and reporting, which supports better human rights monitoring and policy decisions.

Advancing social protection legislation

The commission serves on the Technical Committee on Social Protection. The Ministry of Labour and Social Protection reviewed its Social Protection Policy and developed a new Social Protection Bill to replace the Social Assistance Act 2013. The Commission took part

in two workshops on the policy review and bill drafting. In partnership with University of Nairobi, Women's Economic Empowerment – HUB, The Commission advised on a human rights-based approach to drafting. The commission focused on the protection of persons with disabilities, children, and older persons. The commission also helped shape the governance structure and set clear steps for implementation and beneficiary access. The policy and bill were sent to the Office of the Attorney General and the Parliamentary Committee for Labour and Social Welfare for further review before tabling in Parliament.

Strengthening constitutional oversight engagement

The commission appeared before the Constitutional Implementation Oversight Committee (CIOC) on 12 March 2024 at the Mini Chamber, County Hall Parliament Buildings. The commission updated the committee on the human rights situation, covering cost of living, right to education, right to accessible and adequate housing, and right to life, freedom, and security of the person. The commission raised the issue of boundary delimitation and warned of the danger of a constitutional crisis. The Commission will continue engaging with the Office of the Attorney General on the same.

¹⁰ Indicator 16.10.2: Number of countries that adopt and implement constitutional, statutory and/or policy guarantees for public access to information.

3.4 Enhance State’s compliance with National, Regional and International instruments relating to human rights

9 Strategic submissions: KNCHR’s active role in treaty body mechanisms

As an “A” status National Human Rights Institution (NHRI), the Commission actively participates in regional and international human rights platforms—including treaty body mechanisms, the Human Rights Council,

and regional/global associations of NHRIs—as well as with special mandates at both continental and UN levels. By doing so, the Commission objectively presents the country’s human rights status, progress, and challenges while influencing the regional and international human rights agenda and enhancing Kenya’s image among nations. During the reporting period, the Commission engaged with these platforms through **(9) nine submissions** to various human rights bodies. The engagements are detailed in the table below:

Table: Schedule Of Submissions Made to National, Regional and International Human Rights Bodies During The 2023/2024 Financial Year

No.	Title of Submission & Thematic Issue	Body Submitted To	Summary of Issues Raised / Outcome
1	Report on Kenya’s List of Issues Prior to Reporting by the Committee on the Rights of Persons with Disabilities	Committee on the Rights of Persons with Disabilities	Submitted on 25 th August 2023 ahead of the 18 th Pre-Sessional Working Group (11–13 September 2023), this report provides an overview of key issues affecting persons with disabilities and outlines topics for the Committee to request from the Government of Kenya.
2	Submission on Human Rights Council Resolution 51/12 on Local Government and Human Rights	Office of the United Nations High Commissioner for Human Rights (OHCHR)	Presented on 29 th September 2023, this submission informed a one-day expert meeting and subsequent OHCHR report by detailing capacity-building initiatives, institutional coordination for human rights integration at the local government level, civil society engagement, and existing gaps.
3	Statement to the African Commission on Human and Peoples’ Rights during its 77 th Ordinary Session	African Commission on Human and Peoples’ Rights	Submitted on 30 th September 2023, the statement highlights both positive and negative human rights developments in Kenya between May and September 2023 and offers recommendations for enhanced protection of human rights.

No.	Title of Submission & Thematic Issue	Body Submitted To	Summary of Issues Raised / Outcome
4	Statement to the African Committee of Experts on the Rights and Welfare of the Child during its 42 nd Ordinary Session	African Committee of Experts on the Rights and Welfare of the Child	Submitted on 3 rd November 2023, this statement presents an analysis of child rights developments in Kenya from May to October 2023 and provides recommendations for improved protection of children's rights.
5	Statement to the African Commission on Human and Peoples' Rights during its 79 th Ordinary Session	African Commission on Human and Peoples' Rights	Submitted on 11th April 2024, the statement outlines human rights developments in Kenya between November 2023 and April 2024, highlighting both progress and challenges with recommendations for better protection.
6	Statement to the African Committee of Experts on the Rights and Welfare of the Child during its 43 rd Ordinary Session	African Committee of Experts on the Rights and Welfare of the Child	Also submitted on 11th April 2024, this statement focuses on child rights in Kenya between December 2023 and March 2024. It provides an account of positive and negative developments and offers targeted recommendations for improvement.
7	KNCHR Submission on Best Practices for NHRIs for the Secretary-General's Annual Report	Office of the United Nations High Commissioner for Human Rights	Responding to a call made on 22 nd March (submission sent on 26 th April 2024), this submission showcases KNCHR's best practices. It highlights advocacy for a human right-based approach to conservation, efforts to criminalize enforced disappearance, national dialogues with the OHCHR and State Law office, and strategic engagements with parliamentary committees.
8	KNCHR Submission on Participation in Public Life and Decision-Making Processes of Older Persons in Kenya	Open-ended Working Group on Ageing	This submission outlines the legal and policy frameworks that guarantee older persons' rights to participate publicly, assemble, associate, and access remedies, while also identifying challenges faced in these processes.
9	KNCHR Submission on the Human Right to the Highest Attainable Standard of Physical and Mental Health for Older Persons	Open-ended Working Group on Ageing	This submission details how the right to physical and mental health for older persons is defined in Kenyan legislation, and describes measures ensuring equal access to social protection, adequate housing, water and sanitation, and health education.

CHAPTER

4 ACCESS TO JUSTICE, REDRESS AND ACCOUNTABILITY ON HUMAN RIGHTS VIOLATIONS



The KNCHR addressed challenges, such as public mistrust in the utilization of justice mechanisms, including ADR, and widespread cases of human rights violations in both private and public spheres, along with disregard for the Constitution and the rule of law. To overcome these obstacles, several key strategies were adopted, including optimizing complaints receipt, processing, and investigations, engaging in strategic public interest litigation, and advocating for a Human Rights-Based Approach (HRBA) in the administration of justice and appropriate justice systems and mechanisms. Through these concerted efforts, the Commission aimed to promote justice, uphold human rights, and foster accountability.

4.1 Complaints Processing and Investigations

The Commission received screened and processed 3486 complaints received across 6 regions (Nairobi, Western, Coast, Central, North Eastern, and North Rift). Among these, **66.2%** received legal advice and assistance, while the remaining **33.8%** were referred to KNCHR's partner organizations for further follow-up. Most of the complaints came from males (67.09%), followed by females (**31.20%**), and **0.35%** being intersex. The

active network of referral partnerships collaborated to establish robust monitoring mechanisms for swift responses.

To ensure the adherence to existing KNCHR admissibility criteria¹¹, all received complaints underwent scrutiny. Cases that met the criteria received attention through the provision of legal advice, preliminary inquiries, and referral of non-admissible cases to KNCHR referral partners for further interventions.

Through these endeavours, KNCHR made significant strides in enhancing human rights protection, ensuring efficient case resolution, and promoting justice for victims of rights violations.

The Commission played a pivotal role in delivering essential psychosocial support to clients, addressing a variety of human rights issues such as mental health challenges such as traumatic experiences, stress, and anxiety, as evidenced by the assessment of **40 cases** during initial screening. The Commission extended psychological counselling to survivors of the Shakahola massacre in Kilifi County through both group therapy sessions for **39 survivors** and one-on-one counselling sessions for **20 victims**, resulting in individualized observable assessment reports filed in court.

¹¹ See the admissibility criteria document: https://www.knchr.org/Portals/0/Reports/faqs_on_admissibility.pdf

KNCHR Complaints Analysis for FY 2023/2024

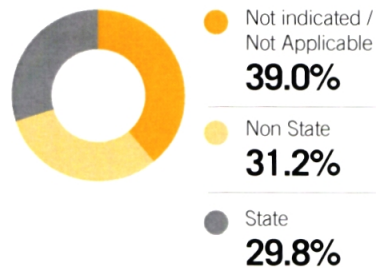


Admission Status Summary

3,154 cases of the projected 3,800 human rights complaints were received from 3,177 complainants across six regions (Nairobi, Western, Coast, Central, North Eastern, and North Rift).



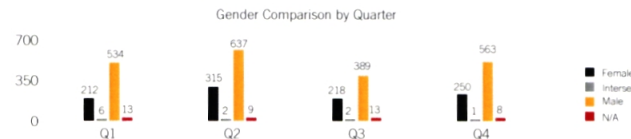
Petitions by State Vs Non-State



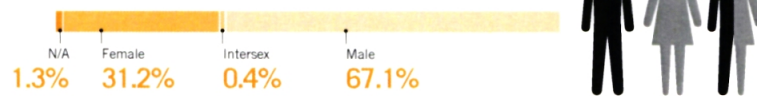
946 Total No. of Petitions Reported against the State

The violations reflect widespread issues such as discrimination and unlawful detentions. Police misconduct, including brutality and corruption, is the second most reported issue, indicating severe law enforcement challenges.

Gender Analysis

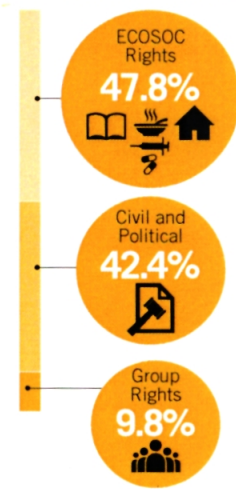


Among 2,082 (66.21%) cases that received legal advice and assistance. There were, 1,395 (67.1%) Male, 666 (31.2%) Female, and 8 (0.4%) intersex persons who lodged complaints during the financial year 2023/24.

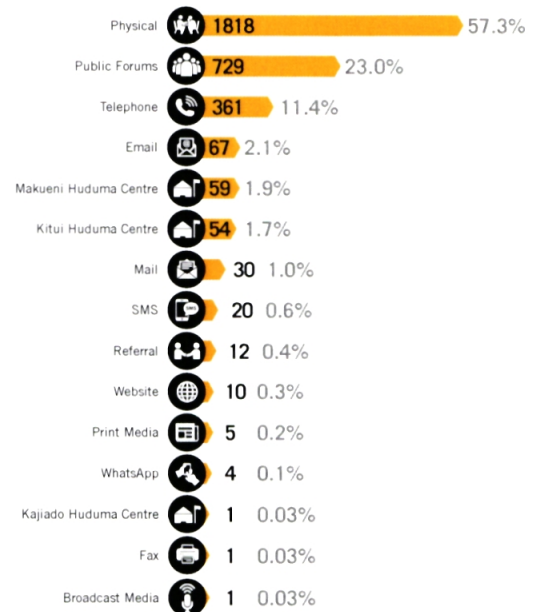


Category of Violation

The significant proportion (47.8%) of the ECOSOC violations were particularly labour-related. Given that it was a year of elections, there was a rise in instances of violations pertaining to Civil & Political Rights.

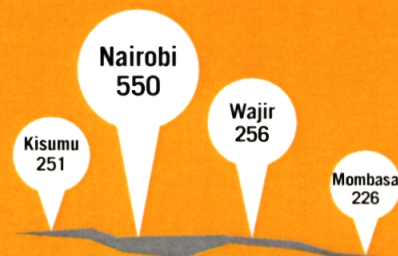


Lodging Mode Summary

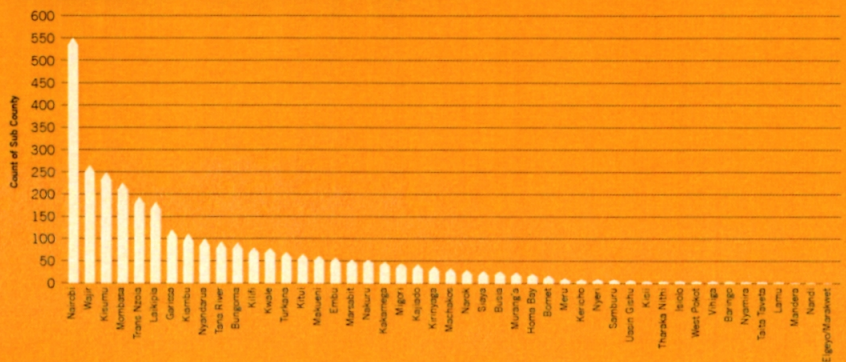


Geographical Distribution

Geographically, Nairobi emerges as the primary hotspot for complaints, with other significant regions including, Wajir, Mombasa, and Kisumu.



Geographical Distribution of Complaints



The comprehensive support provided during these sessions underscored the commission's significant contribution to the effective assistance of affected complainants in diverse human rights matters.

The Commission also facilitated a trauma-informed debriefing session for officers of the Commission. The session, which successfully engaged **23 officers**, encompassed psychological debriefing and team-building activities. Moreover, the team collectively reflected on the intricacies of complaints processing and investigations, aiming to strengthen both individual well-being and the overall efficiency of their function.

Conduct investigations on human rights violations

In the pursuit of addressing human rights violations across the country, the KNCHR conducted **121 investigations** during the year under review. These inquiries were focused on critical themes, including the impact of counter-terrorism on human rights, systemic violations related to businesses, forced evictions, rights of prisoners, etc. Throughout these investigations, the KNCHR engaged in meetings and forums with duty bearers, facilitating a collaborative approach. Post-mission, the commission shared recommendations emerging from these interactions.

4.2 Investigations into human rights violations

Below are samples of the said investigations.

HUMAN RIGHTS VIOLATION

sample investigations

Investigating Prison Mistreatment and Defending Detainees' Rights

KNCHR received a court order on 10th August 2023 from Senior Principal Magistrate Yusuf Shikanda. The order directed KNCHR to investigate claims of mistreatment in Shimo la Tewa Prison, Malindi GK Prison, and Kilifi GK Prison under multiple criminal applications. KNCHR examined whether constitutional and statutory rights were breached. The investigation involved interviewing detainees, reviewing records, and assessing prison conditions. On 24th August 2023, KNCHR submitted a report to the court that detailed cases of mistreatment, use of offensive language, discrimination in treatment, and issues with food provision. KNCHR recommended measures to the Kenya Prison Service, the Judiciary, and the Directorate of Criminal Investigation to protect detainees' rights and improve prison practices.

HUMAN RIGHTS VIOLATION

sample investigations

Investigating Child Rights Violations in Madrasa Education

The commission led a fact-finding mission in Kilifi, Kwale, and Mombasa counties on 13th November 2023. The team visited nine madrasas to verify claims of routine punishment and abuse at Madrassatul Ahlil Madinal in Mtwapa, Kilifi County. The investigation found instances of corporal punishment and sexual assault. The commission noted that these acts occur to enforce memorization of the Quran and discipline. Parents' acceptance of such practices contributes to under-reporting. The commission recommends integrating religious institutions into formal education to improve supervision, inspection, and registration. The team also used the mission to educate the Muslim community on child rights and the commission's work. The findings will support advocacy efforts and guide partnerships with Muslim CSOs, the directorate of children's services, and the Ministry of Education.

Response to Alleged Inhumane Treatment and Unlawful Killings at Del Monte Farms

In December 2023, the KNCHR launched an investigation into reports of unlawful killings and inhumane treatment by Del Monte security personnel in Thika and Gatanga. Four individuals, suspected of stealing pineapples, were found deceased in the Chania and Thika rivers on December 24th and 25th, 2023, with injuries suggesting possible foul play.

KNCHR engaged with local law enforcement, including the Officer Commanding Station (OCS) at Makongeni Police Station and the Thika West Sub-County Police Commander, to assess ongoing criminal investigations. The Commission also consulted the resident pathologist at Gen. Kago Morgue and representatives from Del Monte. On December 29th, 2023, KNCHR facilitated a pathologist for three affected families and observed the autopsies, which indicated injuries on the bodies, though drowning was cited as the primary cause of death.

The Commission recorded statements from eight key witnesses and continues to gather testimonies, interview Del Monte personnel, and collaborate with the Directorate of Criminal Investigations (DCI) to ensure a thorough examination of the circumstances surrounding these deaths.

HUMAN RIGHTS VIOLATION

Sample investigations

Rapid Response to Uyombo HRDs' Arrest Amid Alleged Police Brutality

On May 21, 2024, Uyombo village in Kilifi County witnessed protests against the proposed construction of a nuclear power plant, leading to allegations of police brutality and the arrest of three human rights defenders (HRDs). The following day, the Kenya National Commission on Human Rights (KNCHR) received reports detailing these incidents. Demonstrating prompt action, KNCHR attended the court proceedings where the Directorate of Criminal Investigations sought a 10-day detention extension for the HRDs. Through the combined efforts of KNCHR and a community-appointed private lawyer, the court denied this request. Subsequently, one HRD was released due to insufficient evidence, while the remaining two were granted free bond, requiring them to report to the police station as needed. In collaboration with the Independent Policing Oversight Authority (IPOA), KNCHR is currently investigating the alleged assaults on 13 villagers during the protests. This intervention underscores KNCHR's commitment to upholding civil liberties and protecting individuals' rights to peaceful assembly and expression.

Investigation and Victim Support in Response to Police Use of Force in western Kenya

The KNCHR undertook investigations into incidents of excessive use of force by law enforcement officers across Kisumu, Kisii, Siaya, and Migori Counties, documenting violations and providing rehabilitative support, including psychosocial and medical assistance, to victims and survivors. A total of 109 cases were recorded, comprising 77 victims in Kisumu County, 20 in Migori County, 8 in Siaya County, and 4 in Kisii County. Among these, 19 fatalities were reported, distributed as follows: 10 deaths in Kisumu, 4 in Migori, 2 in Kisii, and 3 in Siaya County—though the latter occurred in Nairobi and Nakuru. Survivors sustained injuries ranging from minor harm to grievous bodily harm, necessitating urgent intervention. A comprehensive report detailing these findings, alongside recommendations for accountability and systemic reforms to address impunity and ensure compliance with human rights standards in law enforcement operations, was finalized and submitted to relevant authorities. This initiative underscores KNCHR's commitment to justice, victim support, and institutional accountability.

Securing Accountability in Teso North School Sexual Abuse Case

The KNCHR intervened in a case of systemic sexual violence involving minors at a school in Teso North Sub-County, following a whistle-blower report detailing alleged prolonged abuse by a teacher. Investigations confirmed that ten (10) students had been subjected to repeated acts of sodomy and indecent assault, with no prior action taken by local authorities despite the severity and duration of the violations. KNCHR conducted interviews with survivors in collaboration with their parents or guardians to document testimonies, ensuring adherence to ethical standards and victim sensitivity. Subsequently, the Commission facilitated coordinated engagement with the National Police Service and the Department of Children's Services, resulting in the arrest and prosecution of the accused teacher on multiple counts of assault against minors. KNCHR continues to provide legal representation for the victims, advocating for justice and accountability while addressing systemic gaps in child protection mechanisms.

HUMAN RIGHTS VIOLATION

Sample investigations

Follow-up on national identification delays for the Nubian community

The commission followed up on a complaint raised by the Nubian Youth Council regarding delayed national identification documents for the Nubian Community. KNCHR raised the issue with the Registrar of Persons. The Registrar explained that delays occurred due to a court case on the printing tender award. Production resumed once the tender was finalized. The Nubian Youth Council indicated that over 70% of the complaints were resolved. KNCHR will continue to follow up on pending petitions with the Nubian Youth Council in the next financial year.

Rapid response mission to document forced evictions in Mau Forest

Kenyan authorities continue evicting the Ogiek people from Mau Forest, defying African Court rulings (2017, 2022) that recognize their ancestral land rights. Agencies like Kenya Wildlife Service and Kenya Forest Service justify evictions as “forest conservation,” yet destroy homes, crops, and displace generations without compensation. These actions, timed during national exams, disrupted education for Ogiek children.

In November 2023, KNCHR verified abuses in Narok and Nakuru via site visits, community discussions, and victim interviews. Evidence confirmed systemic displacement, with evictions likely to persist. KNCHR’s report urged accountability and informed a lawsuit to halt further violations.

Kenya’s defiance of international law draws global condemnation, prioritizing flawed conservation over Indigenous rights. KNCHR demands compliance with court rulings, stressing the need to harmonize environmental goals with Ogiek livelihoods and dignity.

Kiunga Citizenship Initiative: KNCHR’s Legal Support for Immigrants in Lamu

In June 2023, KNCHR and partners hosted a legal aid clinic for Kiunga immigrants in Lamu County, addressing the ambiguous citizenship of 200 Somali settlers from the early 1990s. At the event, attended by 300, KNCHR processed 50 complaints, revealing violations like restricted movement, delayed birth registrations, and challenges related to marriage-based naturalization.

The multi-agency forum included Kiunga youth Bunge, civil registrar, National Police Service, and NGAO, fostering awareness and providing legal aid on registration rights. Issues ranged from unregistered PWDs to elderly individuals missing affirmative action benefits and struggles acquiring land titles. Operating in a security zone intensified these challenges.

Through on-site resolution, KNCHR, employing a collaborative approach, significantly mitigated the highlighted issues. This event not only showcased the clinic’s immediate impact but also emphasized the potency of collective efforts in advocating for and securing the rights of vulnerable populations. The outcomes resonate as a pivotal step towards rectifying persistent challenges, fostering inclusivity, and promoting justice in Kiunga, Lamu.

4.3 Public Interest Litigation (PIL) and strategic engagements

PIL is one of the strategies by which the Commission influences policy direction and interpretation of the constitution through the judicial process. It also serves as a mechanism for the protection of human rights. The Commission participated in PIL through either originating petition in its name or joining existing

petitions filed by other parties which have a major public interest component either as *amicus curiae* or an interested party as appropriate. The Commission was involved in **37 PIL cases** each addressing various human rights issues. The following are types of the cases: Arbitrary re-arrests, Torture allegations, Systemic non-compliance with court orders, inhumane treatment, failure to investigate state actions, etc.

PUBLIC INTEREST LITIGATION

Sample investigations

KNCHR Intervention in Shakahola Case

KNCHR intervened in case MCCR E500 of 2023 involving 65 victims rescued from Shakahola Forest. The case was before Senior Principal Magistrate Hon. Joe Omido at Shanzu Law Courts, Mombasa. KNCHR advised the court after finding that the survivors, held at Shimo La Tewa Maximum Prison and Shimo La Tewa Women's Prison (29 men and 39 women), were set to be charged with attempted suicide. KNCHR called on the court to provide the victims with psychosocial support and mental health assessment in a medical facility or rescue centre rather than prison. On June 15, 2023, the court ordered mental assessment and psycho-social support provided by KNCHR and the Ministry of Health. The ODPP later applied to have the charges for 41 victims withdrawn under section 87(a) of the Criminal Procedure Code. On August 1, 2023, the court allowed the application, withdrew the charges for 41 victims, and then re-arrested them, transferring them back to prison as suspects.

Ruling on police brutality during Covid-19 enforcement

In Busia High Court Constitutional Petition No. 2 of 2021, the court ruled on 28 September 2023 that James Ogero, a healthcare worker, suffered violations of his rights under Articles 28 (human dignity) and 29 (freedom from torture/inhuman treatment) of Kenya's Constitution during a 28 March 2020 assault by law enforcement enforcing COVID-19 regulations. The court awarded him Kshs.1,500,000 in compensation and litigation costs under Article 22, affirming state accountability for abuses.

The case highlighted systemic overreach during pandemic enforcement, where excessive force against civilians, including essential workers like Ogero, was contested. The judgment reinforces that emergency measures cannot justify rights violations, emphasizing judicial oversight to curb impunity. By linking the assault to constitutional breaches, the ruling sets a precedent for redress in similar cases, stressing that law enforcement must uphold human dignity even in crises.

PUBLIC INTEREST LITIGATION

sample investigations

Landmark Ruling on Police Violence During 2017 Elections: KNCHR Secures Justice for Victim

In a landmark ruling on August 8, 2024, the High Court awarded Benard Okeyo Onunga KES 3 million in damages for human rights violations inflicted by police during Kenya's 2017 repeat presidential elections. The petitioner alleged that on October 25, 2017, officers conducting a crowd dispersal operation at Kopere Shopping Centre in Kisumu County indiscriminately shot, beat, and teargassed civilians, leaving him with severe injuries that caused chronic health issues and loss of livelihood. The Kenya National Commission on Human Rights (KNCHR), joined as an Interested Party, supported the case using its 2017 report "Still a Mirage at Dusk," which documented systemic electoral violence. The court affirmed violations of constitutional rights under Articles 25(a) (freedom from torture), 28 (human dignity), 29 (security of person), 40 (livelihood), 43 (healthcare), and 50 (fair trial). This judgment underscores judicial accountability for police brutality and reinforces the KNCHR's mandate to uphold citizens' rights during public operations.

Legal Action Initiated Against KFS Officers in Eldama Ravine Incident¹²

In May 2024, the KNCHR responded to reports of alleged brutality by Kenya Forest Service (KFS) officers at Maji Mazuri Forest in Eldama Ravine, Baringo County. KNCHR facilitated the recording of statements and oversaw the post-mortem examination, which determined that the victim, Stephen Mwangi, died from injuries sustained during the assault by KFS officers. Subsequently, five KFS officers—Charles Korir Kipkoech, Lemiso Francis Kiparus, Stanley Njoroge Chege, Mbugua Simon Mwaura, and Eric Mwaura Njenga—were arrested and charged with murder before the Eldama Ravine High Court. KNCHR provided legal representation to Mwangi's family, aiming to secure redress for the violations suffered and to ensure accountability for the perpetrators.

Kenya High Court Decriminalizes Attempted Suicide

In a landmark ruling¹³ on January 9, 2025, the High Court of Kenya declared Section 226 of the Penal Code unconstitutional. Justice Lawrence Mugambi found that penalizing individuals for attempted suicide violated constitutional rights, including equality (Article 27), dignity (Article 28), and the highest attainable standard of health (Article 43). Previously, this section criminalized attempted suicide, imposing penalties of up to two years' imprisonment, a fine, or both.

The petition, brought by the Kenya National Commission on Human Rights and the Kenya Psychiatric Association, highlighted that many suicide attempts stem from untreated mental health conditions. The court's decision aligns with international human rights standards, reinforcing the need for supportive, health-focused interventions rather than punitive measures. This ruling marks a significant step toward a more compassionate approach to mental health in Kenya.

¹² Kenya Law. (2024). Republic v Kipkoech & 4 others (Criminal Case E005 of 2024) [2024] KEHC 9445 (KLR) (31 July 2024) (Ruling). [online] Available at: <https://new.kenyalaw.org/akn/ke/judgment/kehc/2024/9445/eng@2024-07-31> [Accessed 28 Mar. 2025].

¹³ Kenya Law (2025) *High Court of Kenya Constitutional Petition No. E045 of 2022*. Available at: <https://new.kenyalaw.org> (Accessed: 2 April 2025).

4.4 Alternative Dispute Resolution (ADR)

KNCHR is mandated to use Alternative Dispute Resolution in matters within its jurisdiction. ADR offers confidential, less formal, and less stressful processes such as mediation, arbitration, and neutral evaluation. In line with its mandate, KNCHR partnered with Mediation Training Institute (MTI) East Africa to train its staff and key stakeholders as professional mediators. KNCHR trained over **50 staff members** and more than **40 stakeholders** to support complaint resolution through ADR. This training builds essential mediation skills that improve the commission's ability to resolve human rights disputes. Through active engagement in ADR, KNCHR

has reached creative solutions, long-lasting outcomes, and improved relationships. The commission continues its work to finalize an ADR framework that promotes effective and harmonious resolutions in human rights cases, contributing to a more inclusive and just society.

Ten (21) human rights violations resolved through ADR as a redress mechanism

The following is a sample from the **ten (21) cases** resolved through ADR mediation since they were the only cases where parties were willing to participate in a mediation. The outcomes achieved in these cases highlight the positive impact of ADR in preserving relationships, fostering dialogue, and promoting reconciliation.

ALTERNATIVE DISPUTE RESOLUTION

sample investigations

Mediation on the waiver of medical bills of 5 South Sudanese nationals

KNCHR received a complaint from Kut Maketh Duk on behalf of the South Sudanese community in Nakuru County. The complaint detailed an incident in March 2022 when five community members faced a violent attack. An angry mob set their rented house at Mawanga estate ablaze. The incident resulted in serious burn injuries for all five individuals. One of the five, Garang Chol Ajang, died at Nakuru Specialist Hospital. The incident led to the arrest of four suspects after it was reported at the Teachers Police Post in Nakuru.

KNCHR held a meeting with the community to conduct preliminary investigations. The meeting revealed that the hospital had a pending bill of Kshs. 10 million for the treatment of the five patients. The community described the bill as oppressive and discriminatory.

KNCHR presided over a mediation session between the hospital and the affected families. The session resulted in a grace period for completing the payment until 31 December 2024. The hospital agreed to waive Kshs. 1,000,000 from Ajang Chol Ajang's bill and Kshs. 450,000 for another patient. The families committed to paying at least Kshs. 150,000 per month until the remaining balance was cleared.

KNCHR played a key role in mediating between the hospital and the community, helping to reduce financial pressure on the affected families.

ALTERNATIVE DISPUTE RESOLUTION

sample investigations

Mediation of Assault and Intimidation: Securing the Right to Safety for Somali Refugee in Kakuma

The commission received a complaint from a Somali refugee, a mother of three, who reported an assault by a police officer and his wife. The incident affected not only her and her children but also instilled fear in the community. The complaint raised concerns about abuse of power and unsafe conditions in the camp.

The commission engaged with the head of Protection at the Department of Refugees Services and the camp manager. A mediation session followed. An assessment by DRS and UNHCR confirmed a broader security threat. The evaluation identified that the actions of the officer and his associate endangered community safety and social cohesion.

The mediation led to relocation of the victim and other affected community members to a safer zone. The implicated officer was moved to another settlement. The commission ensured that the process upheld the right to security and freedom for the community at large.

Mediating Compensation for PAPs Mwache Multi-Purpose Dam

KNCHR received a complaint about dust pollution affecting households near the Mwache Multi-Purpose Dam. KNCHR initiated mediation with the Ministry of Water. KNCHR worked with the National Land Commission, NEMA, and the Ministry of Mining. This collaboration halted the project until Priority No. 3 Project Affected Persons received compensation and were relocated.

Securing fair compensation and inclusive processes for lot 1 Mombasa – Mariakani Dualing Project

KNCHR led the mediation process following the grievance redress mechanism for the Lot 1 Mombasa – Mariakani dualing project. KNCHR disseminated its report to civil society and affected persons after the process addressed involuntary relocation that began in 2021. KNCHR consulted community leaders to list issues such as inadequate compensation, delayed payments, poor information sharing, failure to implement the livelihood restoration plan, lack of transparency in valuation, and alleged intimidation by government agencies. KNCHR held several meetings with the mediation team to ensure these issues were addressed. KNCHR organized sensitization clinics where NLC and KeNHA answered individual questions, followed by mediation sessions in which affected persons presented their supporting documents. KNCHR ensured that each individual received a letter explaining the decision on their claim, outlining timelines and a payment schedule. KNCHR also recommended that mediation include psychosocial support to address the trauma of losing a home. The dissemination meeting explained the role of NLC in land assessment and informed participants on legal channels available under the Access to Information Act for obtaining undisclosed valuation reports. KNCHR noted the need for greater child and persons with disabilities involvement in planning and design processes.

ALTERNATIVE DISPUTE RESOLUTION

sample investigations

Dispute between two rival boda boda groups in Kisumu County

KNCHR received a complaint from Boda Self-Help Group against another group named Kisumu County Boda Association. The complaint was that the Kisumu County Boda-Boda Association appointed itself to govern all the other Boda groups in the County. It was alleged that the Association was harassing members of other groups by physically assaulting them, confiscating their motorbikes and preventing them from operating within Kisumu. KNCHR in partnership with the OCS Central Police Station and Kisumu County Social Services Office invited representatives from the two groups to a mediation session. Both sides were educated on the limit of their mandates and discouraged from undertaking actions that may amount to criminal offences. The participants amicably agreed on all the issues raised during the session and committed to abide by the terms of their agreement.

Dispute between two rival boda boda groups in Kisumu County

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Dispute between the Abahirimakara clan

On 28th June 2024, KNCHR conducted a successful reconciliation in Kuria Migori County. The reconciliation arose from a clan dispute. A petitioner named Matiko had approached the office and complained of being threatened which had led him to flee from his home. The source of the threats was emanating from a land that had dispute and had an active case in court. The case had been filed by the petitioner to object a grant that had been issued to his uncle. Before the conclusion of the case, the uncle died in unclear circumstances which made the clan members to turn against the petitioner accusing him of the death. The clan members argued the petitioner to withdraw the case from court and let the community decide on it at the community level and when he refused they threatened. KNCHR together with the office of the ACC and the local chief called for a clan meeting and held a reconciliation meeting giving each party to raising their concerns why they did not want the petitioner in the community. At the end of the reconciliation meeting, the disputants had agreed to forgive each other on any allegations that they had against each other, they had agreed to let court give determination of the case and also agreed that the petitioner could go back to the community and live peacefully. The reconciliation emanated from an investigation carried out during the quarter.

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Through the successful resolution of these cases, KNCHR demonstrated the effectiveness of ADR in addressing human rights violations and promoting amicable solutions that uphold the rights and interests of all parties involved.

4.5 Partnership with key justice actors

CUC meetings across 10 counties focussing on region specific thematic justice concerns.

During the review period, KNCHR actively participated in **42 CUC meetings across 10 counties**, addressing diverse human rights concerns, improving legal awareness, and facilitating multi-stakeholder collaboration. The Commission's engagement focused on thematic areas such as **sexual and gender-based violence (SGBV), alternative justice systems (AJS), refugee rights, human trafficking, environmental justice, and land disputes.**

The Court Users Committees (CUC) were established by the Judiciary under the National Council on Administration of Justice to enhance the participation of marginalized court users and promote collaboration

among partners. KNCHR played a crucial role in the formation of CUCs, and their involvement led to the acknowledgment and adoption of CUCs by the Judiciary. These committees provide a platform for sharing information, engaging with referral partners, addressing access to justice and registering complaints. The collaborative efforts of the Judiciary and KNCHR have empowered court users and strengthened the administration of justice in Kenya.

The achievements of KNCHR and the CUCs have been instrumental in advancing the objectives set forth for a streamlined administration of justice. Through their collaborative efforts, they have made significant progress in improving access to justice, enhancing service delivery, promoting accountability and coordination within the justice system.

One of the key objectives of the CUCs is to ensure an accountable, coordinated, efficient, effective, and consultative approach in the delivery of justice. This objective has been achieved through regular engagements and discussions held in various regions, addressing thematic areas crucial to the administration of justice. Here below are selected highlights:

Key Achievements and Regional Highlights

1. Enhancing Access to Justice for Vulnerable Groups

- KNCHR conducted **SGBV-focused trainings** in **Malaba, Winam, and Shanzu specialized courts**, equipping over 100 justice sector actors with HRBA skills in handling SGBV cases.
- Participated in the Tononoka **Children's Court CUC**, reviving partnerships on child protection and strengthening legal support for children's rights.
- Advocated for the rights of intersex persons during **Kilifi CUC meetings**, contributing to the development of the Intersex Persons Bill 2023 and public awareness campaigns.



2. Addressing Land and Environmental Justice

- Engaged in **Nandi, Kitale, and Mombasa CUC meetings**, advocating for Alternative Justice Systems (AJS) in land disputes to expedite resolution processes and reduce court backlogs.
- Participated in the inaugural **Environment and Land Court (ELC) CUC** in Nandi County, providing input on the **Environment and Land Court Act (Amendment) Bill, 2023**, which integrates AJS mechanisms into land dispute resolution.



3. Tackling Human Trafficking and Refugee Protection

- Conducted a **CUC training in Bungoma County** (Dec 2023) **attended by 24 stakeholders**, addressing rights of asylum seekers and counter-trafficking measures.
- Strengthened inter-agency collaboration in **Bungoma and Sirisia**, responding to cases of human trafficking, including securing justice for a child trafficking victim.



4. Improving Coordination and Efficiency in the Justice System

- Participated in **Employment and Labour Relations Court (ELRC) CUC meetings** in **Kisumu and Kitale**, addressing procedural issues to enhance timely case resolutions.
- Advocated for court open days and public legal awareness sessions in Kisumu, enhancing community engagement in justice processes.
- Promoted judicial reforms through participation in **commercial justice and environmental CUCs**, advocating for inclusion of KNCHR in key justice sector committees.



5. Community Outreach and Public Awareness Initiatives

- Supported **Kwale CUC outreach** in **Ndavaya**, engaging **300 community members** on access to justice, SGBV response, and human rights protection.
- Participated in **CSR initiatives** through **CUC platforms**, including legal aid clinics in correctional facilities and public awareness sessions on business and human rights (BHR).



These are just a few examples highlighting the achievements of KNCHR and CUCs. The Commission's engagement with Court Users Committees has reinforced multi-stakeholder coordination, enhanced access to justice for marginalized groups, and promoted the integration of human rights-based approaches

across Kenya's justice system. Moving forward, the Commission remains committed to strengthening partnerships with the Judiciary, law enforcement agencies, and civil society to sustain the momentum in advancing human rights and ensuring justice for all.

4.5.1 Joint public complaints handling initiatives with Referral Partners

Empowering Communities through 28 Legal Aid and Awareness Sessions across 10+ Counties

The Kenya National Commission on Human Rights (KNCHR) has demonstrated a robust commitment to advancing legal rights and community empowerment through its joint public complaints handling initiatives. Over the reporting period, KNCHR successfully conducted **28 legal aid meetings** and public forums across **10+ counties** including Kirinyaga, Kwale, Tana River, Kilifi, Bomet, Kericho, Laikipia, Nyandarua, Narok, and Garissa. These sessions addressed a range of critical themes—from access to free legal aid for the poor, awareness of the Bill of Rights among inmates, land and boundary disputes, and gender-based violence, to refugee rights and complaint handling—ensuring that vulnerable communities receive timely and targeted support.

In Kirinyaga County, KNCHR led a legal aid clinic in Mwea and Ndia Constituencies in collaboration with the County Woman Representative and multiple partners. This initiative served 491 by documenting 207 cases and referring 151 to relevant duty-bearers. KNCHR's proactive approach here filled critical justice gaps for marginalized groups by ensuring swift referrals and comprehensive support.

KNCHR during the annual Legal Awareness Week, conducted in partnership with the Law Society of Kenya. At King'orani Remand Prison, KNCHR reached approximately 350 inmates with education on their Bill of Rights, emphasizing fair trial rights and legal safeguards. A notable intervention saw KNCHR facilitate the urgent transfer of a remandee needing methadone

treatment, thereby bridging legal aid with essential healthcare—a clear example of their innovative, multi-sectoral response.

In Kwale County, KNCHR organized a combined public forum and legal aid clinic in Shimoni and Mwereni with key partners such as the National Land Commission, local community-based organizations, and the Law Society of Kenya. This session engaged around 150 community members on critical issues like land grabbing and boundary disputes, resulting in 12 registered complaints and prompt follow-up actions. Here, KNCHR's leadership ensured that partner expertise translated into direct community impact.

Expanding its collaborative outreach, KNCHR facilitated public forums and legal aid clinics in Tana River and Kilifi counties. Held in locations such as Madogo, Kalkacha, Bura, Garsen, Laza Mto, and Magarini sub-county, these sessions involved approximately 350 participants from diverse ethnic groups, including the Watta, Wailwana, and Wanyonya. With the strategic guidance of local partners, these engagements resulted in 61 complaints addressing gender-based violence, land disputes, and ethnic tensions.

Additional sessions, including an NLAS-partnered initiative in Likoni, Mikindani, Junda, and Tudor, reached 250 individuals and recorded 20 grievances. Other targeted legal aid clinics in Bomet, Kericho, and Chemelil reached 320 participants with 49 complaints registered. Through these multi-stakeholder collaborations in far-flung areas, KNCHR not only enhanced legal literacy and complaint handling mechanisms but also established itself as a pivotal connector among government bodies, civil society, and local communities—ensuring that every voice is heard and every right defended.



KNCHR Officer during a screening session at Makueni Huduma Service Centre in May 2024.

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Strengthening anti-trafficking measures in the coastal region

The KNCHR coast regional office hosted Mr. Justin Pollard, State Department officer on combating trafficking, alongside colleagues Ms. Claire Thomas and Mr. George Morara from the United States Embassy. The meeting took place at the coastal office and focused on religious freedom and human trafficking in the region.

KNCHR presented its work on enhancing policies and increasing the prosecution capacity of local agencies. The discussion reviewed efforts to protect vulnerable groups exposed to labor and sexual exploitation. The partners acknowledged KNCHR's role in advancing human rights for these groups and the support from Norwegian Ambassador H.E Gunnar Holmes.



Photo of the KNCHR team with L- Mr. George Morara (senior Political Officer) Mr. Justin D. Pollard (Foreign Affairs Officer) and MS. Claire Thomas (Human rights Officer) of the US State Department.

Engagement with Kilifi senate ad hoc committee in Shakahola incident investigation

KNCHR received an invitation from the Kilifi County Assembly to join a consultative meeting with the ad hoc committee investigating the Shakahola incident. The committee investigates the deaths in Shakahola Village, Adu Ward, Kilifi County, linked to Pastor Paul McKenzie of the Good News International Ministries church.

During the meeting, stakeholders such as MUHURI, Haki Africa, Kenya Red Cross, and the Anglican Church of Kenya raised concerns about the county government's preparedness and emergency response. They noted shortages in personal protective equipment, body bags, chemicals for public health, and funds for morticians. Stakeholders pointed out that the response focused on security while neglecting other emergency needs. They recommended fast-tracking the County disaster risk management policy, establishing coordination centers, and training wards and villages.

KNCHR made both oral and written submissions to the committee. The commission addressed questions on the rights of arrested individuals and shared monitoring findings. KNCHR's written submission detailed its observations and recommendations to state agencies. The report included details on Chakama Ranch, which spans three phases over 100 acres, with 50,000 acres owned by the government and 50 acres registered under ranch directors, and a lease held by the Central Bank that expires in six years.

4.6 Public inquiries

The Commission operates under Article 252(3)(a) of the Constitution and sections 28, 29(1) of the KNCHR Act along with section 16(1)(a) of the KNCHR Act 2002. These provisions empower the commission to investigate human rights violations by using public officers, summoning witnesses, and requiring document production.

Public inquiry into business impact on indigenous peoples' rights in Kenya

The Commission has been preparing a Public Inquiry to examine how business operations affect the rights of indigenous peoples in Kenya. This effort responds to ongoing concerns about corporate activities that harm indigenous communities. The Inquiry aims to improve corporate responsibility and address specific human rights issues faced by these groups.

The KNCHR completed initial steps for the Inquiry during the reporting period. These steps include:

- Developing a framework for the Inquiry based on international human rights standards.
- Creating tools to collect data, such as guidelines for community submissions and witness testimonies.
- Finalizing requirements for hiring a consultant to support the Inquiry and evaluating applications for this role.

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The Commission held pre-hearing meetings in 13 counties¹⁴ with large indigenous populations. Key business and human rights concerns in each of the regions were highlighted.¹⁵ These meetings identified 36 individuals willing to testify about harms linked to business activities, such as land displacement and environmental damage. The meetings also highlighted common issues, including lack of consultation with communities and barriers to accessing justice. The Commission selected 13 locations for future public hearings to ensure affected communities can participate.

The Inquiry will focus on hearing directly from indigenous communities and assessing gaps in Kenya's laws and policies related to corporate accountability. Outcomes will guide recommendations for legal reforms and measures to protect indigenous rights in business contexts.

The KNCHR plans to hold public hearings in the next financial year. These hearings will provide a platform for indigenous peoples to share their experiences and inform actions to address business-related rights violations.



KNCHR officer in Sebit, West Pokot, engaging the residents during one of the Pre-Inquiry visits.

¹⁴ Turkana, West Pokot, Elgeyo-Marakwet, Baringo, Nakuru, Laikipia, Samburu, Isiolo, Marsabit, Tana River, Lamu, Kajiado and Narok

¹⁵ The concerns include lack of Free Prior and Informed Consent for the investments and use of lands/territories under the occupation of Indigenous People; lack of revenue transparency and equitable benefit sharing; un-procedural acquisition of their lands; health related complications from the dumping of hazardous waste; inability to access traditional grazing territories and medicinal herbs; lack of involvement in conservation and carbon trading.

Mini-inquiry into witchcraft-related killings

The commission conducted a public inquiry in Kilifi County into the killings of elderly persons suspected of practicing witchcraft. The inquiry used the commission's constitutional mandate to gather evidence, summon witnesses, and secure relevant documents. The commission interviewed public officers, community members, and other key stakeholders to determine the factors that led to the killings. The inquiry examined how misconceptions about witchcraft contributed to the violence and evaluated the context in which these incidents occurred. This process aimed to uncover the

root causes of the killings and to provide a basis for informed debate and effective responses. The inquiry in Kilifi connects with a similar investigation conducted in Kisii County in November 2021. The inquiry report is in its final stages and will be published soon. The Commission has set up measures to implement its recommendations by working with National Government Administration Officers, the National Police Service, County Governments, and other stakeholders.

Both exercises demonstrate the commission's active role in applying constitutional powers to address human rights issues and protect vulnerable groups.



KNCHR Commissioners, Chief Executive Officer and Head of Redress and Legal Services during the Mini-Inquiry conducted in Kilifi County.

Pre-hearing forums on coastal indigenous and minority rights violations (June 2024)

KNCHR led pre-hearing forums on systemic human rights violations affecting minority and indigenous persons in Tana River and Lamu counties. The Commission planned and executed the forums to assess the impact of business activities on the rights of coastal communities. The focus remained on Lamu and Tana River counties, which host indigenous and marginalized groups such as pastoralists, hunter-gatherers, and fishing communities.

The forums addressed challenges faced by hunter-gatherer communities such as the Waata, Aweer, and Boni. These groups depend on hunting, honey gathering, and fishing in forested areas. They face challenges that limit their traditional practices, including hunting bans, criminalization, and restricted access to

ancestral lands. Some members of these communities turned to small-scale farming or day labor.

The KNCHR's research team organized five forums across the counties. In Tana River, forums took place in Garsen, Hola, and Madogo in Bura sub-county. In Lamu, a forum was held in Mkunumbi, Lamu West. Community representatives from groups such as Pokomo, Wardey, Orma, Waata, Wailwana, Munyoyaya, and the Bajun community took part. In Lamu, representatives from indigenous communities including Sanye, Aweer, Bajun, Somali, Gajjjer, and Wakoreni (a Maasai-origin group from Koreni) joined the discussions.

KNCHR engaged with over 200 individuals during these forums. The team recorded 16 statements and received eight memoranda. These inputs will form the basis of a mini-inquiry report to guide future human rights interventions in the region.



Minority communities during the pre-hearings of BHR impact on Indigenous and minority communities in Hola, Tana River County.

CHAPTER

5 EFFICIENCY, EFFECTIVENESS, AND SUSTAINABILITY OF THE COMMISSION



To enhance efficiency and effectiveness in fulfilling its mandate, the Commission prioritizes resource optimization and process refinement. Key strategies include expanding accessibility and national presence, mobilizing resources, strengthening human resources, fostering a performance-driven culture, leveraging technology, refining financial management, and improving planning and monitoring systems. These efforts aim to boost visibility, sustainability, and operational impact.

KNCHR underscores its commitment to impactful service through strategic partnerships and active participation in task forces and committees, ensuring alignment with its goals while serving the nation.

Advancing human rights through technological innovation

Building on our unwavering commitment to advancing human rights, the Commission has embraced cutting-edge technology to drive progress in our operations and outreach. By integrating state-of-the-art hardware and bespoke software solutions, we have expanded our capacity to monitor, analyze, and respond to human rights challenges more dynamically and effectively than ever before.

Revolutionizing grants management

At the core of our operational strategy is the enhanced Grants Management System (GMS), our primary tool for implementing critical activities. Originally launched in 2018, the GMS has overseen a broad portfolio of active grants and facilitated the filing of 3,683 comprehensive reports. This system empowers users to track available grants, monitor financial balances, and compare planned allocations with actual expenditures. With the rollout of our new strategic plan for 2023-2028, we undertook a major upgrade that introduced advanced functionalities—including tailored human rights categorizations—which have already resulted in 1,206 additional reports being filed. Detailed visual charts further illustrate these improvements and underscore our commitment to transparency and efficiency.

Enhancing transparency through microsities

In the KNCHR's pursuit of greater public engagement and accountability, the Commission has developed dedicated microsities to spotlight the impact of our grants. Recognizing the need for continuous appraisal of our initiatives, KNCHR has championed the creation of the Business and Human Rights microsite along with the *Haki na Ushirikiano* microsite, accessible at

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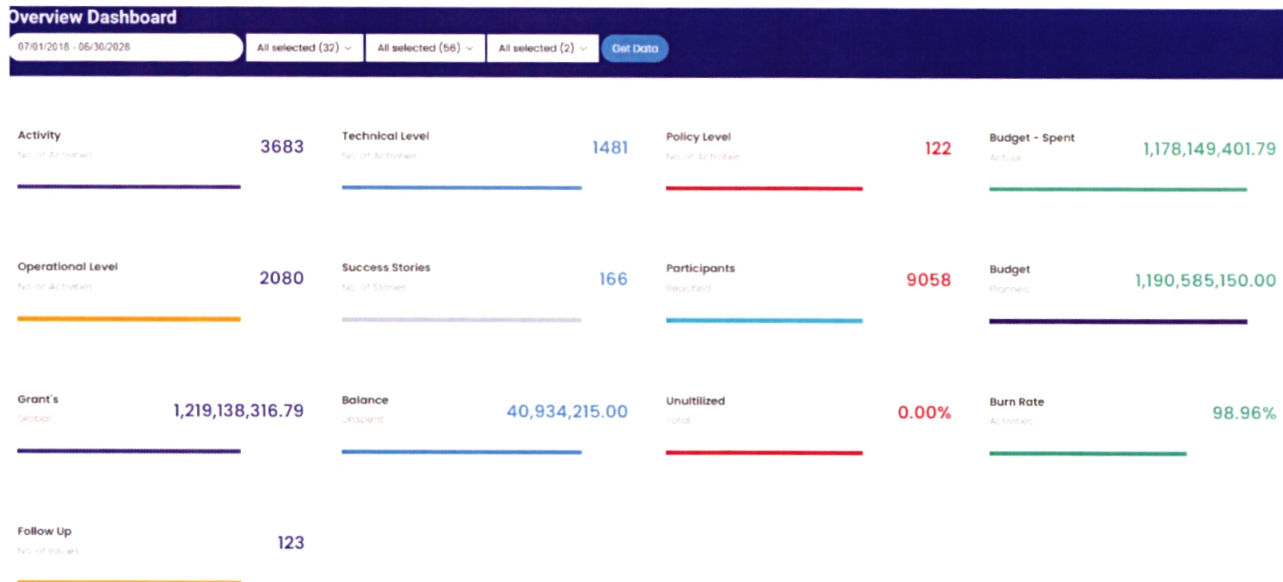
<https://bhr.knchr.org> and <https://ushirikiano.knchr.org/> respectively. These platforms serve as interactive hubs, ensuring that donors and the public remain informed about the ongoing support and outcomes of our grants.

Fortifying our digital infrastructure

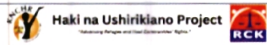
To safeguard our digital ecosystem, the Commission has renewed and expanded its suite of security measures. We successfully renewed our SSL Multi-Domain licenses to ensure the robust protection of our web applications, while also completing the GFI Software License Renewal to mitigate cyber threat risks effectively. In tandem, the acquisition and renewal of

essential website development tools—including state-of-the-art themes and modules—have been pivotal in maintaining the operational excellence of our *Haki na Ushirikiano* microsite.

The Commission remains firm in its commitment to harnessing technological advancements for the promotion and protection of human rights. By continuously upgrading our systems, enhancing transparency through digital platforms, and securing our digital infrastructure, we are well-prepared to empower communities and drive meaningful change in an increasingly interconnected world.



An illustration of the Dashboard from the GMS.



In the News



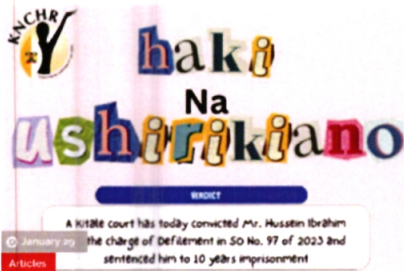
Articles Wednesday, June 12, 2024

Empowering Refugees and Host Communities: Bridging the Knowledge Gap for Seamless Integration



Articles Wednesday, May 15, 2024

KNCHR steps in to assist Mombasa's urban refugees over access to essential services



Human Rights Triumph: KNCHR Secures Justice and



KNCHR Facilitates Integrated Community Dialogue



Hope Beyond Limitations

Haki na Ushirikiano microsite

Enhancing public awareness and visibility

KNCHR exceeded its outreach targets by implementing a series of high-impact campaigns designed to engage the public and enhance awareness of human rights issues. Key achievements included:

Public Awareness Campaigns



Enhancing financial reporting excellence

KNCHR won the FiRe Award 2024 as the overall winner in the Ministries, Departments & Agencies category. The award recognizes outstanding sustainability reporting that leverages technology and innovation to boost transparency. It is held by ICPAK, CMA Kenya, NSE, PSASB, and RBA and promotes quality reporting through accountability and clear disclosure. KNCHR's win shows its commitment to quality financial reporting and sound governance.



KNCHR bags the winner award at the FiRe Awards 2024.

KNCHR's strategic procurement and compliance

During the financial year 2023/2024, KNCHR procured goods and services from prequalified suppliers for Kshs 63,919,156.95. KNCHR awarded tenders and quotations to various supplier categories. KNCHR allocated Kshs 24,014,839.00 to preference groups (Women, Youth, and PWDs). This allocation represented 37.571% of the total procurement budget. The government initiative,

Access to Government Procurement Opportunities (AGPO), requires that 30% of the procurement budget be reserved for preference groups. KNCHR met this requirement. The audit of KNCHR's procurement system for the financial year recorded satisfactory outcomes with no audit queries.

CHAPTER

6 CHALLENGES AND RECOMMENDATIONS



In executing its mandate, the Commission encountered the following **challenges**:

1 Inadequate funding: The Commission is a constitutional body that needs to be adequately funded as provided by Article 249 of the Constitution. However, it has continued to experience inadequate funding from the exchequer resulting in the Commission being unable to fully deliver on its core mandate as established by law. The insufficient budgetary allocation from the government minimally covered the programmatic costs. As a result, KNCHR faced difficulties in achieving its desired program outputs. Moreover, late disbursement of quarterly allocation funds by the Treasury, continue to constrain program implementation and procurement of goods and services as per the program and procurement plans respectively. IFMIS has continuously slowed down implementation due to system downtimes.

2 Inadequate work amenities and tools as required by labour laws: The Commission lacks the required facilitation for basic work amenities and tools such as vehicles, work spaces, ICT equipment, WASH facilities as provided for in Occupational Safety and Health Act (OSHA) and Work Injury Benefits Act (WIBA). The inadequate

amenities and working tools continued to hamper the optimal operation of the Commission.

3 Inadequate staff capacity: The Commission faced staffing challenges and operated at 27.3% capacity – that is, 126 staff members out of the authorized staff establishment of 461. This inadequacy persisted despite the increasing demand for Commission's services at the grassroots level countrywide. Moreover, the funding for essential training for staff was negligible which hindered the Commission's ability to continue improving competency, knowledge and skills of its employees to match the emerging national human rights issues.

4 Limited regional presence and accessibility: The Commission has devolved offices in six (6) counties, a huduma center desk and its Headquarters in Nairobi County. The devolved offices are located in Trans-Nzoia, Wajir, Mombasa, Laikipia, Garissa and Kisumu Counties. The huduma center desk office is located in Isiolo huduma center. This continued to limit the Commission's national presence and hinder its ability to reach the citizens in all the counties thus affecting access to quality and affordable Commission's services.

5 Delayed resolution of complaints and obstruction of justice: Lack of cooperation from some public and private institutions made it difficult for the Commission to conduct its work, especially in the resolution of complaints. Equally, there was non-responsiveness from some duty bearers to act on key recommendations brought to their purview by KNCHR.

6 Inadequate presentation of supporting documentation from petitioners: Some members of the public failed to submit the required documentation for their allegations to be successfully investigated. This led to the delayed resolution of complaints.

The following are **recommendations** to address the mentioned challenges:

1 Increase KNCHR's funding towards programmatic operations which includes but not limited to creation of new offices in devolved structures i.e., the 47 counties as per article 249 of the Constitution. The Commission also calls for increase in staff capacity to reflect the recommended 461 staff levels vis a vis the current 126 in post. This will guarantee a wider reach of KNCHR services by citizens. Moreover, there is need for the National Treasury to look into the late disbursement of quarterly allocation funds and the IFMIS system down-times which continue to constrain program implementation and procurement of goods and services.

2 Reinstate the funding for essential training for staff to enable the Commission improve competency, knowledge and skills of its employees to match the emerging national human rights issues.

3 Restore the Commission's Internship programme: The Commission had put in place a robust internship programme for Kenyan graduates from universities since it was a standing Committee till 2019 when the funding was stopped. Over 500 Kenyans have gone through the Commission's Internship Programme for the past 15 years. The programme had been an intense learning ground and the former interns have continued to excel in their various fields and continued to champion human rights matters in Kenya and outside Kenya. The Commission is currently unable to play this critical training role that employers play in the society.

4 Delayed resolution of complaints and obstruction of justice: The Commission calls for speedy resolutions of complaints and sanctioning of any public or private institution that obstructs justice.

5 Inadequate submission of documentation from petitioners: The Commission will continue to conduct human rights clinics to raise awareness on preservation of key material including documentation.

FINANCIAL STATEMENTS

Statement of receipts and payments for the period ended 30th June 2024

	Note	2023-2024 (Kshs)	2022-2023 (Kshs)
RECEIPTS			
Exchequer releases	1	524,795,957	451,298,292
Proceeds from Domestic and Foreign Grants	2	218,313,490	142,390,008
Total receipts		743,109,447	593,688,300
PAYMENTS			
Compensation of Employees	3	326,028,709	274,070,191
Use of goods and services	4	185,962,071	127,507,123
Other Grants and Transfers	5	27,581,223	-
Social security benefits	6	13,303,997	26,115,040
Acquisition of Assets	7	2,275,458	21,994,471
Other payments	8	161,696,724	174,231,578
Total payments		716,848,182	623,918,403
Surplus/deficit		26,261,265	(30,230,104)

The accounting policies and explanatory notes to these financial statements form an integral part of the financial statements. The entity financial statements were approved by the Commission on 29th August 2024 and signed by:



Commission Secretary/CEO (PS)
Dr. Bernard Mogesa



Finance Manager/HAU
John Wamwanga
ICPAK Member No: 2872

FINANCIAL STATEMENTS

Statement of financial assets and financial liabilities as at 30th June 2024

	Note	2023-2024 (Kshs)	2022-2023 (Kshs)
FINANCIAL ASSETS			
Cash and cash equivalents			
Bank balances	9A	73,473,326	48,378,210
Total cash and cash equivalent		73,473,326	48,378,210
Imprests and advances	10	13,584,601	12,418,452
Deposits	10A	7,940,608	7,940,608
Staff debtors	9	133,081	174,081
Total financial assets		21,525,209	20,359,060
FINANCIAL LIABILITIES			
Third party deposits and retention	11	(-)	(-)
Net financial assets		94,998,535	68,737,270
Represented by			
Fund balance b/fwd.	12	68,737,270	98,967,374
Surplus/(Deficit)for the year		26,261,265	(30,230,104)
Net financial position		94,998,535	68,737,270

The accounting policies and explanatory notes to these financial statements form an integral part of the financial statements. The entity financial statements were approved by the Commission on 29th August 2024 and signed by:



Commission Secretary/CEO (PS)
Dr. Bernard Mogesa



Finance Manager/HAU
John Wamwanga
ICPAK Member No: 2872

Statement of cash flows for the year ended 30th June 2024

	Note	2023-2024 (Kshs)	2022-2023 (Kshs)
OPERATING ACTIVITIES			
Receipts			
Exchequer releases	1	524,795,957	451,298,292
Proceeds from domestic and foreign grants	2	218,313,490	142,390,008
Total Receipts		743,109,447	593,688,300
Payments			
Compensation of employees	3	326,028,709	274,070,191
Use of goods and services	4	185,962,071	127,507,123
Other grants and transfers	5	27,581,223	-
Social security benefits	6	13,303,997	26,115,040
Other payments	8	161,696,724	174,231,578
Total Payment		714,572,724	601,923,932
Net receipts/(payments)		28,536,723	(8,235,632)
Adjusted for:			
Decrease/(Increase) in accounts receivable	14	(1,166,149)	5,901,586
Net cash flow from operating activities		27,370,574	(14,137,219)
Cash flow from investing activities			
Acquisition of assets	7	2,275,458	21,994,471
Net cash flows from investing activities		2,275,458	21,994,471
Cash flow from financing activities			
Net cash flow from financing activities			
Net increase in cash and cash equivalent		25,095,116	(36,131,690)
Cash and cash equivalent at START of year		9	48,378,210
Cash and cash equivalent at END of year		9	73,473,326

The accounting policies and explanatory notes to these financial statements form an integral part of the financial statements. The entity financial statements were approved by the Commission on 29th August 2024 and signed by:



Commission Secretary/CEO (PS)
Dr. Bernard Mogesa



Finance Manager/HAU
John Wamwanga
ICPAK Member No: 2872

FINANCIAL STATEMENTS

Statement of comparison of budget and actual amounts for FY2023/24

Receipt/Expense Item	Original Budget	Adjustments	Final Budget	Actual on Comparable Basis	Budget Utilization Difference	% of Utilization
	a	b	c=a+b	d	e=c-d	f=d/c %
Exchequer releases	529,800,000	9,996,436	539,796,436	524,795,957	15,000,479	97%
Proceeds from domestic and foreign borrowings	226,732,590	-	226,732,590	218,313,490	8,419,100	96%
Total Receipts	756,532,590	9,996,436	766,529,026	743,109,447	23,419,579	97%
Payments						
Compensation of employees	333,870,000	(10,600,711)	323,269,289	326,028,709	(2,759,420)	101%
Use of goods and services	182,626,003	11,083,342	193,709,345	185,962,071	7,747,274	96%
Social security benefits	13,303,997	9,513,805	22,817,802	13,303,997	9,513,805	58%
Other payments-Donors	226,732,590	-	226,732,590	191,553,405	35,179,185	85%
Total Payments	756,532,590	9,996,436	766,529,026	716,848,182	49,680,844	
Surplus/ Deficit	-	-	-	26,261,265	(26,261,265)	

The accounting policies and explanatory notes to these financial statements form an integral part of the financial statements. The entity financial statements were approved by the Commission on 29th August 2024 and signed by:



Commission Secretary/CEO (PS)
Dr. Bernard Mogesa



Finance Manager/HAU
John Wamwanga
ICPAK Member No: 2872

Statement of Comparison of Budget and Actual Amounts: Recurrent for FY2023/24

Receipt/Expense Item	Original Budget	Adjustments	Final Budget	Actual on Comparable Basis	Budget Utilization Difference	% of Utilization
	a	b	c=a+b	d	e=c-d	f=d/c %
Receipts						
Exchequer releases	529,800,000	9,996,436	539,796,436	524,795,957	15,000,479	97%
Proceeds from domestic and foreign grants	226,732,590	-	226,732,590	218,313,490	8,419,100	96%
Total Receipts	756,532,590	9,996,436	766,529,026	743,109,447	23,419,579	97%
Payments						
Compensation of employees	333,870,000	(10,600,711)	323,269,289	326,028,709	(2,759,420)	101%
Use of goods and services	182,626,003	11,083,342	193,709,345	185,962,071	7,747,274	96%
Social security benefits	13,303,997	9,513,805	22,817,802	13,303,997	9,513,805	58%
Other payments-donors	226,732,590	-	226,732,590	191,553,405	35,179,185	85%
Total Payments	756,532,590	9,996,436	766,529,026	716,848,182	49,680,844	
Surplus/Deficit	-	-	-	26,261,265	(26,261,265)	

Variance analysis:

- (i) The over utilization of 101% under compensation of employees is being compensated for by the underutilization in social security benefits of 58%.
- (ii) The underutilization of 85% in other payments-donors was occasioned by logistical issues affecting implementation on public inquiry on systemic human rights violations on minority and indigenous persons/vulnerable groups affected by business activities.
- (iii) The underutilization in social security benefits of 58% occurred because KNCHR requested payment of gratuities but the actual disbursement of exchequer by the National Treasury was not done and the payments were reversed in the internal banking system.

The entity financial statements were approved by the Commission on 29th August 2024 and signed by:



Commission Secretary/CEO (PS)
Dr. Bernard Magesa

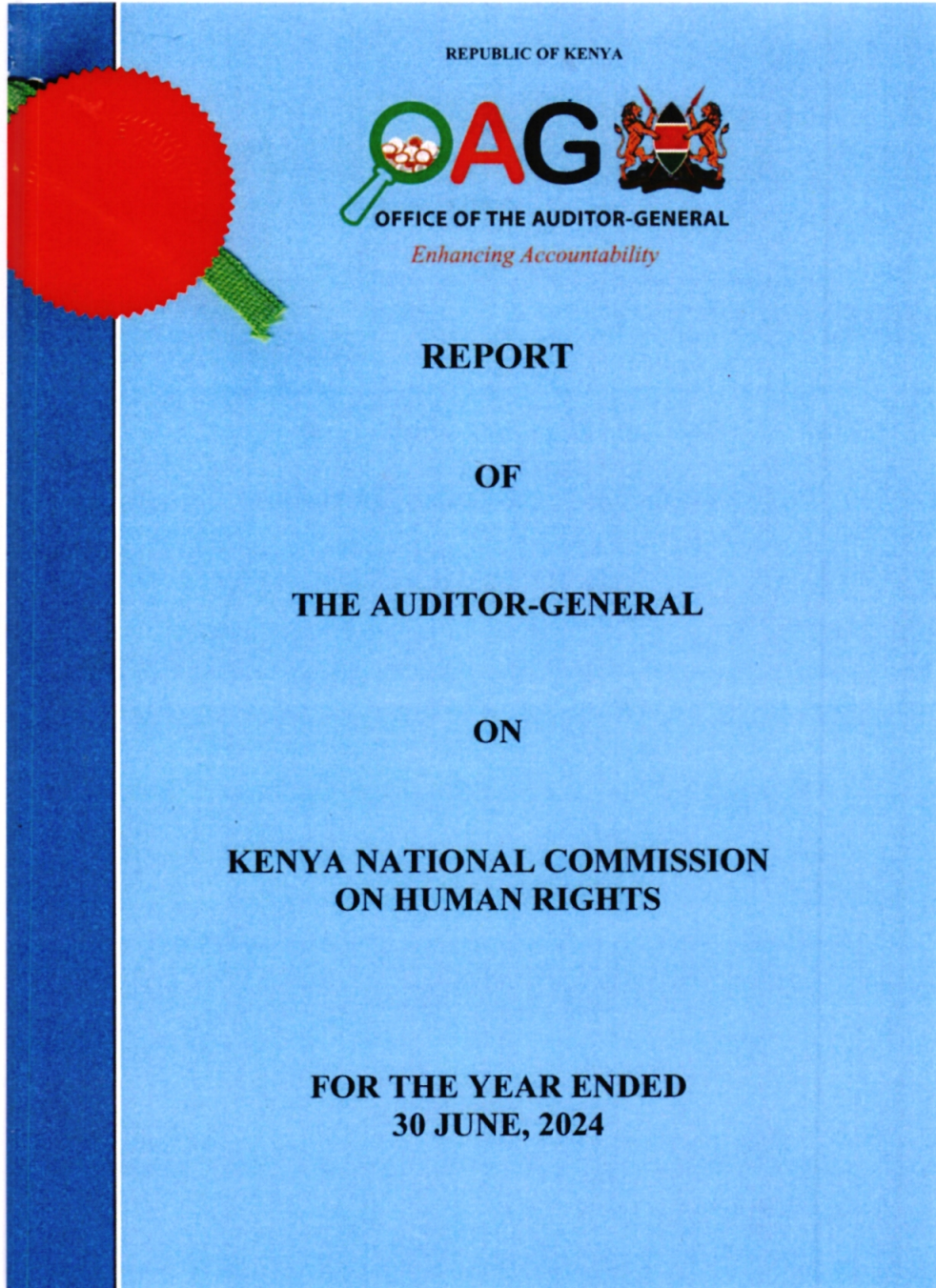


Finance Manager/HAU
John Wamwanga
ICPAK Member No: 2872

FINANCIAL STATEMENTS


Budget Execution by Programmes and Sub-Programmes for FY2024

Programme/Sub-programme	Original Budget - 2024	Adjustments	Final Budget	Actual on comparable basis - 2024	Budget utilization difference
	Kshs	Kshs	Kshs	Kshs	Kshs
Programme 1					
Sub-programme 1	756,532,590	9,996,436	766,529,026	716,848,182	49,680,844
Total	756,532,590	9,996,436	766,529,026	716,848,182	49,680,844



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**REPORT OF THE AUDITOR-GENERAL ON KENYA NATIONAL COMMISSION ON
HUMAN RIGHTS FOR THE YEAR ENDED 30 JUNE, 2024**

PREAMBLE

I draw your attention to the contents of my report which is in three parts:

A. Report on Financial Statements that considers whether the financial statements are fairly presented in accordance with the applicable financial reporting framework, accounting standards and the relevant laws and regulations that have a direct effect on the financial statements;

B. Report on Lawfulness and Effectiveness in the Use of Public Resources which considers compliance with applicable laws, regulations, policies, gazette notices, circulars, guidelines and manuals and whether public resources are applied in a prudent, efficient, economic, transparent and accountable manner to ensure the Government achieves value for money and that such funds are applied for the intended purpose; and,

C. Report on Effectiveness of Internal Controls, Risk Management and Governance which considers how the entity has instituted checks and balances to guide internal operations. This responds to the effectiveness of the governance structure, risk management environment and internal controls, developed and implemented by those charged with governance for orderly, efficient and effective operations of the entity.

An Unmodified Opinion is issued when the Auditor-General concludes that the financial statements are fairly presented in accordance with the applicable financial reporting framework. The Report on Financial Statements should be read together with the Report on Lawfulness and Effectiveness in the Use of Public Resources, and the Report on Effectiveness of Internal Controls, Risk Management, and Governance.

The three parts of the report aim to address the Auditor-General's statutory roles and responsibilities as provided by Article 229 of the Constitution, the Public Finance Management Act, 2012, and the Public Audit Act, 2015. The three parts of the report when read together constitute the report of the Auditor-General.

REPORT ON THE FINANCIAL STATEMENTS

Opinion

I have audited the accompanying financial statements of Kenya National Commission on Human Rights set out on pages 1 to 25, which comprise of the statement of financial

Report of the Auditor-General on Kenya National Commission on Human Rights for the year ended 30 June, 2024

assets and liabilities as at 30 June, 2024 and the statement of receipts and payments, statement of cash flows and statement of comparison of budget and actual amounts 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 Kenya National Commission on Human Rights as at 30 June, 2024 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 Kenya National Commission on Human Rights Act, 2011 (Revised 2012) 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 the Kenya National Commission on Human Rights Management in accordance with ISSAI 130 on the 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 judgement, are of most significance in the audit of the financial statements. There were no key audit matters to report in the year under review.

Other Matter

Unresolved Prior Year Matter

In the audit report of the previous year, an issue was raised on pending bills. However, Management has not resolved the issue as required by the provisions of the Public Sector Accounting Standards Board reporting template.

Other Information

The Commissioners are responsible for the other information set out on pages iii to xlviii, which comprises the Key Entity Information and Management, Statement of Governance, Statement by the Chairperson, Statement by the Commission Secretary, Statement of Performance Against Predetermined Objectives, Management Discussions and Analysis, Environmental and Sustainability Reporting and the Statement of Management Responsibilities. The other information does not include the financial statements and my auditor's report thereon.

FINANCIAL STATEMENTS

In connection with my audit on Commission's financial statements, my responsibility is to read the Other Information and in doing so, consider whether the Other Information is materially inconsistent with the financial statements or my knowledge obtained in the audit or otherwise appears to be materially misstated. If based on the work I have performed, I conclude that there is a material misstatement of this Other Information, I am required to report that fact. I have nothing to report in this regard.

REPORT ON LAWFULNESS AND EFFECTIVENESS IN THE 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 3000 and ISSAI 4000. The standards require 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 comply 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 THE EFFECTIVENESS OF INTERNAL CONTROLS, RISK MANAGEMENT AND GOVERNANCE

Conclusion

As required by Section 7(1)(a) of the Public Audit Act, 2015 and based on the audit procedures performed, except for the effect of the matters described in the Basis for Conclusion on the Effectiveness of Internal Controls, Risk Management and Governance section of my report, I confirm that, nothing else has come to my attention to cause me to believe that internal controls, risk management and governance were not effective.

Basis for Conclusion

Inadequate Staffing

A review of the staff establishment provided for audit revealed that the Commission had in place one hundred and thirty-five (135) employees, representing 29% against the establishment of four hundred and sixty-one (461) employees, resulting in a deficit of three hundred and twenty-six (326) employees. The staff shortage, if not addressed, could adversely affect the operations of the Commission and service delivery to the public.

In the circumstances, understaffing may result in a lack of segregation of duties, staff motivation and could affect succession planning.

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 controls, risk management and overall governance were operating effectively 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 the Management and the Commissioners

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 controls 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 controls, risk management and overall governance.

In preparing the financial statements, Management is responsible for assessing the Commission's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless Management is aware of the intention 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 comply with the authorities which govern them and that public resources are applied in an effective way.

The Commissioners are responsible for overseeing the Commission's financial reporting process, reviewing the effectiveness of how Management 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

My responsibility is to conduct an audit of the financial statements in accordance with Article 229(4) of the Constitution, Section 35 of the Public Audit Act, 2015 and the International Standards of Supreme Audit Institution (ISSAIs). The Standards requires that, in conducting the audit, I obtain reasonable assurance about whether the financial statements as a whole are free from material misstatements, whether due to fraud or error and to issue an auditor's report that includes my opinion in accordance with Section 48 of the Public Audit Act, 2015. 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 when it exists. Misstatements can arise from fraud or error and are


FINANCIAL STATEMENTS

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 conducting the audit, Article 229(6) of the Constitution also requires that I express a conclusion on whether or not 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 way. In addition, I also I consider the entity's control environment 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.

Further, I am required to submit the audit report in accordance with Article 229(7) of the Constitution.

Detailed description of my responsibilities for the audit is located at the Office of the Auditor-General's website at: <https://www.oagkenya.go.ke/auditor-generals-responsibilities-for-audit/>. This description forms part of my auditor's report.


FCPA Nancy Gathungu, CBS
AUDITOR-GENERAL

Nairobi

20 December, 2024

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